THE ERIE COUNTY LEGISLATURE

Session No. 18
OCTOBER 5, 2023

April N.M. Baskin
Chair

Timothy J. Meyers
Majority Leader

John J. Mills
Minority Leader

Robert M. Graber
Clerk of the Legislature

ROLL CALL

INVOCATION: Mr. Todaro

PLEDGE OF ALLEGIANCE: Mr. Mills

TABLED ITEMS

ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING

MINUTES OF PREVIOUS MEETING - Meeting No. 17

PUBLIC HEARING

MISCELLANEOUS RESOLUTIONS:

MAJORITY & MINORITY CAUCUSES	Proclaiming October as Domestic Violence Awareness Month in Erie County
MAJORITY & MINORITY CAUCUSES	Proclaiming October 15-21, 2023 as "Freedom from Workplace Bullies Week" in Erie County
MAJORITY CAUCUS	Acknowledging and Recognizing Down Syndrome Awareness Month
MAJORITY CAUCUS	Acknowledging and Honoring National Principals Month
MAJORITY CAUCUS	Acknowledging and Recognizing Breast Cancer Awareness Month
MAJORITY CAUCUS	Acknowledging and Recognizing Health Literacy Week
JOHNSON	Honoring and Recognizing Robert "Bob" Sienkiewicz
BASKIN	Celebrating the 50th Anniversary - The New Life Center
BASKIN	Celebrating the 25th Anniversary of The Western New York Media Professionals
KOOSHOIAN	Celebrating and Honoring David Shatzel Sr. on

	His 90th Birthday
BARGNESI	Happy 100th Birthday LaVern John Zastrow
VINAL	Acknowledging and Recognizing St. Benedicts School during National Literacy Awareness
GREENE	Recognizing Members of the Akron Central School Board During School Board Recognition Week
GREENE	Recognizing Members of the Sweet Home Central School Board During School Board Recognition Week
GREENE	Recognizing Members of the Clarence Central School Board During School Board Recognition Week
GREENE	Honoring and Congratulating Officer David Moore on His Retirement
GREENE	Recognizing Members of the Williamsville Central School District School Board During School Board Recognition Week
TODARO	Recognizing Sarah Feldmann for 20 Years of Service to the Lancaster Fire Department
TODARO	Honoring Carson Burke as Junior Firefighter of the Year at the Lancaster Fire Department
TODARO	Recognizing Eric Feldmann for 25 Years of Service to the Lancaster Fire Department
TODARO	Recognizing Jerome Enser for 40 Years of Service to the Lancaster Fire Department
TODARO	Honoring Logan Kuhlmey as the 2023 Firefighter of the Year
TODARO	Recognizing Jennie Smith for 20 Years of Service to the Lancaster Fire Department
TODARO	Recognizing and Honoring Toni Marie Di Leo as the 2023 Federation of Italian American Societies Honoree
TODARO	Recognizing and Honoring Joseph Anthony Di Leo as the 2023 Federation of Italian American Societies Honoree

MALCZEWSKI	Proclaiming October as Polish-American Heritage Month in Erie County
MILLS	Celebrating the Opening of Mystic Hills Brewing
MILLS	Honoring the East Eden Volunteer Fire Department on Its 100th Anniversary
MILLS	Honoring the Eden Volunteer Fire Department on Its 100th Anniversary

LOCAL LAWS:

LL INTRO. 1-1 (2022)	TODARO, GREENE, LORIGO & MILLS	A Local Law Authorizing Twelve and Thirteen-Year-Old Licensed Hunters to Hunt Deer with a Firearm or Crossbow During Hunting Season with the Supervision of a Licensed Adult	Energy & Environment
LL INTRO. 3-1 (2022)	BASKIN, MEYERS, JOHNSON, VINAL & GILMOUR	The Erie County Language Access Act	Health & Human Services
LL INTRO. 3-1 (2023)	JOHNSON	The Occupancy Tax Modernization Act	Finance & Management
LL INTRO. 3-2 (2023)	JOHNSON	The Occupancy Tax Modernization Act	Finance & Management
LL INTRO. 7-1 (2023)	GILMOUR & MILLS	A Local Law Providing for the Extended Lease of Real Property Generally Known as the Wendt Mansion	
LL INTRO. 8-1 (2023)	JOHNSON	A Local Law Providing for the Extended Lease of Real Property Generally Known as the Jesse Nash Health Clinic	

COMMITTEE REPORTS:

REPORT No. 11	ENERGY & ENVIRONMENT COMMITTEE
REPORT No. 13	ECONOMIC DEVELOPMENT COMMITTEE
REPORT No. 13	PUBLIC SAFETY COMMITTEE
REPORT No. 2	SMALL BUSINESS COMMITTEE

LEGISLATOR RESOLUTIONS:

INTRO. 18-1	MINORITY CAUCUS	Opposing Limiting Elections to Even Years	
INTRO. 18-2	JOHNSON	Re-Appropriation of Public Benefit Funding	
INTRO. 18-3	GILMOUR	Transfer of Surplus Vehicle	
INTRO. 18-4	VINAL	Support for Industrial Development Agencies to Provide Disaster Relief Grants	
INTRO. 18-5	MINORITY CAUCUS	Calling for a State of Emergency to Prevent the Use of FHEPS Funds in Erie County	

COMMUNICATIONS DISCHARGED FROM COMMITTEE:

COMM. 17E-3	From the Finance & Management Committee	From the Comptroller - Cost Allocation Plan Contract Authorization & Award	

SUSPENSION OF THE RULES:

COMMUNICATIONS FROM ELECTED OFFICIALS:

COMM. 18E-1	CLERK	Response to June 2023 Audit by the EC Comptroller's Office	Finance & Management
COMM. 18E-2	COMPTROLLER	Apportionment and Distribution of Net Collections from the Sales & Compensating Use Tax - June, July & August 2023	Finance & Management
COMM. 18E-3	COUNTY EXECUTIVE	2024 Tentative Erie County Budget	Finance & Management Budget
COMM. 18E-4	COUNTY EXECUTIVE	2024-2027 Four-Year Financial Plan	Finance & Management Budget
COMM. 18E-5	BASKIN	New Stadium Community Inclusion Task Force	M/WBE
COMM. 18E-6	COUNTY EXECUTIVE	ECSD No. 4 - Engineering Term Contract Agreement	Energy & Environment
COMM. 18E-7	COUNTY	Award of Construction Contracts	Economic

	EXECUTIVE	for the Rehab. of Clarksburg Road Bridge	Development
COMM. 18E-8	COUNTY EXECUTIVE	4002 River Rd., Former Niagara River World/Roblin Steel - Auth. of Utility & Access Easement on the Shoreline Trail Parcel	Economic Development
COMM. 18E-9	COUNTY EXECUTIVE	PILOT Agreement for Magnolia Housing Project; Town of Cheektowaga - Affordable Housing Development	Economic Development
COMM. 18E-10	COUNTY EXECUTIVE	Authorization to Contract with Cornerstone	Health & Human Services
COMM. 18E-11	COUNTY EXECUTIVE	Department of Social Services - Authorization to Enter into Contracts with Dr. Samantha Koury & Amy Fleischauer	Health & Human Services
COMM. 18E-12	COUNTY EXECUTIVE	Authorization to Enter into the Second Amendment to the 2013 Stadium Security Agreement with the Buffalo Bills	Immediate Consideration Requested
COMM. 18E-13	COUNTY EXECUTIVE	ECMC Caregiver Support & Connections Program Grant	Health & Human Services
COMM. 18E-14	COUNTY EXECUTIVE	Chestnut Ridge Concession Agreement	Economic Development
COMM. 18E-15	SHERIFF	Replacement of ECSO Air-One Radio System	Public Safety
COMM. 18E-16	SHERIFF	Replacement of ECSO Two-Way Radio Equipment	Public Safety
COMM. 18E-17	SHERIFF	Accept Governor's Traffic Safety Committee Grant	Public Safety
COMM. 18E-18	SHERIFF	Correctional Health Year-End Budget Adjustments	Public Safety

COMMUNICATIONS FROM THE DEPARTMENTS:

COMM. 18D-1	DEPUTY COMPTROLLER OF AUDIT	Erie County Comptroller's Office Audit Plan	Finance & Management
COMM. 18D-2	DIRECTOR OF BUDGET & MANAGEMENT	Budget Monitoring Report for Period Ending July 2023	Finance & Management

COMM. 18D-3	COUNTY ATTORNEY	Local Law No. 3 - A Local Law in Relation to Ensuring that Service-Disabled Veterans have Greater Participation in Erie County Contracts - State Filing Receipt	Economic Development
COMM. 18D-4	COUNTY ATTORNEY	Local Law No. 5 - A Local Law Providing for the Extended Lease of Real Property Located at 13 Centre Drive - Local Law Filing	Public Safety
COMM. 18D-5	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County	Government Affairs

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:

COMM. 18M-1	EC BOARD OF ETHICS	Annual Report of Activities for 2022	Government Affairs

ANNOUNCEMENTS:

MEMORIAL RESOLUTIONS:

ADJOURNMENT:

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT
MINUTES OF PREVIOUS MEETING - Meeting No. 17

Attachments

Meeting No. 17 Minutes

ERIE COUNTY LEGISLATURE
MEETING NO. 17
SEPTEMBER 21, 2023

The Legislature was called to order by Chair Baskin.

All members present, except Legislator Greene.

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

The Pledge of Allegiance was led by Mr. Malczewski.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MEYERS moved for the approval of the minutes for Meeting Number 16 from 2023. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – Miscellaneous Resolutions were offered, as follows:

VINAL	Congratulating and Recognizing Franklin J. Sciortino on a Phenomenal Career
MAJORITY CAUCUS	Acknowledging and Honoring National Voter Registration Day
BASKIN	Congratulating and Recognizing Carl Thomas on a Phenomenal Career
MAJORITY CAUCUS	Acknowledging and Recognizing National Childhood Cancer Month in September
VINAL	Celebrating and Recognizing the Official Opening of The New Northwest Amherst Community Center (NWACC)
JOHNSON	Celebrating and Honoring Mary E.Williams Happy 90th Birthday
BARGNESI & KOOSHOIAN	Congratulating Kellen Pulera - Drafted to the Buffalo Bandits During the 2023 National Lacrosse League Draft

BASKIN & JOHNSON	Honoring National Hispanic Heritage Month
GILMOUR	Honoring and Recognizing Marin Collins – Verbal Commitment to Penn State
MILLS	Recognizing Jillian O'Rourke as the 2022-2023 Orchard Park Bee Female Athlete of the Year
MILLS	Honoring Marion Ahles on Her 107th Birthday
MILLS	Celebrating the 75th Concert Season of the Orchard Park Symphony Orchestra
MILLS	Recognizing the Eden Public Library During National Library Card Sign-Up Month
MILLS	Recognizing the Concord Public Library During National Library Card Sign-Up Month
GREENE	Recognizing the Newstead Public Library During National Library Card Sign-Up Month
GREENE	Recognizing Arden Zackey for His Commitment to the Community
GREENE	Recognizing the Clarence Public Library During National Library Card Sign-Up Month
GREENE	Honoring Captain Thomas Maier on His Retirement
TODARO	Proclaiming September 17-23, 2023 as "Constitution Week" in Erie County
TODARO	Honoring Audrey Hamernik as Citizen of the Month
TODARO	Recognizing Tracy Sundberg for 45 Years of Service to the Depew Fire Department
TODARO	Recognizing Peter Maziarz for 45 Years of Service to the Depew Fire Department
TODARO	Recognizing Ron Maciejewski for 45 Years of Service to the Depew Fire Department
TODARO	Recognizing David Strohmenger for 50 Years of Service to the Depew Fire Department

TODARO	Recognizing Richard Brossard for 55 Years of Service to the Depew Fire Department
TODARO	Recognizing Alden Rod & Gun Club on National Hunting and Fishing Day
TODARO	Recognizing Hawkeye Bowmen on National Hunting and Fishing Day
TODARO	Celebrating the Grand Opening of Fashion Fun Finds
MALCZEWSKI	Recognizing the East Aurora Vietnam Veterans Club on National POW/MIA Recognition Day
MALCZEWSKI	Recognizing the West Seneca Joint Veterans Committee on National POW/MIA Recognition Day
MALCZEWSKI	Recognizing the Veterans of Foreign Wars Post 205 on National POW/MIA Recognition Day
MALCZEWSKI	Recognizing the Veterans of Foreign Wars Post 5861 on National POW/MIA Recognition Day
MALCZEWSKI	Recognizing the American Legion Post 362 on National POW/MIA Recognition Day
MALCZEWSKI	Recognizing the Erie County Federation of Sportsmen's Clubs on National Hunting and Fishing Day
MALCZEWSKI	Recognizing the West Falls Conservation Society on National Hunting and Fishing Day
MALCZEWSKI	Recognizing the East Aurora Fish & Game Club on National Hunting and Fishing Day
MALCZEWSKI	Recognizing the Elma Conservation Club on National Hunting and Fishing Day
MALCZEWSKI	Recognizing the Holland Rod and Gun Club on National Hunting and Fishing Day

MR. MEYERS moved for consideration of the above thirty-eight items. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above thirty-eight items as amended. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 6 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2022 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 7 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2022 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 8 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2023 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 9 – MR. MEYERS moved to take Local Law No. 6 (Print #1) 2023 from the table. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

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

MR. MEYERS moved to amend Local Law No. 6 (Print #1) 2023. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

Attach the Short Environmental Assessment Form

MR. MEYERS moved to approve Local Law No. 6 (Print #1) 2023 as amended. MR. GILMOUR seconded.

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

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

CARRIED UNANIMOUSLY.

Item 10 – CHAIR BASKIN directed that Local Law No. 3 (Print #2) 2023 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 143

September 14, 2023	PUBLIC SAFETY COMMITTEE REPORT NO. 12

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GREENE.

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

a. COMM. 11E-35 (2023)
SHERIFF: "Lease Space at 10 Centre Dr., Orchard Park"
(Chair's Ruling)

b. COMM. 13E-3 (2023)
COMPTROLLER: "Questions & Concerns Regarding Sheriff Request to Lease 13 Centre Drive"
(Chair's Ruling)

c. COMM. 15M-5 (2023)
GREG RAMSDELL: "Email Request to Serve on Advisor Board"
(Chair's Ruling)

d. COMM. 16D-2 (2023)
DEPARTMENT OF PROBATION: "Probation Survey Results"
(Chair's Ruling)

2. COMM. 16E-28 (2023)
COUNTY EXECUTIVE
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.
(4-0)

3. COMM. 16E-30 (2023)
COUNTY EXECUTIVE

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

WHEREAS, 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.
(4-0)

4. COMM. 16E-43 (2023)
SHERIFF
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.
(4-0)

HOWARD J. JOHNSON, JR.
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 144

September 14, 2023	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 12

ALL MEMBERS PRESENT.

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

a. COMM. 16M-7 (2023)
NFTA: "2023 NFTA Metro Annual Performance Report"
(Chair's Ruling)

b. COMM. 16M-9 (2023)
VBN PRESIDENT & CEO: "2023 Second Quarter Reports"
(Chair's Ruling)

2. COMM. 16E-29 (2023)
COUNTY EXECUTIVE
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.
(5-0)

3. COMM. 16E-31 (2023)
COUNTY EXECUTIVE

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") though 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.

(5-0)

4. COMM. 16E-32 (2023)
COUNTY EXECUTIVE

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	$18,916.00
		$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.
(5-0)

5. COMM. 16E-33 (2023)
COUNTY EXECUTIVE

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.
(5-0)

6. COMM. 16E-37 (2023)
COUNTY EXECUTIVE

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).

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.
(5-0)

7. COMM. 16E-44 (2023)
DISTRICT ATTORNEY
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.
(5-0)

HOWARD J. JOHNSON, JR.
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 145

September 14, 2023	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 10

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR VINAL.

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

a. COMM. 16E-23 (2023)
COUNTY EXECUTIVE: "ECSD No. 6 - Lackawanna WRRF Digestion & Solids Management Upgrades"
(Chair's Ruling)

b. COMM. 16E-24 (2023)
COUNTY EXECUTIVE: "ECSD No. 8 - Engineering Term Contract Agreement"
(Chair's Ruling)

c. COMM. 16M-1 (2023)
NYS DEC: "Public Notice Fact Sheet - Brownfield Cleanup Program"
(Chair's Ruling)

d. COMM. 16M-3 (2023)
NYS DEPARTMENT OF AUDIT & CONTROL: "Certificate of the State Comptroller - Consent to Increase & Improve ECSD No. 3 Facilities"
(Chair's Ruling)

e. COMM. 16M-6 (2023)
NYS DEC: "Adoption Notice for Rule-Makings - Petroleum Bulk Storage & Chemical Bulk Storage"
(Chair's Ruling)

f. COMM. 16M-8 (2023)
EC AGRICULTURE & FARMLAND PROTECTION BOARD: "Letter Regarding Concerns Over Sky Lanterns"
(Chair's Ruling)

g. COMM. 16M-10 (2023)
EC AGRICULTURE & FARMLAND PROTECTION BOARD: "EC Southwest Agricultural District #8 Eight-Year Review"
(Chair's Ruling)

h. COMM. 16M-11 (2023)
NYS DEC: "DEC Invites Public Comment About Proposal to Address Contamination at Brownfield Site on Military Rd., Tonawanda"
(Chair's Ruling)

i. COMM. 16M-12 (2023)
NYS DEC: "DEC Announces Cleanup of Contamination - Will Begin at Brownfield Site on Lake Ave., Lancaster"
(Chair's Ruling)

j. COMM. 16M-13 (2023)

NYS DEC: "DEC Announces that Cleanup of Contamination is Complete at Brownfield Site on Hertel Ave. & Foundry St., Buffalo"
(Chair's Ruling)

2. COMM. 16E-34 (2023)
COUNTY EXECUTIVE
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. l, 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. l, 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.
(4-0)

3. COMM. 16E-35 (2023)
COUNTY EXECUTIVE
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. (4-0)

4. COMM. 16E-36 (2023)
COUNTY EXECUTIVE

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.
(4-0)

TIMOTHY J. MEYERS
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 146

September 14, 2023	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 9

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR VINAL.

1. COMM. 16E-26 (2023)
COUNTY EXECUTIVE
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

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.
(4-0)

2. COMM. 16E-27 (2023)
COUNTY EXECUTIVE
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.

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

ACCOUNT	REVENUE	CHANGE
407680	Services for Recipients	$149,450
	TOTAL	$149,450

ACCOUNT	APPROPRIATION	CHANGE
516400	Title XX Preventative & Protective Svcs	($155,550)
516410	Title XX Domestic Violence Contracts	$305,000
	TOTAL	$149,450

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.
(4-0)

3. COMM. 16E-38 (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, $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

ACCOUNT	REVENUE	CHANGE
414027	Federal Aid – American Rescue Plan	$(6,500,000)
	TOTAL	$(6,500,000)

ACCOUNT	APPROPRIATION	CHANGE

516044	COVID 19 Mitigation – American Rescue	$(6,500,000)
	TOTAL	$(6,500,000)

Environment and Planning
Fund 253, Funds Center 16200

ACCOUNT	REVENUE	CHANGE
414027	Federal Aid – American Rescue Plan	$ 6,500,000
	TOTAL	$ 6,500,000

ACCOUNT	APPROPRIATION	CHANGE
516048	Affordable Housing Multi-Fam – American Rescue Plan	$ 6,500,000
	TOTAL	$ 6,500,000

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.
(4-0)

JOHN J. GILMOUR
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 147

September 14, 2023	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 8

ALL MEMBERS PRESENT, EXCEPT LEGISLATORS GILMOUR & GREENE.

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

a. COMM. 15E-2 (2023)
COMPTROLLER: "Department of Law Risk Retention Fund Spending - March, April & May 2023"
(Chair's Ruling)

b. COMM. 15D-1 (2023)
DIRECTOR OF BUDGET & MANAGEMENT: "July Capital Projects Update"
(Chair's Ruling)

c. COMM. 15D-2 (2023)
DIRECTOR OF BUDGET & MANAGEMENT: "Budget Monitoring Report for Period Ending May 2023"
(Chair's Ruling)

d. COMM. 16E-1 (2023)
COMPTROLLER: "Certificate of Determination - Sewer Bond Sale"
(Chair's Ruling)

e. COMM. 16E-4 (2023)
COMPTROLLER: "Department of Law Risk Retention Fund Spending - June 2023"
(Chair's Ruling)

f. COMM. 16E-5 (2023)
COMPTROLLER: "Second Quarter 2023 - Interim Financial Report"
(Chair's Ruling)

g. COMM. 16E-15 (2023)
COMPTROLLER: "Department of Law Risk Retention Fund Spending - July 2023"
(Chair's Ruling)

h. COMM. 16D-4 (2023)
DIRECTOR OF BUDGET & MANAGEMENT: "Budget Monitoring Report for Period Ending June 2023"
(Chair's Ruling)

i. COMM. 16M-5 (2023)
NYS DEPARTMENT OF TAXATION & FINANCE: "List of Certified 2023 Class Equalization Rates"
(Chair's Ruling)

2. COMM. 2D-3 (2023) AS AMENDED
DIRECTOR OF REAL PROPERTY TAX SERVICES

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

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

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 250071 through 250094, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities:

FISCAL YEAR 2023 Petition No. 250,071.00

ASSESSOR Refund $368.91
S-B-L 119.00-5-9.11/A Gas Well 142089 ALDEN

	Acct. No. 112	$0.00	County
	Acct. No. 132	$368.91	Town/SpecialDist/School
Charge To :	142089 ALDEN		$368.91

RPTL 550(2): Applied refuse charge in error
Refund to be issued to Alden Aurora Gas Co Inc

FISCAL YEAR 2023 Petition No. 250,072.00

ASSESSOR Refund $184.45
S-B-L 119.00-5-33./A Gas Well 142089 ALDEN

	Acct. No. 112	$0.00	County
	Acct. No. 132	$184.45	Town/SpecialDist/School
Charge To :	142089 ALDEN		$184.45

RPTL 550(2): Applied refuse charge in error
Refund to be issued to Alden Aurora Gas Co Inc

FISCAL YEAR 2023 Petition No. 250,073.00

ASSESSOR Refund $211.19
S-B-L 259.04-1-4.21 9440 State Rd 143400 COLDEN

	Acct. No. 112	$0.00	County
	Acct. No. 132	$211.19	Town/SpecialDist/School
Charge To :	143400 COLDEN		$211.19

RPTL 550(2): Incorrect refuse units

Refund to be issued to Bruce & Kim Zehnder

FISCAL YEAR 2023 Petition No. 250,074.00

ASSESSOR Refund $463.95
S-B-L 336.17-1-36 4 S Edgewood Dr 143801 SPRINGVILLE

Acct. No. 112 $0.00 County
Acct. No. 132 $463.95 Town/SpecialDist/School
Charge To : 143801 SPRINGVILLE $463.95

Relevy Village $463.95 Village of SPRINGVILLE
RPTL 550(3): Incorrect square footage
Refund to be issued to Richard P. & Susan M. Mertowski

FISCAL YEAR 2023 Petition No. 250,075.00

ASSESSOR Refund $379.49
S-B-L 336.17-1-36 4 S Edgewood Dr 143801 SPRINGVILLE

Acct. No. 112 $287.93 County
Acct. No. 132 $91.56 Town/SpecialDist/School
Charge To : 143801 SPRINGVILLE $91.56

RPTL 550(3): Error in calculating square footage
Refund to be issued to Richard P. & Susan M. Mertowski

FISCAL YEAR 2021 Petition No. 250,076.00

ASSESSOR Cancel $44.96
S-B-L 347.07-1-15.2 V/L Mill St 143801 SPRINGVILLE

Acct. No. 112 $0.00 County
Acct. No. 132 $44.96 Town/SpecialDist/School
Charge To : 143801 SPRINGVILLE $44.96

Relevy Village $44.96 Village of SPRINGVILLE
RPTL 550(2): Duplicate parcel
Delete entire parcel from tax roll.

FISCAL YEAR 2022 Petition No. 250,077.00

ASSESSOR Cancel $46.00
S-B-L 347.07-1-15.2 V/L Mill St 143801 SPRINGVILLE

Acct. No. 112 $0.00 County
Acct. No. 132 $46.00 Town/SpecialDist/School

Charge To : 143801 SPRINGVILLE $46.00

Relevy Village $46.00 Village of SPRINGVILLE
RPTL 550(2): Duplicate parcel
Delete entire parcel from tax roll

FISCAL YEAR 2023 Petition No. 250,078.00

ASSESSOR Cancel $47.16
S-B-L 347.07-1-15.2 V/L Mill St 143801 SPRINGVILLE

Acct. No. 112 $0.00 County
Acct. No. 132 $47.16 Town/SpecialDist/School
Charge To : 143801 SPRINGVILLE $47.16

Relevy Village $47.16 Village of SPRINGVILLE
RPTL 550(2): Duplicate parcel
Delete entire parcel from tax roll.

FISCAL YEAR 2021 Petition No. 250,079.00

ASSESSOR Cancel $39.75
S-B-L 347.07-1-15.2 V/L Mill St 143801 SPRINGVILLE

Acct. No. 112 $31.10 County
Acct. No. 132 $8.65 Town/SpecialDist/School
Charge To : 143801 SPRINGVILLE $8.65

RPTL 550(2): Duplicate parcel
Delete entire parcel from tax roll

FISCAL YEAR 2022 Petition No. 250,080.00

ASSESSOR Cancel $39.74
S-B-L 347.07-1-15.2 V/L Mill St 143801 SPRINGVILLE

Acct. No. 112 $30.47 County
Acct. No. 132 $9.27 Town/SpecialDist/School
Charge To : 143801 SPRINGVILLE $9.27

RPTL 550(2): Duplicate parcel
Delete entire parcel from tax roll.

FISCAL YEAR 2023 Petition No. 250,081.00

ASSESSOR Cancel $38.58
S-B-L 347.07-1-15.2 V/L Mill St 143801 SPRINGVILLE

Acct. No. 112 $29.27 County
Acct. No. 132 $9.31 Town/SpecialDist/School
Charge To : 143801 SPRINGVILLE $9.31

RPTL 550(2): Duplicate parcel
Delete entire parcel from tax roll

FISCAL YEAR 2020 Petition No. 250,082.00

ASSESSOR Cancel $105.20
S-B-L 347.07-1-15.2 V/L Mill St 143801 SPRINGVILLE

Acct. No. 112 $0.00 County
Acct. No. 132 $105.20 Town/SpecialDist/School
Charge To : 143801 SPRINGVILLE $105.20
Relevy School $105.20 143801 SPRING-GRIFFITH

RPTL 550(2): Duplicate parcel
Delete entire parcel from tax roll

FISCAL YEAR 2021 Petition No. 250,083.00

ASSESSOR Cancel $104.61
S-B-L 347.07-1-15.2 V/L Mill St 143801 SPRINGVILLE

Acct. No. 112 $0.00 County
Acct. No. 132 $104.61 Town/SpecialDist/School
Charge To : 143801 SPRINGVILLE $104.61
Relevy School $104.61 143801 SPRING-GRIFFITH

RPTL 550(2): Duplicate parcel
Delete entire parcel from tax roll

FISCAL YEAR 2022 Petition No. 250,084.00

ASSESSOR Cancel $104.18
S-B-L 347.07-1-15.2 V/L Mill St 143801 SPRINGVILLE

Acct. No. 112 $0.00 County
Acct. No. 132 $104.18 Town/SpecialDist/School
Charge To : 143801 SPRINGVILLE $104.18
Relevy School $104.18 143801 SPRING-GRIFFITH

RPTL 550(2): Duplicate parcel
Delete entire parcel from tax roll

FISCAL YEAR 2022 Petition No. 250,085.00

ASSESSOR Cancel $244.00
S-B-L 209.04-2-2 3741 Eckhardt Rd 144000 EDEN

Acct. No. 112 $0.00 County
Acct. No. 132 $244.00 Town/SpecialDist/School
40503 ECSD3 Flat Usage Fee $244.00
Charge To : 144000 EDEN $0.00

RPTL 550(2): Applied ECSD in error
Refund to be issued to Carol Knight

FISCAL YEAR 2023 Petition No. 250,086.00

ASSESSOR Refund $210.00
S-B-L 239.00-5-17 8989 Jennings Rd 144000 EDEN

Acct. No. 112 $0.00 County
Acct. No. 132 $210.00 Town/SpecialDist/School
Charge To : 144000 EDEN $210.00

RPTL 550(2): Incorrect garbage units
Refund to be issued to Michael E. & Kerri J Williams

FISCAL YEAR 2023 Petition No. 250,087.00

ASSESSOR Refund $230.64
S-B-L 23.00-1-17.111 126 Industrial Dr 144600 GRAND ISLAND

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

RPTL 550(2): Incorrect exemption amount
Refund to be issue to GSPP Grand Island B Land LLC

FISCAL YEAR 2023 Petition No. 250,088.00

ASSESSOR Cancel $6.06
S-B-L 195.00-1-62.11/A Hickox Rd 144889 HAMBURG

Acct. No. 112 $2.68 County
Acct. No. 132 $3.38 Town/SpecialDist/School
48020 HAMBURG TOWN FIRE PROTECT $0.35
Charge To : 144889 HAMBURG $3.03

RPTL 550(2): Incorrect assessment
New tax bill to be issued

FISCAL YEAR 2023 Petition No. 250,089.00

ASSESSOR Refund $324.98
S-B-L 104.15-4-4 64 Sawyer Ave 145203 LANCASTER

Acct. No. 112 $0.00 County
Acct. No. 132 $324.98 Town/SpecialDist/School
Charge To : 145203 LANCASTER $324.98

Relevy Village $324.98 Village of LANCASTER
RPTL 550(2): Failed to apply disabled exemption
Refund to be issued to Nancy Cox

FISCAL YEAR 2023 Petition No. 250,090.00

ASSESSOR Cancel $1,763.39
S-B-L 47.07-1-6.11/B 1 Ice Cream Plaza 145601 AKRON

Acct. No. 112 $0.00 County
Acct. No. 132 $1,763.39 Town/SpecialDist/School
Charge To : 145601 AKRON $1,763.39

Relevy Village $1,763.39 Village of AKRON
RPTL 550(2): Incorrect exemption amount
New tax bill to be issued.

FISCAL YEAR 2023 Petition No. 250,091.00

ASSESSOR Cancel $749.44
S-B-L 33.00-2-19.1/P 12715 Lewis Rd 145689 NEWSTEAD

Acct. No. 112 $0.00 County
Acct. No. 132 $749.44 Town/SpecialDist/School
Charge To : 145689 NEWSTEAD $749.44
Relevy School $749.44 145601 AKRON CENTRAL

RPTL 550(2): Incorrect exemption amount

New tax bill to be issued.

FISCAL YEAR 2023 Petition No. 250,092.00

ASSESSOR Cancel $2,204.24
S-B-L 47.07-2-13.211/P 3 Oak St 145601 AKRON

	Acct. No. 112	$0.00	County
	Acct. No. 132	$2,204.24	Town/SpecialDist/School
Charge To :	145601 AKRON		$2,204.24
	Relevy School	$2,204.24	145601 AKRON CENTRAL

RPTL 550(2): Incorrect exemption amount
New tax bill to be issued.

FISCAL YEAR 2022 Petition No. 250,093.00

ASSESSOR Refund $1,267.00
S-B-L 78.33-1-11 345 Warren Ave 146401 KENMORE

	Acct. No. 112	$0.00	County
	Acct. No. 132	$1,267.00	Town/SpecialDist/School
Charge To :	146401 KENMORE		$1,267.00
	Relevy School	$1,267.00	146401 KEN-TON UNION

FREE

RPTL 550(2): Failed to apply Enhanced STAR exemption
Refund to be issued.

FISCAL YEAR 2023 Petition No. 250,094.00

ASSESSOR Cancel $17,940.07
S-B-L 135.01-4-61.111 North America Dr 146800 WEST SENECA

	Acct. No. 112	$5,230.83	County
	Acct. No. 132	$12,709.24	Town/SpecialDist/School
Charge To :	146800 WEST SENECA		$12,709.24

RPTL 550(7): Failed to apply wholly exempt, RS8
New tax bill to be issued

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
(3-0)

3. COMM. 16E-25 (2023)
COUNTY EXECUTIVE

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):

ACCOUNT	APPROPRIATION	CHANGE
561430	Building, Grounds & Heavy Eq	($70,000)
506200	Maintenance & Repair	$70,000
	TOTAL	$0

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.
(3-0)

TIMOTHY J. MEYERS
CHAIR

LEGISLATOR RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 148 RE: Designation of Tourism Promotion Agency for 2023-2024
(INTRO. 17-1)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR BASKIN

WHEREAS, the development, expansion and promotion of tourist travel to Erie County are of great benefit to the citizens of Erie County; and

WHEREAS, tourism spending in Erie County is reflected in bed and sales tax collections, as well as spurring a positive economic impact on amateur and professional sporting events, shopping, arts and culture and the hospitality industry; and

WHEREAS, this positive impact helps hold down property taxes and spurs economic growth and job creation; and

WHEREAS, in 1977, the New York State Legislature enacted the New York State Tourism Promotion Act to enable counties in the state to draw down funds to support their marketing and advertising campaigns; and

WHEREAS, the Tourism Promotion Act authorizes the state's Department of Economic Development to operate a program of matching state funds for non-profit tourism promotion agencies designated by county legislative bodies as agencies that are authorized to apply for and receive grants for recognized media advertising programs; and

WHEREAS, Visit Buffalo Niagara (VBN) – formerly known as the Buffalo Niagara Convention and Visitors Bureau – has done a commendable job bringing together a diverse array of non-profit organizations, attractions, retail businesses and members of the hospitality industry to work collaboratively for the benefit of our entire region.

NOW, THEREFORE, BE IT

RESOLVED, that Visit Buffalo Niagara (VBN), having served as Erie County's tourism promotion agency since 1974, is hereby re-designated as such for 2023-2024; and be it further

RESOLVED, that this Honorable Body requests that Visit Buffalo Niagara submit the appropriate application to the New York State Department of Economic Development for state matching funds to assist VBN to finance its tourism marketing, media relations and advertising campaigns as set outlined in the New York State Tourism Promotion Act; and be it further

RESOLVED, that officials of Visit Buffalo Niagara are hereby requested to appear at a future meeting of the Legislature's Community Enrichment Committee to discuss the status of the aforementioned state matching fund grants and other matters relating to the promotion of tourist visitation in Erie County and the Buffalo Niagara Region; and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of Empire State Development, Patrick Kaler of Visit Buffalo Niagara, the tourism committees of both the New York State Assembly and Senate, County Executive Mark Poloncarz, the Erie County Department of Environment and Planning, and all other deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 149 RE: Supporting Passage of a Law Prohibiting the Acquisition or Transfer of Agricultural Land by Foreign Adversaries (INTRO. 17-2)

A RESOLUTION TO BE SUBMITTED BY LEGISLATOR MINORITY CAUCUS

WHEREAS, the ability to control resources coming from and arising out of the land can be used by nations to exert power over the people of another nation, especially during periods of conflict; and

WHEREAS, one example of this global influence was seen recently when Russia restricted the flow of natural gas to European nations opposed to its military actions, thus hurting people living in those countries; and

WHEREAS, food is one of the resources which could be used to exert influence and coercion; and

WHEREAS, according to the National Agricultural Law Center, twenty-four states have laws which restrict foreign ownership or investments in private agricultural land, and other states are considering such legislation; and

WHEREAS, New York is one of the states considering such legislation with Assembly Bill A6444 and Senate Bill S6583; and

WHEREAS, the bills, if enacted into law, would prohibit the acquisition or transfer of agricultural land by foreign adversaries, with agricultural land being "real estate used for an agricultural operation in the state"; and

WHEREAS, preventing foreign adversaries from controlling agricultural land would provide stability to the domestic food supply.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the passage of New York State Senate Bill S6583 and Assembly Bill A6444 and its enactment into law; and be it further

RESOLVED, that a copy of this resolution be transmitted to the local delegations of the New York State Senate and Assembly and the Governor of New York State.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 150 RE: Support for United Auto Workers (INTRO. 17-3)

A RESOLUTION TO BE SUBMITTED BY LEGISLATOR MEYERS

WHEREAS, on September 14, 2023, the United Auto Workers ("UAW") contract with Ford, General Motors, and Stellantis expired and the following day, the UAW went on strike; and

WHEREAS, the UAW has more than 400,000 active members across its 600 local unions, which has created 1,750 contracts with 1,050 employers; and

WHEREAS, currently, about 12,000 workers are on strike across 3 different assembly plants; and

WHEREAS, the UAW is calling for increased wages over four years to offset inflation, an end to the tiered employment system, improved overtime and retirement benefits, improved worker protections against plant closures, and a 32-hour work week; and

WHEREAS, automobile manufacturers are gaining record profits in 2023, Stellantis has set a new record for its profits and GM has earned $1 billion over its profit projection; and

WHEREAS, in a time of record profits and rising executive pay, the UAW believes their workers should also see increasing pay and its share of the record profits to ensure the backbone of the American auto industry, its workers, are able to have desirable jobs and a high quality of life.

NOW, THEREFORE, BE IT

RESOLVED, this Honorable Body stands in support with the UAW in its negotiations for a fair contract and calls on Ford, GM, and Stellantis to prioritize its workforce by offering a quality contract that values its workers as much as the auto manufactures value its profits, and prevent the strike from continuing into the coming months; and be it further

RESOLVED, a copy of this resolution be sent to Ford, GM, Stellantis and the UAW Region 9.

Item 19 – MR. MEYERS presented the following resolution and moved for immediate

consideration. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 151 RE: Adjustments to the Legislature's 2023 Departmental Budget (INTRO. 17-4)

A RESOLUTION TO BE SUBMITTED BY LEGISLATOR BASKIN

WHEREAS, in order to properly administer the functions of the Legislature, as well as to implement the 2023 Erie County budget as adopted, several technical budget adjustments are necessary within the Legislature's departmental budget for the remainder of 2023; and

WHEREAS, the funding transfers will account for an increase in charges concerning internet/email services and the publishing of legal notices paid through the Utilities Account, as well as the purchase of new computers for the Minority Caucus, while keeping within the Legislature's adopted 2023 departmental appropriation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the transfer to $25,000 as follows:

Fund Center 100, Account 530000, OTHER EXPENSES	- $25,000
Fund Center 100, Account 515000, UTILITIES	+ $10,000
Fund Center 100, Account 561410, LAB & TECHNICAL EQUIPMENT	+ $15,000

and be it further

RESOLVED, that the Clerk of Legislature shall forward certified copies of this resolution to the County Executive, Comptroller, and the Director of the Division of Budget and Management.

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

CARRIED UNANIMOUSLY.

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

WHEREAS, in order to properly administer the functions of the Legislature, as well as to implement the 2023 Erie County budget as adopted, several technical budget adjustments are necessary within the Legislature's departmental budget for the remainder of 2023; and

WHEREAS, the funding transfers will account for an increase in charges concerning internet/email services and the publishing of legal notices paid through the Utilities Account, as well as the purchase of new computers for the Minority Caucus central staff, and Majority/Minority Legislature district office staff, while keeping within the Legislature's adopted 2023 departmental appropriation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the transfer to $35,000 as follows:

Fund Center 100, Account 530000, OTHER EXPENSES	- $35,000
Fund Center 100, Account 515000, UTILITIES	+ $10,000
Fund Center 100, Account 561410, LAB & TECHNICAL EQUIPMENT	+ $25,000

and be it further

RESOLVED, that the Clerk of Legislature shall forward certified copies of this resolution to the County Executive, Comptroller, and the Director of the Division of Budget and Management.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 20 – MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 17-5 from MEYERS Re: Calling U.S. Congress to Prioritize Comprehensive Immigration Reform

RESOLUTION NO. 152

WHEREAS, immigration in the United States is a Federal government issue, and states do not have any authority over immigration, as was clarified in Takahashi v. Fish and Game Comm'n, 334 U.S. 410 (1948) which stated "…under the Constitution, the states are granted no such powers; they can neither add to nor take from the conditions lawfully imposed by Congress upon admission, naturalization and residence of aliens in the United States or the several states"; and

WHEREAS, there has not been meaningful, comprehensive immigration reform in over 30 years; and

WHEREAS, as a result, states, counties, cities, and towns across the Country have been left to deal with the consequences of inaction on immigration reform; and

WHEREAS, substantive immigration reform will bring much needed protections to residents who are already in immigration review system, as well as a much clearer, predictable path towards citizenship; and

WHEREAS, as foundational and instrumental as migration has been to the establishment and sustainability of the United States of America, so should be the immigration system that sets the rules for migration to the United States; and

WHEREAS, the body of Federal Government that is in the best place to create a sustainable immigration system is the United States Congress.

NOW, THEREFORE, BE IT

RESOLVED, This Honorable Body calls on its Congressional Representatives, Senator Charles Schumer, Senator Kristen Gillibrand, Representative Nicholas Langworthy, and Representative Brian Higgins, to prioritize action on comprehensive immigration reform and provide the necessary funding for the costs associated with services provided to asylum seekers; and be it further

RESOLVED, a copy of this resolution be sent to the WNY Congressional Delegation, as well as any else deemed necessary.

MR. MEYERS moved to amend the resolution by including Et Al Sponsorship. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

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

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

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

CARRIED UNANIMOUSLY.

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

GRANTED.

COMM. 17D-2 from COUNTY ATTORNEY Re: Opinion as to Form, Local Law Intro. 6-1 (2023)

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

GRANTED.

September 21, 2023

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

Re: Opinion as to Form Local Law Intro No 6-1 2023

Dear Chairwoman Baskin:

In accordance with the obligations of the Erie County Attorney set forth in subsection 3, Section 204 of Article 2 of the Erie County Charter, this legal opinion concerns Local Law Intro No. 6-1 2023 (6-1).

Preemption

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

Here, New York State County Law (County Law) provides specific authority at Section 2 (b) which authorizes the governing board of a charter county to adopt local laws which conflict with the provisions of County Law. Since the State Legislature has granted county governing boards this specific authority, 6-1 does not present a preemption issue of concern where it purports to supersede the provisions of section 215 of County Law.

Grammar

The stated purpose of 6-1 is to supersede the real property lease term restrictions provided for in County Law Section 215(3). We find the grammar and usage of 6-1 to be sufficient in order to achieve the stated purpose.

Ambiguities

Although every hypothetical circumstance or eventuality cannot be addressed in the scope of this opinion, 6-1 does not present any facial ambiguities that would frustrate its implementation and enforcement.

Conclusion

We find that Local Law Intro. 6-1 2023 is sufficient as to form.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

By: Gregory P. Kammer
Assistant Erie County Attorney

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 22 – (COMM. 17E-1) EC Federal Financial Assistance Audit Report - December 31, 2022

Item 23 – (COMM. 17E-2) EC NYSDOT Single Audit Report - December 31, 2022

Item 24 – (COMM. 17E-3) Cost Allocation Plan Contract Authorization & Award

Item 25 – (COMM. 17E-4) External Auditor Management Letter - December 31, 2022

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

FROM THE COUNTY EXECUTIVE

Item 26 – (COMM. 17E-5) ECSDs - Engineering Term Contract Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 27 – (COMM. 17E-6) Contract for Capital Improvements to Depew, Lancaster & Western Railroad

Item 28 – (COMM. 17E-7) Evans Shoreline Trail - Authorization to Enter Into Inter-Municipal Agreements with the Town of Evans to Maintain the Shoreline Trail in the Town of Evans

Item 29 – (COMM. 17E-8) PILOT Agreement for Solar Energy Systems

Item 30 – (COMM. 17E-9) Intermunicipal Agreement - Cattaraugus County, Mill St. Bridge Superstructure Replacement

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

FROM THE SHERIFF

Item 31 – (COMM. 17E-10) Port Security Grant FY2023

Item 32 – (COMM. 17E-11) School Resource Officer Agreement for Alden Central School District

Item 33 – (COMM. 17E-12) School Resource Office Agreement for Holland Central School District

Item 34 – (COMM. 17E-13) Transfer of Seized Asset Funds for Purchase of Bearcat

The above four items were received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DIRECTOR OF
BUDGET & MANAGEMENT

Item 35– (COMM. 17D-1) September Capital Projects Update

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM ASSEMBLYMAN GOODELL

Item 36 – (COMM. 17M-1) Acknowledgment of Receipt of Certified Resolution

Received and filed.

FROM THE WNY
NO NEW JAILS ROUNDTABLE

Item 37 – (COMM. 17M-2) Opinion Letter on the RFP for the EC Holding Center & Correctional Facility System

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE NYS DEC

Item 38 – (COMM. 17M-3) DEC Invites Public Comment About Draft Plan to Investigate Contamination at Brownfield Site on Lakeview Ave., Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS OFFICE OF
REAL PROPERTY TAX SERVICES

Item 39 – (COMM. 17M-4) Certificate of County Equalization Rates

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NYS DEC

Item 40 – (COMM. 17M-5) DEC Invites Public Comment About Brownfield Application for Site on Oak St. & Ellicott St., Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM FULTON COUNTY

Item 41 – (COMM. 17M-6) Resolution Supporting Senate Bill S7645 - Fee for Background Checks on Certain Firearm & Ammunition Purchases

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE CITY OF BUFFALO
DEPARTMENT OF ASSESSMENT AND TAXATION

Item 42 – (COMM. 17M-7) Transit Mall, Final Roll - 2024

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

ANNOUNCEMENTS

Item 43 – Chair Baskin announced that the Legislature will conduct committee meetings on Thursday, September 28, 2023, and the schedule will be distributed. Chair Baskin further announced that the next session of the Legislature will be held on Thursday, October 5, 2023.

Finally, Chair Baskin announced that an Informational Meeting of the Erie County Legislature Minority & Women Business Enterprise Committee will be held in the Chambers of the Erie County Legislature, Thursday, October 5, 2023 at 9:00 A.M. The purpose of the Informational Meeting is to discuss an update on MWBE & Veteran-Owned Business Utilization on the New Stadium Construction Project.

MEMORIAL RESOLUTIONS

Item 44 – Chair Baskin requested that when the Legislature adjourns, it do so in memory of Carl John Boncore, and John Orlando.

Item 45 – Legislator Vinal requested that when the Legislature adjourns, it do so in memory of Dr. Michael M. Madden.

Item 46 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Brian T. Markarian.

ADJOURNMENT

Item 47 – 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, October 5, 2023 at 12:00 Noon. MR. TODARO seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, October 5, 2023 at 12:00 Noon.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT	
MAJORITY & MINORITY CAUCUSES	Proclaiming October as Domestic Violence Awareness Month in Erie County

Attachments

Domestic Violence Awareness Month

EC LEG OCT 2 '23 PM1:10

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., OCTOBER 5, 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 5th Day of October 2023, A.D.; a resolution was adopted, of which the following is a true copy:

Proclaiming October as Domestic Violence Awareness Month in Erie County

WHEREAS, Domestic Violence is a pattern of behaviors used by one person often to maintain power and control over another person in an intimate relationship and can include dating relationships, marriages, and even blood relatives; and

WHEREAS, Domestic Violence affects all types of people, regardless of social and cultural identification, and can include threats, intimidation, emotional abuse, economic deprivation, physical and sexual violence, and stalking and tracking through technology; and

WHEREAS, in the United States, a woman is battered every nine seconds, and one in four women will experience domestic violence during her lifetime, with women ages sixteen to twenty-four experiencing the highest rate of domestic violence; and

WHEREAS, each year, four thousand people are killed by their intimate partner, and it is estimated that ten million children are affected by domestic violence annually; and

WHEREAS, domestic violence is one of the most under-reported crimes, second only to rape, and the cost of family violence is nearly ten billion dollars annually in medical expenses, police and court costs, shelters and foster care, sick leave, absenteeism, and non-productivity; and

WHEREAS, in New York State, a twenty-four-hour census revealed that over three thousand-five hundred victims were served in one day, with over two thousand-three hundred going to emergency shelters, nearly two thousand receiving non-residential services, just over one thousand calls answered, and approximately six hundred requests going unmet; and

WHEREAS, many organizations in Erie County offer avenues of assistance to victims of domestic violence, including the Erie County Sheriff's Office Domestic Violence Unit, the Family Justice Center, Children & Family Services Haven House, and Erie County District Attorney's BE SAFE Domestic Violence Victim Advocacy Program, among others.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to proclaim **October as Domestic Violence Awareness Month in Erie County** and encourages citizens to become involved in efforts to educate, prevent, and respond to the realities of domestic violence in our 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
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: 10/05/2023

SUBJECT

MAJORITY & MINORITY CAUCUSES	Proclaiming October 15-21, 2023 as "Freedom from Workplace Bullies Week" in Erie County

Attachments

Freedom from Workplace Bullies Week

EC LEG OCT 2 '23 PM1:10

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., OCTOBER 5, 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 5th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Proclaiming October 15 – 21, 2023 as "Freedom from Workplace Bullies Week" in Erie County

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, workplace bullying inflicts harm upon individuals through threats, humiliation, intimidation, work sabotage, and verbal abuse, which have a detrimental impact on the mental and physical well-being of the victims; and

WHEREAS, an astonishing seventy-nine million workers report suffering some form of workplace bullying annually, with women disproportionately targeted, regardless of the gender of the perpetrator, and minorities more frequently subjected to workplace bullying; and

WHEREAS, "Freedom from Workplace Bullies Week" was created to educate and raise awareness of workplace bullying to eradicate the destructive behavior and foster respectful workplaces; and

WHEREAS, we commit to nurturing a workplace culture in Erie County that values dignity, respect, and fairness, and we call upon all municipalities, businesses, and organizations within Erie County to join us in supporting efforts to raise awareness of workplace bullying.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature pauses in its deliberations to recognize **October 15 through October 21, 2023, as "Freedom from Workplace Bullies Week"** in Erie County and commit to fostering a workplace culture that values dignity, respect, and fairness, where all employees can thrive free from the fear of workplace bullying.

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
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: 10/05/2023

SUBJECT	
MAJORITY CAUCUS	Acknowledging and Recognizing Down Syndrome Awareness Month

Attachments

Down Syndrome Awareness Month

EC LEG OCT 3 '23 AM 9:49

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

Acknowledging and Recognizing Down Syndrome Awareness Month

WHEREAS, ***Down Syndrome Awareness Month*** is a worldwide annual campaign in October, involving thousands of organizations, to highlight the importance to raise awareness and celebrate the many abilities of our loved ones with Down syndrome; and

WHEREAS, during the month of October, we celebrate individuals with Down syndrome and make people aware of their abilities and accomplishments; and

WHEREAS, individuals with Down syndrome are born with an extra copy of chromosome 21, resulting in developmental delay, characteristic physical features, and an increased risk for certain medical conditions; and

WHEREAS, while medical advancements and interventions have resulted in dramatic improvements in the life span and potential of those who are affected, continued research is needed to better understand the pathophysiology of Down syndrome and to develop new clinical and behavioral treatments; and

WHEREAS, despite progress, there is still much work to be done regarding the rights to equality, inclusion, education, medical care, research, and support for people with Down syndrome in the United States and abroad; and

WHEREAS, as we celebrate the unbelievable resilience of individuals with Down syndrome and pray for comfort and strength for those families.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby wholeheartedly recognize ***Down Syndrome Awareness Month*** and to give love, support and encouragement to all families and individuals dealing with Down syndrome.

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

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

MAJORITY CAUCUS	Acknowledging and Honoring National Principals Month

Attachments

National Principals Month

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

EC LEG OCT 2 '23 PM5:47

Acknowledging and Recognizing National Principals Month

WHEREAS, the month of October is known as a ***National Principals Month***, a time to recognize all the elementary and secondary school principals who dedicate their knowledge and abilities all year long; and

WHEREAS, principals are among the hardest working, yet often least recognized individuals in education; and

WHEREAS, principals set the academic tone for their schools, and it is their vision, dedication, and determination that provide the mobilizing force for achieving student success; and

WHEREAS, school principals and assistant principals are instructional leaders working with teachers to establish high expectations for all students and promote the use of effective and appropriate classroom practices; and

WHEREAS, principals and assistant principals are responsible for the day-to-day operation of their schools, which includes leading the instructional program, managing educational initiatives, and building relationships with students, teachers, parents, and community partners to achieve excellence; and

WHEREAS, principals and assistant principals work diligently to create a positive school climate that is inviting to students, families, and the community, as well as providing a safe and supportive environment where students learn, grow, and achieve.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby recognizes ***National Principals Month*** and honor our principals and assistant principals for their work and their contributions to ensure our students graduate college and career ready.

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

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT	
MAJORITY CAUCUS	Acknowledging and Recognizing Breast Cancer Awareness Month

Attachments

Breast Cancer Awareness Month

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY

BUFFALO, NY, OCTOBER 5, 2023

EC LEG OCT 2 '23 PM5:46

Acknowledging and Recognizing Breast Cancer Awareness Month

WHEREAS, ***Breast Cancer Awareness Month*** is a worldwide annual campaign in October, involving thousands of organizations, to highlight the importance of breast cancer awareness, education and research; and

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), breast cancer is the second most common cancer among women; and

WHEREAS, according to the New York State Cancer Registry, over 1,400 new cases of breast cancer are diagnosed annually in Western New York; and

WHEREAS, while the goal is to reduce the number of new cases to zero, the reality is each year there are more breast cancer survivors in need of support and understanding; and

WHEREAS, increased awareness of family history, understanding common risk factors, preventive care, and regular screenings, including mammograms; can help save lives through early diagnosis and prompt treatment; and

WHEREAS, organizations such as the Breast Cancer Network (BCN) of Western New York, a volunteer, nonprofit organization consisting breast cancer survivors and supporters, offers programs and services that support, educate, and advocate for individuals with breast cancer, breast cancer survivors and family and friend co-survivors; and

WHEREAS, to support Breast Cancer Awareness Month, individuals from around the world will wear pink ribbons and pink clothing to raise awareness; and

WHEREAS, as we celebrate the unbelievable resilience of breast cancer survivors and remember those lost to this disease, we also pray for comfort and strength for those individuals currently battling breast cancer.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby wholeheartedly recognize National ***Breast Cancer Awareness Month***, to celebrate breast cancer survivors, but also to memorialize those families who've lost their loved ones from breast cancer.

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

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

MAJORITY CAUCUS	Acknowledging and Recognizing Health Literacy Week

Attachments

Health Literacy Week

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY

EC LEG OCT 2 '23 PM5:45

BUFFALO, NY, OCTOBER 6, 2023

Acknowledging and Recognizing Health Literacy Week

WHEREAS, October is recognized nationally as Health Literacy Month, with the U.S. Department of Health and Human Services and its Healthy People 2030 initiative provide definitions that highlight both personal health literacy and organizational health literacy; and

WHEREAS, improvements in health literacy strengthen the ability of individuals to understand information that affects their health, safety and quality of life; and

WHEREAS, the ability to use health information to make well-informed decisions is a key factor in better health outcomes; and

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

WHEREAS, this Honorable Body will continue to support health literacy efforts within Erie County, particularly the important work of Literacy Buffalo Niagara staff and volunteers to provide tutoring and support for Erie County residents with low literacy skills; organizations that seek to incorporate health literacy best practices into their operations; and, individuals who seek to improve their ability to read and understand English.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body thanks and extends our appreciation to healthcare and public health professionals and education advocates whose work to advance health literacy has positive benefits for Erie County; and be it further;

RESOLVED, that the Erie County Legislature hereby recognizes Literacy Buffalo Niagara volunteers, adult education professionals and community leaders who work side-by-side with adult learners to improve their ability to understand and use health information.

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

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

JOHNSON	Honoring and Recognizing Robert "Bob" Sienkiewicz

Attachments

Robert â€œBobâ€œ Sienkiewicz

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY

EC LEG OCT 3 '23 AM9:49

BUFFALO, NY, OCTOBER 4, 2023

Honoring and Recognizing Robert "Bob" Sienkiewicz

WHEREAS, ***Robert Sienkiewicz,*** Long-time Polonia activist and preservationist of buildings is notable recognized as an icon in our community; and

WHEREAS, Mr. Sienkiewicz is a graduate of the University of Buffalo; and

WHEREAS, upon graduation from UB, Bob decided he wanted to live in a Polish neighborhood, so he moved to Broadway-Fillmore; and

WHEREAS, Mr. Sienkiewicz spent time in the early 1980's as a Board member of Polish Community Center and spent time in the 1990's with the Broadway Market Management Corporation; and

WHEREAS, Bob has been an indispensable part of the community and the region as he was recruited to the City as the Director of the Mayor's Task force in Housing based on his accomplishments at the NHS and also recruited to the New York State Health Department; and

WHEREAS, Bob would eventually become recognized for his work in improving housing in his neighborhood and the City of Buffalo, containing some of the nation's oldest housing stock; and

WHEREAS, he spent many days and nights hiking his 50 acres of Club Moss; and

WHEREAS, he also participated in many Buffalo Niagara Riverkeeper events and has been a philanthropic for many years, supporting start-up businesses from breweries to bread hives and personally contributes his time; and

WHEREAS, he was a regular volunteer at the Elmwood festival, Pulaski events, and many other events; and

WHEREAS, he has also been an encourager of many entrepreneurial efforts, including the Buffalo Distillery's popular Krupnik; and

WHEREAS, throughout his storied and successful career, Bob has remained a dedicated current Board Member of Eugene V Debs Hall; and

WHEREAS, Bob saw the potential of Deb's Hall and bought it to preserve it until the right person (Chris Hawley) came along to build the vision into a beautiful reality; and

WHEREAS, Bob served as a 2007 Board member at the Nature Sanctuary Society (NSS) of WNY, including several years as Vice President; and

WHEREAS, Bob enjoys hiking, bowling, bartending and spending time enjoying nature; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature pauses in its deliberations to honor ***Robert Sienkiewicz*** on his dedicated service to our community; and be it further

RESOLVED, that this Honorable Body thanks ***Bob*** for his work ethic and dedication and commends him for his strong leadership in our community.

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

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

BASKIN — Celebrating the 50th Anniversary - The New Life Center

Attachments

The New Life Center

STATE OF NEW YORK

EC LEG OCT 2 '23 PM1:19

LEGISLATURE OF ERIE COUNTY

BUFFALO, NY, OCTOBER 1, 2023

Celebrating the 50th Anniversary - New Life Center

WHEREAS, ***New Life Center*** is proud to have served the community for over 50 years as a faith-filled community; and

WHEREAS, New Life Center commemorates its ministry while remaining committed to the future work ahead in ministering to the people; and

WHEREAS, in the fall of 1972, Pastor David A Robinson and his wife Patricia felt directed of the Lord to come to Buffalo, New York to build and grow an Apostolic church; and

WHEREAS, in January 1973, the Robinsons held their first service with a group of 30 people at Columbia Hook and LadderFire Club at 85 Marion St., North Tonawanda; and

WHEREAS, after only a few weeks they moved their services to a building affectionately known as "the little brown church" a former Free Methodist Churchat 89 Adams St. On July 1, 1975, after outgrowing "the little brown church", the congregation moved to Buffalo and shared the Redeemer Lutheran Church; and

WHEREAS, the Robinsons finally found a place to call home in 1977, purchasing the Millstream School at 80 Luksin Drive, Tonawanda; and

WHEREAS, soon after moving in, Mrs. Robinson founded the New Life Day Care Center; and

WHEREAS, in 1982, ground was broken into building a new sanctuary on the property; and

WHEREAS, after much labor and fundraising by the congregation working literally around the clock, the sanctuary was established and in 1983, Mrs. Robinson started the New Life Christian School; and

WHEREAS, today, half a century later, stands an outstanding structure and a beautiful group of Spirit filled people under the Pastoral leadership of Rev. Robert Wahler; and

WHEREAS, currently, the New Life Center serves the Greater Buffalo area with three weekly services, Sunday School ministry, Student (youth) ministry, deaf ministry, & small (life) groups; and

WHEREAS, 50 years of New Life's ministry has produced thousands of stories and changed lives; and

WHEREAS, Rev. Robert Wahler has continued the community service both spiritually and socially; and

WHEREAS, this Church has established a desire to be a multigenerational, multi-ethnic, and multi-socio-economical church where hope is delivered, people are restored, and joy is spread; and

WHEREAS, this Honorable Body appreciates, recognizes and give thanks to active leaders of ***New Life Center*** and value their longevity of 50 years in serving the Tonawanda Community and representing Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature pauses in our deliberations to commemorate and recognize ***New Life Center*** on ***50 years of pastoral service in the Tonawanda community***! Job well done.

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

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT	
BASKIN	Celebrating the 25th Anniversary of The Western New York Media Professionals

Attachments

Western New York Media Professionals

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY

BUFFALO, NY, SEPTEMBER 28, 2023

EC LEG OCT 2 '23 PM 5:44

Celebrating the 25th Anniversary of The Western New York Media Professionals

WHEREAS, ***The Western New York Media Professionals*** in Buffalo is proud to have served the community for 25 years as a professional media organization; and

WHEREAS, The Western New York Media Professionals remains committed in promoting social and educational opportunities within the Western New York community; and

WHEREAS, The Western New York Media Professionals Inc. was founded in 1998 by Tyrone Christapher (WIVB-TV) and Michael Quinniey as a media educational training program for students, organizations, community members, professionals, and corporations; and

WHEREAS, the WNYMMP was based out of WKBW-TV until 2014 and a year later, relocated to the Historic Ellicott Square Building; and

WHEREAS, The Media Professionals has more than 7,000 alumni participants from high schools, colleges, universities, and community organizations; and

WHEREAS, in addition, WNYMMP is officially registered with the communications departments at Buffalo State University, University at Buffalo, Fredonia, Daemen University, and Canisius University to provide internships; and

WHEREAS, the WNYMMP was one of the first independent producers to receive a contract with a commercial television station to create and produce urban programming; and

WHEREAS, one of the best tools that The Western New York Media Professionals use to engage youth is their television programs that are created and produced by students and aired on WKBW-TV (2001-2012); and

WHEREAS, in conjunction with the Roswell Park Center Institute and its African American Employee Network (AREN), in February of 2014, launched the Queen City Black Film Festival on the medical campus and provided students an opportunity to view independent films that would help engage them socially as well as academically; and

WHEREAS, on October 2nd, 2014, the WNYMMC launched Upfront Business Magazine, a digital and print magazine, at the Embassy Suites Hotel; and

WHEREAS, since 2012, the WNYMMP has also stamped their impact on The Great Day in Jazz Buffalo, a yearly spring event to commemorate Jazz legend Elvin Shepherd; and

WHEREAS, The Great Day in Jazz Buffalo gathered 100 musicians to take a historic picture on the steps of the Albright Knox Art Gallery in 2012; and

WHEREAS, also under the WNYMMP, their involvement in The Broadway "Sattler" Theater Restoration Project has helped enabled inner city youth to learn about preservation and historic restoration while creating an outlet for their talent while creating jobs; and

WHEREAS, this organization has served as an anchor and product of many successful stories including current 7Life/ Ch.7 ABC Host Mercedes Wilson, Phoenix News Anchor/ Reporter Desiree Wiley, Actor Salina Kaye who has landed roles on the ABC series Castle and CSI, Rob Hoffman, a professor at Texas Tech University, Carma Rivera, a media specialist for Wesley Snipes and a reporter for the Wrap Entertainment News in Los Angeles, Roxanne Danielle, a professor at Georgia State, Lewis "Mookie" Hawkins Sports Anchor / Reporter at WUFO Radio and many more; and

WHEREAS, The Western New York Media Professionals continue to be creative in the new age of digital media with WKICX streaming media and online think tank for entrepreneurs; and

WHEREAS, this Honorable Body appreciates, recognizes and gives thanks to active leaders of ***The Western New York Media Professionals*** and value their longevity of 25 years in serving the Tonawanda Community.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature pauses in our deliberations to commemorate and celebrating ***The Western New York Media Professionals*** on ***25 years of phenomenal service in the Buffalo*** community*!* Job well done.

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

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

KOOSHOIAN	Celebrating and Honoring David Shatzel Sr. on His 90th Birthday

Attachments

David Shatzel Sr.

EC LEG SEP 28 '23 PM1:34

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

Celebrating and Honoring David Shatzel Sr. on His 90th Birthday

WHEREAS, ***David Shatzel Sr.,*** was born September 29, 1933 in Lackawanna, New York to Elmer and Agnes Shatzel, who ran a working man's saloon called Shatzel's Grill on Electric Avenue; and

WHEREAS, Shatzel, graduated from Our Lady Victory High School in 1951 and enlisted in the U.S. Navy at the age of 18 to help the Unites States achieve victory in the Korean War. He received training as a "hot suit man" and went on to rescue and recover numerous pilots while stationed on the USS Bairoko; and

WHEREAS, after completing his Naval service in 1955, Shatzel returned to Buffalo and continued the use of his training to serve as a Buffalo firefighter for six years at the Old Engine Eight on Chicago Street; and

WHEREAS, following in his parents' footsteps, Shatzel purchased Brennan's Bowery Bar in 1970, which was one of Buffalo's oldest and best-known taverns for over fifty years; and

WHEREAS, in 1973, he went on to purchase Cole's, an Elmwood institution that has seen thousands of patrons over the last eight decades and continues to be one of Buffalo's most beloved bars; and

WHEREAS, David is a long-time resident of Buffalo's Parkside neighborhood within Erie County's Third District.

NOW, THEREFORE, BE IT

RESOLVED, that today, September 29, 2023, it is the desire of this Honorable Body to recognize David Shatzel Sr. and applaud him for his extraordinary life as an exemplary Buffalonian, public servant, and friend to many; and be it further

RESOLVED the Erie County Legislature hereby wishes him a very Happy 90th Birthday and continued good health and success as one of Buffalo's most legendary entrepreneurs.

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

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

BARGNESI	Happy 100th Birthday LaVern John Zastrow

Attachments

LaVern John Zastrow

EC LEG SEP 28 '23 AM11:15

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, OCTOBER 3, 2023

Happy 100th Birthday LaVern John Zastrow

WHEREAS, ***LaVern John Zastrow,*** the oldest of 4 children was born October 3, 1923 in Wilson, New York to John and Emma Fritz Zastrow Woods; and

WHEREAS, he served in the US Army during World War II from January 1943 to November 1945; and

WHEREAS, LaVern was stationed in Germany, Austria, Czech Republic, France, England and several other areas as well; and

WHEREAS, due to his service and heroism, LaVern received a Medal of Conduct; and

WHEREAS, LaVern was blessed to have an amazing wife, Margaret Catherine Miskho, and together, they raised 6 children, 5 daughters and 1 son; and

WHEREAS, LaVern bestowed discipline and emphasized hard work to his six children; and

WHEREAS, currently, they now have 10 grandchildren, 17 great-grandchildren, and 8 great-great grandchildren; and

WHEREAS, LaVern was employed at Remington Rand in Tonawanda, NY for 27 years; and

WHEREAS, he is a current member of 73 years with the American Legion Post 264 in the City of Tonawanda; and

WHEREAS, he is also a current member of 70 years at Gratwick Hose Fire Company #6; and

WHEREAS, in his time he has served many positions including President, Vice President, Financial Secretary and Trustee; and

WHEREAS, LaVern has traveled to 48 of the 50 states in the United States of America with his wife and family; and

WHEREAS, today, October 3, 2023, community leaders and family members gather here to participate and honor ***LaVern John Zastrow***, a 100-year-old World War II Veteran, devoted husband, father, grandfather, great-grandfather and great-great grandfather; and

WHEREAS, this Honorable Body celebrates ***LaVern John Zastrow*** who is idolized by many for the person he is, for serving in World War II and for sharing his gifts with the community over his 100 years of life, spirit and joy.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby honor ***LaVern John Zastrow*** on this occasion in celebrating his 100th birthday surrounded by family and friends and sincerely appreciates his love for life and devotion to Erie County and our nation; and be it further

RESOLVED, that the Erie County Legislature wishes ***LaVern John Zastrow*** a very happy 100th birthday as well as health, love, happiness in all his years to come.

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

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT	
VINAL	Acknowledging and Recognizing St. Benedicts School during National Literacy Awareness

Attachments

St. Benedicts School

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, OCTOBER 3, 2023

EC LEG OCT 2 '23 PM5:59

Acknowledging and Recognizing St. Benedict's School during National Literacy Awareness

WHEREAS, for several decades, ***National Literacy Awareness*** has become an effort to highlight literacy through education; and

WHEREAS, introducing children at an early age to literature and encouraging a love of reading increases prospects for success in school, the workforce and society; and

WHEREAS, St. Benedict School continues to be one of the top-ranked private schools in Western New York; and

WHEREAS, St. Benedicts nurtures a strong sense of community, high academic standards, discipline and respect; and

WHEREAS, St. Benedicts pride themselves in cultivating the academic, spiritual, social, and moral development of its students in a safe learning and teaching environment; and

WHEREAS, engaging children and youth in literacy programming ensures the best possible environment for getting a head start on literacy and lifelong learning; and

WHEREAS, in addition to the basic skills of reading, writing, and arithmetic, it is equally important that our students are given the tools required to take advantage of the information available to them; and

WHEREAS, tutors are local volunteers who have a sincere interest in community services and the desire to assist others to learn to read or to enhance their reading skills and lives; and

WHEREAS, this Honorable Body will continue to support and dedicate ourselves to increasing information literacy awareness so that all citizens understand its vital importance.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body thanks and extends our appreciation to all teachers, parents, families and support staff at St. Benedicts whose work to advance literacy has positive benefits for Erie County.

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

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

GREENE	Recognizing Members of the Akron Central School Board During School Board Recognition Week

Attachments

Akron Central School Board

EC LEG OCT 3 '23 AM9:20

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., OCTOBER 5, 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 5th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Recognizing Members of the Akron Central School Board During School Board Recognition Week

WHEREAS, the mission of the public schools is to meet the diverse educational needs of all children and to empower them to become competent, productive contributors to a democratic society in an ever-changing world; and

WHEREAS, from October 16 – 20, 2023, the New York State School Boards Association sponsors School Board Recognition Week to recognize school board members for their commitment to public school children; and

WHEREAS, local school board members are committed to children and believe that all children can be successful students and that the best education is tailored to the individual needs of the child; and

WHEREAS, local school board members work closely with parents, educational professionals, and other community members to create the educational vision we want for our children; and

WHEREAS, local school board members are responsible for ensuring the structure that provides a solid foundation for our school systems; and

WHEREAS, local school board members are strong advocates for public education and are responsible for communicating the needs of the school district to the public and the public's expectations of the district.

NOW THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to express our sincere gratitude to Erik Polkowski, Phillip Kenline, Ryan Allen, Heather Cayea, Joseph Cena, Stephanie Coffta, and Kristy Pingitore, members of the ***Akron Central School Board***; and be it further

RESOLVED, the Erie County Legislature urges all citizens to join us in recognizing local school board members' dedication and hard work and working with them to mold an education system that meets the needs of both today's and tomorrow's children.

CHRISTOPHER D. GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

GREENE	Recognizing Members of the Sweet Home Central School Board During School Board Recognition Week

Attachments

Sweet Home Central School Board

EC LEG OCT 3 '23 AM 9:20

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., OCTOBER 5, 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 5th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Recognizing Members of the Sweet Home Central School Board During School Board Recognition Week

WHEREAS, the mission of the public schools is to meet the diverse educational needs of all children and to empower them to become competent, productive contributors to a democratic society in an ever-changing world; and

WHEREAS, from October 16 – 20, 2023, the New York State School Boards Association sponsors School Board Recognition Week to recognize school board members for their commitment to public school children; and

WHEREAS, local school board members are committed to children and believe that all children can be successful students and that the best education is tailored to the individual needs of the child; and

WHEREAS, local school board members work closely with parents, educational professionals, and other community members to create the educational vision we want for our children; and

WHEREAS, local school board members are responsible for ensuring the structure that provides a solid foundation for our school systems; and

WHEREAS, local school board members are strong advocates for public education and are responsible for communicating the needs of the school district to the public and the public's expectations of the district.

NOW THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to express our sincere gratitude to Amy Battagloa, Peter Bellanti, Joshua Feldman, Marianne Jasen, Scott Johnson, Brian Laible and Kailey McDonald, members of the ***Sweet Home Central School Board***; and be it further

RESOLVED, the Erie County Legislature urges all citizens to join us in recognizing local school board members' dedication and hard work and working with them to mold an education system that meets the needs of both today's and tomorrow's children.

CHRISTOPHER D. GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

GREENE	Recognizing Members of the Clarence Central School Board During School Board Recognition Week

Attachments

Clarence Central School Board

EC LEG OCT 3 '23 AM9:20

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., OCTOBER 5, 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 5th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Recognizing Members of the Clarence Central School Board During School Board Recognition Week

WHEREAS, the mission of the public schools is to meet the diverse educational needs of all children and to empower them to become competent, productive contributors to a democratic society in an ever-changing world; and

WHEREAS, from October 16 – 20, 2023, the New York State School Boards Association sponsors School Board Recognition Week to recognize school board members for their commitment to public school children; and

WHEREAS, local school board members are committed to children and believe that all children can be successful students and that the best education is tailored to the individual needs of the child; and

WHEREAS, local school board members work closely with parents, educational professionals, and other community members to create the educational vision we want for our children; and

WHEREAS, local school board members are responsible for ensuring the structure that provides a solid foundation for our school systems; and

WHEREAS, local school board members are strong advocates for public education and are responsible for communicating the needs of the school district to the public and the public's expectations of the district.

NOW THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to express our sincere gratitude to James Boglioli, Michael Fuchs, Tricia Andrews, Kym Cannizzaro, Cindy Magera, Dennis Priore, Dawn Snyder, and Student Representative Louis Mancusso, members of the ***Clarence Central School Board;*** and be it further

RESOLVED, the Erie County Legislature urges all citizens to join us in recognizing local school board members' dedication and hard work and working with them to mold an education system that meets the needs of both today's and tomorrow's children.

CHRISTOPHER D. GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

GREENE	Honoring and Congratulating Officer David Moore on His Retirement

Attachments

Officer David Moore

EC LEG OCT 3'23 AM9:20

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., OCTOBER 5, 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 5th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring and Congratulating Officer David Moore 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, ***Officer David Moore*** 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, ***Officer David Moore*** began his law enforcement career as a police officer in 2003; and

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

WHEREAS, ***Officer David Moore'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 ***Officer David Moore*** 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: 10/05/2023

SUBJECT

GREENE	Recognizing Members of the Williamsville Central School District School Board During School Board Recognition Week

Attachments

Williamsville Central School District School Board

EC LEG OCT 3'23 AM9:19

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., OCTOBER 5, 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 5th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Recognizing Members of the Williamsville Central School District School Board During School Board Recognition Week

WHEREAS, the mission of the public schools is to meet the diverse educational needs of all children and to empower them to become competent, productive contributors to a democratic society in an ever-changing world; and

WHEREAS, from October 16 – 20, 2023, the New York State School Boards Association sponsors School Board Recognition Week to recognize school board members for their commitment to public school children; and

WHEREAS, local school board members are committed to children and believe that all children can be successful students and that the best education is tailored to the individual needs of the child; and

WHEREAS, local school board members work closely with parents, educational professionals, and other community members to create the educational vision we want for our children; and

WHEREAS, local school board members are responsible for ensuring the structure that provides a solid foundation for our school systems; and

WHEREAS, local school board members are strong advocates for public education and are responsible for communicating the needs of the school district to the public and the public's expectations of the district.

NOW THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to express our sincere gratitude to Christina Bleckinger, Stuart Bulan, Michael Buscaglia, Crystal Kaczmarek-Bogner, Dr. Michael Littman, Mark Manna, Maureen Poulin and Dr. Swaroop Singh, members of the ***Williamsville Central School Board***; and be it further

RESOLVED, the Erie County Legislature urges all citizens to join us in recognizing local school board members' dedication and hard work and working with them to mold an education system that meets the needs of both today's and tomorrow's children.

CHRISTOPHER D. GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

TODARO	Recognizing Sarah Feldmann for 20 Years of Service to the Lancaster Fire Department

Attachments

Sarah Feldmann

EC LEG OCT 2'23 AM11:05

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., OCTOBER 5, 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 5th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Recognizing Sarah Feldmann for 20 Years of Service to the Lancaster Fire Department

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

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

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

WHEREAS, volunteer firefighters are prepared twenty-four hours a day, seven days a week, to risk their safety in the performance of their duties to protect our citizens regardless of inclement weather or other hazards; and

WHEREAS, the Lancaster Fire Department is 100% fully staffed by volunteers from our local community providing fire, rescue, and emergency services for the Village of Lancaster and surrounding mutual aid jurisdictions; and

WHEREAS, since joining the Lancaster Fire Department in 2003, **Sarah Feldmann** has been a dedicated and passionate member of the fire service community in Lancaster, New York.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to recognize and honor **Sarah Feldmann** for her twenty years of service and dedication to the Lancaster Fire Department.

FRANK J. TODARO
Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

TODARO	Honoring Carson Burke as Junior Firefighter of the Year at the Lancaster Fire Department

Attachments

Carson Burke

EC LEG OCT 2'23 AM11:04

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., OCTOBER 5, 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 5th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring Carson Burke as Junior Firefighter of the Year At the Lancaster Fire Department

WHEREAS, The Lancaster Fire Department is 100% fully staffed by volunteers from our local community providing fire, rescue, and emergency services for the Village of Lancaster and surrounding mutual aid jurisdictions; and

WHEREAS, the Lancaster Fire Department Junior Firefighter program provides young men and women ages fourteen to seventeen the hands-on experiences of being volunteer firefighters; and

WHEREAS, members of the Lancaster Fire Department Junior Firefighter program train alongside active firefighters in firefighting, first-aid, and rescue skills while participating in numerous drills, and New York State provided courses with a very high percentage of the cadets continuing with their service upon reaching their eighteenth birthday; and

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

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

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

WHEREAS, volunteer firefighters are ready to risk their safety in performing their duties twenty-four hours a day, seven days a week, regardless of inclement weather or other hazards.

NOW THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor **Carson Burke** as the **2023 Lancaster Fire Department Junior Firefighter of the Year** and recognize him for his dedication to the Lancaster Fire Department and the community.

FRANK J. TODARO
Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

TODARO	Recognizing Eric Feldmann for 25 Years of Service to the Lancaster Fire Department

Attachments

Eric Feldmann

EC LEG OCT 2'23 AM11:04

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., OCTOBER 5, 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 5th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Recognizing Eric Feldmann for 25 Years of Service to the Lancaster Fire Department

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

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

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

WHEREAS, volunteer firefighters are prepared twenty-four hours a day, seven days a week, to risk their safety in the performance of their duties to protect our citizens regardless of inclement weather or other hazards; and

WHEREAS, the Lancaster Fire Department is 100% fully staffed by volunteers from our local community providing fire, rescue, and emergency services for the Village of Lancaster and surrounding mutual aid jurisdictions; and

WHEREAS, since joining the Lancaster Fire Department in 1998, **Eric Feldmann** has been a dedicated and passionate member of the fire service community in Lancaster, New York.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **Eric Feldmann** for his twenty-five years of service and dedication to the Lancaster Fire Department.

FRANK J. TODARO
Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT	
TODARO	Recognizing Jerome Enser for 40 Years of Service to the Lancaster Fire Department

Attachments

Jerome Enser

EC LEG OCT 2 '23 AM11:04

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., OCTOBER 5, 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 5th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Recognizing Jerome Enser for 40 Years of Service to the Lancaster Fire Department

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

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

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

WHEREAS, volunteer firefighters are prepared twenty-four hours a day, seven days a week, to risk their safety in the performance of their duties to protect our citizens regardless of inclement weather or other hazards; and

WHEREAS, the Lancaster Fire Department is 100% fully staffed by volunteers from our local community providing fire, rescue, and emergency services for the Village of Lancaster and surrounding mutual aid jurisdictions; and

WHEREAS, since joining the Lancaster Fire Department in 1983, **Jerome Enser** has been a dedicated and passionate member of the fire service community in Lancaster, New York.

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

FRANK J. TODARO
Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

TODARO	Honoring Logan Kuhlmey as the 2023 Firefighter of the Year

Attachments

Logan Kuhlmey

EC LEG OCT 2'23 AM11:04

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., OCTOBER 5, 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 5th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring Logan Kuhlmey as the 2023 Firefighter of the Year

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

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

WHEREAS, the Lancaster Fire Department is 100% fully staffed by volunteers from our local community providing fire, rescue, and emergency services for the Village of Lancaster and surrounding mutual aid jurisdictions; and

WHEREAS, on September 23, 2023, **Logan Kuhlmey** is being honored with the **2023 Firefighter of the Year Award**, a prestigious honor presented to the firefighter who best exemplifies the positive characteristics of dedication, loyalty, and professionalism; and

WHEREAS, Logan Kuhlmey selflessly volunteers his time and energy to the Lancaster Fire Department wherever needed and is known for being a hard worker, ever-present, proactive, and always striving to make the department the best it can be.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **Logan Kuhlmey** as the **2023 Firefighter of the Year** and thank her for her dedication and sacrifice to the Lancaster Fire Department and the community.

FRANK J. TODARO
Erie County Legislator – 8th District

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

TODARO	Recognizing Jennie Smith for 20 Years of Service to the Lancaster Fire Department

Attachments

Jennie Smith

EC LEG OCT 2'23 AM11:04

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., OCTOBER 5, 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 5th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Recognizing Jennie Smith for 20 Years of Service to the Lancaster Fire Department

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

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

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

WHEREAS, volunteer firefighters are prepared twenty-four hours a day, seven days a week, to risk their safety in the performance of their duties to protect our citizens regardless of inclement weather or other hazards; and

WHEREAS, the Lancaster Fire Department is 100% fully staffed by volunteers from our local community providing fire, rescue, and emergency services for the Village of Lancaster and surrounding mutual aid jurisdictions; and

WHEREAS, since joining the Lancaster Fire Department in 2003, **Jennie Smith** has been a dedicated and passionate member of the fire service community in Lancaster, New York.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to recognize and honor **Jennie Smith** for her twenty years of service and dedication to the Lancaster Fire Department.

FRANK J. TODARO
Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

TODARO	Recognizing and Honoring Toni Marie Di Leo as the 2023 Federation of Italian American Societies Honoree

Attachments

Toni Marie Di Leo

EC LEG OCT 2'23 AM11:04

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., OCTOBER 5, 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 5th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Recognizing and Honoring Toni Marie Di Leo as the 2023 Federation of Italian American Societies Honoree

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, Toni Marie Di Leo has been a pillar of the North Buffalo community for more than fifty-four years; and

WHEREAS, Toni Marie Di Leo is a graduate of Medaille College (B.A.) and Canisius College (M.Ed.) and began her career in education as a first-grade teacher at St. Margaret's School where was named principal in 2000; and

WHEREAS, during her tenure, **Toni Marie Di Leo** was recognized twice with the "Who's Who Among American Teachers" award in 1994 and 1998, the NCEA Distinguished Teacher Award in 1995, and the MAAC Award in 1999 and 2000; and

WHEREAS, with her husband Joe, she runs the Italian heritage magazine Per Niente and uses the proceeds to resettle refugees and new arrivals in the Buffalo community; and

WHEREAS, she has also been a key member of the Centro Culturale Italiano di Buffalo since 2012, serving as Chairwoman of the Membership and Italian Language Committee and currently the Director of Membership and Education.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **Toni Marie Di Leo** for her dedication to the North Buffalo and Italian-American community.

FRANK J. TODARO
Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

TODARO	Recognizing and Honoring Joseph Anthony Di Leo as the 2023 Federation of Italian American Societies Honoree

Attachments

Joseph Anthony Di Leo

EC LEG OCT 2'23 AM11:04

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., OCTOBER 5, 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 5th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Recognizing and Honoring Joseph Anthony Di Leo as the 2023 Federation of Italian American Societies Honoree

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, Joseph Anthony Di Leo was born February 21, 1940, to Sicilian immigrant parents, who came to America in 1906; and

WHEREAS, Joseph Anthony Di Leo graduated from Bishop Timon High School and then the University at Buffalo and began a forty-year career with the U.S. Postal Service as a letter carrier; and

WHEREAS, on two occasions, he was detailed to U. S. Postal headquarters in Washington D.C. to serve on a team designing procedures for automating delivery and processing of U.S. mail; and

WHEREAS, Joseph Anthony Di Leo is president of the Per Niente Club and publisher of Per Niente Magazine with almost six hundred subscribers the magazine is an adjunct of The Per Niente Club, a not-for-profit organization dedicated to serving the needy of Western New York providing clothing, appliances, furniture, bedding, food, job opportunities and academic scholarships at various levels; and

WHEREAS, Joseph Anthony Di Leo is a trustee of Saint Anthony of Padua Church, serves as a Eucharistic minister at Saint Margaret's Church, and is an active member of Centro Culturale Italian di Buffalo, New York; and

WHEREAS, in addition to his community involvement, Mr. Di Leo co-produced two locally filmed Italian-American Heritage documentaries, La Terra Promessa and Yesterday, Today and Tomorrow.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **Joseph Anthony Di Leo** for his dedication to the Italian-American community.

FRANK J. TODARO
Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT	
MALCZEWSKI	Proclaiming October as Polish-American Heritage Month in Erie County

Attachments

Polish-American Heritage Month

EC LEG OCT 3 '23 AM 9:20

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., OCTOBER 5, 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 5th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Proclaiming October as Polish-American Heritage Month in Erie County

WHEREAS, Polish-American Heritage Month was first recognized by Congress in August of 1984 to celebrate and honor the Polish community in the United States; and

WHEREAS, in 1986, a Presidential Proclamation was signed by President Ronald Reagan officially declaring October to be **Polish-American Heritage Month,** moving the ceremonial month from August to allow schools to participate in celebrations; and

WHEREAS, American citizens of Polish descent have played a significant role in shaping the history and culture of the United States, including playing a critical role in helping America gain her independence from Great Britain thanks in part to the military genius of General Casimir Pulaski; and

WHEREAS, Polish-Americans have made invaluable contributions to various fields, including science, arts, technology, business, and industry, and are responsible for a significant portion of Western New York's development and culture after settling in our region as early as the late 1700s; and

WHEREAS, Polish-Americans are largely responsible for building numerous iconic communities throughout Erie County, including Buffalo's East Side, Sloan, Depew, and Cheektowaga, creating the second-largest concentration of Polish-Americans in the United States and bringing their notable cuisines, and religious traditions and integrating them into the fabric of our local culture.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to proclaim October as **Polish-American Heritage Month** and to thank the Polish-American community for their immeasurable contributions to our nation and region.

JAMES MALCZEWSKI
Erie County Legislator

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

MILLS	Celebrating the Opening of Mystic Hills Brewing

Attachments

Mystic Hills Brewing

EC LEG OCT 2'23 AM11:04

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., OCTOBER 5, 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 5th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Celebrating the Opening of Mystic Hills Brewing

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, Mystic Hills Brewing, nestled deep in the East Concord hills, embodies the entrepreneurial spirit and dedication of its co-owners, **Reanna Dembitsky**, **Michael Prusakowski**, and **Veronica Luyster**; and

WHEREAS, this eclectic space is drenched in romance from the driftwood tap handles to the antique oil paintings, where no detail is left unnoticed; and

WHEREAS, Mystic Hills Brewery is within a short five-minute drive of Sprague Brook Park, an eight-minute jaunt from Kissing Bridge Ski Resort, and a mere forty-minute ride from Buffalo, where it enchants its visitors with breathtaking sunsets that evoke a sense of serenity; and

WHEREAS, while beer is the star of the show, **Mystic Hills Brewing** also offers an impressive selection of wines, handcrafted cocktails, and an extensive selection of non-alcoholic beverages; and

WHEREAS, **Mystic Hills Brewery** appeals to beer enthusiasts, artists, and romanticists alike and is bound to impress with its unique ambiance and diverse offerings.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to celebrate the opening of **Mystic Hills Brewery** and recognizes the entrepreneurial spirit and dedication of owners **Reanna Dembitsky, Michael Prusakowski, and Veronica Luyster,** and wishes them abundant success in all their business endeavors.

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

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT	
MILLS	Honoring the East Eden Volunteer Fire Department on Its 100th Anniversary

Attachments

East Eden Volunteer Fire Department

EC LEG OCT 2'23 AM11:04

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., OCTOBER 5, 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 5th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring East Eden Volunteer Fire Department on its 100th Anniversary

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

WHEREAS, the **East Eden Volunteer Fire Department** was established in 1923 as an all-volunteer not-for-profit Fire Company, diligently serving the Town of Eden, New York, covering a sprawling forty square mile territory, which includes schools, highways, businesses, farms, churches, care facilities, and vital infrastructure such as the Natural Gas Distribution Facility and active railroad tracks; and

WHEREAS, the **East Eden Volunteer Fire Department's** foundation is deeply rooted in the core values of preservation of life and property as its members respond to fires, medical emergencies, rescue calls, and motor vehicle accidents; and

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

WHEREAS, the **East Eden Volunteer Fire Department** has consistently demonstrated civic pride and has responded to all types of emergencies, committed to the protection and well-being of the community; and

WHEREAS, the **East Eden Volunteer Fire Department** members volunteer their time and take extraordinary risks, not to benefit themselves but selflessly working to ensure that their communities are as safe as possible.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor the **East Eden Volunteer Fire Department on its 100th Anniversary** and recognize the men and women who have faithfully devoted their lives to its mission of service to the community.

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

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT	
MILLS	Honoring the Eden Volunteer Fire Department on Its 100th Anniversary

Attachments

Eden Volunteer Fire Department

EC LEG OCT 2 '23 PM3:40

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., OCTOBER 5, 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 5th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring the 100th Anniversary of the Eden Volunteer Fire Department

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

WHEREAS, the **Eden Volunteer Fire Department** was established in 1923 as an all-volunteer not-for-profit Fire Company; and

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

WHEREAS, Eden Volunteer Fire Department currently has over sixty members, diligently serving the diverse community of the Town of Eden, New York, with unwavering dedication; and

WHEREAS, Eden Volunteer Fire Department requires members to complete hundreds of hours of training, with firefighters selflessly committed to serving the community at all hours; and

WHEREAS, Eden Volunteer Fire Department has consistently demonstrated civic pride and has responded to all types of emergencies in its mission to protect the community; and

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

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **Eden Volunteer Fire Department on its 100th Anniversary** and the men and women who have faithfully devoted their lives to its mission for one hundred years of dedicated service to the community.

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

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

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

Attachments

LL INTRO. 1-1 (2022)

EC LEG APR 4 '22 PM3:52

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

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

SECTION 1. Legislative Intent

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

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

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

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

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

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

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

SECTION 2. Pilot Program Authorization

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

SECTION 3. State Requirements to Adhere Once Authorized

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

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

SECTION 4. Effective Date

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

SECTION 5. Severability

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

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

NEW YORK
STATE OF
OPPORTUNITY

Department of
Environmental
Conservation

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

A Report to the New York State Senate and Assembly

February 22, 2022



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

www.dec.ny.gov

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

- Prepared by -

Jeremy Hurst, NYSDEC Big Game Unit Leader

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

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

Preliminary Results from the 2021-22 Deer Hunting Seasons

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

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

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

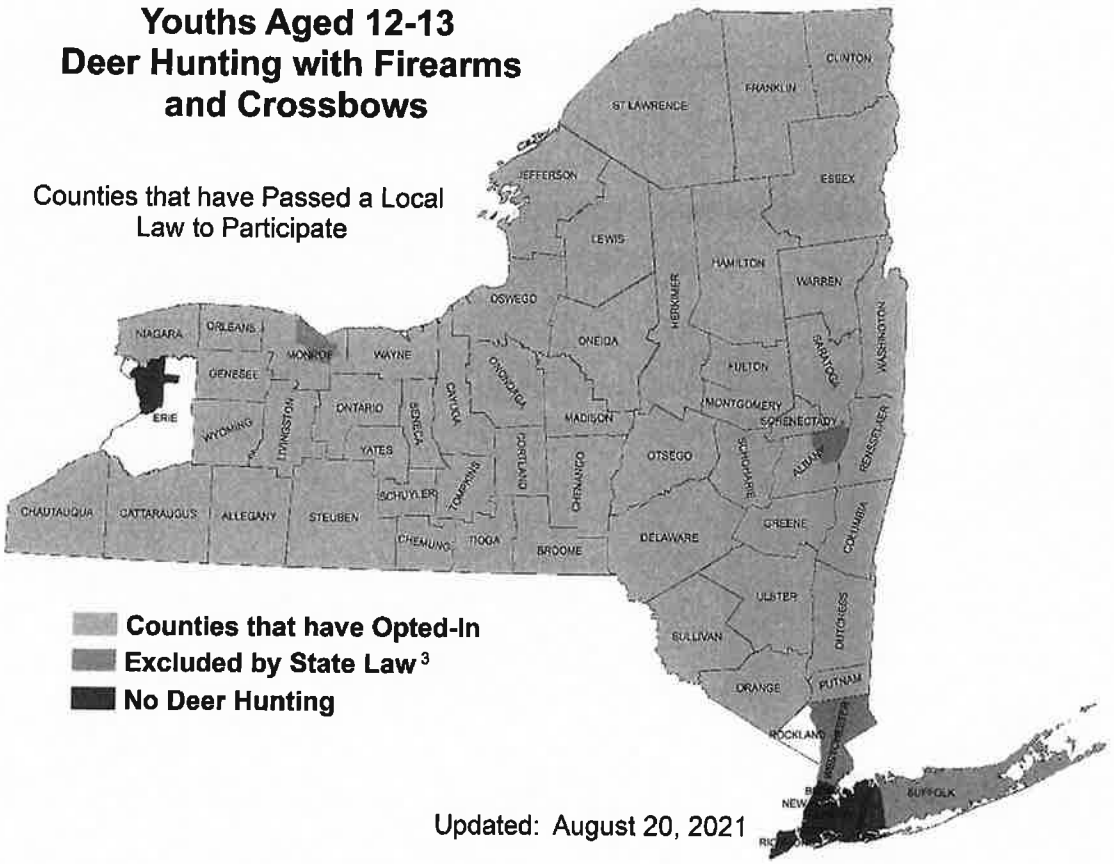
[2] Reported take value represents raw harvest reports with date of harvest between September 12, 2021 and January 1, 2022. This includes 173 deer reported taken with a bow. Calculated deer harvest was not available at the time of this report, as deer hunting seasons continued in portions of New York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

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

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

County Participation

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



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

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

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

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

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

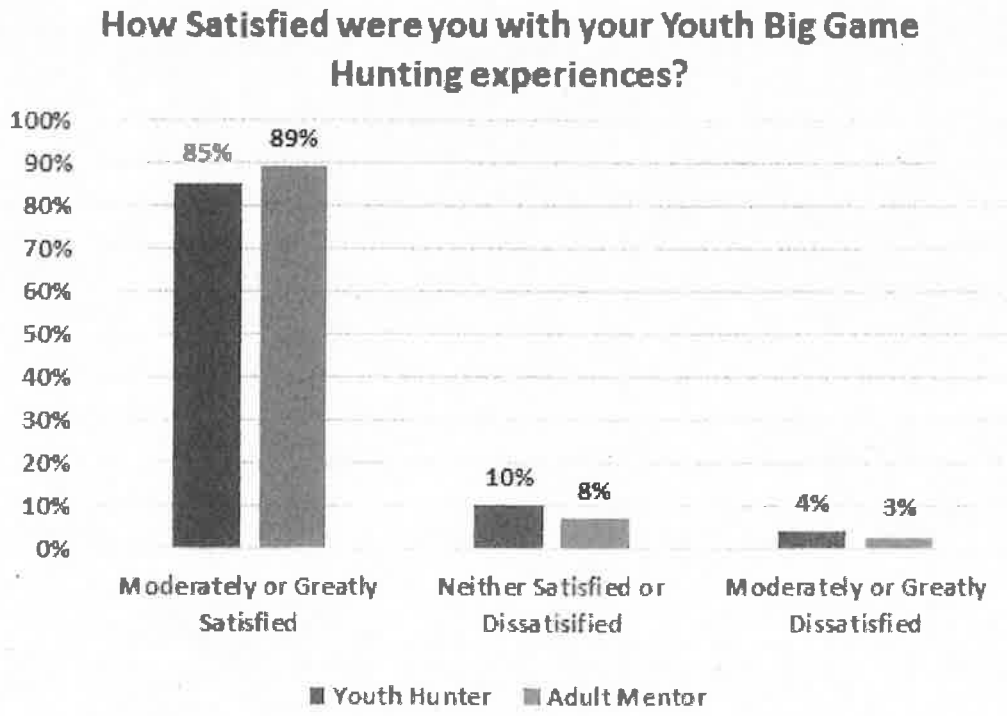
"Love the early opportunity with my father. Great bonding experience."

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

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



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



Recommendations

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

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

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

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

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

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

Attachments

LL INTRO. 3-1 (2022)

EC LEG NOV 17 '22 PM1:58

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 3-1 -2022

LOCAL LAW NO. _____-2022

THE ERIE COUNTY LANGUAGE ACCESS ACT

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

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

Section 1. Legislative Intent and Findings

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

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

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

Section 2. Definitions

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

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

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

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

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

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

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

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

Section 3. Language Access Requirements

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

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

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

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

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

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

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

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

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

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

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

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

Section 4. Language Access Plans

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 5. Amending Article 17 of the Erie County Charter

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

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

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

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

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

The Board shall:

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

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

Section 6. Right to Privacy

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

Section 7. Effective Date

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

Section 8. Severability

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

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

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

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

Attachments

LL INTRO. 3-1 (2023)

COUNTY OF ERIE

LOCAL LAW INTRO NO. 3-1-2023

EC LEG MAR 21 '23 AM8:39

LOCAL LAW NO. _____-2023

A LOCAL LAW Titled: The Occupancy Tax Modernization Act

BE IT ENACTED BY THE COUNTY OF ERIE AS FOLLOWS:

Section 1. Legislative Intent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 2. Definitions.

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

b. Clerk. The elected Clerk of Erie County.

c. Comptroller. The elected Comptroller of Erie County.

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

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

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

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

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

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

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

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

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

m. Sheriff. The elected Sheriff of Erie County.

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

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

Section 3. Imposition of Tax.

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

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

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

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

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

Section 4. Exempt Organizations

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

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

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

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

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

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

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

Section 5. Territorial Limitations

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

Section 6. Registration

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

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

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

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

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

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

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

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

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

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

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

Section 7. Administration and Collection

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 8. Records.

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

Section 9. Returns.

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

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

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

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

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

Section 10. Payment of Tax.

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

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

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

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

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

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

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

Section 11. Determination of Tax.

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

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

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

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

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

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

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

Section 12. Disposition of Revenues.

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

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

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

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

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

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

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

Section 13. Refunds.

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

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

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

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

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

Section 14. Reserves.

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

Section 15. Remedies Exclusive.

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

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

Section 16. Proceedings for Recover Tax.

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

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

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

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

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

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

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

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

Section 17. Notice Upon Sale.

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

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

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

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

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

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

Section 18. General Powers of the Comptroller.

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

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

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

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

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

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

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

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

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

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

Section 19. Administration of Oaths.

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

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

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

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

Section 20. Reference to Tax.

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

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

Section 21. Penalties and Interest.

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

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

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

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

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

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

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

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

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

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

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

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

Section 22. Returns to be Secret.

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

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

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

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

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

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

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

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

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

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

Section 23. Notices and Limitations of Time.

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

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

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

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

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

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

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

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

Section 24. Effective Date.

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

Section 25. Completion of Unfinished Business.

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

Section 26. Severability.

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

Sponsor:

HOWARD J. JOHNSON, JR.

Erie County Legislature
Meeting Date: 10/05/2023

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 AM11:44

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

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

Section 13. Refunds.

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

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

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

d. A person or entity shall not be entitled to a revision, refund or credit under this Section of a tax, interest or penalty which has been determined to be due pursuant to the provisions

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

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

Section 14. Reserves.

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

Section 15. Remedies Exclusive.

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

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

Section 16. Proceedings for Recover Tax.

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

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

c. As an additional or alternate remedy, the Comptroller may issue a warrant, directed to the Sheriff commanding the Sheriff or the Sheriff's duly authorized designee, to levy upon and

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

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

e. The Clerk shall, within five business days after a warrant has been filed by the Sheriff or the Comptroller's designee, enter in the judgment docket the name of the person or entity named in the warrant and the amount of the tax penalties, penalties, and interest for which the warrant is issued and the date when such copy is filed. 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: 10/05/2023

SUBJECT

LL INTRO. 7-1 (2023)	GILMOUR & MILLS	A Local Law Providing for the Extended Lease of Real Property Generally Known as the Wendt Mansion

Attachments

LL INTRO. 7-1 (2023)

EC LEG SEP 28 '23 PM4:02

COUNTY OF ERIE

LOCAL LAW INTRO – NO. 7-1 - 2023

LOCAL LAW – NO. _____ - 2023

A local law providing for the extended lease of real property generally known as the Wendt Mansion located at 7676 Old Lakeshore Road, Evans, New York, 14047. This Local Law supersedes New York State County Law Section 215, subdivisions (4) and (6).

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 as well as the competitive bidding and public advertisement requirements provided for in New York State County Law Section 215 subdivisions (4) and (6) by authorizing Erie County to lease county owned real property located at 7676 Old Lakeshore Road, in the Town of Evans for a term not-to-exceed thirty years to one or more entities who will provide recreational, dining, lodging, and other related services and activities to members of the community.

Section 2 – Public Use Determination and Authorization of Extended Lease Length

The Erie County Legislature hereby determines that the real property located at 7676 Old Lakeshore Road, Evans, New York, 14047 ("subject property") is not required for public use. Furthermore, notwithstanding the provisions of section 215 of New York State County Law or any special act or local law to the contrary, the County is hereby authorized to lease the subject property to one or more entities who will use the leased real property to provide recreational, dining, lodging, and other related services and activities to members of the community for a term not-to exceed 30 years.

Section 3 – Competitive Bidding and Public Advertisement

Notwithstanding the provisions of section 215 of New York State County Law or any special act or local law to the contrary, the County is hereby authorized to lease the subject property without public advertisement and is not bound to follow a competitive bidding scheme or to lease only to the highest responsible bidder.

Section 4 - 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 5 – Effective Date

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

Sponsors:
John Gilmour
John Mills

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

LL INTRO. 8-1 (2023)	JOHNSON	A Local Law Providing for the Extended Lease of Real Property Generally Known as the Jesse Nash Health Clinic

Attachments

LL INTRO. 8-1 (2023)

EC LEG SEP 29 '23 PM4:04

COUNTY OF ERIE

LOCAL LAW INTRO – NO. 8-1 - 2023

LOCAL LAW – NO. _____ - 2023

A local law providing for the extended lease of real property generally known as the Jesse Nash Health Clinic located at 608 William Street, Buffalo, New York, 14206. This Local Law supersedes New York State County Law Section 215, subdivisions (4) and (6).

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 as well as the competitive bidding and public advertisement requirements provided for in New York State County Law Section 215 subdivisions (4) and (6) by authorizing Erie County to lease county owned real property located at 608 William Street in the City of Buffalo for a term not-to-exceed fifteen years to one or more entities who will use the leased real property to provide health care and related services to members of the community.

Section 2 – Public Use Determination and Authorization of Extended Lease Length

The Erie County Legislature hereby determines that the real property located at 608 William Street, Buffalo, New York 14206 ("subject property") is not required for public use. Furthermore, notwithstanding the provisions of section 215 of New York State County Law or any special act or local law to the contrary, the County is hereby authorized to lease the subject property to one or more entities who will use the leased real property to provide health care and related services to members of the community for a term not-to-exceed 15 years.

Section 3 – Competitive Bidding and Public Advertisement

Notwithstanding the provisions of section 215 of New York State County Law or any special act or local law to the contrary, the County is hereby authorized to lease the subject property without public advertisement and is not bound to follow a competitive bidding scheme or to lease only to the highest responsible bidder.

Section 4 – Reporting Requirements

The Erie County Legislature requires any entity who leases real property at the Jesse Nash Health Clinic from the County to submit an annual report. The annual report shall include a review of their operations from the previous year, with a focus on the entity's impact on the immediate neighborhood where Jesse Nash Health Clinic is located, including the 14206, 14210, 14204, and 14211 zip codes. The report shall also include the entity's plan for the year ahead to improve and expand access to its services and programs.

Section 5 - 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 6 – Effective Date

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

Sponsor:
Howard Johnson

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

REPORT No. 11 ENERGY & ENVIRONMENT COMMITTEE

Attachments

EE Report No. 11

ALL MEMBERS PRESENT.

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

a. COMM. 17E-5 (2023)
COUNTY EXECUTIVE: "ECSDs - Engineering Term Contract Agreement"
(Chair's Ruling)

b. COMM. 17M-3 (2023)
NYS DEC: "DEC Invites Public Comment About Draft Plan to Investigate Contamination at Brownfield Site on Lakeview Ave., Buffalo"
(Chair's Ruling)

c. COMM. 17M-5 (2023)
NYS DEC: "DEC Invites Public Comment About Brownfield Application for Site on Oak St. & Ellicott St., Buffalo"
(Chair's Ruling)

2. COMM. 16E-21 (2023) **AS AMENDED**
COUNTY EXECUTIVE
WHEREAS, the County of Erie issued a Request for Proposals to retain an engineering firm to provide construction inspection services for the Southtowns Advanced Wastewater Treatment Facility (AWTF) Influent Screening Replacement Project – Contract No. 73, in Erie County Sewer District (ECSD) No. 3; and

WHEREAS, a review committee evaluated the responses to the Request for Proposals using a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends JMDavidson Engineering, D.P.C. complete the requested engineering services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute an agreement with JMDavidson Engineering, D.P.C. (935 Sheridan Drive, Suite 120, Tonawanda, New York 14150) for construction inspection services for the Southtowns AWTF Influent Screening Replacement Project in an amount not to exceed $110,000.00, subject to approval as to content by the Commissioner of the Department of Environment and Planning, and approval as to form by the County Attorney's Office; and be it further

RESOLVED, that authorization is hereby provided for the partial closing of up to $110,000.00 in ECSD No. 3 Capital Reserve Account C.00007, Fund 430, Funds Center 183 for these professional services; and be it further

RESOLVED, that authorization is hereby provided for the Division of Budget and Management to process a residual equity transfer of up to $110,000.00 from ECSD No. 3 Capital Reserve Account C.00007 to ECSD No. 3 Capital Bond Account C.17301, Fund 430, Funds Center 183; and be it further

RESOLVED, that $110,000.00 be allocated in ECSD No. 3 Capital Bond Account C.17301 to fund these professional services; and be it further

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

RESOLVED, that authorization is hereby given for any unused funds for these services will be returned to ECSD No. 3 Capital Reserve Account C.00007 based on guidance from the Division of Sewerage Management and the budget for the Capital Reserve Account be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive's Office, the Comptroller's Office, the Division of Budget and Management, the Department of Law, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning. (5-0)

TIMOTHY J. MEYERS
CHAIR

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

REPORT No. 13 ECONOMIC DEVELOPMENT COMMITTEE

Attachments

ED Report No. 13

September 28, 2023 ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 13

ALL MEMBERS PRESENT.

1. COMM. 17E-6 (2023)
COUNTY EXECUTIVE
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, running between Lancaster and Cheektowaga which serves numerous commercial and industrial customers; and

WHEREAS, the County leases the rail line to the Erie County Industrial Development Agency (the "Organization"), and the Organization manages or causes to be managed, the operation of the aforementioned line; and

WHEREAS, portions of the line are slated for various safety and efficiency improvements and the County desires to fund a portion of such improvements; and

WHEREAS, the Organization has experience in contracting for construction projects on behalf of the County; and

WHEREAS, the County has allocated $150,000 for improvements to the Depew Lancaster & Western Railroad (the "DL&W Railroad Bridge Capital Project") in its 2023 Capital Budget in Capital Account A.23063.

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 DL&W in amounts not to exceed $150,000 from Capital Account A.23063 (pay as you go) to implement the Project; 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; the Division of Budget and Management; the Office of the Comptroller; the Department of Environment and Planning; and the Department of Law.
(4-0) Legislator Gilmour not present for vote.

2. COMM. 17E-7 (2023)
COUNTY EXECUTIVE
WHEREAS, the County of Erie desires to improve recreational access to the County waterfront; and

WHEREAS, the County has advanced the development of the Shoreline Trail in the County; and

WHEREAS, sections of the Trail have been developed or are in the process of being developed in the Town of Evans; and

WHEREAS, the County desires to define maintenance responsibilities of the Trail in the Town of Evans.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into Inter- municipal agreements with the Town of Evans regarding maintenance responsibilities of the Shoreline Trail in the Town of Evans; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Environment and Planning, Department of Public Works, and Office of the County Attorney.
(4-0) Legislator Gilmour not present for vote.

3. COMM. 17E-8 (2023)
COUNTY EXECUTIVE
WHEREAS, consistent with Erie County's Commitment to Paris goals, the County encourages the development of solar facilities which reduce dependence upon fossil fuels and further climate goals to mitigate global warming; and

WHEREAS, Project Owner, (Comfort Solar LLC) has submitted a Notice of Intent to the Taxing Jurisdictions that it plans to build and operate a Solar Energy System as defined in New York Real Property Tax Law ("RPTL") Section 487(1)(b) (the "Project") with an expected nameplate capacity ("Capacity") of approximately 4.00 Megawatts AC on one parcel totaling approximately 54.1 acres of land located within the Town of Grand Island, identified as 2180 Alvin Road, SBL: 36.00-2-7.111; and

WHEREAS, the County has not opted out of RPTL § 487; and

WHEREAS, pursuant to RPTL § 487(9)(a) the County has indicated their intent to require a Payment in Lieu of Taxes Agreement ("PILOT") with the Project Owner, under which the Project Owner will be required to make annual payments to the Taxing Jurisdictions for each year during the term of this Agreement; and

WHEREAS, the Project Owner has submitted or will submit to the Assessor of the Town of Grand Island an Application for Tax Exemption of Solar or Wind Energy Systems or Farm Waste Energy Systems ("Form RP-487"); and

WHEREAS, the Real Property not part of the Project will be assessed for any statutory real property taxes levied by the Taxing Jurisdictions; and

WHEREAS, Project parcel identification numbers and/or addresses may be amended.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute a Payment in Lieu of Taxes (PILOT) Agreement with Comfort Solar LLC, and any other organizations necessary to complete this PILOT Agreement, pertaining to the Real Property located at 2180 Alvin Road, SBL: 36.00-2-7.111; and be it further

RESOLVED, that said Agreement shall include an annual approximate PILOT payment in the amount $13,000.00, subject to annual escalation of 2%; and be it further

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

RESOLVED, that authorization is hereby given to the Director of Real Property Tax Services to amend said Agreement based on revisions to parcel identification numbers and/or addresses in a manner consistent with the description of land contained within in the PILOT agreement; and be it further

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

Schedule A
PILOT Schedule*

Agreement Year	Calendar Year	Payment Amount
1	2024	$13,000.00
2	2025	$13,260.00
3	2026	$13,525.20
4	2027	$13,795.70
5	2028	$14,071.62
6	2029	$14,353.05
7	2030	$14,640.11
8	2031	$14,932.91
9	2032	$15,231.57
10	2033	$15,536.20
11	2034	$15,846.93
12	2035	$16,163.87
13	2036	$16,487.14
14	2037	$16,816.89
15	2038	$17,153.22

*Please note that, as per the PILOT Agreement, this payment schedule is subject to adjustment if the capacity of the Project changes.

(4-0) Legislator Gilmour not present for vote.

4. COMM. 17E-9 (2023)
COUNTY EXECUTIVE

WHEREAS, the Mill St. bridge over Cattaraugus Creek, BIN 3328370 is a jointly owned bridge between Erie and Cattaraugus County, in the Town of Concord, Erie County and the Town of Ashford in Cattaraugus County; and

WHEREAS, Cattaraugus County was able to secure a federal aid project which rehabilitated the structure to a safe, and durable structure at a total cost of $1,570,183.90; and

WHEREAS, that portion of the costs in which the two Counties are responsible equates to approx. 5% of the total thus Erie County's share of the costs are $40,679; and

WHEREAS, the Department of Public Works requests authorization for the County Executive to enter into an inter-municipal agreement to reimburse Cattaraugus County for Erie County's share of the costs for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an inter-municipal agreement between Erie County and Cattaraugus County to reimburse Cattaraugus County for Erie County's share of the bridge replacement; and be it further

RESOLVED, that authorization is hereby given for funds totaling $40,379, available in the Project B.170018 – replacement of Mill St. Bridge, Fund 420, Funds Center 123, to be disbursed to Cattaraugus County having completed said work; and be it further

RESOLVED, the Clerk of the Legislature is directed to send five (5) certified copies of this resolution to the Department of Public Works, Commissioner's Office and one certified 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)

HOWARD J. JOHNSON, JR.
CHAIR

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

REPORT No. 13 PUBLIC SAFETY COMMITTEE

Attachments

PS Report No. 13

September 28, 2023 PUBLIC SAFETY COMMITTEE
REPORT NO. 13

ALL MEMBERS PRESENT.

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

a. COMM. 16E-42 (2023)
SHERIFF: "Law Enforcement Policy & Procedure Consulting Services"
(Chair's Ruling)

b. COMM. 17M-6 (2023)
FULTON COUNTY: "Resolution Supporting Senate Bill S7645 - Fee for Background Checks on Certain Firearm & Ammunition Purchases"
(Chair's Ruling)

2. COMM. 17E-10 (2023)
SHERIFF

WHEREAS, the US Department of Homeland Security has awarded $103,125.00 to the Erie County Sheriff's Office in funding specifically allocated to agencies with established Bomb Squads Units; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contract and accept $103,125.00 in federal resources to provide funds for specialized equipment to protect the residents of Erie County and the State of New York from terrorist attacks involving explosive devices; and

WHEREAS, at the time of the grant application the Erie County Sheriff's Office must submit a specific list of equipment to purchase to the United States Department of Homeland Security; and

WHEREAS, the United States Department of Homeland Security must approve the equipment vendors prior to the award of the grant; and

WHEREAS, Erie County will use funds from fiscal year 2024 Lab and Tech Account.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with United States Department of Homeland Security to accept grant funding in the amount of $103,125.00 for FY23 for the Erie County Sheriff's Office; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management to establish funding for FY23 in the Grant Fund 281and budget those funds as follows:

Erie County Sheriff's Office
FY 2023 Port Security Grant
September 1, 2023 to August 31, 2024

REVENUE	Increase
Account 414000 – Federal Revenue	$ 103,125.00
TOTAL REVENUE	$ 103,125.00

APPROPRIATIONS	Increase
Account 561410 Lab & Technical Equipment	$ 103,125.00

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with State and Federal approved funding levels: and be it further

RESOLVED, that certified copies be forwarded to the County Executive's Office, the County Attorney, the Division of Budget and Management, the Office of the Comptroller, and the Office of the Sheriff.
(5-0)

3. COMM. 17E-11 (2023)
SHERIFF

WHEREAS, School Resource Officers (hereinafter "SRO") are vital to the safety of students and surrounding communities, in that they help promote a safe environment in schools so the focus can be on the delivery of instruction; and

WHEREAS, SROs serve a multifaceted purpose in our schools, including serving as first responders for all incidents on school district's campus, whether it's violence between students/staff, an individual in a school or on the campus without permission, or a medical emergency; and

WHEREAS, the Alden Central School District is desirous of obtaining the services of a full-time SRO in an attempt to deter criminal behavior through positive interactions with students, staff and the public during school hours; and

WHEREAS, the Sheriff is desirous of providing law enforcement and related services to the District; and

WHEREAS, the Sheriff has conferred with the District and the parties agree it is in the best interests of the District, the Sheriff, and the citizens to establish this program; and

WHEREAS, the Sheriff has agreed to provide and assign one full-time uniformed Road Patrol Deputy to be utilized as an SRO; and

WHEREAS, to enable the Sheriff to provide a full-time SRO, the District will compensate the Sheriff as provided herein; and

WHEREAS, the district and the county, acting through the Sheriff, desire to set forth in this agreement the specific terms and conditions of services to be performed and provided by the SRO in the District; and

WHEREAS, this resolution will positively impact the 2023 and 2024 budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive and the Erie County Sheriff's Office to enter into a contract with Alden Central School District for an SRO for the school years of 2023-2024 and 2024-2025; and be it further

RESOLVED, Alden Central School District will compensate the Erie County Sheriff's Office a minimum of $111,461 for each school year defined in the agreement; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Division of Budget and Management, the Erie County Attorney's Office, the Erie County Sheriff and Erie County Comptroller.
(5-0)

4. COMM. 17E-12 (2023)
SHERIFF
WHEREAS, School Resource Officers (hereinafter "SRO") are vital to the safety of students and surrounding communities, in that they help promote a safe environment in schools so the focus can be on the delivery of instruction; and

WHEREAS, SROs serve a multifaceted purpose in our schools, including serving as first responders for all incidents on school district's campus, whether it's violence between students/staff, an individual in a school or on the campus without permission, or a medical emergency; and

WHEREAS, the Holland Central School District is desirous of obtaining the services of a full-time SRO in an attempt to deter criminal behavior through positive interactions with students, staff and the public during school hours; and

WHEREAS, the Sheriff is desirous of providing law enforcement and related services to the District; and

WHEREAS, the Sheriff has conferred with the District and the parties agree it is in the best interests of the District, the Sheriff, and the citizens to establish this program; and

WHEREAS, the Sheriff has agreed to provide and assign one full-time uniformed Road Patrol Deputy to be utilized as an SRO; and

WHEREAS, to enable the Sheriff to provide a full-time SRO, the District will compensate the Sheriff as provided herein; and

WHEREAS, the district and the county, acting through the Sheriff, desire to set forth in this agreement the specific terms and conditions of services to be performed and provided by the SRO in the District; and

WHEREAS, this resolution will positively impact the 2023 and 2024 budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive and the Erie County Sheriff's Office to enter into a contract with Holland Central School District for an SRO for the school years of 2023-2024 and 2024-2025; and be it further

RESOLVED, Holland Central School District will compensate the Erie County Sheriff's Office a minimum of $105,315 for each school year defined in the agreement; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Division of Budget and Management, the Erie County Attorney's Office, the Erie County Sheriff and Erie County Comptroller.
(5-0)

5. COMM. 17E-13 (2023)
SHERIFF
WHEREAS, the Erie County Sheriff's Office wishes to purchase a new BearCat for the safety and tactical advantage of our specialized tactical units; and

WHEREAS, the Erie County Sheriff's Office current BearCat is old and in disrepair and continues to increase in cost for expensive maintenance and repair; and

WHEREAS, the Lenco Armored Vehicles BearCat is under spec on the GSA Contract is a sole source provider; and

WHEREAS, a review by the Erie County Purchasing Department has determined that this purchase meets the necessary sole source criteria; and

WHEREAS, the ECSO's current balance in the Shared Revenue (ICE) Seized Asset account is $877,893; and

WHEREAS, there will be no impact on county tax dollars with the appropriation of Seized Asset Funds.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Sheriff's Office and the Erie County Budget Office are hereby authorized to transfer a maximum amount of $320,000 from Erie County Sheriff's Revenue Account 421560 Shared Revenue (ICE) to Sheriff's Office account 561440, Motor Vehicles; and be it further

RESOLVED, that the Erie County Sheriff's Office is hereby authorized to contract with sole source provider Lenco Armored Vehicles for the purchase of a new BearCat in an amount not to exceed $320,000; and be it further

RESOLVED, that the Erie County Purchasing Department is authorized to create all necessary documents to effectuate this purchase; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, Erie County Purchasing, Erie County Sheriff and Erie County Comptroller.
(5-0)

HOWARD J. JOHNSON, JR.
CHAIR

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

REPORT No. 2 SMALL BUSINESS COMMITTEE

Attachments

SB Report No. 2

September 28, 2023

SMALL BUSINESS COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT.

1. RESOLVED, all items are hereby tabled.
(Chair's Ruling)

JEANNE M. VINAL
CHAIR

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

INTRO. 18-1	MINORITY CAUCUS	Opposing Limiting Elections to Even Years

Attachments

23INTRO. 18-1

EC LEG SEP 28 '23 PM2:20

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLS, GREENE, MALCZEWSKI and TODARO

Re: Opposing Limiting Elections to Even Years

WHEREAS, on June 9, 2023, the New York State Senate and Assembly passed bills S. 3505-B and A. 4282-B; and

WHEREAS, these bills provide that certain local elections held outside of New York City shall be held on election day in November in even numbered years; and

WHEREAS, the law would impact the election date of all town officers, except for town justices, and county elected officials, except for the Office of the Sheriff, County Clerk, District Attorney, Family Court Judge, County Court Judge and Surrogate Court Judge; and

WHEREAS, if approved by the Governor, such a law would have a negative effect on the treatment of local issues in elections; and

WHEREAS, the legislation will force local candidates, as well as local issues, to compete for voter attention against more prominent and, in most cases, better funded races in higher levels of government; and

WHEREAS, concurrently, less attention will be given to local candidates, who will be located further down a crowded ballot; and

WHEREAS, given that the Board of Elections will still need a staff during odd numbered years, the cost savings, if any, is not worth confusing voters and overloading them with information during unnecessarily busy election cycles; and

WHEREAS, moving elections to even numbered years reduces the ability of voters to seek change in their government if they feel that it is needed; and

WHEREAS, moving elections to even numbered years would make special elections even more confusing for people who may choose not to vote at all in odd numbered years; and

WHEREAS, under such a plan, it is conceivable that an 18-year-old celebrating his or her birthday on November 4, 2026 will not be enfranchised until November 7, 2028, 3 days after his or her 20th birthday; and

WHERERAS, these bills, written without consultation with local governments, must not be enacted into law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature opposes the enactment of New York State Senate and Assembly bills S. 3505-B and A. 4282-B; and be it further

RESOLVED, that a copy of this resolution be transmitted to the Governor and the local delegation of the New York State Senate and Assembly.

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

INTRO. 18-2	JOHNSON	Re-Appropriation of Public Benefit Funding

Attachments

23INTRO. 18-2

EC LEG SEP 29 '23 PM 4:46

A RESOLUTION TO BE SUBMITTED BY LEGISLATOR JOHNSON

Re: Re-Appropriation of Public Benefit Funding

WHEREAS, Fillmore Forward was awarded $5,000 in public benefit funding by the Erie County Legislature in the 2021 Erie County adopted budget; and

WHEREAS, the WNY Minority Bar Association was awarded $3,000 in public benefit funding by the Erie County Legislature in the 2021 Erie County adopted budget; and

WHEREAS, Black Achievers Inc. was awarded $2,500 in public benefit funding by the Erie County Legislature in Intro. 3-1 (2021); and

WHEREAS, Black Achievers, Inc was awarded $5,000 in public benefit funding by the Erie County Legislature in the 2022 budget; 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 $10,500 of 2021 public benefit funding to Open Buffalo; and be it further

RESOLVED, that authorization is provided to transfer $5,000 of 2022 public benefit funding to Beau Fleuve Music & Arts; 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: 10/05/2023

SUBJECT

INTRO. 18-3	GILMOUR	Transfer of Surplus Vehicle

Attachments

23INTRO. 18-3

EC LEG OCT 2'23 PM12:10

A RESOLUTION TO BE SUBMITTED BY LEGISLATOR GILMOUR

Re: Transfer of Surplus Vehicle

WHEREAS, the Erie County Department of Senior Services has a 2015 Chevrolet Express 12-passenger van that is no longer of service to the department; and

WHEREAS, the Lackawanna Yemen Soccer Club, a 501(c)3 non-profit organization, needs a van to transport its participants to games, events, and tournaments; and

WHEREAS, according to a study performed by the University at Buffalo Regional Institute and the Mobile Safety-Net Team, over 1,400 households in Lackawanna do not have access to a vehicle; and

WHEREAS, the Lackawanna Yemen Soccer Club predominantly serves the First Ward of Lackawanna, where many households do not have access to a vehicle and are reliant on alternate means of transportation to access extracurricular activities; and

WHEREAS, the donation of a van to the Lackawanna Yemen Soccer Club would be of great value to a community organization that serves a population without access to transportation.

NOW, THEREFORE, BE IT

RESOLVED, that the Division of Purchase is authorized to transfer the Department of Social Services' 2015 Chevrolet Express (VIN # 1GAZGZFG3F1232230) to the Lackawanna Yemen Soccer Club; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Executive, the Erie County Division of Purchase, the Erie County Department of Senior Services, the Lackawanna Yemen Soccer Club, and any other party deemed necessary and proper.

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT		
INTRO. 18-4	VINAL	Support for Industrial Development Agencies to Provide Disaster Relief Grants

Attachments

23INTRO. 18-4

EC LEG OCT 2 '23 PM4:05

A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR VINAL

Re: Support for Industrial Development Agencies to Provide Disaster Relief Grants

WHEREAS, industrial development agencies ("IDA") are a key tool to supporting local, small business communities; and

WHEREAS, the Erie County Industrial Development Agency ("ECIDA") provides vital financing to retain and attract businesses to Erie County, as well as providing support for small businesses; and

WHEREAS, during the COVID-19 pandemic, the ECIDA provided grants to small businesses to purchase personal protective equipment, and as a result, the ECIDA demonstrated the valuable role and strong network they have amongst Erie County's small businesses; and

WHEREAS, currently there is a bill before the New York State Assembly to provide small businesses the opportunity to receive financial support for business losses resulting from a declared state or local disaster emergency, in the form of grants or loans from their local industrial development agencies; and

WHEREAS, a similar version of this bill passed the New York State Senate on May 31, 2023; and

WHEREAS, establishing IDAs as the administrators of grants and loans following the declaration of a disaster will allow IDAs to use their very established network of local, small businesses to ensure they receive the help they need when a pandemic hits or severe weather strikes Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is in full support of the New York State Assembly Bill (A0677) "An act to amend the general municipal law, in relation to establishing a state disaster emergency grant and loan program"; and be it further

RESOLVED, that certified copies of this resolution be sent to the New York State Assembly Speaker, the Erie County delegation of the New York State Assembly, the Erie County Industrial Development Agency, and any other party deemed necessary and proper.

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

INTRO. 18-5	MINORITY CAUCUS	Calling for a State of Emergency to Prevent the Use of FHEPS Funds in Erie County

Attachments

23INTRO. 18-5

EC LEG OCT 3 '23 AM 9:19

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLS, GREENE, MALCZEWSKI and TODARO

Re: Calling for a State of Emergency to Prevent the Use of FHEPS funds in Erie County

WHEREAS, in New York City, eligible families may receive up to 60 months Cash Assistance under the Temporary Aid to Needy Families (TANF) program, and possibly longer under the New York State Safety Net Program; and

WHEREAS, certain situations, such as adding a household member, pregnancy, back rent or mortgages to name a few, allow for additional Cash Assistance; and

WHEREAS, individuals who have been evicted or are facing eviction may also qualify for Family Homelessness & Eviction Prevention Supplement (FHEPS), which is money to keep individuals housed and prevent homelessness, all in furtherance of New York's Right to Shelter law; and

WHEREAS, on Tuesday, September 26, 2023, the New York City Mayor, in expanding the use of FHEPS to New York City residents to allow them to use vouchers in other parts of New York State, stated "As a result of a housing crisis and more than 116,000 asylum seekers arriving in New York City asking for shelter since last spring, we have more people than ever in the city's care… These reforms will give longtime New Yorkers the ability to move out of our city's shelter system to other parts of the state with more affordable housing options, while simultaneously opening up space in our city's shelter system for approximately 10,000 migrants who continue to arrive in the city seeking shelter month after month."; and

WHEREAS, the Governor supports New York City's plan and praised it; and

WHEREAS, the President of Win, a homeless services provider, stated that the new policy "will help New Yorkers find permanent, affordable homes from Buffalo Avenue in Brooklyn to the City of Buffalo in Western New York."; and

WHEREAS, New York City has been the architect of its own problems and now seeks to relocate what it deems its most economically burdensome residents to other parts of New York State; and

WHEREAS, once relocated from New York City, residents will fall under the responsibility of Erie County Social Services, increasing costs to taxpayers locally; and

WHEREAS, members of this honorable body have commented on the lack of affordable housing in Buffalo; and

WHEREAS, other members have expressed concerns over welcoming people in search of a better life to the city with the seventh highest poverty rate in America (30.1%), especially when they are relocating from the city with the 139th highest poverty rate (17.9%); and

WHERERAS, Erie County was recently ranked 2,019 on the list of "Counties with the Lowest Cost of Living in America," effectively putting it in the top-third of counties with the highest cost of living in America; and

WHEREAS, by subsidizing residents relocating from New York City, they will have an unfair advantage over residents seeking housing currently living in Erie County, and the increased demand for housing will increase prices; and

WHEREAS, each year, Erie County devotes significant resources to addressing the effects of poverty; and

WHEREAS, Erie County has not budgeted for, not does it have the necessary infrastructure, including, but not limited to, transportation to work and school, food and medical care, to accept an influx of residents from New York City at this time; and

WHEREAS, it is appropriate and necessary for Erie County to declare a State of Emergency to take actions to prevent any residents from New York City from using an unfair advantage of publicly funded housing assistance to relocate to Erie County; and

WHEREAS, in order to effectively prevent an influx of residents from New York City seeking affordable housing, the Emergency Declaration should bar landlords from accepting FHEPS payments from the City of New York; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature directs the Erie County Executive, in order to protect life and property, to declare a State of Emergency for the express purpose of barring New York City residents from using an unfair advantage to secure housing in Erie County; and be it further

RESOLVED, that a copy of this resolution be transmitted to the Governor, the Mayor of New York City, and all relevant federal, state and local officials.

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

COMM. 17E-3	From the Finance & Management Committee	From the Comptroller - Cost Allocation Plan Contract Authorization & Award

Attachments

23COMM. 17E-3

EC LEG SEP 11 '23 AM11:14

ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

September 11, 2023

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

Re: Cost Allocation Plan Contract Authorization and Award

Dear Honorable Members:

Please find enclosed for your review and approval, a request to enter into contract with Maximus US Services, Inc. for the preparation of the County's annual Cost Allocation Plan.

My office issued a request for proposals and received three responses from Maximus US Services, MGT of America Consulting, and Public Consulting Group. A review committee from my office evaluated the responses and selected Maximus US Services, Inc. to prepare the services for the County for the County fiscal years 2022-2024 with options to extend the contract for 2025 and 2026.

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

Sincerely,

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

95 FRANKLIN STREET • ROOM 1100 • BUFFALO, N.Y. • 14202
PHONE: (716) 858-8400 • FAX: (716) 858-6195 • www.erie.gov/comptroller

MEMORANDUM

To: Erie County Legislature
Fr: Erie County Comptroller's Office
Date: September 11, 2023
Re: Cost Allocation Plan Contract Authorization and Award

SUMMARY OF RECOMMENDED ACTION/BACKGROUND

That the Erie County Legislature authorize the Erie County Executive to enter into a three-year contract (with two one-year optional extensions) with the firm Maximus US Services, Inc. for the purpose of preparing the federal and full-cost versions of the annual Cost Allocation Plans for Erie County.

Erie County, like other counties and states that receive federal funds, is required to conduct an analysis to justify and obtain federal reimbursement for services provided by the County. The County, like other governments, has retained a consultant that specializes in developing cost allocation plans and creating annual plans. The plan is used to receive reimbursement of overhead and indirect support costs from state and federal agencies.

FISCAL IMPLICATIONS

$42,750 to be paid to Maximus during a three-year contract period, with options for two additional, one-year extensions totaling an additional $29,000. Funds are available in the Comptroller's Office's annual budget in the professional services account, Fund Center 11200, Account 516020.

REASONS FOR RECOMMENDATION

Maximus US Services, Inc. is the recommended vendor selected by a seven-member committee of the Comptroller's Office to create the cost allocation plans in order that the County can submit for and receive reimbursement. Maximus' proposal was the lowest cost for both three- and five-year terms, at $14,250 in year one, compared to $37,250 for MGT of America and 38,456 for Public Consulting Group. A failure to create the plans would result in the loss of revenue to the County.

CONSEQUENCES OF NEGATIVE ACTION

Erie County will not follow the federal requirement that an annual cost allocation plan be prepared, and that would lead to the loss of state and federal reimbursement to the County.

STEPS FOLLOWING APPROVAL

The Comptroller's Office will work with the Department of Law and the County Executive's Office to prepare and execute a contract with Maximus US Services, Inc. for providing cost allocation plan services and the firm will begin its work for the 2022 plan.

A RESOLUTION SUBMITTED BY
THE COMPTROLLER

WHEREAS, the federal government requires that states and counties that receive federal funds prepare an annual cost allocation plan; and

WHEREAS, for decades, Erie County has utilized the services of an external consultant to prepare the cost allocation plan; and

WHEREAS, the contract with the current consultant expired effective with the end of the 2021 cost allocation plan; and

WHEREAS, the Comptroller's Office issued a request for proposals for a consultant to prepare cost allocation plans for 2022-2024 with options for two one-year extensions for the 2025 and 2026 plans; and

WHEREAS, the Comptroller's Office received three responses to the request for proposals and a committee comprised of Comptroller's Office staff evaluated the responses; and

WHEREAS, the review committee has recommended that a contract be awarded to Maximus US Services for a period of three years with options, if executed, for two one-year extensions.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with Maximus US Services for a three-year term with options for two one-year extensions, to prepare the Erie County Cost Allocation Plans for the fiscal years 2022, 2023 and 2024, with options for 2025 and 2026, at a cost of up to $71,750 for all five years; and be it further

RESOLVED, that funding for this contract is available in the budget of the Comptroller's Office, Fund Center 11200, Account 516020, Professional Services; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, County Attorney, Director of Budget and Management, and the Office of the Comptroller.

Fiscal Impact: $14,250 in year one (2023).

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

COMM. 18E-1	CLERK	Response to June 2023 Audit by the EC Comptroller's Office

Attachments

23COMM. 18E-1

EC LEG SEP 25 '23 PM 9:33

ERIE COUNTY CLERK'S OFFICE

RESPONSE TO JUNE 2023 AUDIT BY THE ERIE COUNTY COMPTROLLER'S OFFICE

HON. MICHAEL P. KEARNS
ERIE COUNTY CLERK
ERIE COUNTY HALL
92 FRANKLIN STREET
BUFFALO, NEW YORK 14202

TABLE OF CONTENTS

Summary iii

Responses to Findings 1

Exhibit "A": Data Sheet (2022) 35

Exhibit "B": Catalis (NewVision) Response 36

Exhibit "C": Audit of Erie County Law Department June 2023 50

SUMMARY OF THE AUDIT RESPONSE OF THE ERIE COUNTY CLERK'S OFFICE

Introduction

The following report contains the response of the Erie County Clerk's Office ("Response") to what the Erie County Comptroller's Office describes as an audit of the "Registrar Division" for the period of January 1, 2022 through December 31, 2022 ("Audit"). This Audit took approximately five (5) months to complete, with the completed Audit report being released on June 30, 2023. As is plainly visible from the Audit and our Response, the Comptroller's Office investigated far more than the Registrar Division, to the point that a second audit was announced on May 4, 2023. The Clerk's Office is currently under this second audit, and in total is now entering its eighth (8^{th}) month of auditing by the Comptroller's Office.

Due to the ongoing criminal investigation, certain matters raised in the Audit simply cannot be responded to at this time. The Clerk's Office has been fully cooperating with the Comptroller's Office and law enforcement to ensure the integrity of the investigation. Other matters are not fully responded to herein due to them being the subject of the second audit. Any matters that could not be fully responded to at this time are acknowledged in the Response accordingly. A summary Data Sheet is also attached to this Response as **Exhibit A**.

The Audit Was Long Overdue And Provided Some Constructive Feedback.

At the outset, the Clerk's Office notes that this was the first significant audit by the Comptroller's Office in nearly twenty (20) years. As the chief fiscal officer of Erie County, the Clerk's Office depends on the Comptroller's Office to ensure that all policies and regulations are being followed. A delay of this magnitude is inexcusable and should not have been allowed between prior administrations of both the Clerk and the Comptroller.

The Clerk's Office welcomes the opportunity for constructive feedback and recommendations for improvement. As detailed further in the Response, certain critiques (the Comptroller alternates between words like "Finding", "Significant Finding", and "Comment" throughout the Audit, without explanation) are accepted by the Clerk's Office without objection. In fact, the Clerk's Office has already implemented new policies and procedures based on this Audit.

Some Audit Claims Are False, Inflammatory, And Unrelated To the Clerk's Office.

An objective analysis of the Audit "Findings" revealed that several of the Comptroller's Office's conclusions are either exaggerations or patently false. For example, and as more fully answered in the Response, the claims that cashiers had "blanket permissions to record, receipt, void, adjust and waive a fee transaction" with "virtually no oversight" and that "there is no authority for a county or county clerk to waive payment" of pistol permit fees are not only inaccurate but borderline inflammatory in their accusatory language. The fees that the Clerk's Office has been charging regarding pistol permits have been, and still are, accurate and allowed under law.

A significant number of other "Findings" in the Audit relate to legacy software and agreements that long predate the current administration of the Clerk's Office, and perhaps would have been examined more closely had the Comptroller's Office conducted more frequent audits. We submitted these Findings to our software vendor for a detailed analysis, which is attached hereto as **Exhibit B**. In addition, the Clerk's Office has already begun the process of meeting with other County Clerks and potential software vendors to improve operations, and it is expected that a Request for Proposals ("RFP") will be sent out this Fall.

Perhaps the most troubling "Finding" in the entire Audit relates to a discovery directed at the Comptroller's Office, not the Clerk's. It was discovered that the Comptroller's Office "approved the monthly Statement of Mortgages Recorded without verifying the accuracy of mortgage expense deducted based on the approved budget amount." This Finding, at minimum, calls into question the objectivity of the Comptroller's Office on this issue. It is also important to note that the Comptroller did not highlight this "Finding" when publicizing the Audit, despite the Comptroller being the "chief fiscal, accounting, reporting and auditing officer of the County" pursuant to Article 18 of the Erie County Charter. This duty would include all areas under this Audit and the second audit currently ongoing in the Clerk's Office.

In addition, on page 12 of the Audit, the Auditor stated that the Clerk's Office was not submitting the required monthly document of monies received by day to the Comptroller's Office. The Auditor stated that this served "as a concrete example of deficient oversight of the Office." The Auditor concluded that, "without daily reporting, the Office of the Comptroller is unable to perform its own legal obligations." Until this Audit, at no time did the Comptroller's Office request any monthly documents. These documents, if not automatically provided, were always available. Thus, if the Comptroller's Office could not perform its own legal obligations, but nevertheless did so in certifying payments, then this is a concrete example of deficient oversight of the *Comptroller's* Office, by the Comptroller's Office. It is unclear whether this acknowledged deficiency has been subject to further audit or analysis by the Comptroller's Office internally or externally, as the results or existence of such review do not appear to have been made public.

In pertinent part, Chapter 3 of the Generally Accepted Government Auditing Standards ("GAGAS"), which the Comptroller states was followed in conducting the Audit, reads as follows:

> *Objectivity (3.11)*
>
> *Auditors' objectivity in discharging their professional responsibilities is the basis for the credibility of auditing in the government sector. Objectivity includes independence of mind and appearance when conducting engagements, maintaining an attitude of impartiality, having intellectual honesty, and being free of conflicts of interest.*

Despite our concerns about the integrity and objectivity of this Audit, now in its eighth (8^{th}) month, the Clerk's Office has compiled this Response in order to keep with the principles of GAGAS and for the goal of complete transparency and openness for improvement.

The Timing Of The Audit Further Calls Into Question Its Objectivity.

Instead of taking the time to complete the Audit in its entirety, the Comptroller's Office made the decision to push out their report and announce a *second* audit. The Comptroller's Office published the first Audit with full knowledge that the Clerk himself was going to be out of town for his wedding and honeymoon. It is not unreasonable to call the release of this Audit an ambush on the Clerk and all of the employees in the Clerk's Office.

As an example of the rushed and calculated nature of this Audit, the Comptroller's Office released an audit of the Erie County Department of Law the day before the Audit of the Clerk's Office was released (attached as **Exhibit C**). The Department of Law audit was critical of the Comptroller's Office for paying millions of dollars of invoices without the required approval by the Budget Director and without supporting documentation. The audit also found that the County failed to recover surplus amounts totaling $555,140, dating back to 2020 and 2021.

While the Clerk's Audit totaled ninety-nine (99) pages, the audit of the Department of Law is a mere nine (9) pages. There was zero (0) publicity around the audit of the Department of Law, while the Comptroller's Office sought to garner significant media attention for the Audit of the Clerk's Office.

In addition, the Comptroller's Office then released a supplemental "Analysis" connected to the first Audit on August 24, 2023. While the Clerk's Office published a statement expressing grave concern of the release of the Analysis in the midst of an ongoing investigation, the actions of the Comptroller's Office may have violated the Erie County Charter as well.

In relevant part, Section 1802(e) of the Erie County Charter states the following duties of the Comptroller:

> *e. Conduct financial and compliance audits of the records and accounts of all officers and employees charged with any duty relating to county funds or funds for which the County is responsible in conformity with generally accepted auditing standards as prescribed by the American Institute of Certified Public Accountants and the Comptroller General of the United States, and submit such audit reports to the Legislature.*

Chapter 8 of the Generally Accepted Government Auditing Standards ("GAGAS"), which the Comptroller is bound to follow under the Erie County Charter, reads as follows:

> *Investigations or Legal Proceedings (8.29)*
>
> *Avoiding interference with investigations or legal proceedings is important in pursuing indications of fraud and noncompliance with provisions of law, regulations, contracts, and grant agreements. In some cases, it may be appropriate for the auditors to work with investigators or legal authorities or to withdraw from*

or defer further work on the engagement or a portion of the engagement to avoid interfering with an ongoing investigation or legal proceeding.

The public disclosure of the Comptroller's "Analysis" potentially jeopardized months of legitimate investigative work by both the Erie County Sheriff and District Attorney. The public disclosure also, respectfully, appeared to be in violation of the Erie County Charter.

Conclusion

In responding to the Audit, the Clerk's Office set out to stick to the facts, rather than engage in any defensive mudslinging. Unfortunately, the nature of this Response has necessarily been affected by the conduct of the Comptroller's Office in releasing and sensationalizing this Audit.

It is unfortunate that the Comptroller's Office's apparent penchant for hyperbole and desire to sensationalize this Audit detracted from the constructive recommendations that were made and taken to heart by the Clerk's Office.

Nevertheless, the Clerk's Office has been welcoming of the Auditors since the first Audit began, and continues to be accommodating in the midst of the second audit. The Clerk's Office endeavored to adhere strictly to the facts in this Response and, when applicable, provide supporting data. It is disappointing that the Comptroller's Office chose to sensationalize this process, necessitating a reply in certain portions of the Clerk's Office's Response. Those issues notwithstanding, we thank the Comptroller's Office for this opportunity to improve the Clerk's Office and hope to continue the productive relationship between both offices going forward.

Respectfully Submitted,



Hon. Michael P. Kearns
Erie County Clerk

Audit Response Team:

Kevin M. Linder
First Deputy County Clerk

William A. Lorenz Jr., Esq.
Deputy County Clerk - Legal

RESPONSES TO FINDINGS

Daily Fee Deposits Reconciliation Discrepancies:

- ***Finding #1: Office gave cashiers blanket permissions to record, receipt, void, adjust and waive a fee transaction in NewVision with virtually no oversight.***

CLERK RESPONSE:

Denies that cashiers have "blanket permissions" with "virtually no oversight." Same-day receipt revisions are allowed by cashiers and monitored by managers from the nightly close-out reports. Next-day and all historical receipt revisions can only be made with the permission of a manager.

Recording, revision, voids, and waivers are part of the daily operations in the Clerk's Office and are a necessary part of business to keep the Office running. Staff have assigned user roles, access level controls and procedures in place to control these processes.

Revisions and voids accounted for less than half of 1% of all transactions handled in 2022. Specifically, of the 196,466 transactions processed, only 102 (0.05%) were voids and only 417 (0.21%) were revisions.

"Waived" transactions are also a necessary part of business in the Clerk's Office and occurred more frequently in 2022 (about 12% of all transactions). These recordings/transactions are completely logged in our system when done and can be reviewed by management at any time.

Contrary to the Comptroller's Office's assertion, the Clerk's Office does have the legal authority to waive fees based on the New York Civil Practice Law & Rules ("CPLR") and the New York Penal Law. For example, CPLR § 8021(c)(9) states that "no fee shall be charged to any county officer, employee or institution required to file or record any instrument in connection with the official duties thereof, or to any public official in connection with the filing of his undertaking."

For example, the Department of Social Services (a government agency), filed 123 liens with the Clerk's Office in 2022. No fee was charged for any of those transactions pursuant to the CPLR. In total, approximately 98% of the 23,467 waived transactions in 2022 were related to government agencies.

The data provided refutes Finding #1 of the Audit.

Management Review of Financial Records and Periodic Reconciliations:

- ***Finding #1: There is a critical lack of management oversight regarding financial records.***

CLERK RESPONSE:

Denies that there is a "critical lack of management oversight regarding financial records" and notes that the majority of this Finding appears to be concerned with the fact that one employee in the Clerk's Office is in charge of both accounting and oversight roles, creating a "segregation of duties" issue.

To that end, the Clerk's Office has requested the creation of both an Accountant and Senior Accountant position, which the Comptroller has already expressed his support for publicly.

As to the recommendation for the annual audit by an outside firm to include some portion of the Clerk's Office, the Clerk's Office agrees, particularly in light of the fact that the Comptroller's Office has not performed a true audit of the Clerk's Office in the last twenty (20) years.

Although this Finding is aimed at the Clerk's Office, Article 18 of the Erie County Charter places the oversight of the "fiscal affairs of the County" on the Comptroller, as the "chief fiscal, accounting, reporting and auditing officer of the County". It is the duty of the Comptroller to "[m]aintain the official accounting records for all receipts and disbursements of the County".

The Clerk's Office relies on the Comptroller for these duties, and recommends the Comptroller consider quarterly meetings with the Clerk to review these records.

- ***Finding #2: Office isn't collecting $20.00 service charge incurred when payment returned due to insufficient funds (NSF).***

CLERK RESPONSE:

The Clerk's Office notes that, while not universally applied, there was an adequate policy in place regarding insufficient funds. Any transaction paid for with insufficient funds was subject to "restricted image" status (i.e., not viewable as a public document until the transaction was paid in full.) If the transaction involved a pistol permit, the application is placed on hold and red-lined in the Gun Keeper database for ten days until a new payment is made. This was done in good faith for customers, who may have been experiencing financial hardship or who may have inadvertently overdrawn their checking account, to make good on the payment. It is further noted that only 43 checks were returned in 2022 (or 0.02% of the 196,466 transactions processed).

The Clerk's Office has already implemented a code in New Vision to charge the $20 service fee and will initiate collection efforts in accordance with County policy.

- ***Finding #3: Clerk's Office not reporting shortages in cash transactions required by County of Erie Accounting Policy.***

CLERK RESPONSE:

The Clerk's Office notes that, while not universally applied, there was an adequate policy in place regarding loss reporting.

As noted by the Auditor, the discrepancies found were after reviewing the Concentration bank account, not from reviewing the daily close-out operations. Any discrepancies noted at the daily close-out are immediately corrected.

However, regarding bank deposits, the Clerk's Office recently had an instance where a deposit was adjusted as an overage (without any specific details given such as cash or check(s)), and which was subsequently debited weeks later when the bank realized it processed a check incorrectly. The Clerk's Office investigates all overages locally, and only if it is unable to resolve the discrepancy is a referral made to the Comptroller or Sheriff. The County policy does not place a timeframe on when documented losses must be reported to either the Comptroller's Office or the Sheriff's Department.

Due to vendor inaccuracies and delays, either by the County's designated bank depository or the contracted armored car deposit pick-up service, the Clerk's Office is simply unable to immediately report discrepancies in some instances. Although accounting and calculation errors are the exception to the County's reporting requirement, this is often difficult to ascertain at the time of a shortage, which is when the bank debited the account. It is not the duty of the Clerk's Office to look for adequate vendors for the County to contract with.

Regarding improvements to the current system, cashiers are now photocopying all checks to maintain a record of their deposits while we explore other technological options with our financial institution. The Clerk's Office will also be providing training to staff regarding the Erie County Cash Management policy and following the recommendation of the Comptroller's Office to work with our financial institution to obtain more detailed day-to-day data.

Completeness, Accuracy and Timeliness:

- ***Finding #1: The majority of the financial reports generated from the New Vision system and given to Auditors could not be reconciled.***

CLERK RESPONSE:

This Finding appears to be directed more at New Vision than the Clerk's Office. As such, the Clerk's Office submitted this Finding to New Vision (now known as Catalis) for a direct analysis. A copy of New Vision's report is attached to our Response as Exhibit B, which in pertinent part acknowledges that system errors and bugs were found in certain reports that were not caused by any action by the County Clerk staff or any form of human interference.

It is noted that the inability of the Auditor to reconcile daily or monthly reports is problematic, but does not logically warrant a conclusion that said inability is because the data and/or reports in New Vision is inaccurate.

To properly analyze reports, one must understand the purpose of the report and where the information contained in the report is derived. An accurate report that is misinterpreted, used for the wrong purpose, or which is reconciled improperly by an auditor, are all plausible explanations for why a report cannot be reconciled.

It is worth noting that the Comptroller's Office's reference to the Mortgage Tax Report in this Finding is inappropriate and beyond the scope of this Audit, as the Comptroller's Office notified us in writing that this issue was going to be the subject of a second audit.

New Vision has been the system utilized by the Clerk's Office for many years and through many prior administrations. It is a complex system which previous Clerks have declined to change due to the inherent difficulty in implementing a new system. The high turnover of cashiers in the Clerk's Office only adds to the difficulty in such an attempt.

Nevertheless, the Clerk's Office has already begun looking to other County Clerks for alternative systems. In addition, the Clerk's Office is in the process of engaging with New Vision to arrange for enhanced training of our cashiers and managers regarding usage of their system and reporting, and will ensure that this knowledge is shared with the Comptroller to ensure reports provided by the Clerk's office can be easily reviewed and reconciled. If necessary, the Clerk will ensure that New Vision create new reports to ensure reports generated meet the requirements of both the Clerk's office and the Comptroller's office.

The Clerk's Office will continue to work with New Vision in the interim but will be issuing an RFP for the services currently provided by New Vision, as their contract with Erie County will expire on December 31, 2023.

- ***Finding #2: The Erie County Clerk is not submitting the required monthly document of monies received by day to the Comptroller's Office.***

CLERK RESPONSE:

The Clerk's Office acknowledges that a monthly breakdown of monies received each day is to be submitted to the Comptroller's Office. However, while reports may not have been sent, the Comptroller's Office did not request any missing reports, and this issue did not arise until the bringing of this Audit. As the chief fiscal officer of Erie County, the Clerk depends on the Comptroller to ensure that all policies and regulations are being followed.

The Clerk's Office has met with both New Vision and the Comptroller's Office regarding the feasibility of developing a tool or process to upload daily transactions into SAP for month-end reconciliation of fees. The contract with New Visions expires on December 31, 2023 unless it is extended or renewed. Because the Clerk's Office is not on SAP, the County's accounting software system that the rest of the County has been on since May 2004, additional training will be required.

It is worth noting that the Comptroller's staff has conceded that this legacy software, when first introduced, could not be integrated due to the complexity of the transactions handled by the Clerk's Office, and in fact is not going to be supported by SAP in the next few years. In addition, the Comptroller's staff conceded that SAP would not able to provide training to the Clerk's Office's staff.

Safeguarding assets and periodic reconciliation:

- ***Finding #1: Clerk did not provide daily or monthly reconciliation of all fees to Clerk's Office M&T Concentration bank account.***

CLERK RESPONSE:

In order to not jeopardize ongoing investigations, the Clerk's Office cannot fully respond to this Finding.

We are in the process of reviewing our financial systems, including considering the use of SAP. A meeting was held with the Comptroller's Office regarding the merits of SAP. We are in agreement that New Vision is not an accounting system and we in the process of issuing a Request for Proposals ("RFP") for software that would include an accounting component.

Regarding ACH, the Clerk's Office notes that the prior Clerk researched this issue and there were impediments identified at the time to moving across the board to an ACH transfer system for recipients of monies from the Clerk's Office. Specifically, doing so would result in fees likely being charged by banks which would need to be borne by the County or the recipient. Nonetheless, the Clerk's Office agrees that safeguarding County assets is the highest of priorities and it will investigate the feasibility of this changeover moving forward.

- ***Finding #2: Clerk's Office not restrictively endorsing all checks immediately upon receipt.***

CLERK RESPONSE:

Currently, all checks are recorded in New Vision and the back of the checks are automatically restrictively endorsed during input, which is when the Clerk's Office considers the check received.

The County policy addressing processing checks and money orders states:

> ***To be accepted, each presented check must:***
>
> ***• Be payable to the County of Erie, NY. This includes a check payable to an individual who must restrictively endorse it payable to the County of Erie***
>
> ***• Be current dated - post dated or "stale dated" (over six months or shorter period if noted on the face of the check) checks are not acceptable***
>
> ***• Be properly signed or endorsed by the presenter***
>
> ***• Be in agreement with respect to numeric and written amounts***
>
> ***• Be typed or legibly written in ink***
>
> ***• Have Federal Reserve routing codes printed (as part of the MICR encoding) at the bottom of the check. The routing codes printed in the upper right hand corner are no longer required by the Federal Reserve and are not always printed on the checks. The routing codes will be separated from the other numbers in the MICR line by a small, centered rectangle followed by two small squares with one above the other. The location within the MICR line may vary, but the symbol described above will precede and follow the routing code.***
>
> ***• Not be altered or grossly mutilated***
>
> ***• Not have any unreasonable restrictions placed on the face which excessively limit its application***
>
> ***• Contain sufficient information to permit tracing the presenter (e.g. account number, address, telephone number, property [SBL] number etc.)***

The Clerk's Office is a front-facing office that must process hundreds of incredibly time-sensitive transactions each day. Strict adherence of this policy, which does not seem to consider the complexity of the transactions handled by the Clerk's Office, would very likely lead to a severe backlog of transactions. The Clerk's Office does not wish to find itself repeating the situation faced by a previous Clerk in 2012, when approximately $3 million in checks was left languishing in the mail.

Accordingly, the Clerk's Office considers "receipt" when the cashier has verified that the check is acceptable per the aforementioned County policy. Mail is usually processed the same day it is received, with the only exceptions being if a large amount of mail arrived, and there was a shortage of personnel working that day. Until the check is processed by the cashier, it is kept in a safe location and left undisturbed from the contents of the mailing. An

envelope often contains multiple checks and multiple documents. It is a best practice to leave the checks appended to the documents as is rather than separate the checks.

The mail sorter is not the cashier who is qualified to verify that the payment sent meets all the criteria for check acceptance and is for the correct amount of the transaction. Furthermore, the mail sorter does not have the time to individually review the documents to the payments made. If the check does not meet the criteria, it is returned to the sender as is. Cashiers are also photocopying all checks received as a record of their deposits.

Two employees in Land Records, who are not involved in accounts receivable or other cash handling processes and who are familiar with mail sorting in Land Records, are assigned these duties.

Pistol Permits:

- ***Finding #1: It was found that the Clerk's Office unlawfully waived pistol permit fees in 2022.***

CLERK RESPONSE:

Denies. The Auditor's statement that "There is no authority for a county or a county clerk to waive payment" of pistol permit fees is patently false. Pursuant to New York Penal Law § 400.00(14), fees for processing a license or renewal "shall be waived in all counties" (emphasis added) for the following list of individuals: qualified retired police officers; qualified retired sheriffs, undersheriffs, or deputy sheriffs of the city of New York; qualified retired bridge and tunnel officers, sergeants, or lieutenants of the triborough bridge and tunnel authority; qualified retired uniformed court officers in the unified court system; qualified retired court clerks in the unified court system in the First and Second judicial departments; and retired corrections officers. *See NY Penal Law § 400.00(14).*

In 2022, RecordsNG recorded seven (7) Pistol Permit Application Fees being waived out of the 4,757 applications processed, a mere 0.15% and only $140 in waived fees ($20 per application). Some valid reasons for fee waivers are below:

1. **Fee was paid in 2020 and permit issued in 2021. Fee was waived in 2022 when Cashier went to index and scan an old application that didn't have a previous index, this doc code required a fee in which the permit holder already paid, so the fee was waived.**
2. **Fee was paid in 2021 and permit issued in 2021. Fee was waived in 2022 when Cashier went to index and scan an old application that didn't have a previous index, this doc code required a fee in which the permit holder already paid, so the fee was waived.**
3. **Retired Law enforcement (fee is waived pursuant to New York Penal Law).**
4. **Fee was paid in 2018 and permit issued in 2023. Fee was waived in 2022 because applicant provided improper character references with application and didn't resolve quickly. In 2022 she updated her paperwork, no additional fee was collected.**

Upon investigation, only three (3) fee waivers could not be validly accounted for, which would amount to a mere $60. While the Clerk's Office strives for perfection, this small amount is a clear outlier. Nevertheless, the Clerk's Office will be reminding all employees to consult with management for approval to waive fees according to the Penal Law and ensuring that any unlawful, unauthorized waiving of fees may result in termination.

- ***Finding #2: Daily and monthly NewVision reports for recording and receipting pistol permits had conflicting amounts and did not reconcile.***

CLERK RESPONSE:

This Finding appears to be directed more at New Vision than the Clerk's Office. As such, the Clerk's Office submitted this Finding to New Vision (now known as Catalis) for a direct analysis. A copy of New Vision's report is attached to our Response as Exhibit B, which in pertinent part acknowledges that system errors and bugs were found in certain reports that were not caused by any action by the County Clerk staff or any form of human interference.

It is noted that the inability of the Auditor to reconcile daily or monthly reports is problematic, but does not logically warrant a conclusion that said inability is because the data and/or reports in New Vision is inaccurate.

To properly analyze reports, one must understand the purpose of the report and where the information contained in the report is derived. An accurate report that is misinterpreted, used for the wrong purpose, or which is reconciled improperly by an auditor, are all plausible explanations for why a report cannot be reconciled.

New Vision has been the system utilized by the Clerk's Office for many years and through many prior administrations. It is a complex system which previous Clerks have declined to change due to the inherent difficulty in implementing a new system. The high turnover of cashiers in the Clerk's Office only adds to the difficulty in such an attempt.

Nevertheless, the Clerk's Office has already begun looking to other County Clerks for alternative systems. In addition, the Clerk's Office is in the process of engaging with New Vision to arrange for enhanced training of our cashiers and managers regarding usage of their system and reporting, and will ensure that this knowledge is shared with the Comptroller to ensure reports provided by the Clerk's office can be easily reviewed and reconciled. If necessary, the Clerk will ensure that New Vision create new reports to ensure reports generated meet the requirements of both the Clerk's office and the Comptroller's office.

The Clerk's Office will continue to work with New Vision in the interim but will be issuing an RFP for the services currently provided by New Vision, as their contract with Erie County will expire on December 31, 2023.

- ***Finding #3: Office is overcharging for initial pistol permit application, changes from paper to plastic, inter-county transfers and various amendments.***

CLERK RESPONSE:

Denies. The Clerk's Office has been, and still is, charging the correct statutory fees, however the additional services provided create a higher, but still permissible, amount, which can appear confusing without being properly researched or explained (and indeed, the Auditor only states that it "believes" certain fees to be "impermissible" in this Finding).

For example, the cost of an application is $20, which includes the $10 statutory fee plus a $10 digitized image capture (photo) fee. Pursuant to New York Penal Law § 400.00(14), Erie County is authorized to collect up to $10 for a firearms license. Subject to the Memorandum of Understanding effective April 13, 1987 between the County of Erie and the New York State Unified Court System, and COMM. 7E-13 (2006)- a Resolution passed April 27, 2006 by the Erie County Legislature; *and* as acknowledged by the Auditor in this very finding, "the $10 application photo fee is permitted because the photograph is required by law and the Clerk is providing a service of convenience."

Regarding the $18 charge for a change of a permit from paper to plastic (considered a replacement or duplicate), New York Penal Law § 400.00(14) allows for a $5 statutory fee. Again, adding the $10 permissible photo fee, plus a $3 processing fee for the new plastic card (again, a service of convenience), leads to a higher total amount.

Turning again to New York Penal Law § 400.00(14), transfers are $5.00 and amendments are $3.00. Adding in the permissible convenience service charge leads to the higher amount.

The Clerk's Office acknowledges that the above authority for each fee was not explicitly spelled out on its website, however the fees it has been charging for applications has been, and still is, accurate and allowed under law.

Nevertheless, the Clerk's Office has been in the process of verifying and documenting specific legal authority to collect all current fees, in accordance with the Auditor's recommendation. Calculation of fees and legal authority to collect will be reviewed on an annual basis. An updated Schedule of Fees will be made public both on the Clerk's website and in paper form at the Clerk's Office. The Clerk's Office will also be providing training to cashiers handling Pistol Permit transactions in accordance with New York Penal Law.

- ***Finding #4: The process for voiding pistol permit fees results in flawed calculations for monthly totals and causes discrepancies in cash and the reporting of pistol permit revenue in NewVision system.***

CLERK RESPONSE:

The Clerk's Office disagrees with the recommendation that all individual applications should be on separate receipts if they are family members. It is an approved Office procedure to record multiple documents on one receipt. For example, if a Husband and Wife both apply for a pistol permit or co-register a weapon, both will be recorded separately and both fees charged appropriately but only one can be listed on the receipt if paying together. This can also happen on any document recorded in our office. However, the Clerk's Office will work to ensure non-related applications are on separate receipts.

The transaction examples cited in this Finding are outliers. Of the 15,412 receipts processed by the Pistol Permit department in 2022, only five (5) were voided, or 0.03%. The Clerk's Office strives for perfection, but urges the Auditor to keep things in perspective on transactions which comprise less than half of 1% of those processed.

As to the portions of this Finding directed at New Vision, the Clerk's Office submitted this Finding to New Vision (now known as Catalis) for a direct analysis. A copy of New Vision's report is attached to our Response as Exhibit B, which in pertinent part acknowledges that system errors and bugs were found in certain reports that were not caused by any action by the County Clerk staff or any form of human interference. The Clerk's Office will continue to work with New Vision in the interim but will be issuing an RFP for the services currently provided by New Vision, as their contract with Erie County will expire on December 31, 2023.

- ***Finding #5: The County Clerk's Office lacks adequate internal and systems controls protecting the fee collection process within the pistol permit division.***

CLERK RESPONSE:

Due to the reliance upon existing "legacy" systems, there is extremely limited connectivity between the license management software (Gun Keeper), document imaging and cashiering system (New Vision), and application tracking software (BatchScan). These systems, by their design, do not interface. However, each system is fully functional on its own.

Because of the highly sensitive nature of the information stored in Gun Keeper and the ability of pistol permit holders to opt out of disclosing certain information publicly under New York law, the Clerk's Office could not provide unrestricted access to the Auditor. The Auditor could have requested this information from other New York State agencies or through the judicial system.

The Clerk's Office has been examining the possibility of increased connectivity between the existing software versus the implementation of new software going forward, and has already met with both New Vision and potential vendors as well as the Comptroller's Office on this issue.

As previously stated, the Clerk's Office will continue to work with New Vision in the interim but will be issuing an RFP for the services currently provided by New Vision, as their contract with Erie County will expire on December 31, 2023.

- ***Finding #6: A portion of the hunting and fishing license fees that the Clerk collects on behalf of the NYS Department of Environmental Conservation (DEC) is misdirected to the Comptroller's Office.***

CLERK RESPONSE:

Out of every hunting and fishing license, the New York State Department of Environmental Conservation (DEC) automatically debited by ACH withdrawal the State portion of the fees. On average for the period from December 2021 through December 2022, this was less than $130/month. The Clerk's Office forwards the County's portion of the hunting and licensing fees to the Comptroller each month. This is a much larger amount, and inadvertently included the smaller amounts that the State already debited. The Clerk's Office has stopped remitting the State DEC portion to the Comptroller's Office.

The Clerk's Office did not receive any earlier notice of these payments from the Comptroller's Office prior to this audit. None of the payments for the one period from December 2021 through December 2022 were ever returned to the Clerk's Office for correction by either the County or the State.

Although this Finding is aimed at the Clerk's Office, Article 18 of the Erie County Charter places the oversight of the "fiscal affairs of the County" on the Comptroller, as the "chief fiscal, accounting, reporting and auditing officer of the County". It is the duty of the Comptroller to "[m]aintain the official accounting records for all receipts and disbursements of the County". The Clerk's Office relies on the Comptroller for these duties.

The Clerk's Office concurs with the recommendation regarding monthly fee reconciliations of New Vision transactions to the Clerk's Office Concentration bank account. The Clerk's Office would also recommend that the Comptroller's Office perform monthly fee reconciliations of its own bank account.

- ***Significant Finding #1: Clerk's Office personnel had access to New York State Office of Mental Health "OMH" records for pistol permit applicants without proper authorization.***

CLERK RESPONSE:

The County Clerk's Office denies this "significant finding" and notes that the related analyses concerning access to mental health records appear to be beyond the scope of the authority of a County Audit. The New York State Office of Mental Health ("NYS OMH") is a New York State office rather than an Erie County office, and NYS OMH was aware that a small number of County Clerk employees formerly had access to the NYS OMH user-portal for pistol permitting purposes. Whether a NYS Office acted properly in granting or allowing County Clerk employees to maintain access to their user-portal is a question more properly addressed by the NYS Comptroller's Office, NYS Inspector General's Office, or NYS OMH itself, rather than the County Comptroller.

Prior to commencement of the present Audit, the County Clerk's Office discontinued access to the NYS OMH user-portal for the small number of employees who previously had been credentialed. The shift of responsibility for that function to law enforcement came about after extensive discussions relating to improving the overall pistol permitting process in Erie County between the County Clerk's Office, County Sheriff's Office, and County Pistol Permit Licensing Officer (Hon. M. William Boller, J.S.C.).

The policy that formerly resulted in the County Clerk's Office becoming responsible for obtaining NYS OMH records and adding them to pistol permit applications, rather than the law enforcement agencies that conduct background investigations, was instituted years ago by a prior County Clerk and a prior County Sherriff. *It is believed that process began sometime around 2013 when the NYS SAFE Act took effect*, which had imposed numerous additional responsibilities on County Pistol Permit Offices and law enforcement agencies as part of the pistol permitting process.

Any suggestion or inference that NYS OMH records were improperly obtained, utilized, or disseminated by County Clerk employees is denied and disputed. Any suggestion that NYS OMH was unaware that a small number of County Clerk employees had access to their user-portal is denied and disputed. The County Clerk's Office has on multiple occasions had correspondence with NYS OMH regarding technical issues with the user-portal when it was still being used by County Clerk employees. The County Clerk's Office has also actively engaged with NYS OMH as well as Town and Village law enforcement agencies in Erie County to facilitate their assuming responsibility for that pistol permitting function. At no time has NYS OMH indicated to the County Clerk's Office that our former access to the user-portal or records was improper or unauthorized. Nor has the County Pistol Permit Licensing Officer at any time indicated to the County Clerk's Office that our employee access to the NYS OMH user-portal to obtain records for inclusion with pistol permit applications was improper or unauthorized.

The Erie County Clerk's office restricted access to NYS OMH records to the minimum number of employees necessary to complete the task of obtaining those records and placing them in pistol permit application files. Names and contact information for County Clerk employees also needed to be provided to NYS OMH before they were allowed access to the NYS OMH user-portal. It is also worth noting that the NYS OMH user-portal is a restricted access program that requires a user to have an individualized user-account created for them by NYS OMH, which can be only be done by requesting that NYS OMH authorize the individual as a user and create a user-account for them. In the case of the County Clerk employees who formerly were granted access to the user-portal, that request would have been made by the County Sheriff's Office on behalf of the County Clerk's Office employees. Additional safe-guards built into the NYS OMH user-portal include individualized user passwords and a NYS OMH dual authentication requirement prior to accessing their user-portal.

In regards to the blanket conclusion stated in the Audit that there is no way for the County Clerk's Office to access, maintain, or handle confidential mental health records without violating State and Federal law, per HIPAA and Section 400 of the NY Penal Law, that assertion is denied and disputed. It betrays a lack of basic understanding of the pistol permitting process and the roles of the County Licensing Officer and County Clerk's Office in that process, and presumes it is the job of a County Comptroller to question the wisdom of decisions made by NYS Agencies. As the person ultimately responsible for all County pistol permit licensing determinations, the County Pistol Permit Licensing Officer is necessarily and statutorily required to have access to NYS OMH records and information when evaluating whether to issue a pistol permit, suspend a permit, reinstate a permit, and/or revoke a permit. Those determinations are premised upon Judicial and Licensing Officer review of relevant findings under the Mental Hygiene Law and as a matter of public safety those determinations should be made as expeditiously as possible. It is unclear how the County Pistol Permit Licensing Officer could effectively carry out these important functions without at least some employees assigned to pistol permit work by the County Clerk's Office being granted at least limited access to NYS OMH mental hygiene determinations and records on an as needed basis.

County Clerk employees assigned to pistol permit work function as the support staff for the County Licensing Officer and handle all, or virtually all, data processing, record keeping, file updating and maintenance, secretarial duties, and correspondence with applicants and licensees on his behalf. The County Licensing Officer otherwise would have no support staff in his capacity as Licensing Officer. The County Pistol Permit Licensing Officer does have two (2) employees that work for him as a member of the NYS Judiciary, however they are NYS Court employees who serve him in a distinctly different capacity than his separate role as County Pistol Permit Licensing Officer. Unless the County Licensing Officer personally, or the County Sheriff's Office, were to assume responsibility for all functions currently filled by County Clerk employees, thereby essentially eliminating any role for the County Clerk's Office in pistol permitting, the County Clerk's Office requires at least limited access to NYS OMH information to facilitate the County Licensing Officer's determinations relating to issuing, upgrading, suspending, revoking, and/or reinstating pistol permits in Erie County.

It is also worth noting that the Erie County Clerk is the Clerk of the County and Supreme Courts within Erie County. As such, the County Clerk's Office is the record keeper for all court files for County Court and Supreme Court cases that have been adjudicated; the County Clerk's Actions and Proceedings Office is where all civil legal papers for Erie County and Supreme Court are filed; and employees of the County Clerk's Actions and Proceedings Office process on-line filings for Erie County and Supreme Courts submitted via the New York State Courts E-File system ("NYSCEF"). The County Clerk's responsibilities as Clerk of the Erie County and Supreme Courts thus require employees of the County Clerk's Office to handle court files that may explicitly or implicitly involve determinations and/or litigation premised upon the NYS Mental Hygiene Law, and such files may include NYS OMH records as part of the file if they are relevant to the case.

The Auditor's assertion that the County Clerk's Office is blanketly prohibited from access to NYS OMH records is incorrect, poorly reasoned, and contrary to longstanding NYS law and policy.

- ***Significant Finding #2: The Clerk's Office had electronic access to fingerprinting, criminal history and wanted and/or missing persons data contained on the NY DCJS database.***

CLERK RESPONSE:

The County Clerk's Office notes that the Comptroller's "significant finding" and related analyses relating to County Clerk Office access to fingerprinting, criminal history, and wanted and/or missing persons data contained on the NY DCJS database is likely beyond the scope of authority of a County Audit. The New York State Division of Criminal Justice Services ("NYS DCJS") is a New York State office rather than Erie County office, and DCJS has explicitly authorized the County Clerk's Office to access, obtain and utilize the criminal justice information ("CJI") it provides, subject to specific statutory and contractual terms and conditions. Whether a NYS Office acted properly in granting or allowing County Clerk employees to maintain access to CJI is a question more properly addressed by the NYS Comptroller's Office, NYS Inspector General's Office or NYS DCJS itself, rather than by a County Comptroller, and NYS DCJS has explicitly answered that question in the affirmative.

It is also worth noting that NYS DCJS audits County level users of its CJI, including the County Clerk's Pistol Permit Office which was audited in 2022. Thus, even if a County Comptroller had authority to audit a County Clerk's Office's use of CJI provided to it by NYS, a premise that is dubious at best, such an audit would be duplicative, unnecessary, and a waste of limited County government resources. The CJI that NYS DCJS provides to the County Clerk's Office via its user-portal includes fingerprinting, criminal history and wanted and/or missing persons data.

NYS DCJS has explicitly authorized, and continues to explicitly authorize, the County Clerk's Pistol Permit Office to access, obtain and utilize the CJI provided to the County Clerk's Office through its user-portal for pistol permit licensing and employment determinations. This is evidenced by the explicit language of the "Use and Dissemination Agreement" ("UDA") executed between the County Clerk's Pistol Permit Office and NYS DCJS. The most recent UDA was executed between the Erie County Clerk's Pistol Permit Office and NYS DCJS in 2022. A UDA was in effect prior to, during, and subsequent to the period covered by the audit, which the auditors were provided a copy of and which they also appended to their audit findings.

Court Fees:

- ***Finding #1: Daily and monthly NewVision reports for recording and receipting court fees had conflicting amounts and did not reconcile.***

CLERK RESPONSE:

This Finding appears to be directed more at New Vision than the Clerk's Office. As such, the Clerk's Office submitted this Finding to New Vision (now known as Catalis) for a direct analysis. A copy of New Vision's report is attached to our Response as Exhibit B, which in pertinent part acknowledges that system errors and bugs were found in certain reports that were not caused by any action by the County Clerk staff or any form of human interference.

It is noted that the inability of the Auditor to reconcile daily or monthly reports is problematic, but does not logically warrant a conclusion that said inability is because the data and/or reports in New Vision is inaccurate.

To properly analyze reports, one must understand the purpose of the report and where the information contained in the report is derived. An accurate report that is misinterpreted, used for the wrong purpose, or which is reconciled improperly by an auditor, are all plausible explanations for why a report cannot be reconciled.

New Vision has been the system utilized by the Clerk's Office for many years and through many prior administrations. It is a complex system which previous Clerks have declined to change due to the inherent difficulty in implementing a new system. The high turnover of cashiers in the Clerk's Office only adds to the difficulty in such an attempt.

Nevertheless, the Clerk's Office has already begun looking to other County Clerks for alternative systems. In addition, the Clerk's Office is in the process of engaging with New Vision to arrange for enhanced training of our cashiers and managers regarding usage of their system and reporting, and will ensure that this knowledge is shared with the Comptroller to ensure reports provided by the Clerk's office can be easily reviewed and reconciled. If necessary, the Clerk will ensure that New Vision create new reports to ensure reports generated meet the requirements of both the Clerk's office and the Comptroller's office.

The Clerk's Office will continue to work with New Vision in the interim but will be issuing an RFP for the services currently provided by New Vision, as their contract with Erie County will expire on December 31, 2023.

- ***Finding #2: The Unified Court System – Office of Budget & Finance (UCR) report does not reconcile to the monthly 4-Court Report generated by NewVision.***

CLERK RESPONSE:

This Finding appears to be directed more at New Vision than the Clerk's Office. As such, the Clerk's Office submitted this Finding to New Vision (now known as Catalis) for a direct analysis. A copy of New Vision's report is attached to our Response as Exhibit B, which in pertinent part acknowledges that system errors and bugs were found in certain reports that were not caused by any action by the County Clerk staff or any form of human interference.

It is noted that the inability of the Auditor to reconcile daily or monthly reports is problematic, but does not logically warrant a conclusion that said inability is because the data and/or reports in New Vision is inaccurate.

To properly analyze reports, one must understand the purpose of the report and where the information contained in the report is derived. An accurate report that is misinterpreted, used for the wrong purpose, or which is reconciled improperly by an auditor, are all plausible explanations for why a report cannot be reconciled.

New Vision has been the system utilized by the Clerk's Office for many years and through many prior administrations. It is a complex system which previous Clerks have declined to change due to the inherent difficulty in implementing a new system. The high turnover of cashiers in the Clerk's Office only adds to the difficulty in such an attempt.

Nevertheless, the Clerk's Office has already begun looking to other County Clerks for alternative systems. In addition, the Clerk's Office is in the process of engaging with New Vision to arrange for enhanced training of our cashiers and managers regarding usage of their system and reporting, and will ensure that this knowledge is shared with the Comptroller to ensure reports provided by the Clerk's office can be easily reviewed and reconciled. If necessary, the Clerk will ensure that New Vision create new reports to ensure reports generated meet the requirements of both the Clerk's office and the Comptroller's office.

The Clerk's Office will continue to work with New Vision in the interim but will be issuing an RFP for the services currently provided by New Vision, as their contract with Erie County will expire on December 31, 2023.

- ***Finding #3: Certain County revenue totals were never collected by the Clerk's Office, nor remitted to the County as revenue.***

CLERK RESPONSE:

Admits in part. As this Finding points out, no entity, including the administration of the Eighth Judicial District, several departments of the NYS Comptroller's Office, the NYS Department of Treasury, and OCA's administrative headquarters in Albany was ever able to produce the fee breakdown which guides County Clerks in executing their statutory duty, despite being requested by the Comptroller's Office. If the Comptroller's Office could not verify the fee breakdown guidance, it is questionable how the Comptroller's Office could conclude there is even an issue at the Clerk's Office on this matter.

This is clearly a larger issue that extends beyond the Erie County Clerk's Office and affects the entire State. The Clerk's Office welcomes additional guidance from any of these entities on fee breakdowns, and intends to meet with the Chief Judge to discuss fee breakdown guidance and will present this issue to the New York State County Clerk's Association.

In addition, the Clerk's Office has already been conducting the process of verifying and documenting specific legal authority to collect all current fees, including working with OCA on court fees due to Erie County. Calculation of fees and legal authority to collect will be reviewed on an annual basis and made available to the public on the Clerk's website and in paper form.

- ***Finding #4: Clerk's Office is not reconciling daily court e-file credit card payments to the Clerk's M&T Concentration account.***

CLERK RESPONSE:

The Clerk's Office concurs with the recommendation to perform monthly reconciliations for deposits from Merchant Services (MS) and American Express (AMEX) to ensure all revenue transactions through the e-file system are accurately reported in New Vision and deposited into the Clerk's Concentration bank account. Unfortunately, the Global e-file Statement received from the Courts for NYSCEF fees does not separate the MS and AMEX deposits. The Clerk's Office's New Vision software predates the creation of NYSCEF and mandatory e-filing in Erie County.

The Clerk's Office submitted this Finding to New Vision (now known as Catalis) for a direct analysis. A copy of New Vision's report is attached to our Response as Exhibit B.

Comment #1: Proper signatures missing from County of Erie Bank Deposit Transmittals (BDT).

CLERK RESPONSE:

The Clerk's Office concurs with the recommendation for a written process to verify that the information contained in the monthly bank deposit transmittal is true and accurate. A procedures document has been prepared for this purpose. The Clerk's Office also concurs with the recommendation to ensure that the proper authorizing signatures are on the bank deposit transmittal prior to transmittal. However, it should be noted in the one instance where the Depositor's signature was missing on the transmittal (June 2022), the deposit was made by ACH transfer by the Depositor himself based on the transmittal prepared by him and approved by the Approver.

Mortgage Tax:

- ***Finding #1: The Clerk's Office did not withhold the proper amount of mortgage expense prior to remitting the revenue to the Comptroller's Office.***

CLERK RESPONSE:

No response is being given at this time due to this issue being outside the scope of the initial audit and now the subject of a subsequent audit.

- ***Finding #2: The Erie County Comptroller's Office approved the monthly Statement of Mortgages Recorded without verifying the accuracy of mortgage expense deducted based on the approved budget amount.***

CLERK RESPONSE:

The Clerk's Office concurs with this Finding and recommendation to the extent it is directed to the Comptroller's Office. It is troubling that the Comptroller's Office would include a Finding *against itself* on the issue of mortgage tax, particularly in light of the fact that mortgage tax was not originally purported to be part of the initial Audit.

There has not been a full audit of the Clerk's Office by the Comptroller's Office in the last twenty (20) years, and the second that one is performed, an issue is found with the Comptroller's Office that certainly calls into question the objectivity of that office on this issue.

In pertinent part, Chapter 3 of the Generally Accepted Government Auditing Standards ("GAGAS"), which the Comptroller states was followed in conducting the Audit, reads as follows:

Objectivity (3.11)

Auditors' objectivity in discharging their professional responsibilities is the basis for the credibility of auditing in the government sector. Objectivity includes independence of mind and appearance when conducting engagements, maintaining an attitude of impartiality, having intellectual honesty, and being free of conflicts of interest.

Nevertheless, the Clerk's Office notes that it was not previously asked to provide any supporting documentation along with the Statement of Mortgages Recorded to the Comptroller's Office. The Clerk's Office intends to provide the MT-3 Form to the Comptroller's Office at the beginning of the year so that the Comptroller knows what expenses have been approved for the next 12 months. At the request of the Comptroller's Office, a report will be provided of the monthly reconciliation of mortgage tax collected.

- ***Finding #3: Escrow Accounts held by the Clerk's Office are co-mingled with County funds in the Clerk's Office M&T Concentration bank account.***

CLERK RESPONSE:

The Clerk's Office has offered this escrow service for several years as a convenience and benefit to customers who do frequent business with the Clerk's Office, such as The Buffalo News. If frequent customers were required to pay each time by charge card there would be additional fees incurred by the customer, possibly deterring future business.

The escrow service is publicized on the Clerk's website. However, until this Audit, at no time has the Clerk's Office been advised of the need to create a separate account to hold these funds. The Finding states that the Comptroller's Office was "not aware of any escrow funds being held by the Clerk's Office nor does the Auditee use the County accounting system to record, collect or distribute escrow funds." The Comptroller's Office would have known, or should have known, whether the Clerk's Office had a separate escrow account established as the current policy is for the Comptroller to be immediately informed of the creation of any new bank account. In addition, since May 2023, the Comptroller has also had read-only access of the Clerk's bank accounts, or access to monthly bank statements. Further, the Comptroller's Office knows that the Clerk's Office is not on SAP (the County accounting system).

Customers must keep the escrow account open for a minimum of two (2) months, not six (6) months as stated in the Finding. The administrative requirements of having to establish a separate account, transfer funds to the Concentration account, and utilize SAP for tracking of funds may be too burdensome to continue this service and this will be further explored and in particular, since the Clerk's Office is not on SAP. If the Clerk's Office is able to utilize SAP, additional training of staff will be required. Escrow companies often charge fees for managing multiple escrow clients under one account given the time and labor it takes to properly service the account. These fees cannot be imposed by the Clerk's Office.

The Clerk's Office utilizes New Vision as its cashiering and recording system and for the production of the reports used regarding escrow fund activity. Because the current contract with New Vision expires on December 31, 2023, and an RFP will be issued, it is unknown whether a new contractor would even be able to support escrow account activity. If the escrow accounts can be supported without incurring too much time or resources to maintain, the Clerk's office will maintain the escrow account service and establish a separate bank account. The recommendation that the Clerk's Office utilize SAP for tracking is contingent on whether the business of the Clerk's Office can adequately be supported by SAP.

- ***Finding #4: Conflicting Amounts of Mortgage Tax Collected on NewVision Cash Code Summary Report and the Monthly Statement of Mortgages Recorded.***

CLERK RESPONSE:

This Finding appears to be directed more at New Vision than the Clerk's Office. As such, the Clerk's Office submitted this Finding to New Vision for a direct analysis, attached hereto as Exhibit B.

No further response is being given at this time due to this issue being outside the scope of the initial audit and now the subject of a subsequent audit.

- ***Comment #1: Clerk's Office unable to verify its annual mortgage tax expenses.***

CLERK RESPONSE:

No response is being given at this time due to this issue being outside the scope of the initial audit and now the subject of a subsequent audit.

Other Findings, Comments & Recommendations:

- ***Finding #1: Detailed revenue reports generated by NewVision and used by the Clerk's Office to reconcile the revenues collected by the Clerk's Office are inconsistent with Clerk's Office reports.***

CLERK RESPONSE:

Due to the ongoing investigation, the Clerk's Office cannot fully respond to this Finding.

As to New Vision, it is noted that the inability of the Auditor to reconcile daily or monthly reports is problematic, but does not logically warrant a conclusion that said inability is because the data and/or reports in New Vision is inaccurate.

To properly analyze reports, one must understand the purpose of the report and where the information contained in the report is derived. An accurate report that is misinterpreted, used for the wrong purpose, or which is reconciled improperly by an auditor, are all plausible explanations for why a report cannot be reconciled.

New Vision has been the system utilized by the Clerk's Office for many years and through many prior administrations. It is a complex system which previous Clerks have declined to change due to the inherent difficulty in implementing a new system. The high turnover of cashiers in the Clerk's Office only adds to the difficulty in such an attempt.

Nevertheless, the Clerk's Office has already begun looking to other County Clerks for alternative systems. In addition, the Clerk's Office is in the process of engaging with New Vision to arrange for enhanced training of our cashiers and managers regarding usage of their system and reporting, and will ensure that this knowledge is shared with the Comptroller to ensure reports provided by the Clerk's office can be easily reviewed and reconciled. If necessary, the Clerk will ensure that New Vision create new reports to ensure reports generated meet the requirements of both the Clerk's office and the Comptroller's office.

The Clerk's Office will continue to work with New Vision in the interim but will be issuing an RFP for the services currently provided by New Vision, as their contract with Erie County will expire on December 31, 2023.

- ***Finding #2: Corporate filing and notary fees post in SAP but are not recognized as revenue in Erie County Clerk's Office NewVision system.***

CLERK RESPONSE:

The Clerk's Office agrees with the recommendation to develop a process to recognize this revenue in the New Vision receipting system to provide accurate accounting of all revenues collected.

New Vision has been the system utilized by the Clerk's Office for many years and through many prior administrations. It is a complex system which previous Clerks have declined to change due to the inherent difficulty in implementing a new system. The high turnover of cashiers in the Clerk's Office only adds to the difficulty in such an attempt.

Nevertheless, the Clerk's Office has already begun looking to other County Clerks for alternative systems. In addition, the Clerk's Office is in the process of engaging with New Vision to arrange for enhanced training of our cashiers and managers regarding usage of their system and reporting, and will ensure that this knowledge is shared with the Comptroller to ensure reports provided by the Clerk's office can be easily reviewed and reconciled. If necessary, the Clerk will ensure that New Vision create new reports to ensure reports generated meet the requirements of both the Clerk's office and the Comptroller's office.

The Clerk's Office will continue to work with New Vision in the interim but will be issuing an RFP for the services currently provided by New Vision, as their contract with Erie County will expire on December 31, 2023.

- ***Comment #1: Clerk's Office charges for bulk data and internet usage fees that were not authorized by the County Legislature.***

CLERK RESPONSE:

Denies. As an initial note- there is no "Exhibit X" to the Audit as referred to in this Comment.

There are longstanding Local Laws enacted by the Legislature for the lease of bulk space by the Clerk's Office. Specifically, Local Law No. 9 (1978) and Local Law No. 5 (1987) provide for the charging of "fair consideration", to be calculated by factors including "the cost of the County to construct and maintain such space, the fair rental value of similar property, and the benefit to be derived by the County and its residents."

The Clerk's Office relied upon said prior authorization and custom in leasing said space.

Some data fees include:

- **$500 a month for Unlimited Image Searches**
- **$35 for 1-12 months of data in Excel format (for example, the Buffalo News purchases each previous month's Deed index data for $35.00)**
- **$300 for 1 month of Images**

As previously stated, the Clerk's Office has already begun verifying and documenting specific legal authority to collect all current fees. Calculation of fees and legal authority to collect will be reviewed on an annual basis.

Delays:

- ***Multiple documents and information not submitted.***

CLERK RESPONSE:

Denies. The Clerk's Office endeavored to comply with the Auditing team and their multiple requests for documentation and/or reports, which in some cases needed to be generated through New Vision and/or other outside entities that took time to produce. That time was out of the control of the Clerk's Office and in no way was an attempt to delay or hinder the audit process. The Clerk's Office is in full cooperation with the Comptroller's Office on the second Audit and in the overall objective of improving the operations of the Clerk's Office for the benefit of Erie County.

Limited Access to New Vision:

- Recommended that Erie County's Division of Budget and Management and Erie County Clerk's Office work together for alternative solutions for receipting, documenting, and reporting of County revenues generated through Clerk's office.

CLERK RESPONSE:

Concur as to the Clerk's Office working together with Erie County's Division of Budget and Management for improving all aspects of revenue reporting.

Due to the ongoing investigation, the Clerk's Office cannot fully respond to this Finding.

As to New Vision, it is noted that the inability of the Auditor to reconcile daily or monthly reports is problematic, but does not logically warrant a conclusion that said inability is because the data and/or reports in New Vision is inaccurate.

To properly analyze reports, one must understand the purpose of the report and where the information contained in the report is derived. An accurate report that is misinterpreted, used for the wrong purpose, or which is reconciled improperly by an auditor, are all plausible explanations for why a report cannot be reconciled.

New Vision has been the system utilized by the Clerk's Office for many years and through many prior administrations. It is a complex system which previous Clerks have declined to change due to the inherent difficulty in implementing a new system. The high turnover of cashiers in the Clerk's Office only adds to the difficulty in such an attempt.

Nevertheless, the Clerk's Office has already begun looking to other County Clerks for alternative systems. In addition, the Clerk's Office is in the process of engaging with New Vision to arrange for enhanced training of our cashiers and managers regarding usage of their system and reporting, and will ensure that this knowledge is shared with the Comptroller to ensure reports provided by the Clerk's office can be easily reviewed and reconciled. If necessary, the Clerk will ensure that New Vision create new reports to ensure reports generated meet the requirements of both the Clerk's office and the Comptroller's office.

The Clerk's Office will continue to work with New Vision in the interim but will be issuing an RFP for the services currently provided by New Vision, as their contract with Erie County will expire on December 31, 2023.

In theory, the Clerk's Office can work with New Vision to program a transfer of generated revenue that can be automatically handed off to a designated accounting system.

EXHIBIT "A"

DATA SHEET (2022)

Registrar Transactions

Total Number of Transactions Processed:	196,466
Number of "Waived"[1] Transactions:	23,467 (12%)
Number of "Revised" Transactions:	417 (0.21%)
Number of "Voided" Transactions:	102 (0.05%)
Number of Checks Returned (Insufficient Funds):	43 (0.02%)

Pistol Permits

Total Number of Receipts Processed:	15,412
Number of "Voided" Receipts:	5 (0.03%)
Total Number of Pistol Permit Applications Processed:	4,757
Number of "Waived" Application Fees ($20 each):	7 (0.15%)

Bulk Data/Internet Usage

Unlimited Image Search Fee Per Month:	$500
Fee for 1-12 Months of Data in Excel:	$35
Fee for 1 Month of Images:	$300

[1] Fees are waived on a case by case basis, and there are multiple reasons for doing so, including statutory authority found in the New York Civil Practice Law & Rules ("CPLR") and the New York Penal Law. For example, CPLR § 8021(c)(9) states that "no fee shall be charged to any county officer, employee or institution required to file or record any instrument in connection with the official duties thereof, or to any public official in connection with the filing of his undertaking." These recordings/transactions are completely logged in our system when done and can be reviewed by management at any time.

EXHIBIT "B"

Catalis (NewVision) Response



Catalis (NewVision) Response to Erie County Comptroller's Office
Audit of Erie County Clerk's Office

August 31, 2023

Table of Contents

Background 39

Comptroller's Identified Significant Control Weaknesses 40

Comptroller's Material Weakness #1: Daily Fee Deposits Reconciliation Discrepancies 40

Comptroller's Identified Report Reconciliation Issues 42

Comptroller's Finding #1: Report Reconciliation Issue : Pistol 42

Comptroller's Finding #2: Report Reconciliation Issue : Court Fees 42

Comptroller's Finding #3: Report Reconciliation Issue : Mortgage Tax Report 43

Comptroller's Finding #4: Report Reconciliation Issue: Daily Fee Deposit 43

Comptroller's Findings & Recommendations 44

Comptroller's Finding #2: Pistol Permit Reports not Reconciling 44

Comptroller's Finding #3: Overcharging (Various) 44

Comptroller's Finding #4: Voiding Pistol Permit Fees & Subsequent Report Discrepancies 45

Comptroller's Finding #5: Internal & System Control Deficiencies 45

Court Fees 46

Comptroller's Finding #1: Conflicting Amounts on Daily & Monthly Court Fee Reports 46

Comptroller's Finding #2: UCR Report Does Not Reconcile 47

Comptroller's Finding #4: Not Reconciling E-file CC Payments to Clerk's M&T Concentration Account 47

Mortgage Tax 48

Comptroller's Finding #4: Mortgage Tax Collected Conflicts with Multiple Reports 48

Other Comptroller's Findings, Comments & Recommendations 49

Comptroller's Finding #1: NewVision Revenue Reports Inconsistent with Clerk's Office Reports 49

Comptroller's Finding #2: Corporate Filing & Notary Fees Not Recognized as Revenue 49

Background

Many of the discrepancies in reports seem to stem from a (previous) lack of clarity over the receipt void/revision system. Since March, 2013, the Erie County Clerk's Office has used a receipt void/revision setting different from other installs in the state. Clerk's Office staff cannot confirm the reason for switching to these differing settings (they speculate in response to a previous audit). New versions of reports that factor in this information, as well as a retraining session focusing on the "chain of receipt," will be helpful. See below for information on this void/revision setup.

In a default setup:

- A receipt has a trans_hdr.void value of null by default.
- If the receipt is revised, that original receipt gains a void value of 'V' while a new receipt is created with the changes and a void value of 'R'.
- If a receipt is voided, that original receipt gains a void value of 'V,' and no new receipt is generated.

In Erie County's setup:

- A receipt has a trans_hdr.void value of null by default.
- If the receipt is revised, that original receipt gains a void value of 'C' (nicknamed "Corrected") while a new receipt is created with an inverse (negative) amount counterbalancing the original receipt and a void value of 'R' (nicknamed "Revision"). Finally, a third receipt is created with a transaction number one greater than the previously mentioned 'R' receipt; this third receipt reflects the changes and has a void value of null.
    - Example: If Receipt 123 with a total of 20.00 is later revised to be 30.00. Receipt 123 will be marked 'C,' and a new receipt 174 is created with a void value of 'R' and a total of -20.00. Finally, a new receipt 175 is created with a void value of null and an amount of 30.00.
- If a receipt is voided, that original receipt gains a void value of 'C' while a new receipt is created with an inverse (negative) amount counterbalancing the original receipt and a void value of 'R'.

Comptroller's Identified Significant Control Weaknesses

Comptroller's Material Weakness #1: Daily Fee Deposits Reconciliation Discrepancies

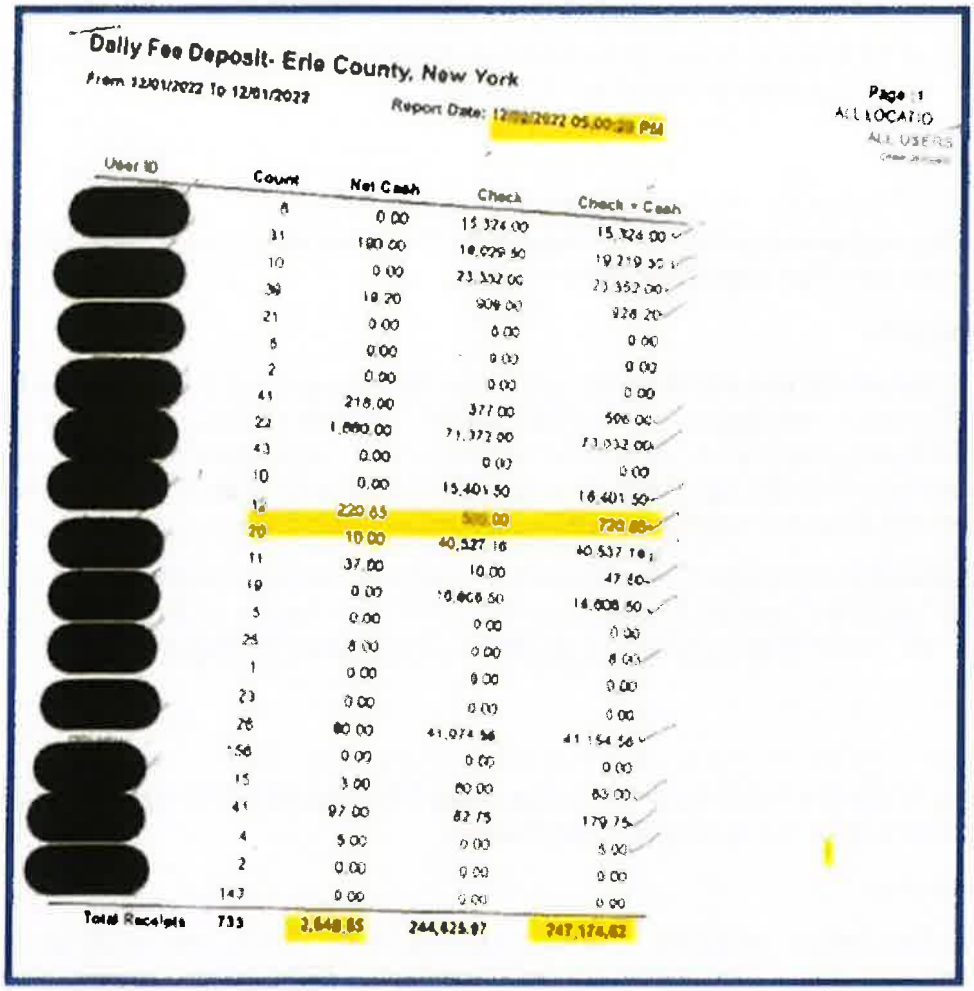
The NewVision Daily Fee Deposit reports used by Auditee for daily close-out procedures and to compile cash and check receipts are calculating inconsistent totals for individual user and daily totals.

Daily Fee Deposit- Erie County, New York

Page :1 of 1
ALL LOCATIONS
ALL USERS

From 12/01/2022 To 12/01/2022 Report Date: 12/01/2022 04:51:13 PM

User ID	Count	Net Cash	Check	Check + Cash
[redacted]	6	0.00	15,324.00	15,324.00
	31	190.00	19,029.50	19,219.50
	10	0.00	23,352.00	23,352.00
	39	19.20	909.00	928.20
	21	0.00	0.00	0.00
	5	0.00	0.00	0.00
	2	0.00	0.00	0.00
	41	218.00	377.00	595.00
	22	1,660.00	71,372.00	73,032.00
	43	0.00	0.00	0.00
	10	0.00	15,401.50	15,401.50
	12	0.00	500.00	720.85
	20	10.00	40,527.18	40,537.18
	11	37.80	10.00	47.80
	19	0.00	16,606.50	16,606.50
	5	0.00	0.00	0.00
	25	8.00	0.00	8.00
	1	0.00	0.00	0.00
	23	0.00	0.00	0.00
	26	80.00	41,074.58	41,154.58
	158	0.00	0.00	0.00
	15	3.00	80.00	83.00
	41	97.00	82.75	179.75
	4	5.00	0.00	5.00
	2	0.00	0.00	0.00
	143	0.00	0.00	0.00
Total Receipts	733	2,327.80	244,825.97	246,869.62



Daily Fee Deposit- Erie County, New York

From 12/01/2022 To 12/01/2022

Report Date: 12/02/2022 05:00:28 PM

Page : 1

ALLOCATIO

ALL USERS

User ID	Count	Net Cash	Check	Check + Cash
[redacted]	8	0.00	15,324.00	15,324.00
	31	180.00	19,039.50	19,219.50
	10	0.00	23,352.00	23,352.00
	39	18.20	908.00	926.20
	21	0.00	0.00	0.00
	5	0.00	0.00	0.00
	2	0.00	0.00	0.00
	41	218.00	377.00	506.00
	22	1,860.00	71,372.00	73,032.00
	43	0.00	0.00	0.00
	10	0.00	15,401.50	16,401.50
	12	220.65	500.00	720.65
	70	10.00	40,527.16	40,537.16
	11	37.00	10.00	47.00
	19	0.00	14,606.50	14,606.50
	5	0.00	0.00	0.00
	25	8.00	0.00	8.00
	1	0.00	0.00	0.00
	23	0.00	0.00	0.00
	28	80.00	41,074.56	41,154.56
	56	0.00	0.00	0.00
	15	3.00	80.00	83.00
	41	97.00	82.75	179.75
	4	5.00	0.00	5.00
	2	0.00	0.00	0.00
	143	0.00	0.00	0.00
Total Receipts	733	2,648.85	244,625.97	247,174.82

Catalis Analysis:

The Daily Fee Deposit report only reflects the latest version of a receipt, such that the void flag is null. If a receipt is revised or voided, this will retroactively change the totals of the day of the original receipt.

Regarding the attached example, Catalis is unable to provide a satisfactory response for that missing value upon being initially run. The Cash + Checks field, which was correct in both versions of the report, pulls from the same data field as the Cash column. Therefore, it is most likely that the Cash column incorrectly displayed "0.00" due to a visual bug, meaning that while the back-end system calculation was correct, a system error/bug failed to show the accurate amount. The inaccuracies were not caused by any action by the County Clerk staff or any form of human interference.

Comptroller's Identified Report Reconciliation Issues

The majority of the financial reports generated from the NewVision system and given to the Auditors for testing purposes could not be reconciled.

Comptroller's Finding #1: Report Reconciliation Issue : Pistol

During testing, we found that the monthly NewVision Pistols Hunting Fishing report totals did not reconcile to the daily Fee Detail Pistol Permits report.

Catalis Analysis:

The "**Fee Detail Pistol Permits Report"** was a new report requested by County Clerk staff for the audit; the report was placed in the **TEST folder**. **Reports deployed to a Test folder are intended for testing purposes to validate all business rules, calculations, etc. Once – and only once – customers verify the report functions as designed, adheres to the defined business rules, and provides the expected outcomes - are they placed into Production for approved use.*

A flaw was detected in the report, which caused it to factor in "revision" (negative) receipts but not the original "corrected" receipt. This issue is fixed in a new version of the report, titled "FEE DETAIL PP V2", which was provided to Erie County Clerk's Office on August 15, 2023.

Comptroller's Finding #2: Report Reconciliation Issue : Court Fees

The monthly "Other County Fees for Cash Code Index No County$25" did not reconcile to the daily Fee Details report for County25 (Court Fees).

Catalis Analysis:

This "**Daily Fee Details report for County25 (Court Fees)"** was a new report requested by County Clerk staff for the audit; the report was placed in the **TEST folder**. **Reports deployed to a Test folder are intended for testing purposes to validate all business rules, calculations, etc. Once – and only once – customers verify the report functions as designed, adheres to the defined business rules, and provides the expected outcomes - are they placed into Production for approved use.*

A flaw was detected which did not factor in the negative totals of a "Revision" receipt. This issue has been fixed in a new version of the report, titled "FEE DETAIL COUNTY 25 V2", delivered to Erie County Clerk's Office for testing on June 8, 2023.

Comptroller's Finding #3: Report Reconciliation Issue : Mortgage Tax Report

The monthly Mortgages on Hold Summary report, and the monthly Cash Code Summary report for Mortgage Tax (Additional, Basic, NFTA, SONYMA and Expense) did not reconcile to the monthly Statement of Mortgages Recorded.

Catalis Analysis:

This discrepancy is at least partially related to voids/revisions, with the RECORDING-MONTHLY DOC COUNT report incorrectly factoring in multiple versions of a receipt instead of only the latest + unvoided receipts, hence inflating the count for documents.

This issue was resolved on July 7, 2023.

Comptroller's Finding #4: Report Reconciliation Issue: Daily Fee Deposit

Most significantly, the report titled Daily Fee Deposit, which the Clerk uses to perform daily close-out operations, reports for the same time period but with different run dates, resulted in varying deposit amounts. The vast majority of amount variances discovered pertained to net cash. The Auditee provided additional transaction detail that again did not reconcile to the Daily Fee Deposit totals or the bank deposits. The Erie County Clerk's Office should ensure that transactions for a given time period have been processed, that they are accurate in amount, that they are recorded within the appropriate accounting period and that individual or groups of transactions have not been omitted or misdirected. Each recommendation is based on the County of Erie Internal Controls Policy.

Catalis Analysis:

The Daily Fee Deposit report only reflects the latest version of a receipt, such that the void flag is null. If a receipt is revised or voided, this will retroactively change the totals of the day of the original receipt.

Comptroller's Findings & Recommendations

Comptroller's Finding #2: Pistol Permit Reports not Reconciling

Daily and monthly NewVision reports for recording and receipting pistol permits had conflicting amounts and did not reconcile.

The Auditee provided the Auditors with NewVision daily pistol permit fee detail reports and monthly pistol permit fees transmitted which included County and State hunting and fishing licenses for January through December of 2022. The Auditor tested daily pistol permit fee activity totals to the monthly totals for all transactions from January 2022 through December 2022. The NewVision daily activity totals did not reconcile to the monthly total for any of the months tested. The Auditee stated that the NewVision daily fee reports were new, and he was not aware of the differences between the reports.

Catalis Analysis:

The "Fee Detail Pistol Permits Report" was a new report requested by County Clerk staff for the audit; the report was placed in the **TEST** folder. **Reports deployed to a Test folder are intended for testing purposes to validate all business rules, calculations, etc. Once – and only once – customers verify the report functions as designed, adheres to the defined business rules, and provides the expected outcomes - are they placed into Production for approved use.*

A flaw was detected in the report which caused it to factor in "revision" (negative) receipts, but not the original "corrected" receipt. This issue has been fixed in a new version of the report, titled "FEE DETAIL PP V2", provided to Erie County Clerk's Office on August 15, 2023.

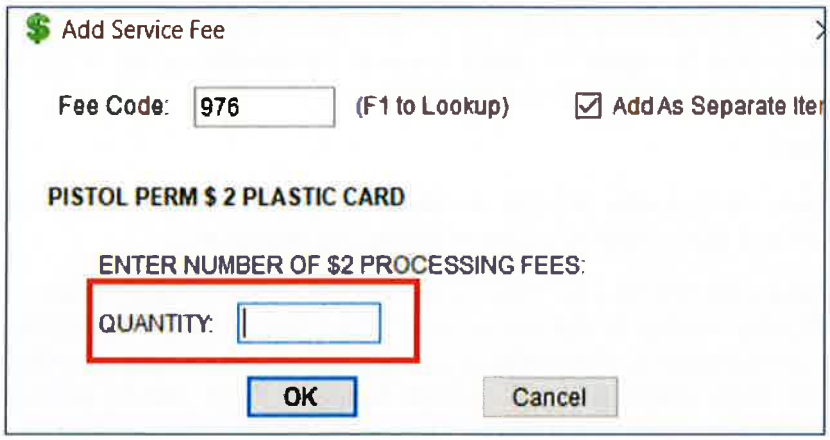
Comptroller's Finding #3: Overcharging (Various)

The Clerk's Office is overcharging for the initial pistol permit application, changes from paper to plastic, inter-county transfers and various amendments. [per the New York State and County Legislative allotted pistol permit fee amounts.

Catalis Analysis:

Based on the description provided by the Comptroller's Office, the fee amounts are correct, but the issue is that the **quantity of those fees can be increased by the recorder**. Outliers 22139962 and 22139966 do not appear to be related to any report issues, and those transactions were entered that way by the recorder (and they would likely have more information).

When a user selects these fees, they are prompted to enter a "QUANTITY" box. *(see below)*. It is possible to remove this quantity option, such that adding multiples of the same fee would become more difficult.



Comptroller's Finding #4: Voiding Pistol Permit Fees & Subsequent Report Discrepancies

The process for voiding pistol permit fees results in flawed calculations for monthly totals and causes discrepancies in cash and the reporting of pistol permit revenue in NewVision system.

When a pistol permit cashier voids a receipt transaction in NewVision, the system removes the initial amount and receipt number. The entire transaction is not reported in the daily total; however, when the cashier voids that transaction it creates a new receipt number, and the voided amount is deducted from the daily total. This flaw presents a shortage in the daily total when there should have been no change in the daily total. If the transaction is not resubmitted, the flaw presents an inaccurate revenue total.

Catalis Analysis:

This may represent a misunderstanding of the void process. When voiding a receipt, the system neither removes the initial amount nor the receipt number. This confusion may come from filtering, in which certain reports only display the most recent version of un-voided documents.

The figure depicts the "FEE DETAIL PP" report. A flaw was detected in this report which caused it to factor in "revision" (negative) receipts but not the original "corrected" receipt. This issue is fixed in a new version of the report, titled "FEE DETAIL PP V2", provided to Erie County Clerk's Office on August 15, 2023.

Comptroller's Finding #5: Internal & System Control Deficiencies

The County Clerk's Office lacks adequate internal and systems controls protecting the fee collection process within the pistol permit division.

The discrepancies resulting from reconciliation failure and siloed systems create a significant opportunity for fraud. Auditors recommend that the Clerk's Office work with the NewVision, Gun Keeper, and BatchScan software providers to facilitate the interface connection of such systems. Until this occurs, the internal and system controls will remain inadequate, and the Clerk's Office

will be unable to reliably reconcile pistol permit fees. In the alternative, the Clerk's Office should assess NewVision and the system's ability to meet the specific needs of the Clerk's Office in providing adequate and reliable financial reporting.

Catalis Analysis:

RecordsNG does not currently provide an interface with third-party software Gun Keeper or BatchScan (nor have such integrations been previously requested).

Potential interface/integrations with third-party systems require in-depth technical discussions with each third-party vendor to determine which data fields would be involved, complexity of integration (i.e., one-way or bi-directional data flow), data schema, data mapping, etc. Based on the findings from those discussions, a detailed Scope of Work can be presented with a cost estimate for each requested integration. Catalis/NewVision cannot presently commit to any potential development delivery schedule based on current development backlog commitments and resource allocation.

Court Fees

Comptroller's Finding #1: Conflicting Amounts on Daily & Monthly Court Fee Reports

Daily and monthly NewVision reports for recording and receipting court fees had conflicting amounts and did not reconcile.

During testing, the Auditor found that the NewVision Fee Detail County-25 reports for recording court fees did not reconcile to the NewVision monthly reports. The Auditors tested daily court fee transaction totals to monthly report totals for all transactions occurring between January 2022 and December 2022. Eleven out of the twelve months tested did not reconcile to the daily totals.

Catalis Analysis:

This "Daily Fee Details report for County25 (Court Fees)" was a new report requested by County Clerk staff for the audit; the report was placed in the **TEST** folder. **Reports deployed to a Test folder are intended for testing purposes to validate all business rules, calculations, etc. Once – and only once – customers verify the report functions as designed, adheres to the defined business rules, and provides the expected outcomes - are they placed into Production for approved use.*

A flaw was detected which did not factor in the negative totals of a "Revision" receipt. This issue is fixed in a new version of the report, titled "FEE DETAIL COUNTY 25 V2", delivered to Erie County Clerk's Office for testing on June 8, 2023.

Comptroller's Finding #2: UCR Report Does Not Reconcile

The Unified Court System - Office of Budget & Finance (UCR) report does not reconcile to the monthly 4-Court Report generated by NewVision.

The Unified Court Report (UCR) is a standardized administrative report that OCA requires County Clerks to complete for record, accounting, and budgetary purposes. The 4-Court Report is the mechanism by which the Auditee prepares the Unified Court Report. However, the Auditor noted that the 4-Court Report does not reconcile with the UCR. By virtue of this fact alone, the Auditor found that the financial information delivered to the Unified Court System was inaccurate.

Catalis Analysis:

Both the Cash Code Summary Report and the 4-Court Report are filtered in the same way to include all versions of a receipt. However, while the Cash Code Summary Report lists all fees received grouped by GL number, the 4-Court report is filtered only to show the following fee codes: (17,805,807,809,811,815,817,818,854,855,889,894,895,929).

Comptroller's Finding #4: Not Reconciling E-file CC Payments to Clerk's M&T Concentration Account

The Clerk's Office is not reconciling daily court e-file credit card payments to the Clerk's M&T Concentration account.

The Auditor found that Am Ex and MS deposits were co-mingled in the Global E-File statement received from the Courts, preventing the Auditor from reconciling the Global Statement with the Clerk's M&T Concentration bank account. The Auditor made several requests for individual merchant service provider statements; however, the Auditor was given the Court E-File Global Payments Charge Statements which could not be reconciled to the Clerk's Office Concentration bank account deposits to the daily NewVision Fee Details report for County25. The Auditee couldn't provide adequate information to reconcile the fees processed by these two providers. To meet the proper testing standard, the Auditor needed to attempt a line-by-line reconciliation with the documentation provided but was ultimately unable to do so. The Auditor noted one primary - but not exclusive - cause for the reconciliation failure. While testing the Auditor found that every time a transaction involving the generation of index numbers was voided, the report provided by the Clerk's Office showed that the NewVision system doubled the amount of the void. This systemic flaw was found to contribute to the differences in daily and monthly court fee totals. The Auditor provided an example of the conflicting reports to the Auditee and the NewVision representatives for further investigation.

Catalis Analysis:

These payments are recorded as transactions by staff with "JV" as the payment type under the Court E-File Global Payments account.

The report discrepancies mentioned appear to be related to "FEE DETAIL COUNTY 25". A flaw was detected which did not factor in the negative totals of a "Revision" receipt. This issue is fixed in a new version of the report, titled "FEE DETAIL COUNTY 25 V2", delivered to Erie County Clerk's Office for testing on June 8, 2023.

Mortgage Tax

Comptroller's Finding #4: Mortgage Tax Collected Conflicts with Multiple Reports

Conflicting Amounts of Mortgage Tax Collected on NewVision Cash Code Summary Report and the Monthly Statement of Mortgages Recorded.

During testing of mortgage tax expenses, the Auditor found variants in the monthly mortgage tax revenue amounts for Additional, Basic, NFTA, and SONYMA tax that was different from the monthly statement of mortgages recorded. Due to mortgage tax revenue is outside the scope of this audit, the Auditor expanded the scope of the 11A sample escrow agreement is attached as Exhibit K. 25 audit and separated the issue herein described from the initial audit. The scope was expanded to include mortgage tax distributions of mortgage tax revenues. A letter sent to the Clerk's Office on May 4, 2023, described the expansion and separation of audits. The expanded audit will commence on the conclusion of this audit.

Catalis Analysis:

While the Cash Code Summary Report and the Basic Tax Summary - C Report are filtered in the same way to include all versions of a receipt, a flaw was found with the third report referenced, RECORDING-MONTHLY DOC COUNT. This report accidentally counted extra receipts from revisions instead of only the latest + unvoided receipts, hence inflating the count for documents.

This flaw was discovered by County Clerk staff and has been fixed as of July 7, 2023.

Other Comptroller's Findings, Comments & Recommendations

Comptroller's Finding #1: NewVision Revenue Reports Inconsistent with Clerk's Office Reports

Detailed revenue reports generated by NewVision and used by the Clerk's Office to reconcile the revenues collected by the Clerk's Office are inconsistent with Clerk's Office reports.

The Auditor requested a report of all monthly revenues collected used to reconcile the revenues recorded and distributed. The Auditee provided a NewVision Cash Code Summary-State-NG report that detailed the individual breakdown of fees collected. After reviewing this report, it was found that not all revenues reconciled to the report. The Auditor requested additional supporting documentation to verify the variances; however, the information was not provided. The Auditor also noted that eight G/L numbers on the report where Auditors needed further information to identify what the dollar amounts reported therein represent. Several requests were made to the Auditee to verify what these dollar amounts represent; however, Auditee was unable to verify the revenue source. In addition, same request was made to NewVision, no response was received.

Catalis Analysis:

Previous correspondence with Erie County Clerk's Office provided descriptors for some of the 8 GL numbers. These descriptions have been copied here for reference:

Comptroller's Finding #2: Corporate Filing & Notary Fees Not Recognized as Revenue

Corporate filing and notary fees are posted in SAP but are not recognized as revenue in Erie County Clerk's Office NewVision system.

During the attempt to reconcile the Clerk's Concentration bank account to NewVision Cash Code Summary-State-NG report, the Auditor noted that both corporate filing and notary fees were received via ACH from New York State into the County's M&T account and then posted by the Comptroller's Office to the Clerk's G/L number 415150. Auditor discussed this with Auditee, and they were unaware that the revenue was being posted to the Clerk's Office G/L under recording fees.

Catalis Analysis:

These figures can be tracked with existing functionality. By working with the Erie County Clerk's Office, and adding these figures as service fees, we can design a workflow where staff members enter these transactions with "ACH" as the payment type. These figures would then appear on existing reports without any additional changes.

Exhibit "C": Audit of Erie County Law Department June 2023

June 2023

Audit of the Erie County Department of Law Contract Expenditures for Indigent Services January 1, 2022, through December 31, 2022

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

June 29, 2023

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

Dear Honorable Members:

The Erie County Comptroller's Office, Division of Audit has completed an audit of the Erie County Department of Law's Indigent Services Contract Expenditures for the period of January 1, 2022, through December 31, 2022.

The Auditor's objectives were to test and evaluate the expenditure transactions in the operating budget and evaluate the internal controls concerning said transactions.

The scope of the audit included testing and evaluation of expenditure transactions with internal controls relevant to County policies, contracts, and New York State statutory and regulatory authority.

The management of the Department of Law (Law Department) is responsible for establishing and maintaining a system of internal controls. The objectives of such a system are to provide management with reasonable, but not absolute assurance that transactions are properly recorded and executed in accordance with authorization. Due to the inherent limitations in the system of internal controls, errors or irregularities could occur and may not be detected.

The Division of Audit's responsibility is to express an opinion based on the audit. The Auditor conducted this audit in accordance with the generally accepted Government Auditing Standards (GAO or Yellow Book). Those standards require the Auditor to plan and perform the audit in a manner that is designed to obtain sufficient, appropriate evidence that will provide a reasonable basis for the results of the audit and conclusions based on stated audit objectives. The Division of Audit believes that based on the audit objectives, the evidence obtained provides a reasonable basis for the results and comments contained herein.

Opinion

In the Auditor's opinion, the internal controls over the expenditure transactions and internal controls relevant to policies, contracts and New York State regulations are adequately designed but are not universally adhered to.

No other specific matters adversely affecting compliance and procedures came to the Auditor's attention. The audit was conducted for the purposes previously discussed and would not necessarily disclose all instances of noncompliance with respect to areas of operations not audited.

BACKGROUND

The Department of Law consists of three major practice areas - Litigation, Transactional and Family Court. The Indigent Defense Program, funded in the Law Department cost center 16010, fund 110, provides legal services to individuals participating in certain legal proceedings in Erie County Courts who are financially unable to retain an attorney to represent them in the matter. These proceedings include all criminal charges faced in Erie County Court, as well as certain matters handled by Erie County Family Court where the New York State Legislature has created a right to counsel. Indigent services strive to help those who are financially unable to help themselves, and who may struggle with poverty or mental health issues. The Law Department administers this program by entering into contractual relationships with two not-for-profit agencies qualified to provide indigent legal services. The two agencies currently contracted by Erie County are the Erie County Bar Association Aid to Indigent Prisoners Society, Inc. (ACP) and the Legal Aid Bureau of Buffalo, LLC. The former is an Assigned Counsel Program (ACP) governed by Article 18-B of New York County Law, while the latter is what is commonly known as an "institutional provider". Per Article 18-B, the contracts that Erie County has entered into with the ACP and LAB are an indispensable requirement. The resolution authorizing the County to enter into the aforementioned contracts was approved by the Erie County Legislature.

ACP and LAB were funded in the calendar year 2022 in the amounts of $9.16 M and $4.6 M respectively. Per the contracts, each agency was paid quarterly in four equal installments throughout the contract year based on invoices which required supporting documentation that would allow the Law Department, the Erie County Comptroller, the Erie County Division of Budget and Management (Budget & Management), and the New York State Department of Indigent Legal Services (ILS) to verify the accuracy of the amounts stated. This audit focused on contract payments relating to the Indigent Legal Services Program and how well the contractual parties adhered to the terms contained therein.

AUDIT RESULTS

All audit results were communicated to the Law Department during the course of the audit.

1. Erie County 2022 Indigent Defense Funding Application

Both LAB and ACP are required to abide by certain rules applicable to their respective legal structures. The *Standards for Establishing and Administering Assigned Council Programs* – a set of governing rules promulgated by ILS applicable to assigned counsel programs – requires ACP to prepare and submit a detailed budget for 2022 titled *Indigent Defense Funding Application* to the county funding authority, Budget & Management here, by September 10, 2021. LAB's reporting requirements are set by contractual and regulatory authority.

The Erie County 2022 *Indigent Defense Funding Applications* were obtained from both LAB and ACP dated September 10, 2021. This occurred after the Auditor requested copies of the 2022 Indigent Defense Funding Applications from both Budget & Management and the Law Department. However, neither entity could produce the 2022 *Indigent Defense Funding Applications* submitted by LAB and ACP.

The Auditor recommends that Budget & Management receive and maintain a copy of the *Indigent Defense Funding Applications* with documented approval of the budget submission before forwarding the approved budget to the Law Department prior to executing the contract for Indigent Legal Services.

2. Refund to Erie County of unused surplus monies for Indigent Legal Services

Contracts 22-96-LA and 22-97-LA, applicable to LAB and ACP, respectively, require those entities to refund all unused monies paid to them by Erie County for the prior fiscal year within 90 days of receiving their annual 2022 audit report.

For 2022, both LAB and ACP have not received their annual audit report from Certified Public Accountants as of June 12, 2023, the last day of fieldwork. The Auditor requested the 2021 calculation of unused surplus monies and evidence, documentary or otherwise, that any unused monies were returned to Erie County.

The total refund amount of $161,302 was remitted to Erie County from ACP for 2021 and was properly recorded in SAP General Ledger Account #423000 Prior Year Refunds, Department of Law Cost Center BD160. This was supported in ACP's *Annual Audit Report - Notes to the Financial Statements* for 2021, and a copy of the cancelled check was examined. No exceptions or irregularities were noted.

In 2020 and 2021, LAB recorded surplus amounts of $192,362 and $362,778, respectively. These amounts, totaling $555,140, should have been refunded to the County timely, but remain unpaid. These amounts are not supported by LAB's *Annual Audit Report - Notes to the Financial Statements* as requested in an email from the Director of Budget and Management to the Chief Financial Officer of LAB December 30, 2021.

An email from the Chief Financial Officer of LAB to the Erie County Budget Director dated April 14, 2023, disclosed a calculation of the unused surplus monies due Erie County for both 2021 and 2020. The Auditor discussed the calculation with the Chief Financial Officer of LAB on June 7, 2023, attesting the calculation was done based on records from prior calculations by the former CFO of LAB. Budget & Management has recorded these amounts in SAP General Ledger Account #423000 Prior Year Refunds, Department of Law Cost Center BD160.

The Auditor recommends that LAB have their Certified Public Accountants formally certify the calculation of unused surplus monies from LAB for 2020 and 2021.

In addition, the Auditor recommends that Budget & Management request a formal certification from LAB for 2022 and beyond containing future calculations of unused surplus monies to be documented in the *Annual Audit Report - Notes to the Financial Statements*, similar to the formal certification currently filed by ACP. The Auditor further recommends that any surplus moneys be refunded timely to prevent county funds from being at risk.

3. Approval for quarterly invoices submitted for payment

Quarterly invoices received from LAB and ACP were not approved by the Budget Director. Contracts with LAB #22-96-LA § 7 and ACP #22-97-LA § 9, stipulate "payments shall be made on invoices submitted to the County's Comptroller and approved by its Budget Director."

The Auditor recommends that the Law Department forward quarterly invoices to the Budget Director for documented approval and verification prior to submitting quarterly invoices to the Comptroller's Office for payment.

4. Supporting documentation for quarterly invoices submitted for payment

Quarterly invoices submitted for payment in 2022 by LAB totaling $4,634,862 and the ACP totaling $9,169,256 were approved for payment by the Law Department and paid by the Comptroller's Office without supporting documentation.

Per LAB's contract with the County, administrative costs that LAB incurs over the course of the year may not exceed 10% of the annual value of the full amount paid to LAB by the County. LAB did not submit supporting documentation to the Law Department for 2022 quarterly invoices until May 18, 2023. In addition, the calculated administrative expenses that LAB documented amount to exactly 10% of the invoice total submitted for the year 2022. However, no detail was provided to account for what the 2022 administrative expenses were comprised of.

ACP submitted supporting documentation for 2022 quarterly invoices but not until the following quarter, a 90-day lag after the invoice submission. Erie County Accounting Policy - Accounts Payable/Overview stipulates that transactions must have complete and accurate supporting documentation before the County disburses funds for payment of goods and/or services. Furthermore, the ILS standard for Assigned Council Programs requires ACP to submit records of expenditures to Budget & Management in accordance with laws and regulations.

The Auditor recommends that the Law Department consider revisiting the contracts with LAB and ACP to ensure the quarterly supporting documentation is submitted timely and that the supporting documentation provides detail for the Law Department in order to review and monitor the quarterly invoices for services rendered.

RESULTS OF EXIT CONFERENCE

An exit conference was held on June 21, 2023, with the Erie County Attorney, members of his staff, and the Deputy Budget Director. The draft audit report was reviewed and discussed. The Erie County Attorney and Deputy Budget Director were in general agreement with the audit report. The Erie County Attorney provided a written response to Audit findings 1, 2, 3 & 4.

The Erie County Comptroller's Office would like to thank the Erie County Attorney, the Budget Director, and their staff members for the courtesy extended to the Division of Audit during the course of the audit. The Erie County Comptroller's Office would also like to thank the Erie County Bar Association Aid to Indigent Prisoners Society, Inc. (ACP) and the Legal Aid Bureau of Buffalo, LLC for taking the time to meet with the Auditor and being transparent and responsive throughout the fieldwork and document acquisition stages of the audit.

ERIE COUNTY COMPTROLLER'S OFFICE

cc: Jeremy C. Toth, Erie County Attorney

Hon. Mark C. Poloncarz, Erie County Executive

Hon. Kevin R. Hardwick, Erie County Comptroller

Robert. W. Keating, Director, Division of Budget and Management

Erie County Fiscal Stability Authority

APPENDIX

Appendix A:

Audit Methodology

The goals of this audit were to test and evaluate the expenditure transactions in the operating budget for Erie County's Department of Law Contract Expenditures of Indigent Services for the period of January 1, 2022, through December 31, 2022.

The scope of the audit included testing internal controls relevant to County policies, contracts, and New York State regulatory and statutory authority.

To achieve these goals, the Auditor tested the eight expenditure transactions for Erie County Bar Association Aid to Indigent Prisoners Society, Inc. and Legal Aid Bureau of Buffalo, LLC. The eight transactions were funded in the calendar year 2022 by contracts in the amounts of $9.16 M and $4.6 M respectively. Each agency was paid quarterly in four equal installments throughout the contract year based on invoices and required supporting documentation per the contracts.

In addition, Internal Control Questionnaires were used to document discussions and procedures related to policy and procedures followed by the Department of Law to contract, process and record approved financial transactions in the accounting system ("SAP").

Tests of controls were designed, executed, and then reviewed for adequacy. Tests were performed by testing the entire population of 8 invoices transactions recorded in SAP and comparing them to documentation that included:

1) The Quarterly Invoices provided by Legal Aid (4) and EC Bar (4)
2) The approved Purchase Order/Encumbrance
3) The Goods/Invoice Receipts
4) Check Payments
5) The approved Contract stipulations with Legal Aid and EC Bar
6) Budget Submission and Approval process
7) Supporting documentation substantiating invoices received from Legal Aid and EC Bar
8) Financial Reports – Annual Audited Financial Statements from Legal Aid and EC Bar
9) Refund calculations for unused monies by Legal Aid and EC Bar

This evidence, taken as a whole, was used to form an opinion based on the audit objectives.

Appendix B: Auditee's Response to the Draft Audit Report

COUNTY OF ERIE

June 29, 2023

Hon. Kevin R. Hardwick, PhD
Erie County Comptroller
95 Franklin St, Floor 11
Buffalo, NY 14202

RE: Response to Draft Audit of Erie County Department of Law Contract Expenditures for Indigent Services January 1, 2022 through December 31, 2022

Dear Comptroller Hardwick:

The Erie County Department of Law (Law) writes to respond to Draft Audit of Erie County Department of Law Contract Expenditures for Indigent Services January 1, 2022 through December 31, 2022.

We thank you and your Audit Division for their thorough analysis and thoughtful recommendations related to the contractual relationships we maintain annually with the Erie County Bar Association Aid to Indigent Prisoners Society, Inc. for the Assigned Counsel Program (ACP) and the Legal Aid Bureau of Buffalo, LLC (LAB) for the provision of the Indigent Defense Program. As you know, the Department of Law has had a significant amount of employee turnover in the last year and with new Assistant County Attorney's in my office taking on new roles, this is an appropriate time to look at the Indigent Defense Program and both suggest and implement new policies related to the administration of these services.

Our responses follow the audit and use the same section titles.

Erie County 2022 Indigent Defense Funding Application

As noted, the Erie County Division of Budget and Management (Budget) provides both ACP and LAB with a funding application in conjunction with the County's annual budget process to be completed and submitted to Budget in early September and provide the basis for the budget requests submitted as part of Law's Proposed Budget.

While it is correct that neither Law nor Budget produced a copy of the 2022 Indigent Defense Funding Applications upon initial request it is our understanding that upon realization of the failure to meet this request, Budget immediately located and forwarded both the ACP and LAB applications (dated September 10, 2021) to Audit staff on June 15, 2023 in advance of the Exit Conference the following week.

Going forward, Budget has agreed to forward copies of both applications upon receipt to Law to maintain with all other records pertaining to the Indigent Defense Program.

Refund to Erie County of unused surplus monies for **Indigent Legal Services**
We concur with your recommendations that 1) LAB have their Certified Public Accountants formally certify the calculation of unused surplus monies from LAB for 2020 and 2021, 2) formal certification from LAB of deficit or surplus monies be documented in their Annual Audit Reports – Notes to the Financial Statements, and 3) deficit or surplus monies be paid to or refunded by LAB in a timely manner.

Approval for quarterly invoices submitted for payments

While all quarterly invoices received from ACP and LAB are attached to the Contract Encumbrances and visible to the Budget Director within SAP, going forward, Law will forward these quarterly invoices to the Budget Director for documented approval and verification prior to invoices being submitted to the Comptroller's Office for payment.

Supporting Documentation for quarterly invoices submitted for payment

We concur with your recommendation that ACP and LAB submit the quarterly supporting documentation in a timely fashion and that such documentation provides adequate detail of invoiced expenses. Law will review the current contracts and consider its own revisions (or any suggested by the Comptroller's Office) to further clarify required information for invoice processing.

I look forward to working with the Comptroller's Office going forward to address these issues that will undoubtedly better facilitate the administration of the Indigent Defense Program.

Sincerely yours,

Jeremy C. Toth, Esq.
Erie County Attorney

JCT/mc

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

COMM. 18E-2	COMPTROLLER	Apportionment and Distribution of Net Collections from the Sales & Compensating Use Tax - June, July & August 2023

Attachments

23COMM. 18-2

EC LEG SEP 28 '23 AM11:30

ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

September 28, 2023

Erie County Legislature
92 Franklin St.
Buffalo, NY 14202

Dear Honorable Legislature:

The enclosed report details the apportionment and distribution of net collections from the local four and three quarter percent (4.75%) Sales and Compensating Use Tax (Sales Tax) for Erie County for the months of June, July, and August 2023 as received from the State of New York by the Buffalo Fiscal Stability Authority (BFSA) and from the State by the Erie County Fiscal Stability Authority.

Total tax received and available for distribution:

	ALLOCATION	REVENUE
Total Tax Received		$272,334,100.65
Less BFSA Intercept for Buffalo		-43,999,170.40
County of Erie	$161,056,461.53	
School Districts	34,058,416.29	
Cities	1,926,711.23	
Cities, Towns & Villages	31,293,341.20	
Net	$228,334,930.25	$228,334,930.25

In addition to sales tax collected by New York State for July 2023 and prior months, this distribution contains the Electronic Funds Transfer (EFT) for the first 22 days of August 2023.

Very truly yours,

Kevin R. Hardwick

Kevin R. Hardwick
Erie County Comptroller

KRH/sd
Enc.

95 FRANKLIN STREET • ROOM 1100 • BUFFALO, N.Y. • 14202
PHONE: (716) 858-8400 • FAX: (716) 858-6195 • www.erie.gov/comptroller

CASH BASIS

3rd Quarter Sales Tax 2023		July-September	July-September Advanced by NYS to Buffalo	July-September
Sales Tax Received		118,356,506.15	19,122,056.58	99,234,449.57
Sales Tax Received		55,746,172.19	9,006,530.30	46,739,641.89
Sales Tax - EFT		98,231,422.31	15,870,583.52	82,360,838.79
Total Sales Tax Received for Month		$272,334,100.65	$43,999,170.40	$228,334,930.25
Allocations				
County of Erie .25% Assessment		14,331,584.56		14,331,584.56
County of Erie .5% Assessment		28,663,169.14		28,663,169.14
County of Erie 1% Assessment		57,334,556.57		57,334,556.57
County of Erie	0.353055	60,727,151.26		60,727,151.26
School Districts	0.290000	49,881,389.20	15,822,972.91	34,058,416.29
Cities	0.100087	17,215,443.45	15,288,732.22	1,926,711.23
Cities, Towns & Villages	0.256858	44,180,806.47	12,887,465.27	31,293,341.20
Total Allocations		$272,334,100.65	$43,999,170.40	$228,334,930.25

County Distribution - 2023	July-September	July-September Advanced by NYS to Buffalo	July-September
County of Erie .25% Assessment	14,331,584.56		14,331,584.56
County of Erie .5% Assessment	28,663,169.14		28,663,169.14
County of Erie 1% Assessment	57,334,556.57		57,334,556.57
County of Erie	60,727,151.26		60,727,151.26
Total County	$161,056,461.53		$161,056,461.53

	School Distribution - 2023	July-September	July-September Advanced by NYS to Buffalo	July-September
35,527.78	City of Buffalo Public Schools	15,822,972.91	15,822,972.91	0.00
2,384.98	City of Lackawanna S.D.	1,062,196.24		1,062,196.24
1,522.74	City of Tonawanda School	678,181.24		678,181.24
942.72	Akron Central School Dist.	419,858.29		419,858.29
1,410.69	Alden Central School Dist.	628,277.63		628,277.63
2,814.99	Amherst Central School Dist.	1,253,709.36		1,253,709.36
2,030.84	Cheektowaga Central S.D.	904,473.25		904,473.25
2,014.10	Cheektowaga-Maryvale U.F.S.D.	897,017.77		897,017.77
1,229.14	Cheektowaga-Sloan U.F.S.D.	547,420.89		547,420.89
4,020.32	Clarence Central School Dist.	1,790,525.99		1,790,525.99
1,272.82	Cleveland Hill U.F.S.D.	566,874.62		566,874.62

1,734.12	Depew U.F.S.D.	772,323.35		772,323.35
1,617.61	East Aurora U.F.S.D.	720,433.39		720,433.39
1,234.01	Eden Central School Dist.	549,589.84		549,589.84
4,365.03	Frontier Central School Dist.	1,944,049.16		1,944,049.16
602.08	Gowanda Central School Dist.	268,147.79		268,147.79
2,740.06	Grand Island School Dist.	1,220,337.85		1,220,337.85
3,074.75	Hamburg Central School Dist.	1,369,398.43		1,369,398.43
704.04	Holland Central School Dist.	313,557.60		313,557.60
2,018.81	Iroquois Central School Dist.	899,115.45		899,115.45
6,854.12	Kenmore/Tonawanda U.F.S.D.	3,052,612.77		3,052,612.77
1,893.19	Evans-Brant Central School Dist.	843,168.18		843,168.18
5,287.14	Lancaster Central School Dist.	2,354,728.42		2,354,728.42
572.19	North Collins Central S.D.	254,835.70		254,835.70
4,559.50	Orchard Park Central S.D.	2,030,660.09		2,030,660.09
1,380.87	Springville-Griffith Institution	614,996.72		614,996.72
3,118.98	Sweethome C.S.D. of Amherst/Ton.	1,389,097.11		1,389,097.11
5,719.67	West Seneca Central School Dist.	2,547,363.89		2,547,363.89
9,180.48	Williamsville Central School	4,088,701.47		4,088,701.47
172.36	Yorkshire-Pioneer Central	76,763.80		76,763.80
112,000.13	Total School	$49,881,389.20	$15,822,972.91	$34,058,416.29

	City Distribution - 2023	July-September	July-September Advanced by NYS to Buffalo	July-September
278,349	Buffalo (City)	$ 15,288,732.22	$ 15,288,732.22	$ -
	Buffalo (City\Town\Village)	$ 12,887,465.27	$ 12,887,465.27	$ -
	Total Buffalo	$28,176,197.49	$28,176,197.49	$0.00
19,949	Lackawanna (City)	$ 1,095,728.45		$ 1,095,728.45
	Lackawanna (City\Town\Village)	923,632.00		$ 923,632.00
	Total Lackawanna	$2,019,360.45		$2,019,360.45
15,129	Tonawanda (City)	$ 830,982.78		$ 830,982.78
	Tonawanda (City\Town\Village)	$ 700,467.63		$ 700,467.63
	Total Tonawanda	$1,531,450.41		$1,531,450.41
	Total City	$17,215,443.45	$15,288,732.22	$1,926,711.23
	Total City/Town/Village	14,511,564.90	12,887,465.27	1,624,099.63
	Total Distribution for Cities	$31,727,008.35	$28,176,197.49	$3,550,810.86

Apportionment	Towns and Villages Distribution - 2023	July-September	July-September Advanced by NYS to Buffalo	July-September
	Town of:			
819,652,382	Alden	274,616.72		274,616.72
14,533,512,030	Amherst	6,161,991.64		6,161,991.64
2,131,466,626	Aurora	589,573.19		589,573.19
882,552,242	Boston	391,695.44		391,695.44
191,702,538	Brant	76,730.79		76,730.79
7,170,283,140	Cheektowaga	2,753,850.40		2,753,850.40
5,045,378,860	Clarence	2,239,246.36		2,239,246.36
427,865,107	Colden	189,895.64		189,895.64
322,873,202	Collins	122,411.53		122,411.53
795,630,218	Concord	215,480.32		215,480.32
758,499,854	Eden	336,638.35		336,638.35
1,823,866,491	Elma	809,470.70		809,470.70
1,376,045,826	Evans	557,073.48		557,073.48
2,488,652,256	Grand Island	1,104,516.75		1,104,516.75
6,100,403,881	Hamburg	2,226,681.95		2,226,681.95
350,228,766	Holland	155,438.97		155,438.97
4,678,718,243	Lancaster	1,543,279.51		1,543,279.51
619,429,727	Marilla	274,916.07		274,916.07
886,354,551	Newstead	299,608.24		299,608.24
300,244,707	North Collins	104,162.50		104,162.50
4,224,188,403	Orchard Park	1,706,259.73		1,706,259.73
290,428,816	Sardinia	128,898.47		128,898.47
6,096,154,534	Tonawanda	2,271,028.65		2,271,028.65
382,811,128	Wales	169,899.72		169,899.72
4,152,585,547	West Seneca	1,843,005.71		1,843,005.71
66,849,529,074	Total Towns	$26,546,370.83		$26,546,370.83
Allocation	Village of:			
0.245100455	Alden	89,162.42		89,162.42
0.044694152	Williamsville (Amherst)	288,289.86		288,289.86
0.376766069	East Aurora	356,417.01		356,417.01
0.098151295	Farnham	8,350.87		8,350.87
0.106879247	Depew (Cheektowaga)	340,124.40		340,124.40
0.027389003	Sloan	87,160.69		87,160.69
0.000373479	Williamsville (Cheektowaga)	1,188.53		1,188.53
0.145755442	Gowanda	20,886.46		20,886.46
0.389777417	Springville	137,637.28		137,637.28
0.087838984	Angola	53,644.88		53,644.88
0.029533252	Blasdell	79,960.93		79,960.93
0.148050843	Hamburg	400,846.00		400,846.00
0.098319785	Depew (Lancaster)	204,162.47		204,162.47

0.158473532	Lancaster	329,072.60		329,072.60
0.238380286	Akron	93,774.74		93,774.74
0.218321906	North Collins	29,092.48		29,092.48
0.089890241	Orchard Park	168,524.84		168,524.84
0.160620122	Kenmore	434,574.28		434,574.28
	Total Village	$3,122,870.74		$3,122,870.74
	Grand Total Towns and Villages	$29,669,241.57		$29,669,241.57

Recapitulation	July-September	July-September Advanced by NYS to Buffalo	July-September
County of Erie	$161,056,461.53		161,056,461.53
School Districts	49,881,389.20	15,822,972.91	34,058,416.29
Cities	17,215,443.45	15,288,732.22	1,926,711.23
Cities (Towns and Villages)	14,511,564.90	12,887,465.27	1,624,099.63
Towns	26,546,370.83		26,546,370.83
Villages	3,122,870.74		3,122,870.74
Total Sales Tax Distribution	$272,334,100.65	$43,999,170.40	$228,334,930.25

I, hereby, certify that the above amounts due the county of Erie, School Districts, Cities, Towns and Villages, represent the apportionment of Erie County Sales Tax. Checks should be drawn to the order of the above designated officer on the Sales Tax Account.

Kevin R. Hardwick

KEVIN R. HARDWICK
Erie County Comptroller

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

COMM. 18E-3	COUNTY EXECUTIVE	2024 Tentative Erie County Budget

Attachments

23COMM. 18E-3

EC LEG SEP 29'23 AM11:41

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 29, 2023

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

Re: 2024 Proposed Erie County Budget

Dear Honorable Members:

In accordance with the Erie County Charter Section 2503, please find attached the 2024 Proposed Erie County Budget and accompanying Four-Year Financial Plan for Fiscal Years 2024-2027.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mc
Enclosure

Erie County 2024 Budget: Message and Summary –

- https://www3.erie.gov/budget/sites/www3.erie.gov.budget/files/2023-09/budget_2024_message.pdf

Erie County 2024 Budget: PROPOSED, Book A - Operating Funds –

- https://www3.erie.gov/budget/sites/www3.erie.gov.budget/files/2023-09/budget_2024_book_a_proposed.pdf

Erie County 2024 Budget: PROPOSED, Book B - Special Funds –

- https://www3.erie.gov/budget/sites/www3.erie.gov.budget/files/2023-09/budget_2024_book_b_proposed.pdf

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

COMM. 18E-4	COUNTY EXECUTIVE	2024-2027 Four-Year Financial Plan

Attachments

23COMM. 18E-4

EC LEG SEP 29 '23 AM11:41

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 29, 2023

James M. Sampson, Chairman
Erie County Fiscal Stability Authority
295 Main Street, Room 946
Buffalo, New York 14203

Re: 2024-2027 Four-Year Financial Plan

Dear Chairman Sampson:

Please find attached the County Executive's 2024 Proposed Erie County Budget ("Proposed Budget") and accompanying Four-Year Financial Plan ("Plan") for Fiscal Years 2024-2027.

The Proposed Budget and projected 2023 year-end data form the basis for the Plan along with assumptions and estimates which are detailed in the Executive Summary and Budget Message. The Plan forecasts manageable budget scenarios for 2024-2027.

Revenue	**2025**	**2026**	**2027**
Sales Tax Growth	1.50%	1.50%	1.50%
Real Estate Market Value Growth	4.97%	2.00%	2.00%
Property Tax Rate Increase	0%	0%	0%

Expense	**2024**	**2025**	**2026**
Personal Services Growth	3.00%	3.00%	3.00%
Health Insurance Growth	2.00%	2.00%	2.00%
Pension Rate	3.00%	3.00%	3.00%

The Plan utilizes conservative and appropriate assumptions on property and sales tax revenues. We project 5% assessment growth for 2025, backing down to 2% growth for 2026-27. This number is limited by the New York State Tax Cap, which forces the county to forgo a significant amount assessment growth annually. For sales tax, we budgeted for 2% growth for 2024 and then 1.5% growth for 2025-2027. No fund balance is used in the Proposed Budget and none is projected to be used in the 2025-2027 budgets. Based on the expected 2023 year-end positive variance, unassigned fund balance, which stands at a healthy $136,471,704, may be increased to prepare the county for future needs.

The Plan does forecast out-year budget gaps for 2025-27 primarily the result of unanticipated changes to the phase-out timeline of the State's eFMAP sweep and significant increases in IGT payments to ECMCC (a delayed impact of cost increases from the COVID-19 Pandemic).

However, a meaningful change as Section 203 of the Consolidated Appropriations Act of 2021, altering the rules for considering the costs associated with Medicare and commercial dually eligible patients when calculating the uncompensated care limit, has been enacted but not yet implemented. This change is anticipated to reduce the County's IGT costs by as much as $20 million annually, completely closing all currently projected gaps. Once there is more clarity on the implementation timeline, IGT cost projections will be revised accordingly.

Regardless, the County is well positioned to close the presented gaps, which represent approximately 0.75 percent of total General Fund expenses in a given year.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/rk
Enclosure

cc: Erie County Legislature
Robert W. Keating

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

COMM. 18E-5	BASKIN	New Stadium Community Inclusion Task Force

Attachments

23COMM. 18E-5

EC LEG SEP 29 '23 PM1:55

ERIE COUNTY LEGISLATURE

HON. APRIL N.M. BASKIN
CHAIR OF THE LEGISLATURE
2ND DISTRICT LEGISLATOR

92 Franklin St., 4th Fl.
Buffalo, NY 14202
716/858-8869
FAX: 716/858-8895

September 29, 2023

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

Re: New Stadium Community Inclusion Task Force

Dear Clerk Graber:

Per Section 1.01 (12) of the Rules of the Erie County Legislature, I am creating an independent task force to report to the Legislature on the efforts of the Buffalo Bills and their contractors to meet all the inclusionary goals of the construction of a new stadium for the Buffalo Bills.

The New Stadium Lease for the Buffalo Bills and all appropriate agreements, including but not limited to the Construction Coordinating Agreement and the Community Benefits Agreement, list several standards the Buffalo Bills are to meet during the construction of the stadium. These include, MWBE utilization goals, improved access for public transportation, workforce diversity goals, and a plan for public art.

I will be appointing community representatives to the New Stadium Community Inclusion Task Force (the "Task Force"). The Task Force will include representatives from each of the areas listed below. They will be tasked with assessing progress on the Buffalo Bills' efforts to meet community inclusion goals, including reviewing proposed plans, and to make recommendations on how to achieve improvements for each of the community inclusion benchmarks.

The Task Force will be made up of eleven volunteers with representation as follows:

1 NYS Certified MBE Business Owner
1 NYS Certified WBE Business Owner
1 NYS Certified SDVOB Owner
1 representative with expertise in government funded public works MWBE compliance management
1 representative with expertise local workforce recruitment
1 representative with expertise local MWBE subcontractor recruitment
1 representative who is an executive leader in the Buffalo Chapter of the NAACP
1 representative who is an executive leader in the Buffalo Chapter of the Urban League
2 representatives who are executive leaders in the Buffalo Chapter of the Black Chamber of Commerce
1 representative with professional experience in sports area and stadium development

ERIE COUNTY LEGISLATURE

HON. APRIL N.M. BASKIN
CHAIR OF THE LEGISLATURE
2ND DISTRICT LEGISLATOR

92 Franklin St., 4th Fl.
Buffalo, NY 14202
716/858-8869
FAX: 716/858-8895

The Task Force is recommended to meet no less than once a month at either the Legislature's office, or an Erie County public library meeting room. The Task Force is recommended to select a chair and secretary and provide monthly meeting minutes to the Erie County Legislature.

The New Stadium Community Inclusion Task Force needs to be created because we need all hands-on deck, from the community, the Buffalo Bills, Erie County, Gilbane|Turner, Erie County Stadium Corporation, to make sure we're taking every necessary step to get the most out of this project for our local community.

Please see the attached list of members to be appointed to the New Stadium Community Inclusion Task Force. Thank you for your attention to this letter.

Respectfully,

April Baskin

1 NYS Certified MBE Business Owner

Richard C. Cummings
American Rated Cable & Communications
790 East Delavan Avenue
Buffalo, NY 14215

1 NYS Certified WBE Business Owner

Elizabeth Vealey, CPA MBA
Sophius LLC
39 Partridge Walk
Lancaster, NY 14086

1 NYS Certified SDVOB Owner

Tony Roman
T & T Materials, Inc.
303 Industrial Drive
Grand Island, NY 14072

1 representative with expertise in government funded public works MWBE compliance management

Larry Stitts
1323 Jefferson Avenue
Buffalo, NY 14208

1 representative with expertise local workforce recruitment

Stephen Tucker
Northland Workforce Training Center
683 Northland Ave
Buffalo, NY 14211

1 representative with expertise local MWBE subcontractor recruitment

Frank Daniel
Independent Contractors Guild of WNY
683 Northland Ave
Buffalo, NY 14211

1 representative who is an executive leader in the Buffalo Chapter of the NAACP

Rev. Mark Blue
NAACP – Buffalo
163 Broadway
Buffalo, NY 14204

1 representative who is an executive leader in the Buffalo Chapter of the Urban League

Thomas Beauford
Buffalo Urban League
15 Genesee St
Buffalo, NY 14203

2 representatives who are executive leaders in the Buffalo Chapter of the Black Chamber of Commerce

Richard A. Cummings
Black Chamber of Commerce
836 E. Delavan Avenue
Buffalo, NY, 14215

Sydney Brown
Black Chamber of Commerce
836 E. Delavan Avenue
Buffalo, NY 14215

1 representative with professional experience in sports arena and stadium development

Patrick Freeman
585 Parkside Avenue
Buffalo, NY 14216

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

COMM. 18E-6	COUNTY EXECUTIVE	ECSD No. 4 - Engineering Term Contract Agreement

Attachments

23COMM. 18E-6

EC LEG SEP 29 '23 PM 2:54

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 29, 2023

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

RE: Erie County Sewer District No. 4
Engineering Term Contract Agreement
Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC
Work Order: WNDL-3

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, for the issuance of a work order as authorized by the resolution passed by the Erie County Legislature on November 21, 2022, related to Engineering Term Agreements.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:mas
Enclosure

cc: J. Fiegl – Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 4
Engineer Term Contract Agreement
Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC
Work Order: WNDL-3
Date: September 29, 2023

SUMMARY

The Erie County Legislature is requested to receive and file this communication pertaining to the Department of Environment and Planning's issuance of a work order with Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC (Wendel) for Erie County Sewer District (ECSD) No. 4 in an amount not to exceed $74,337.31.

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. 4 Capital Bond Account C.17401.

REASONS FOR RECOMMENDATION

The Division of Sewerage Management has issued work order WNDL-3 for construction administration and inspection services for the Depew Pumping Station force main replacement project – Phase 2.

BACKGROUND INFORMATION

On November 21, 2022, the Erie County Legislature passed a resolution authorizing a Term Agreement with Wendel to provide engineering services for small and/or time critical projects. At the time of the contract award, the Division of Sewerage Management committed to notifying the Honorable Legislature of each work order issued.

The Term Agreement was approved to provide the Division of Sewerage Management with engineering services required to complete various initiatives throughout the ECSDs. Wendel will provide construction administration and inspection services for the upcoming Depew Pumping Station force main replacement project – Phase 2, which is expected to be bid in Fall 2023. This work order is part of a phased approach to bring the project to completion.

CONSEQUENCES OF NEGATIVE ACTION

This is a receive and file item.

STEPS TO FOLLOW APPROVAL

This is a receive and file item.

COMPTROLLER'S OFFICE REVIEW

The proposed action has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.

Signed _____ Date 7/22/23

Title Timothy C. Callan, Ph.D.
Deputy Comptroller

Work Order: WNDL-3
Capital Account No. C.17401

ERIE COUNTY SEWER DISTRICT NO. 4
WORK ORDER NO. WNDL-3

ENGINEER: Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC

CONTRACT DATE: **November 21, 2022**

1. **Title of Proposal:** Construction Administration and Inspection Services for the Depew Pumping Station force main replacement project – Phase 2 in ECSD No. 4

2. **Company/Address/Principal In-Charge:**
Timothy Walck, P.E.
Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC
375 Essjay Road, Suite 200, Buffalo, NY 14221

3. **Effective Dates of Proposal:**
September 18, 2023

4. **Brief Description of Work for Which Proposal is Submitted:**
The engineer will provide construction administration and inspection services for the Depew pumping station force main replacement project -phase 2 in ECSD No. 4, as detailed in Wendel's letters, dated September 15, 2023.

5. **Engineering Total Cost:**
$74,337.31

6. **Source of Funds:**
7. ECSD No. 4 Capital Bond Account C.17401

8. **Project No:** WNDL-3

9. **Attachments:** Wendel letters dated 9/15/2023 (6 pages)

10. **File:** 0.3.2. Wendel (23-25) Eng.

DATE: September 18, 2023 Accepted By: _____

Prepared By: _____ Authorized By: _____
Matt A. Salah, P.E.
Joseph Fiegl, P.E., BCEE
Deputy Commissioner

TO: COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT		COMPLETE ITEMS 1 THROUGH 5
1.	CONTRACTOR'S NAME	Wendel
2.	AMOUNT OF CONTRACT	$74,337.31
3.	PROJECT NUMBER	C.17401
4.	PROJECT TITLE	Engineering Term Agreement Work Order WNDL-3
5.	DEPARTMENT CONTACT	Beth Pfalzer x6144

COMPTROLLER'S OFFICE		COMPLETE ITEMS 6 AND 7
6.	AVAILABILITY OF FUNDS	$4,200,508.06
7.	PERFORMED BY	Elizabeth A Hall 9/21/2023
Date Sent to Comptroller's Office:		9/21/2023

[55 compt 10]

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

COMM. 18E-7	COUNTY EXECUTIVE	Award of Construction Contracts for the Rehab. of Clarksburg Road Bridge

Attachments

23COMM. 18E-7

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 29, 2023

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

RE: Award of Construction for the Rehabilitation of Clarksburg Road Bridge over South Branch Eighteen Mile Creek, BIN 3327890/BR 715, Town of Eden, Erie County, Project No. CAP-BR715-23

Dear Honorable Members:

We are forwarding for your approval a resolution seeking authorization to award a construction contract for the rehabilitation of the Clarksburg Road Bridge to the lowest responsible bidder, McLaughlin Construction Corp. dba Edbauer Construction, enter into an agreement with CHA Consultants for construction phase engineering and inspection services, and to establish a project contingency.

Should your Honorable Body require further information, I encourage you to contact Commissioner William E. Geary, Jr., at the Department of Public Works. Thank you for your consideration in this matter.

Sincerely yours,

Mark C. Poloncarz
Erie County Executive

MCP/jtd
Enclosure

cc: William E. Geary, Jr., Commissioner of the Department of Public Works

MEMORANDUM

To:	Honorable Members of the Erie County Legislature
From:	Department of Public Works/Division of Highways
Re:	Award of Construction for the Rehabilitation of Clarksburg Road Bridge over South Branch Eighteen Mile Creek, BIN 3327890/BR 715, Town of Eden, Erie County, Project No. CAP-BR715-23
Date:	September 29, 2023

SUMMARY

The Department of Public Works/Division of Highways is requesting authorization for the County Executive to award a construction contract to the lowest responsible bidder, McLaughlin Construction Corp. dba Edbauer Construction, enter into an agreement with CHA Consultants for construction phase engineering and inspection services, and to establish a project contingency.

FISCAL IMPLICATIONS

The total project cost is estimated at $2,275,000; $1,850,822 for construction, $267,027 for construction phase engineering and inspection services, and $157,151 for project contingency. Funds are available in Fund 420, Funds Center 123, Capital Projects as follows:

• B.16014 – 2016 Preservation of Bridges & Culverts	$ 52,988
• B.16015 – 2016 Bridge & Culvert Design	$ 53,027
• B.18019 – 2018 Preservation of Bridges & Culverts	$ 120,000
• B.20013 – 2020 Capital Bridge Design	$ 214,000
• B.20050 – 2020 Capital Overlay	$ 234,159
• B.21167 – 2021 Clarksburg Bridge	$1,249,164
• B.22005 – 2022 Preservation of Bridges & Culverts	$ 184,738
• B.23052 – 2023 Preservation of Bridges & Culverts	$ 166,924
TOTAL PROJECT	$2,275,000

REASONS FOR RECOMMENDATION/BACKGROUND INFORMATION

The Clarksburg bridge was severely damaged by a truck in 2020 and is presently closed to all traffic including pedestrians since that time. This project is needed to repair the damage to the bridge to allow it to be reopened to the public.

The design portion of this project was authorized by your Honorable Body via COMM. 18E-15 (2021), and has been completed. A public bid opening was held and the lowest responsible bidder was McLaughlin Construction Corp. dba Edbauer Construction. The Erie County Department of Public Works desires to advance the Project into the construction phase in a timely fashion.

The funding in WBS B.21167 is an insurance settlement from the truck impact to the bridge, to repair the bridge, as authorized in COMM. 18E-15 (2021).

CONSEQUENCES OF NEGATIVE ACTION

If the proposed resolution is not approved, the bridge will remain closed and continue to deteriorate. At some time in the future, the structure will need to be removed due to the danger of it collapsing from the truck impact damage and continued deterioration.

STEPS FOLLOWING APPROVAL

The County Executive will execute all necessary agreements with the lowest responsible bidder, McLaughlin Construction Corp. dba Edbauer Construction, CHA Consultants for construction phase engineering and inspection services, and establish a project contingency for a successful and timely implementation of this project.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Office of the Comptroller and is related to authorized capital projects for which there are sufficient appropriations for the action proposed.

Timothy C. Callan 9/22/25

Timothy C. Callan
Deputy Comptroller
Comptroller's Office

Fund 420
Fund Center 123
B.16014
B.16015
B.18019
B.20013
B.20050
B.21167
B.22005
B.23052
Project CAP-BR715-23

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

RE: Award of Construction for the Rehabilitation of Clarksburg Road Bridge over South Branch Eighteen Mile Creek, BIN 3327890/BR 715, Town of Eden, Erie County, Project No. CAP-BR715-23

WHEREAS, The Erie County Department of Public Works desires to rehabilitate the Clarksburg Road Bridge over South Branch of Eighteen Mile Creek (BIN 3327890/BR 715) in the Town of Eden, Project No. CAP-BR715-23, (the "Project"); and

WHEREAS, the design of the bridge rehabilitation was authorized under COMM. 18E-15 (2021) is completed and the project publicly bid; and

WHEREAS, there is funding available for the Clarksburg Bridge rehabilitation, including an insurance settlement, that was accepted via COMM. 18E-15 (2021); and

WHEREAS, the Department of Public Works desires to implement the Project in a timely manner, it is necessary to execute a construction contract with the lowest responsible bidder, McLaughlin Construction Corp. dba Edbauer Construction in the amount of $1,850,822, enter into an agreement with CHA Consultants for construction phase engineering and inspection services in an amount not to exceed $267,027, and establish a construction contingency of $157,151, for a total project cost of $2,275,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute a contract for ECDPW Project CAP-BR715-23, rehabilitation of the Clarksburg Road Bridge, with the lowest responsible bidder, McLaughlin Construction Corp. dba Edbauer Construction for $1,850,822; and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into an agreement with CHA Consultants for construction phase engineering and inspection services in an amount no to exceed $267,027; and be it further

RESOLVED, that authorization is hereby given to establish a project contingency be in the amount of $157,151 with authorization for the County Executive to execute project related change orders, amendments and agreements, as necessary; and be it further

RESOLVED, that the estimated total sum of $2,275,000 for the construction and contingency for the Project is available in Fund 420, Funds Center 123, as follows:

- B.16014 – 2016 Preservation of Bridges & Culverts $ 52,988
- B.16015 – 2016 Bridge & Culvert Design $ 53,027
- B.18019 – 2018 Preservation of Bridges & Culverts $ 120,000
- B.20013 – 2020 Capital Bridge Design $ 214,000
- B.20050 – 2020 Capital Overlay $ 234,159

• B.21167 – 2021 Clarksburg Bridge	$1,249,164
• B.22005 – 2022 Preservation of Bridges & Culverts	$ 184,738
• B.23052 – 2023 Preservation of Bridges & Culverts	$ 166,924
TOTAL PROJECT	$2,275,000

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.

TO: Timothy Callan, Deputy Comptroller, 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	Mclaughlin Construction Corp. dba Edbauer Const. - Construction CHA Consultants – Const. Engineering Services
2. AMOUNT OF CONTRACT	$1,850,822 - Contractor (Edbauer) $267,027 - CHA $157,151 – Contingency $2,275,000 TOTAL
3. PROJECT NUMBER	B.16014 - $52,988 B.16015 - $53,027 B.18019 - $120,000 B.20013 - $214,000 B.20050 - $234,159 B.21167 - $1,249,164 B.22005 - $184,738 B.23052 - $166,924 TOTAL - $2,275,000
4. PROJECT TITLE	CAP-BR715-23 – Rehabilitation of Clarksburg Road Bridge
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	$ 2,859,162.86
7. PERFORMED BY	Elizabeth A Hall 9/22/2023
Date Sent to Comptroller's Office:	9/21/2023

[55 compt_10]

Availability of Funds:

B. 16014	$52,988.95	bonded 2016
B. 16015	$53,027.99	bonded 2016
B. 18019	$172,768.07	bonded 2018
B. 20013	$296,555.00	bonded 2020
B 20050	$451,659.50	pay go 2020
B. 21167	$1,299,164.60	pay go 2021
B. 22005	$282,198.75	bonded 2022
B. 23052	$250,000.00	pay-go 2023
	$2,859,162.86	

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

COMM. 18E-8	COUNTY EXECUTIVE	4002 River Rd., Former Niagara River World/Roblin Steel - Auth. of Utility & Access Easement on the Shoreline Trail Parcel

Attachments

23COMM. 18E-8

EC LEG SEP 29 '23 PM2:54

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 29, 2023

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

RE: 4002 River Road, Former Niagara River World/Roblin Steel - Authorization of Utility and Access Easement on the Shoreline Trail Parcel

Dear Honorable Members:

Please find enclosed a memorandum and proposed resolution from the Department of Environment and Planning authorizing the execution of a utility and access easement on the Shoreline Trail property at the former Niagara River World/Roblin Steel site.

Should your Honorable Body require further information, I encourage you to contact Commissioner Daniel Castle at the Department of Environment and Planning or Commissioner Troy Schinzel at the Department of Parks, Recreation and Forestry. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/nb
Enclosure

cc: Mark Rountree, Department of Environment and Planning

MEMORANDUM

To:	Honorable Members of the Erie County Legislature
From:	Department of Environment and Planning and Department of Parks, Recreation and Forestry
Re:	4002 River Road, Former Niagara River World/Roblin Steel - Authorization of Utility and Access Easement on the Shoreline Trail Parcel
Date:	September 29, 2023

SUMMARY

Acquest Development, recently acquired 4002 River Road, Town of Tonawanda, the former Roblin Steel property. The developer has requested a utility and access easement over the County-owned Shoreline Trail. Acquest's 37-acre, 4002 River Road parcel currently has no direct vehicle access from River Road due to the County-owned Shoreline Trail parcel that separates the parcel from the River Road right-of-way. The 4002 River Road parcel was formerly known as the Niagara River World parcel, and is the former location of Roblin Steel which currently a brownfield site.

Acquest is now requesting an access easement over approximately 14,409 sf / 0.331 acres of a section of the County-owned Shoreline Trail, to allow for construction of driveway access to facilitate ongoing brownfield remediation work and eventual development of the parcel. As a condition of obtaining the access easement, Acquest has agreed to several conditions recommended by the Erie County Lands Advisory Committee (ARC), including the construction of a publicly-accessible multi-use trail on its site that would act as a spur of the Shoreline Trail.

It is recommended that the Erie County Legislature authorize the County Executive to enter into an easement agreement for utility and transportation access with the adjacent land owner, Acquest Development, to allow for the continued remediation and redevelopment of the brownfield site. This resolution provides authorization for the utility and access easement.

FISCAL IMPLICATIONS

There is not anticipated to be any fiscal impact to the County.

REASONS FOR RECOMMENDATION

The proposed easement agreement will facilitate the remediation and eventual redevelopment of a waterfront brownfield site in the Town of Tonawanda, while adding to the County's inventory of multi-use trails and opening a previously inaccessible waterfront site to the public. The project would be consistent with several planning documents, including the Erie County Parks System Master Plan, Town of Tonawanda Comprehensive Plan and LWRP, and the Tonawanda Brownfield Opportunity Area Step 2 Nomination Document.

BACKGROUND INFORMATION

DEP staff reviewed the request and Acquest's concept plans for consistency with the Erie County Parks Protection Law, and concluded in its Parks Protection Report that an access

easement would be acceptable contingent on construction of a publicly-accessible multi-use trail on the site. ARC reviewed the Parks Protection Report and found the proposed access easement acceptable with the following conditions: Acquest agrees to construct the publicly accessible Shoreline Trail spur on its site as part of the initial phase of construction of its development project. The final design and route of the trail is still to be determined; however, it will follow the County's specifications and be approved by the County. The trail will be a publicly accessible 10' wide asphalt multi-use path, which will generally be designed in a loop around the perimeter of the site to provide access to the Niagara River waterfront and allow for potential future extensions onto adjacent parcels along the waterfront. The County will not be responsible for maintenance of the proposed Shoreline Trail spur on the Acquest site.

CONSEQUENCES OF NEGATIVE ACTION

If a resolution to enter into the utility and access easement is not approved, redevelopment of the 4002 River Road parcel and construction of a publicly accessible multi-use path will not be able to occur.

STEPS FOLLOWING APPROVAL

Upon approval of the resolution, a final access easement agreement will be drafted by the Department of Law.

RESOLUTION SUBMITTED BY:
DEPARTMENTS OF ENVIRONMENT AND PLANNING AND PARKS, RECREATION AND FORESTRY

RE: 4002 River Road, Former Niagara River World/Roblin Steel - Authorization of Utility and Access Easement on the Shoreline Trail Parcel

WHEREAS, the County of Erie desires to encourage the remediation and development of urban brownfields for productive use, be it industrial, commercial, or recreational; and

WHEREAS, the County of Erie is interested in expanding public access to waterfront sites and growing the network of multi-use trails within Erie County; and

WHEREAS, the development of transportation infrastructure is necessary for the continued remediation and redevelopment of the site; and

WHEREAS, Acquest Development is the owner of the 37-acre parcel at 4002 River Road, where the site of the former Roblin Steel facility is currently undergoing brownfield remediation; and

WHEREAS, the County of Erie is the owner of an 8.2-acre linear parcel where the Shoreline Trail is located, which is situated between River Road (NYS Route 266) and 4002 River Road; and

WHEREAS, Acquest Development requested a utility and transportation easement over the County parcel to provide vehicular and utility access from 4002 River Road, Tonawanda to River Road (NYS Route 266); and

WHEREAS, the Department of Environment and Planning will coordinate the easement with the Law and Parks, Recreation and Forestry Departments to minimize the disruption of the Shoreline Trail and conform to the County requirements relative to disturbance and restoration of the Trail; and

WHEREAS, the Erie County Lands Advisory Review Committee reviewed the proposed utility and access easement for consistency with the Erie County Parks Protection Law and SEQRA and approved it contingent on certain conditions; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a utility and transportation access easement with WW River Road LLC, Acquest Development or related Acquest Development land owning subsidiaries as needed to facilitate the development of 4002 River Road; 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, Department of Environment and Planning, Department of Real Property Tax Services, the Department of Parks, Recreation and Forestry,

and Department of Law.

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

COMM. 18E-9	COUNTY EXECUTIVE	PILOT Agreement for Magnolia Housing Project; Town of Cheektowaga - Affordable Housing Development

Attachments

23COMM. 18E-9

EC LEG SEP 29 '23 PM2:54

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 29, 2023

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

RE: Payment in Lieu of Taxes (PILOT) Agreement for Magnolia Housing Project, Town of Cheektowaga – Affordable Housing Development

Dear Honorable Members:

Please find an enclosed resolution from the Department of Environment and Planning regarding a Payment in Lieu of Taxes (PILOT) Agreement for Magnolia Housing Project. The resolution authorizes the County Executive to execute an agreement with Magnolia Housing LLC, Magnolia Housing Development Fund Company, Inc., the Town of Cheektowaga, and the Cheektowaga Central School District.

Should your Honorable Body require further information, I encourage you to contact Commissioner Daniel Castle. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/jw
Enclosure

cc: Daniel R. Castle, Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Payment in Lieu of Taxes (PILOT) Agreement Magnolia Housing Project, Town of Cheektowaga – Affordable Housing Project
Date: September 29, 2023

SUMMARY

The resolution authorizes the County Executive to execute a PILOT Agreement with Magnolia Housing LLC, Magnolia Housing Development Fund Company, Inc., the Town of Cheektowaga, and the Cheektowaga Central School District.

The owner is seeking a PILOT from the Town of Cheektowaga, Cheektowaga Central School District and Erie County consistent with the PILOT Policy adopted by the Erie County Legislature on December 16, 1999.

FISCAL IMPLICATIONS

In accordance with the PILOT policy, the proposed PILOT payment for Magnolia Housing Project shall be based on a payment of $7,046 in year 1 and would escalate by 3% each year for an additional fifteen-year term. The County would receive twenty-five percent (25%) of each annual payment, and the Town of Cheektowaga and the Cheektowaga School District would receive seventy-five percent (75%) of each annual payment. The payment Schedule A lists the payments for the 15 years of the Agreement.

REASONS FOR RECOMMENDATION

The Town of Cheektowaga supports the PILOT and on December 27, 2022, the Town Board of Cheektowaga approved the Magnolia Housing Project PILOT Agreement. The project conforms to the provisions of Article XI of the New York Private Housing Finance Law.

BACKGROUND INFORMATION

The residential project is located at 30 Alpine Place in the Town of Cheektowaga, zip code 14225. The project consists of the acquisition and rehabilitation of an existing and deteriorated apartment complex with 24 units of affordable residential housing with a mix of one- and two-bedroom units. All units in the project will provide affordable housing to households whose income is 50% or below Area Median Income (AMI). The total development cost is projected to be $23,730,819.

CONSEQUENCES OF NEGATIVE ACTION

Without the PILOT, it would not be economically feasible for Magnolia Housing LLC and/or Magnolia Housing Development Fund Company, Inc. to operate the project as it is currently structured.

STEPS FOLLOWING APPROVAL

The County Executive will enter into a PILOT Agreement with the noted parties.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Payment in Lieu of Taxes (PILOT) Agreement for Magnolia Housing Project, Town of Cheektowaga – Affordable Housing Project

WHEREAS, Magnolia Housing Project consists of the acquisition and rehabilitation of a deteriorated housing complex in the Town of Cheektowaga into twenty-four (24) affordable rental units for multi-family housing located at 30 Alpine Place, Cheektowaga, NY 14225; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Magnolia Housing LLC, Magnolia Housing Development Fund Company, Inc. to operate the housing project it is necessary to extend tax relief from the County of Erie, Town of Cheektowaga and Cheektowaga Central School District.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive ed to execute a Payment in Lieu of Taxes (PILOT) Agreement with Magnolia Housing LLC, Magnolia Housing Development Fund Company, Inc., Inc., the Town of Cheektowaga, the Cheektowaga Central School District and any other organizations necessary to conclude this PILOT Agreement; and be it further

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

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

SCHEDULE A
PILOT Payments

Magnolia Housing PILOT				
SHARE		**60.94%**	**25%**	**14.06%**
	Proposed PILOT Payments	**Town**	**County**	**School**
YEAR				
1	$7,406	$4,294	$1,762	$991
2	$7,187	$4,380	$1,797	$1,010
3	$7,331	$4,468	$1,833	$1,031
4	$7,478	$4,557	$1,870	$1,051
5	$7,628	$4,649	$1,907	$1,072
6	$7,781	$4,742	$1,945	$1,094
7	$7,937	$4,837	$1,984	$1,116
8	$8,096	$4,934	$2,024	$1,138
9	$8,258	$5,032	$2,065	$1,161
10	$8,423	$5,133	$2,106	$1,184
11	$8,591	$5,235	$2,148	$1,208
12	$8,763	$5,340	$2,191	$1,232
13	$8,938	$5,447	$2,235	$1,257
14	$9,117	$5,556	$2,279	$1,282
15	$9,299	$5,667	$2,325	$1,307

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

COMM. 18E-10	COUNTY EXECUTIVE	Authorization to Contract with Cornerstone

Attachments

23COMM. 18E-10

EC LEG SEP 29 '23 PM2:54

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 29, 2023

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

RE: Authorization to Contract with Cornerstone

Dear Honorable Members:

The Erie County Department of Health (ECDOH) is seeking authorization to enter into a contract with Cornerstone Occupational & Speech Therapy Services to address current capacity issues in securing mandated related services for children in the New York State Special Education Preschool Services Program.

Should your Honorable Body require further information, please contact Commissioner of Health Gale Burstein. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/jah
Enclosure

cc: Dr. Gale Burstein, Commissioner of Health

MEMORANDUM

To:	Honorable Members of the Erie County Legislature
From:	Department of Health
Re:	Authorization to Contract with Cornerstone
Date:	September 29, 2023

SUMMARY

ECDOH's Children with Special Needs Division contracts with many Preschool Special Education Programs to provide related services to children, but are currently experiencing capacity issues. Children are on waiting lists to receive mandated services listed in their Individualized Education Plans. New York State Education Department (NYSED) requires that if a school district within Erie County mandates therapy services for children, Erie County must contract with agencies to provide those services. ECDOH is looking to increase the number of contracted agencies available to meet these mandates. This resolution seeks waiver of the procedures in Section 26.08 of the Erie County Administrative Code because rates paid to providers are non-negotiable and are listed in the New York State Special Education Database.

FISCAL IMPLICATIONS

Funding was budgeted for and is currently available for the contract in account 528000 Services to Special Needs Children to cover the costs incurred. There is one rate listed in the New York State Special Education Database for all Related Services and providers are reimbursed per completed therapy session.

REASONS FOR RECOMMENDATION

NYSED Part 200 of the Regulations of the Commissioner of Education pursuant to special education programs and services for students with disabilities requires that counties contract with agencies to provide related services authorized by District Committee's on Special Education, funding is available, and Erie County is looking to increase the number of contracted agencies to address present capacity issues.

CONSEQUENCES OF NEGATIVE ACTION

Erie County would not be in compliance with NSYED part 200 and children will remain on waiting lists for mandated services.

STEPS FOLLOWING APPROVAL

ECDOH will work with Budget and Management and County Attorney's Office on executing all terms of the contract.

RESOLUTION SUBMITTED BY:
DEPARTMENT OF HEALTH

Re: Authorization to Contract with Cornerstone

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

WHEREAS, Cornerstone Occupational & Speech Therapy Services is 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 Cornerstone Occupational & Speech Therapy Services, waiving the procedures in Section 26.08 of the Erie County Administrative Code; and be it further

RESOLVED, that sufficient funding for this contract exists within the Department of Health's Division of Services for Children with Special Needs 2023 Operating Budget (Fund 110, Funds Center 12750) Account 528000 – Services to Special Needs Children; and be it further

RESOLVED, that authorization is hereby given to 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 Office, the Division of Budget and Management, and the Department of Health.

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

COMM. 18E-11	COUNTY EXECUTIVE	Department of Social Services - Authorization to Enter into Contracts with Dr. Samantha Koury & Amy Fleischauer

Attachments

23COMM. 18E-11

EC LEG SEP 29 '23 PM 2:55

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 29, 2023

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

Re: Department of Social Services – Authorization to enter into Contracts with Dr. Samantha Koury and Amy Fleischauer

Dear Honorable Members:

The Department of Social Services is seeking authorization to enter into contracts with Dr. Samantha Koury and Amy Fleischauer to provide Trauma Informed Supervision training.

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,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mmk
Enclosure
cc: Commissioner of Social Services Marie Cannon

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Social Services
Re: Authorization to enter into Contracts with Dr. Samantha Koury and Amy Fleischauer.
Date: September 29, 2023

SUMMARY

This proposed resolution authorizes the Department of Social Services to enter into Contracts with Dr. Samantha Koury and Amy Fleischauer using funding available in the Department of Social Services 2023 Adopted Budget. The contracts with Dr. Samantha Koury and Amy Fleischauer will allow the Department of Social Services to train staff in Trauma Informed Supervision practices and provide coaching to members of Frontline Supervisory and Senior Management Teams.

FISCAL IMPLICATIONS

This resolution authorizes the Department of Social Services to enter into contracts with Dr. Samantha Koury and Amy Fleischauer in the amount of $2,400 each for the training of staff in Trauma Informed Supervision. These funds will be taken from funding available in the Department of Social Services 2023 Budget (Fund 110, Funds Center 120) Account 516020 – Professional Services, Contracts and Fees.

REASONS FOR RECOMMENDATION

This training is intended to enhance, improve, and expand the ability of Department of Social Services management staff to apply Trauma Informed Supervision principles in their supervisory duties. Both women are currently employed by the State University of New York at Buffalo (UB) and are respected in their fields. This training will enhance the use of Trauma Informed Care throughout the Department of Social Services.

CONSEQUENCES OF NEGATIVE ACTION

These important services could not be provided.

STEPS FOLLOWING APPROVAL

The Department of Social Services will establish contracts with Dr. Samantha Koury and Amy Fleischauer to train management staff in Trauma Informed Supervision practices and provide coaching expertise to members of the Frontline Supervisory and Senior Management Teams.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SOCIAL SERVICES

Re: Authorization to enter into Contracts with Dr. Samantha Koury and Amy Fleischauer

WHEREAS, the Department of Social Services wishes to have Dr. Samantha Koury and Amy Fleischauer begin training staff in Trauma Informed Supervision and consultation with Frontline Supervisory Staff and Senior Management; and

WHEREAS, these trainings cannot be funded through our contract with the Research Foundation due to the fact that both women are employees of the State University of New York at Buffalo (UB) and the State University system cannot compensate individuals as both employees and contractors; and

WHEREAS, funds are available in the Professional Service Contracts and Fees (516020) line of the 2023 Adopted Budget of the Department of Social Services; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Commissioner of Social Services and the County Executive to enter into contracts with Dr. Samantha Koury and Amy Fleischauer in the amount of $2,400 each for the training and consultation in Trauma Informed Supervision practices; and be it further

RESOLVED, that sufficient funding exists within the Department of Social Services 2023 Adopted Budget (Fund 110, Funds Center 120) Account 516020 – Professional Services, Contracts and Fees; and be it further

RESOLVED, that authorization is hereby given for the Director of Budget and Management to make any additional budget adjustment which may be required in order to match expense with funding allocation adjustments; and be it further

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

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

COMM. 18E-12	COUNTY EXECUTIVE	Authorization to Enter into the Second Amendment to the 2013 Stadium Security Agreement with the Buffalo Bills

Attachments

23COMM. 18E-12

EC LEG SEP 29 '23 PM2:55

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 29, 2023

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

RE: Authorization to Enter into the Second Amendment to the 2013 Stadium Security Agreement with the Buffalo Bills
IMMEDIATE CONSIDERATION REQUESTED

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Law requesting authorization to enter into a Second Amendment to the 2013 Stadium Security Agreement with the Buffalo Bills, LLC in order to incorporate certain understands regarding the rate of compensation for Supplemental Security Services and payment therefor by the Bills to the County through the term of the existing Stadium Lease agreement.

Should your Honorable Body require further information, I encourage you to contact County Attorney Jeremy C. Toth, Esq. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mc
Enclosure

cc: Jeremy C. Toth, Esq. Erie County Attorney

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Law
Re: Authorization to Enter into the Second Amendment to the 2013 Stadium Security Agreement with the Buffalo Bills
Date: September 29, 2023

SUMMARY

Department of Law is requesting authorization to enter into a Second Amendment to the 2013 Stadium Security Agreement with the Buffalo Bills, LLC in order to incorporate certain understandings regarding the rate of compensation for Supplemental Security Services and payment therefor by the Bills to the County through the term of the existing Stadium Lease agreement. It is also requested to increase the hourly wage applied to Deputy Sheriff Security Reserve Supervisors (JG51) and Deputy Sheriff Security Reserve Officers (JG50) within the Police Benevolent Association's (PBA) pay scale.

FISCAL IMPLICATIONS

The rate of pay will be increase from $39.01/hr. to $50/hr. for a Deputy Sheriff Security Reserve Supervisor – Seasonal (JG51) and $36.66/hr. to $45.50/hr. a Deputy Sheriff Security Reserve Officer – Seasonal (JG50) retroactive to August 1, 2023 to account for the 2023 NFL Pre-Season. This will result in an approximately $120,000 increase to the Sheriff's Police Services' 2023 Budget which will be covered by existing vacancy savings. For 2024, the estimated cost of the cost of living adjustments is included in the Proposed Budget.

REASON/BACKGROUND INFORMATION

Reimbursement for Supplemental Security Services for full-time Sheriff's Office employees is made at an hourly rate equal to time and one-half of that employee's regular rate of pay in accordance with their Job Group and Step on the Police Benevolence Association and Sheriff Managerial Confidential pay scales in effect, which increases annually based on predetermined cost of living adjustments. However, any police officer who is assigned to perform Supplemental Security Services who is not a full-time Sheriff Office employee has been compensated (and equally reimbursed for by the Buffalo Bills) at the rate of $39.01/hr. as a Deputy Sheriff Security Reserve Supervisor – Seasonal (JG51) and $36.66/hr. as a Deputy Sheriff Security Reserve Officer – Seasonal (JG50) on the Police Benevolence Association's pay scale which has not received any cost of living adjustment and remained static for more than a decade. This lack of increase has made it difficult for the Sheriff's Officers to recruit qualified police officers from elsewhere in the community to provide this vital service.

CONSEQUENCES OF NEGATIVE ACTION

The Department of Law will be unable to amend the existing Stadium Security Agreement with the Buffalo Bills and seasonal Reserve Deputies & Supervisors will continue to be compensated (and equally reimbursed for by the Buffalo Bills) at their current rate of pay.

STEPS FOLLOWING APPROVAL

The Department of Law will work with the Buffalo Bills enter into the Second Amendment of the Stadium Security Agreement and the Department of Personnel will make all necessary payroll adjustments to compensate the Reserve Deputies & Supervisors at the higher rate retroactive to August 1, 2023.

A RESOLUTION SUBMITTED BY:
THE DEPARTMENT OF LAW

RE: Authorization to Enter into the Second Amendment to the 2013 Stadium Security Agreement with the Buffalo Bills

WHEREAS, Erie County has been in discussions with the Buffalo Bills, LLC on a Second Amendment to the Stadium Security Agreement to increase the hourly rate for Supplemental Security Services at the stadium through the extended term of the 2013 Stadium Lease; and

WHEREAS, the Buffalo Bills reimburse the County for security services within the Highmark Stadium Complex, which does not include traffic enforcement; and

WHEREAS, reimbursement for Supplemental Security Services for full-time Sheriff's Office employees is made at an hourly rate equal to time and one-half of that employee's regular rate of pay in accordance with their Job Group and Step on the Police Benevolence Association and Sheriff Managerial Confidential pay scales in effect, which increases annually based on predetermined cost of living adjustments; and

WHEREAS, any police officer who is assigned to perform Supplemental Security Services who is not a full-time Sheriff Office employee has been compensated (and equally reimbursed for by the Buffalo Bills) at the rate of $39.01/hr. as a Deputy Sheriff Security Reserve Supervisor – Seasonal (JG51) and $36.66/hr. as a Deputy Sheriff Security Reserve Officer – Seasonal (JG50) on the Police Benevolence Association's pay scale which has not received any cost of living adjustment and remained static for more than a decade; and

WHEREAS, due to timing issues, the cost of the 2024 hourly rate increase for the seasonal Reserve Deputies & Supervisors has been included in the Erie County Sheriff's Division of Police Services' 2024 Operating Budget (Fund 110, Funds Center 115) in advance of necessary Legislative approval; and

WHEREAS, a new Stadium Security Agreement will be entered into related to the New Stadium Complex at such time as a comprehensive security analysis can be completed; and

WHEREAS, the Erie County Sheriff's Office also provides security services at Key Bank Arena under a separate agreement that are reimbursed by the Buffalo Sabres; and

WHEREAS, there is a clear benefit to both the County and the Bills and Sabres organizations that time dedicated to security services be coded separately by category to ensure proper record keeping.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a Second Amendment to the 2013 Stadium Security Agreement with the Buffalo Bills, LLC in order to incorporate certain understandings regarding the rate of compensation for

Supplemental Security Services and payment therefor by the Bills to the County through the agreement term; and be it further

RESOLVED that authorization is hereby given for following hourly wage increases to be applied to Deputy Sheriff Security Reserve Supervisors (JG51) and Deputy Sheriff Security Reserve Officers (JG50) within the Police Benevolent Association's (PBA) pay scale to take effect retroactive to August 1, 2023:

Title	Current	2023
Deputy Sheriff Security Reserve Supervisor (SEA)	$39.01	$50.00
Deputy Sheriff Security Reserve (SEA)	$36.66	$45.50

and be it further

RESOLVED, that authorization is hereby given for 2.0% annual increases to be applied to Deputy Sheriff Security Reserve Supervisors (JG51) and Deputy Sheriff Security Reserve Officers (JG50) within the Police Benevolent Association's (PBA) for the duration of the Second Amendment to the 2013 Stadium Security Agreement; and be it further

RESOLVED, that this annual increase shall take effect on January 1st of the subsequent calendar year; and be it further

RESOLVED, that the Sheriff's Office agrees that all personnel assigned to provide services at events covered under the Stadium Security Agreement will have time coded as the separate wage types "Stadium Pay" for all Supplemental Security Services within the Stadium Complex and "Traffic Detail" for all supplemental work managing traffic outside of the Stadium Complex; and be if further

RESOLVED, that the Clerk of the Legislature send certified copies of this resolution be forwarded to the County Executive's Office, Sheriff's Office, Comptroller's Office, the Department of Personnel, Department of Law, Division of Budget and Management and the Buffalo Bills, LLC

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

COMM. 18E-13	COUNTY EXECUTIVE	ECMC Caregiver Support & Connections Program Grant

Attachments

23COMM. 18E-13

EC LEG SEP 29 '23 PM2:55

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 29, 2023

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

Re: ECMC Caregiver Support and Connections Program Grant

Dear Honorable Members:

Please find enclosed a resolution from the Department of Senior Services seeking legislative authorization to both partner and contract with the Erie County Medical Center Foundation, Inc. (ECMCF) to accept grant funds of up to $62,540. Funds were awarded to ECMCF for their ECMC Caregiver Support and Connections Program.

Should your Honorable Body require any further information, I encourage you to contact Commissioner Angela Marinucci. Thank you for your consideration in this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mc
Enclosure

cc: Angela Marinucci, Commissioner, Department of Senior Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Senior Services
Re: ECMC Caregiver Support and Connections Program Grant
Date: September 29, 2023

SUMMARY

Approve the attached resolution to allow the Department of Senior Services to contract, for the period October 1, 2023, through December 31, 2025, with Erie County Medical Center Foundation, Inc. (ECMCF) to become a partner with the ECMC Caregiver Support and Connections Program, headed by their Palliative Unit. ECMCF will provide grant funding of up to $62,540 which will cover a portion of one of the Department's Case Manager salary and fringe. The Case Manager (Senior Services) will be providing caregiver support and follow-up to lessen caregiver burden and avoid unnecessary re-admissions of care receivers to the Emergency Room.

FISCAL IMPLICATIONS

No additional County funds are required.

REASONS FOR RECOMMENDATION

The Ralph C. Wilson Jr. Foundation recently awarded grant funds to ECMCF to create a program to assist Caregivers who are taking their loved ones to ECMC's Emergency Room because they are too overburdened and feel they cannot care for them anymore. To avoid this costly and disruptive situation, a partnership between ECMC's Palliative Unit and Erie County Senior Services was formed. The Department of Senior Services will receive referrals from ECMC's Palliative Unit that allows the Department's Case Manager to provide follow-up to caregivers, including supports and services to unburden Caregivers and decrease hospital admissions.

CONSEQUENCES OF NEGATIVE ACTION

The Department of Senior Services would be unable to provide needed assistance to older adults and the Caregivers in Erie County.

STEPS FOLLOWING APPROVAL

The Department of Senior Services will enter into a contract with ECMCF and begin providing services.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SENIOR SERVICES

RE: ECMC Caregiver Support and Connections
Program Grant

WHEREAS, the Department of Senior Services continually looks to enhance services for older adults in Erie County and for ways to fund such services; and

WHEREAS, Erie County Medical Center Foundation, Inc. (ECMCF), has received Ralph C. Wilson Jr. Foundation funding to create a program to lessen Caregiver burden and avoid unnecessary and costly emergency room visits for care receivers; and

WHEREAS, ECMCF seeks to partner with the Department of Senior Services and obtain case manager services to assist older adults and their caregivers after emergency room or hospital visits; and

WHEREAS, ECMCF has awarded the Department of Senior Services up to $62,540, to cover case manager payroll and fringe costs, for the period of October 1, 2023 through December 31, 2025, with an option to extend for up to a one-year period at no additional cost if mutually agreed upon by both parties; and

WHEREAS, no additional County funds are required.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the County Executive to enter into a contract with Erie County Medical Center Foundation, Inc. (ECMCF) to accept up to $62,540 of funding for the period October 1, 2023, to December 31, 2025, with an option to extend for up to a one-year period at no additional cost if mutually agreed upon by both parties; and be it further

RESOLVED, that authorization is hereby given that the $62,450 budget for the ECMC Caregiver Support and Connections Program (163ECMCCGP2325) grant be established as follows in grant fund 281 fund center 1632010:

Department of Senior Services
ECMC Caregiver Support and Connections Program
163ECMCCGP2325
10/1/23 – 12/31/25

Account	Revenues	BUDGET
417060	Other Income Senior Services	$62,450
	TOTAL	$62,450

Account	Appropriations	BUDGET
916390	ID Senior Srvs Grant	$62,450
	TOTAL	$62,450

and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to adjust grant budget appropriations and revenues in accordance with the final grantor funding levels or grantor authorized changes to award amounts, provided there are no changes to authorized personnel levels and county share amounts; and be it further

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

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

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

COMM. 18E-14	COUNTY EXECUTIVE	Chestnut Ridge Concession Agreement

Attachments

23COMM. 18E-14

EC LEG SEP 29 '23 PM 2:54

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 29, 2023

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

RE: Chestnut Ridge Concession Agreement

Dear Honorable Members:

Please find enclosed a resolution from the Department of Parks, Recreation & Forestry seeking legislative authorization to grant the 19th at Grover Grill, LLC a 3-year agreement for operation of the concessions at the Chestnut Ridge Casino.

Should your Honorable Body require further information, I encourage you to contact Commissioner Troy P. Schinzel at the Department of Parks, Recreation & Forestry. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/jt
Enclosure

cc: Troy P. Schinzel, Commissioner, Department of Parks and Recreation

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Parks, Recreation & Forestry
Re: Chestnut Ridge Concession Agreement
Date: September 29, 2023

SUMMARY

The Department of Parks, Recreation & Forestry is requesting authorization from your Honorable Body to grant an agreement for operation of the Chestnut Ridge Park Concessions to the 19th at Grover Grill, LLC, operated by Paul V. Murdie, for one term of three (3) years. The County has had an agreement with this vendor since early 2023. When we were without a vendor this summer at Elma Meadows, they stepped up and helped fill-in for the remainder of the season (COMM. 15E-10 (2023)). We have had a successful working relationship and look forward to continue having them serve the needs of County residents for the next three years.

FISCAL IMPLICATIONS

The County of Erie will realize 5% gross revenues monthly from the concessionaire agreement.

REASONS FOR RECOMMENDATION

The 19th at Grover Grill, LLC provides convenient and reasonably priced food & beverage service to park patrons at Erie County's two public golf courses, Elma Meadows, and Grover Cleveland. Golf course patrons have reported excellent service and experience with this vendor. This vendor submitted a proposal in response to RFP 2023-042VF for provision of this service. Their proposal received a high score from all scoring committee members.

BACKGROUND INFORMATION

Providing a concessionaire at Chestnut Ridge Park has proven beneficial for park patrons, especially during winter sports operations.

CONSEQUENCES OF NEGATIVE ACTION

If not approved, the lack of a concessionaire will result in the dissatisfaction of park patrons and the loss of revenues annually for the next three (3) years.

STEPS FOLLOWING APPROVAL

Upon Legislative approval, agreements will be signed between the vendor and the County of Erie. 19th at Grover Grill, LLC will commence operation at Chestnut Ridge Park.

Department of Parks, Recreation & Forestry

Recommendation for RFP#; 2023-042VF
Date: 09/29/2023

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 as by Administration to compliance with the RFP requirements and fiscal compliance/soundness.

Agency	Total Score	Ranking by Score	Current Funding Amount	Requested Amount	Recommended Award
Flanagan Foods, LLC	81%	2			
The 19th @ Grover Grill,	92.5%	1			
Murdie	79%	3			

Total Score

It is recommended that The 19th @Grover Grill, LLC provide Concessionaire Services in Erie County in 2023. Supporting documentation is included in this packet

The Department of Parks, Recreation & Forestry has complied with all applicable provisions of Section 26.08 of the Erie County Administrative Code.

Committee Chair Signature	Printed Name	Date
Commissioner Signature	Printed Name Troy Schinzel	Date
Deputy County Executive Signature	Printed Name Lisa Chimera	Date

Once reviewed and approved, please return to Kate Hilliman at Katherine-hilliman@erie.gov for processing, Thank you.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PARKS, RECREATION & FORESTRY

Re: Chestnut Ridge Park Concession Agreement

WHEREAS, the 19th at Grover Grill, LLC is the current Concession Operator at Grover Cleveland Golf Course and Elma Meadows Golf Course; and

WHEREAS, the concessionaire has provided food and refreshments at those locations for park patrons with success; and

WHEREAS, the 19th at Grover Grill, LLC has submitted a proposal in response to RFP# 2023-042VF to operate the concessions at the Chestnut Ridge Park;

WHEREAS, the proposal submitted received the highest score.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a 3-year agreement with 19th at Grover Grill, LLC for the operation of the concession stand at Chestnut Ridge Park; and be it further

RESOLVED, that authorization is hereby given for the Erie County Parks Department accept 5% of the gross revenues monthly from 19th at Grover Grill, LLC for the length of the agreement, in addition to the regular monthly rent; and be it further

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

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

COMM. 18E-15	SHERIFF	Replacement of ECSO Air-One Radio System

Attachments

23COMM. 18E-15

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

EC LEG OCT 2 '23 PM1:22

October 2, 2023

The Honorable
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: REPLACEMENT OF ECSO AIR-ONE RADIO SYSTEM

Dear Honorable Members:

The Erie County Sheriff's Office is requesting authorization to award RFP 2023-029VF to Great Lakes Aviation Services for the replacement of the Erie County Sheriff's Office Air-One radio system.

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

ACCOMPANYING MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Sheriff's Office
Re: Replacement of ECSO Air-One Radio System
Date: October 2, 2023

Summary

It is recommended that the Legislature approve the attached resolution prepared by the Erie County Sheriff's Office to authorize the replacement of the Air-One radio system.

Erie County issued, publicly advertised and posted an RFP for the purchase and installation of a new radio system in Air-One. Great Lakes Aviation Services was the only company that responded to the RFP. Based upon that the very specialized nature of the installation of avionics, the quality of the responsive proposal, qualifications of the vendor and the overall cost it is the professional opinion of the ECSO that the award to Great Lakes Aviation Services is warranted.

Fiscal Implications of the Proposal

The funds for this project were specifically allocated by the Erie County Legislature in the 2023 budget. The approximate final cost will be $110,000.

Reason for Recommendation

The vendor's company profiles, experience and references were reviewed. Considering the scope of the specified products requested, it was the unanimous decision of the ECSO Selection Committee to award of the RFP be given to Great Lakes Aviation Services. This recommendation is based primarily upon the needs of the Erie County Sheriff's Office, and was deemed to be in the best interest of Erie County in terms of fiscal responsibility and long-term functionality and overall sustainability.

Background Information

The Erie County Sheriff's Office covers a geographical area of approximately 1,200 square miles consisting of land and water serving a population of approximately one million, not including the daily influx of the workforce and tourist population. Additionally, due to the advanced capabilities of the Erie County Sheriff's Office and the specialized units within, ECSO often assists and serves several surrounding counties, which in turn demands interoperability among various technologies to include radio communications. Air-One is a primary asset that is utilized to provide these services to our region. The ability for Air-One to communicate with all agencies utilizing the appropriate technology is paramount to is effectiveness.

Consequences of Negative Action

Air-One will not be able to effectively communicate with other emergency services providers. Not upgrading this equipment could create significant officer safety issues due to the age and condition of said equipment.

Steps Following Approval

Certified copies of this resolution shall be forwarded to the Division of Budget and Management, the Purchasing Division, the Office of the Comptroller, and the Office of the Sheriff.

A RESOLUTION SUBMITTED BY:
ERIE COUNTY SHERIFF'S OFFICE

Re: Replacement of ECSO Air-One Radio System

WHEREAS, the Erie County Sheriff's Office currently operates an antiquated analog radio system that results in poor radio coverage across the county as well as interoperability limitations with other emergency services providers within our community and in adjoining jurisdictions, and

WHEREAS, the majority of the ECSO's communication equipment is at the end of life for service through the manufacturer, and

WHEREAS, state of the art communication is one of the most important safety tools law enforcement personnel can possess, and

WHEREAS, efficient and effective emergency communication is essential to providing lifesaving services to the community that we serve, and

WHEREAS, the ECSO has undertaken to replace the current two-way radio system for all operations, and

WHEREAS, upon the replacement of all two-way radio communications, Air-One will require the replacement of its avionics radios for compatibility with the ECSO system, and

WHEREAS, the approximate cost of the purchase and installation will be $110,000,

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Sheriff's Office is hereby authorized to award RFP #2023-029VF to Great Lakes Aviation Services and enter into an agreement for the implementation thereof; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, Erie County Purchasing Department, Erie County Division of Budget and Management, Erie County Sheriff and Erie County Comptroller.

FISCAL IMPACT: Funds were budget for this purpose in 2023.

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

COMM. 18E-16	SHERIFF	Replacement of ECSO Two-Way Radio Equipment

Attachments

23COMM. 18E-16

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

EC LEG OCT 2 '23 PM1:22

October 2, 2023

The Honorable
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: REPLACEMENT OF ECSO TWO-WAY RADIO EQUIPMENT

Dear Honorable Members:

The Erie County Sheriff's Office is requesting authorization to award RFP 2023-030VF to FM Communications for the replacement of the Erie County Sheriff's Office two-way radio equipment.

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

ACCOMPANYING MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Sheriff's Office
Re: Replacement of ECSO Two-Way Radio Equipment
Date: October 2, 2023

Summary

It is recommended that the Legislature approve the attached resolution prepared by the Erie County Sheriff's Office to authorize the purchase of two-way radio equipment.

Erie County issued, publicly advertised and posted an RFP for the purchase of both mobile and portable radios for the Erie County Sheriff's Office. RadioMax Communications Inc. of Rochester, NY and FM Communications Inc. of Tonawanda, NY were the only vendors that submitted proposals. A Proposal Selection Committee was established, and the three members reviewed the proposals and interviewed both vendors. The Selection Committee focused primarily on the quality of the proposal, qualifications of the vendor and overall cost of the project.

Fiscal Implications of the Proposal

The funds for this project were specifically allocated by the Erie County Legislature in the 2023 Budget. The approximate final cost will be $3,100,000.

Reason for Recommendation

Both vendor's company profiles, experience and references were reviewed. Considering the scope of the specified products requested, it was the unanimous decision of the Selection Committee to request that the awarding of the RFP be given to FM Communications Inc. This recommendation is based primarily upon the needs of the Erie County Sheriff's Office, and was deemed to be in the best interest of Erie County in terms of fiscal responsibility and long-term functionality and overall sustainability.

Background Information

The Erie County Sheriff's Office covers a geographical area of approximately 1,200 square miles consisting of land and water serving a population of approximately one million, not including the daily influx of the workforce and tourist population. Additionally, due to the advanced capabilities of the Erie County Sheriff's Office and the specialized units within, ECSO often assists and serves several surrounding counties, which in turn demands interoperability among various technologies to include radio communications.

Consequences of Negative Action

The majority of the Sheriff's Office LMR equipment is at end of life through the manufacturer. Not upgrading this equipment could create significant officer safety issues due to the age and condition of said equipment.

Steps Following Approval

Certified copies of this resolution shall be forwarded to the Division of Budget and Management, the Purchasing Division, the Office of the Comptroller, and the Office of the Sheriff.

A RESOLUTION SUBMITTED BY:
ERIE COUNTY SHERIFF'S OFFICE

Re: Replacement of ECSO Two-Way Radio Equipment

WHEREAS, the Erie County Sheriff's Office currently operates an antiquated analog radio system that results in poor radio coverage across the county as well as interoperability limitations with other emergency services providers within our community and in adjoining jurisdictions, and

WHEREAS, the majority of the ECSO's communication equipment is at the end of life for service through the manufacturer, and

WHEREAS, state of the art communication is one of the most important safety tools law enforcement personnel can possess, and

WHEREAS, efficient and effective emergency communication is essential to providing lifesaving services to the community that we serve,

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Sheriff's Office is hereby authorized to award RFP #2023-030VF to FM Communications and enter into an agreement for the implementation thereof; and be it further

RESOLVED, that no amount in excess of $3.1 million is authorized without prior approval by the Erie County Legislature, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, Erie County Purchasing Department, Erie County Division of Budget and Management, Erie County Sheriff and Erie County Comptroller.

FISCAL IMPACT: Funds were budget for this purpose in 2023.

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

COMM. 18E-17	SHERIFF	Accept Governor's Traffic Safety Committee Grant

Attachments

23COMM. 18E-17

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

EC LEG OCT 2 '23 PM1:22

October 2, 2023

The Honorable
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

RE: Accept Governor's Traffic Safety Committee Grant

Honorable Members:

Attached, please find a proposed resolution and accompanying memorandum from the Erie County Sheriff's Office requesting authorization for the County Executive and the Erie County Sheriff's Office to enter into an agreement with the New York State Governor's Traffic Safety Committee. The contract accepts grant funds for increased law enforcement activities to increase seat belt usage and to reduce dangerous driving behaviors.

Representatives of the Sheriff Office will be available at the next meeting to answer any questions.

Very truly yours,

John C. Garcia
Sheriff of Erie County

Attachments

ACCOMPANYING MEMORANDUM

To:	Honorable Members of the Erie County Legislature
From:	Erie County Sheriff's Office
Re:	Accept Governor's Traffic Safety Committee Grant
Date:	October 2, 2023

Summary of Recommended Action

The attached resolution requests authorization to allow the County of Erie and the Erie County Sheriff's Office to enter into any necessary agreements with the New York State Governor's Traffic Safety Committee to accept grant funding for increased seat belt usage and to reduce dangerous driving behaviors.

The grant funding is for seat belt and traffic safety enforcement details in the amount of $16,195.00.

Fiscal Implications of Proposal

The grant will have a neutral to positive fiscal impact on the 2023 and 2024 county budgets because the grant will reimburse the County $16,195.00 for traffic safety enforcement details.

Reasons for Recommendation

The Legislature needs to provide authorization for the County Executive and the Sheriff's Office to enter into a contract to receive $16,149.00 in funding for the Police Traffic Services grant.

Consequences of Negative Action

Failure to approve this request will prevent the Sheriff's Office from accepting $16,195.00 from the traffic safety committee.

Steps Following Approval of Measure

Certified copies of this resolution will be forwarded to the County Executive, the County Attorney, the Division of Budget and Management, the Erie County Comptroller's Office, and the Erie County Sheriff's Office.

A RESOLUTION SUBMITTED BY:
ERIE COUNTY SHERIFF'S OFFICE

RE: Accept Governor's Traffic Safety Committee Grant

WHEREAS, the Erie County Sheriff's Office (ECSO) has been awarded a grant from the New York State Governor's Traffic Safety Committee; and

WHEREAS, the grant funding is to reimburse the County $16,195.00 for seal belt and traffic safety enforcement details throughout the county; and

WHEREAS, the goal of the grant is to reduce serious injuries and deaths from traffic crashes; and

WHEREAS, the marine unit is instrumental in maintaining safe waterways by enforcing navigation laws and educating the boating public; and

WHEREAS, the grant will have a neutral to positive fiscal impact on the 2023 and 2024 county budgets because the grant will reimburse the County $16,195.00 for traffic safety enforcement details.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive and the Erie County Sheriff's Office to enter into an agreement with the New York State Governor's Traffic Safety Committee to accept $16,195.00 in grant funding for ECSO traffic safety enforcement activities; and be it further

RESOLVED, the Fund Center is 11510, and the grant will be allocated to the following accounts:

ERIE COUNTY SHERIFF'S OFFICE
FY 23-24 NYS Governor's Traffic Safety Grant

REVENUE		DECREASE
409020	NYS - Miscellaneous	$16,195.00
APPROPRIATION		**INCREASE**
501000	Overtime	$16,159.00
	Total Revenue	$16,159.00

; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make the necessary transfers and to make any technical adjustments necessary to effectuate these transfers should there be any unforeseen issues; and be it further

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

FISCAL IMPACT: as indicated

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

COMM. 18E-18	SHERIFF	Correctional Health Year-End Budget Adjustments

Attachments

23COMM. 18E-18

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

EC LEG OCT 2 '23 PM1:22

October 2, 2023

The Honorable
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: CORRECTIONAL HEALTH YEAR END BUDGET ADJUSTMENTS

Dear Honorable Members:

The Erie County Sheriff's Office, Correctional Health Division is requesting year end budget adjustments to cover the unexpected costs of Supplemental Health Agency nurses as well as drug costs associated with the Medical Assisted Treatment (MAT) Program.

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

ACCOMPANYING MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Sheriff's Office
Re: Correctional Health Year End Budget Adjustments
Date: October 2, 2023

Summary of Recommended Action
The Erie County Sheriff's Office is requesting authorization to transfer funds between accounts to cover the increased cost for Supplemental Health Agency nurses, increased cost for MAT medications and increased cost for Buffalo Ultrasound costs.

Fiscal Implications of the Proposal
The Erie County Sheriff has the necessary funds within its budget to cover these cost increases. Funds will be transferred from other areas of its budget to cover the shortfall.

Reasons for Recommendation
The nursing shortage continues to impact Western New York. This shortage has also impacted the ECSO. As a result of the difficulty in filling positions within the ECSO, the Correctional Health Division has had to rely on contracted nurses through Supplemental Health. This will result in the ECSO exhausting the current budget for Supplemental Health. Additionally, with the incredible success of the newly implemented MAT program, the cost of drugs for the program has exceeded the initial budget. The transfer of funds will cover the cost of the increase.

Background Information
The adequate provision of medical care for incarcerated individuals as well as the implementation of the MAT program has been a top priority for both the Sheriff as well as the Erie County Legislature. As a result of recruitment issues for nurses and drug costs for MAT, budget adjustments must be made to fulfill this priority.

Consequences of Negative Action
The Erie County Sheriff's Office will not have the necessary funds to staff nurses or provide MAT medications.

Steps Following Approval of Measure
Certified copies shall be forwarded to the County Executive's Office, the Erie County Division of Budget and Management, the Office of the Comptroller, and the Office of the Sheriff for implementation.

A RESOLUTION SUBMITTED BY:
ERIE COUNTY SHERIFF'S OFFICE

Re: Correctional Health Year End Budget Adjustments

WHEREAS, the Erie County Sheriff's Office has had difficulty recruiting nurses to work in the Holding Center and Correctional Facility as a result of a nationwide nursing shortage; and

WHEREAS, the Erie County Sheriff's Office has had to rely on Supplemental Health nursing to provide necessary care to incarcerated individuals, and

WHEREAS, the increased reliance on Supplemental Health nurses has resulted in increased costs associated with the service, and

WHEREAS, the overwhelming success of the MAT program has substantially depleted funds available for the purchase of necessary medications for individuals enrolled in the program, and

WHEREAS, the ECSO has funds budgeted in other areas that can be transferred to cover these priority costs,

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature does hereby authorize the following budget adjustments within the Correctional Health Budget:

Decrease - 500000 Full Time Salaries	$655,000
Decrease – 502000 Fringe Benefits	$254,000
Decrease – 505800 Medical Supplies	$ 65,000
Decrease – 561410 Lab and Tech	$ 13,000
Decrease – 561420 Furniture and Fixtures	$ 19000
Total	$1,006000

Increase – 510000 Local Mileage Reimbursement	$ 1,200
Increase – 516020 Prof Services and Fees	$ 1,004,800
Total	$1,006,000

; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, Erie County Division of Budget and Management, Erie County Sheriff and Erie County Comptroller.

FISCAL IMPACT: Funds currently exist in the approved ECSO Budget.

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

COMM. 18D-1	DEPUTY COMPTROLLER OF AUDIT	Erie County Comptroller's Office Audit Plan

Attachments

23COMM. 18D-1

EC LEG SEP 26 '23 PM3:55

ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

September 26, 2023

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

Re: Erie County Comptroller's Office Audit Plan

Dear Honorable Members:

The Erie County Comptroller's Office, Division of Audit and Control recognizes that an overall audit strategy is important to meet the goals and objectives of the Audit Division as they contribute to the mission of the Erie County Comptroller's Office. The Institute for Internal Auditors (IIA) also recognizes that an audit plan benefits the entire municipal organization.

Audit selection is performed by using an approach based upon objective risk assessment. In 2015, a Risk Assessment and Internal Audit Plan was completed by the accounting firm Freed Maxick for the Erie County Comptroller's Office to assess the risk of the County government's major executive branch departments, programs, and functions and to develop a proposed risk-based, multi-year internal audit plan. While the 2015 "Heat Map" created by Freed Maxick is dated, the risk-based assessments of each department, program and functions have remained virtually the same.

In preparing the audit plan, we reviewed the County's budget and financial information and departments that handle cash. We also reviewed recent years' annual management letters prepared by the County's external auditors at Drescher and Malecki, LLP. We have included those departments or offices which were identified as areas of concern or has lacking internal control issues from past audits. We utilized the Heat Map from Freed Maxick's plan to ensure our approach to auditing was focused on the highest priority departments with our audit scopes rotating to address higher risk business processes more frequently.

Departments tentatively included in the 2023 -2026 Audit Plan are:

Department of Public Works
Department of Health
Department of Personnel
Erie County Comptroller, Accounting Division
Department of Information and Support Services
Department of Environment & Planning

95 FRANKLIN STREET • ROOM 1100 • BUFFALO, N.Y. • 14202
PHONE: (716) 858-8400 • FAX: (716) 858-6195 • www.erie.gov/comptroller

Department of Sewerage Management
Department of Social Services
Erie County Sheriff's Office
County Attorney/Department of Law
Erie County Clerk's Office, Auto Bureau Division
Department of Homeland Security
Division of Purchasing
Department of Real Property Tax Services
Central Police Services
Department of Parks, Recreation and Forestry
Division of Budget & Management
Department of Mental Health
Department of Probation
Erie County District Attorney's Office
Department of Senior Services
Erie County Board of Elections
Buffalo and Erie County Public Library
Labor Management Healthcare Fund

This document should not be considered binding or exhaustive. As always, concerns or issues may arise which require action by our audit staff that is not pre-planned. We look forward to working with your Honorable Body should you have any questions or concerns about our completed work product.

Sincerely,

Mary K. Nytz-Hosler
Deputy Comptroller for Audit

Attachments: Risk Assessment, Freed Maxick (2015)

cc: Erie County Executive Mark Poloncarz
Erie County Sheriff John Garcia
Erie County Clerk Michael Kearns
Erie County District Attorney John Flynn
Robert W. Keating, Budget Director

Trust earned.

FreedMaxick

McGladrey Alliance | McGladrey

Erie County

Risk Assessment and Internal Audit Plan

August 2015





September 23, 2015

Hon. Stefan Mychajliw
Erie County Comptroller
95 Franklin Street, Room 1100
Buffalo, New York 14202

Dear Mr. Mychajliw:

This document summarizes the work that Freed Maxick CPAs, P.C. has performed to conduct a county-wide risk assessment and develop an internal audit plan for the Audit and Control Division of the Comptroller's Office. This risk assessment has been performed on your behalf as county Comptroller, with the assistance of the Deputy Comptroller of Audit and his team.

This report is intended to provide the county leadership with a better understanding of where key risks and vulnerabilities exist, and as a means to prioritize risk mitigation efforts through internal audit activities outlined in the corresponding audit plan.

We appreciate the opportunity to collaborate with you and your team on the execution of this risk assessment for Erie County, and would like to acknowledge the professionalism and cooperation extended to us by the management of County agencies and departments during our risk assessment process. We look forward to the opportunity to assist you in next steps with the execution of the internal audit plan, and are available to answer your questions.

Sincerely,

Larry L. Hessney

Larry Hessney, CIA, CISA, PCI QSA
Director

Table of contents

SECTION	PAGE
INTRODUCTION	4
EXECUTIVE SUMMARY	4
RISK ASSESSMENT APPROACH AND METHODOLOGY	6
A RISK-BASED APPROACH TO DETERMINE AUDIT PRIORITIES	
RISK ASSESSMENT METHODOLOGY	
AUDIT UNIVERSE	
RISK ASSESSMENT CATEGORIES AND DEFINITIONS	
RESULTS: RISK ASSESSMENT HEAT MAP BY DEPARTMENT	12
AUDIT PLAN	14
THREE YEAR AUDIT PLAN	
2016 AUDIT PLAN	
INTERNAL AUDIT RESOURCE PLAN	17
DEPARTMENT RISK ASSESSMENTS AND INTERNAL AUDIT STRATEGY	18
1. PUBLIC WORKS	
2. SHERIFF	
3. PURCHASING	
4. COUNTY COMPTROLLER	
5. SOCIAL SERVICES	
6. COUNTY CLERK	
7. DIVISION OF INFORMATION AND SUPPORT SERVICES (DISS)	
APPENDIX A: OTHER CONSIDERATIONS AND NEXT STEPS	35
APPENDIX B: CONTROL RISK DEFINITIONS	36

Introduction

In August 2014, the Honorable Stefan Mychajliw, Erie County Comptroller, issued a Request for Proposal seeking a qualified professional services firm interested in providing Risk Assessment and Internal Audit Services. Freed Maxick was chosen to conduct a county-wide risk assessment, and to work with the Deputy Comptroller for Audit to develop an annual internal audit plan utilizing the results of the completed risk assessment.

This report summarizes the work that has been performed by Freed Maxick CPAs, P.C. The objective of the risk assessment, and this report, is for Erie County to better understand where its greatest risks, vulnerabilities and challenges exist, with the goal of executing a corresponding multi-year internal audit plan to provide reasonable assurance to key stakeholders and constituents that those risks are being effectively managed.

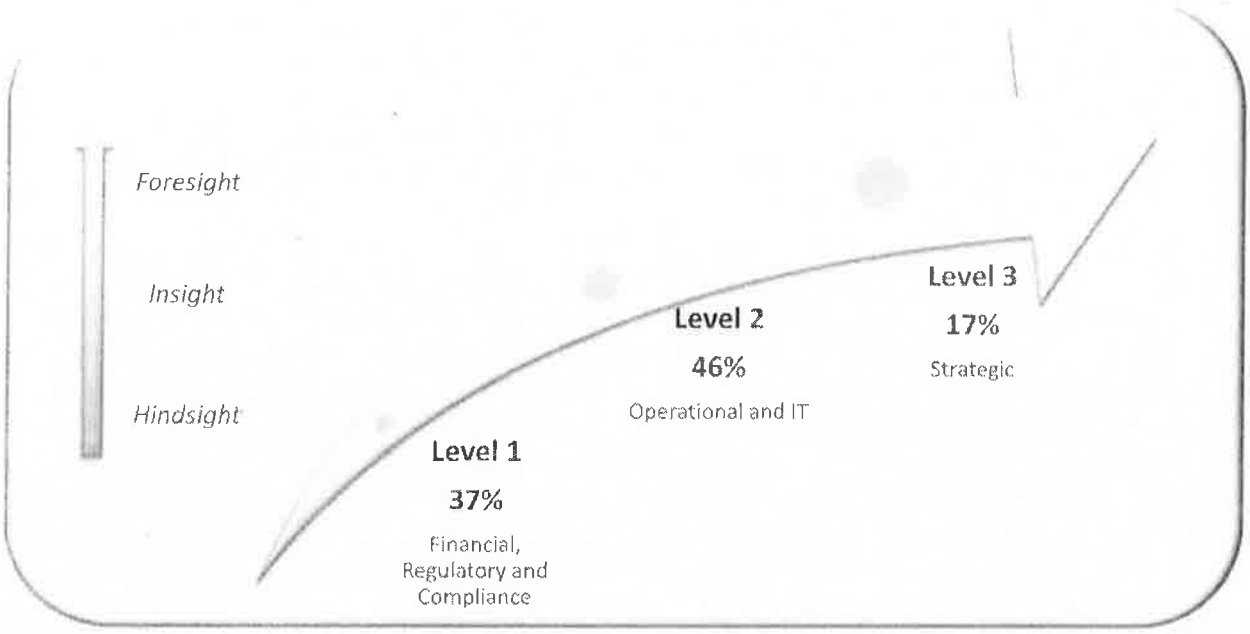
EXECUTIVE SUMMARY

For this assessment, inherent and residual risk levels were assigned based on information gathered during the assessment. We met with eighteen departments to interview the key division personnel to better understand the departments, their processes, and current controls in place in order to determine the residual risk rankings and develop a risk-based internal audit plan. Most of the county units we assessed were departments; some, however, were functions or processes. For simplicity we will refer to them all as "departments" in this report.

PUBLIC SECTOR GOVERNANCE AND THE ROLE OF INTERNAL AUDIT

Public sector governance encompasses the policies, procedures, processes and internal controls used to direct an organization's activities to provide reasonable assurance that objectives are met and that operations are carried out in an ethical and accountable manner. Governance relates to the means by which goals are established and accomplished; ensures government credibility; and assures appropriate behavior of government officials by reducing the risk of public corruption. Government auditing (both external and internal) is a cornerstone of good public sector governance by providing unbiased, objective assessments of whether public resources are responsibly and effectively managed to achieve intended results. Government internal auditing supports the governance roles of oversight, insight, and foresight.

Linking Risk and Audit Coverage[1]



Type of internal audits can be portrayed as a three-level continuum, depicted above.

- Level 1 includes regulatory, compliance, internal control, general financial, and fraud audits. Auditors provide independent assurance of County functions and internal controls by evaluating whether department/agencies are doing what they are supposed to do, spending funds for intended purposes, and complying with laws and regulations. Level 1 audits focus on assurance or oversight over historical performance, i.e. **hindsight**. Cur

- Level 2 includes operational, IT, and other similar types of audits. Auditors provide **insight** to assist County management by assessing which programs, policies and internal controls are working and which are not; sharing best practices and benchmarking information; and looking across department/agencies to find opportunities to borrow, adapt, or re-engineer management practices.

- Level 3 includes risk management, strategic business risks, and corporate governance audit work. Auditors help County management look forward by identifying trends and bringing attention to emerging challenges before they become crises. These issues often represent long-term risks that may far exceed the terms of office for most elected officials, and can sometimes receive low priority for attention where scarce resources

[1] March 2015 Institute of Internal Auditors Audit Executive Center, "Pulse of Internal Audit - Navigating an Increasingly Volatile Risk Environment"

drive more short-term focus on urgent concerns. Internal Audit can provide more value from the **foresight** offered through these type of audit projects.

As of early 2015, the Institute of Internal Auditors survey shows that most audit functions focus on Level 1 audits (37% of effort) and there is much less focus on Level 3 (17%). Over time, many Internal Audit functions are being asked by governance (Boards and Management) to add more value by increasing effort and resources for Level 2 and 3 types of audits. As risks to the organization become more complex, and the internal audit function matures, internal audit should generally devote more resources to higher levels on the continuum. We recommend that Erie County begin moving in this strategic direction as well to provide the highest value and risk mitigation from its investment in Internal Audit.

We design our "risk-based" Audit Plan to address what we consider to be the highest priority areas and audits requested by departments/agencies, while limiting the scope of work to what can realistically be accomplished with the staff resources available. Our risk ratings are based on current information that fluctuates frequently given the nature, diversity, size and impact of County operations on the public, as well as the "risk appetite" of the County Legislature, Comptroller and Executive.

OBJECTIVES

The objectives of the risk assessment conducted by Freed Maxick are to:

- Assess the risk of the County government's major executive branch departments, programs and functions;
- Develop a proposed risk-based multi-year internal audit plan.

RISK ASSESSMENT APPROACH AND METHODOLOGY

A Risk-Based Approach to Determine Audit Priorities

Generally Accepted Government Auditing Standards and the Institute of *Internal Auditors (IIA) International Standards for the Professional Practice of Internal Auditing* require that a risk-based approach to determine the priorities for internal audit activities is established. Freed Maxick CPA's has completed a Risk Assessment as a means to help identify, measure, and prioritize potential audits based on the level of risk to the County and for preparing an Audit Plan.

Risk Assessment Methodology

A comprehensive, county-wide Risk Assessment was conducted that solicited input from the County Executive Office, Legislature, Comptroller and certain Department/Agency Directors on risks affecting their respective areas.

Freed Maxick used an industry standard approach in performing the risk assessment that gave consideration to key strategies, operational, compliance, financial and other risks associated with a government organization such as Erie County. Among the critical inputs to the development of the risk assessment and internal audit plan was the information obtained from Erie County management employees who were interviewed in person by the Freed Maxick engagement team.

In preparing the risk assessment, we performed the following:

- Reviewed the County budget and financial information.
- Reviewed the results of prior internal audits.
- Reviewed the results of the most recently available Comprehensive Annual Financial Report (CAFR), including the independent auditor's report prepared by Drescher and Malecki, LLP.
- Identified and defined risk categories for assessing Inherent and Control Risk.
- Identified the audit and risk universe by county department and by key business process.
- Interviewed key employees (typically directors and deputy directors) for the 18 largest auditable departments or functions, the purpose of which was to obtain context, identify specific risk areas, and gain an understanding of the overall environment.
- Synthesized risk by audit area. During this process, the engagement team reviewed the interviews and, using their collective professional judgment, ascribed a risk rating (low, moderate or high) to each risk category for each department and audit area.
- Reviewed preliminary risk rankings with Comptroller, Associate Deputy Comptroller, and the Internal Audit team and made adjustments based on additional inputs and discussion.
- Upon completion of the risk synthesis, identified and ranked potential audit areas.
- For audits proposed for the multi-year plan, developed a preliminary estimate of hours for performing each audit for the purpose of considering resource needs/constraints and timing.
- Developed a report that includes the audits by department, rankings and related heat map.

Audit and Risk Universe

There are several approaches to defining an audit or risk universe, which is the range of all departments, processes, programs, projects, and initiatives subject to risk assessment and audits. To refine the initial audit universe of 37 entities, we excluded two entities that are separately managed (Erie County Community College and Erie County Medical Center), as well as nine very small entities that are too small and low risk to warrant audit attention. We also excluded three entities outside the scope of the audit function (the County Executive, Legislature, and the Medicaid Inspector General). We did interview these last three "non-auditable entities" at the commencement of the exercise in order to help provide valuable insights into the governance and control environment and to help highlight potential areas of risk to focus on throughout the course of the remaining meetings. The final auditable universe includes the 23 department entities in the following table.

ERIE COUNTY AUDIT UNIVERSE	
In Scope "Entities" or Departments	
1	Public Works
2	Health
3	Personnel
4	County Comptroller
5	DISS - Information and Support Services
6	Environment and Planning and Sewers
7	Social Services
8	Sheriff
9	County Attorney
10	County Clerk
11	Emergency Services
12	Purchasing
13	Real Property Tax Services
14	Central Police Services
15	Parks and Recreation
16	Budget and Management
17	Mental Health
18	Probation
19	District Attorney
20	Senior Services
21	Board of Elections
22	Veterans Services
23	Buffalo and Erie County Public Library

Out of Scope "Entities" or Departments	
24	County Executive
25	Legislature
26	Medicaid Inspector General
27	Erie Tobacco Asset Securitization Corporation
28	Commission on the Status of Women
29	Civil Service
30	Stop-DWI
31	Historian
32	Equal Employment Opportunity
33	Office for the Disabled
34	Office of Public Advocacy
35	Labor Relations
Out of Scope Separately Managed Entities	
36	Erie Community College
37	Erie County Medical Center

Interviews were conducted with the following departments/entities:

County Executive	Social Services
Legislature	Sheriff
Medicaid Inspector General	County Attorney
Public Works	County Clerk
Health	Emergency Services
Personnel	Purchasing
County Comptroller	Real Property Tax Services
DISS - Information and Support Services	Central Police Services
Environment and Planning and Sewers	Parks and Recreation

The audit universe is further refined by the following business processes/cycles that are common to many of the departments and agencies, with primary emphasis on financial and accounting controls. While these are not specific departments, they were considered during the risk assessment process.

Business Process	Description
Revenue, Cash Management, Accounts Receivable	Some departments collect cash, checks or other payments for fines, fees, permits, etc. Departments managing cash have risks around safeguarding of this asset and proper accounting for all transactions.
Disbursements (including Check Printing)	Some departments make disbursements directly, most importantly printing and distributing checks. Strong controls are needed to mitigate the risks regarding disbursements.
RFP's / Bidding, Vendor Management, Contracts	Some departments issue RFPs for high cost services such as construction or IT consulting. Strong controls are needed to manage risks regarding contracting, managing vendors, proper bidding, etc.
Grant Management	Compliance with grant management rules is an area of risk.

Risk Assessment Categories and Definitions

As part of the risk assessment, we identified the various categories of risk applicable to an organization like Erie County. These risk categories were determined through discussions with County personnel and our experience with local government entities. We ultimately assessed the likelihood or probability of occurrence for each of these risk categories for each department reviewed and subsequently for each potential internal audit identified. Overall "Residual Risk" is the combination of "Inherent Risk" and "Control Risk." The inherent risk categories are presented below:

INHERENT RISK CATEGORY	RISK DEFINITION / CONSIDERATIONS
External Market and Reputation	▪ The risk of improper interactions with internal or external customers, regulators, or constituents that may result in negative public perception and or could harm the reputation of the county.
Financial	▪ The risk of inaccurate, incomplete, or untimely financial reporting; risk of inability to meet county financial obligations, or to comply with (grant) funding requirements, thus impairing future funding.
Operational	▪ Risk of a condition that prevents county operations from functioning effectively, efficiently, or from meeting internal or external goals and objectives; a risk created due to volume or complexity of transactions or activities.
Legal and Regulatory	▪ Noncompliance with county, state, or federal regulatory or legal requirements. ▪ The county is subject to a variety of federal, state and local laws, regulations and directives. Failure to follow proscribed directives may result in substantial fines, restrictions in activities, and/or major concerns by regulators.
Strategic	▪ The risk that county or divisional objectives will not be achieved because business strategies are poorly defined and communicated, or county is unable to execute strategies due to inadequate organizational structure, infrastructure or alignment. ▪ Strategic risk is managed by appropriate organizational governance. ▪ Failure to adequately plan and execute against organizational goals may result in significant damage to the division's or the county's reputation.
Technology and Systems	▪ This risk that technology does not effectively support the current or future needs of the department or the county. ▪ Considers the level of use, sophistication, complexity, robustness, ease of use and speed and accuracy of recovery/replacement of systems. ▪ Addresses the overall importance of technology within the county operations; the availability and quality of information the county can access to support decision making; and the security around key information. ▪ Includes consideration of business continuity.
People and Culture (Personnel / HR Risk)	▪ Lack of proper skill sets, resources, training, or succession planning for county positions; complexity of the learning curve; nature and pace of turnover. ▪ Cultural factors in county leadership such as the ethical tone; the type of behaviors encouraged by and methods of reward used in incentive systems; and the approach to and consistency of enforcement of policies and procedures. ▪ The length, consistency and nature of business relationships with vendors and customers, including the handling of sensitive or confidential information and the risk of interruption to operations would seriously impact those relationships is considered.
Fraud	▪ Susceptibility to theft, waste, or abuse of county (taxpayer) resources; vulnerability to theft or manipulation. Misappropriation or misuse of assets (cash, inventory, etc.). The nature (liquidity, value and access) of the assets is critical to the assessment of fraud risk. ▪ This risk addresses the structure of business activities and transaction processing and the division's susceptibility to both internal and external fraud. ▪ The likelihood and ease of intentional misstatement of financial reporting, inappropriate management or commissioner override as well as the timeliness, accuracy and completeness of fraud protection and monitoring activities should be considered.

High, Moderate and Low risk ratings were assigned to each of these 8 categories of inherent risk based on our interviews, review of County financial documents and experience with other governmental entities.

We assessed Control Risk by considering the five key elements of internal control as defined by the COSO Internal Control Framework. This resulted in an overall COSO Control Risk Rating on a 1 to 5 scale where 1 represented very strong controls and thus low control risk and 5 represented very weak controls and thus high control risk.

CONTROL RISK FACTORS	RISK DEFINITION / CONSIDERATIONS
Control Environment	The control environment sets the tone of an organization, influencing the control consciousness of its people. It is the foundation for all other components of internal control, providing discipline and structure. Control environment factors include the integrity, ethical values and competence of the entity's people; management's philosophy and operating style; the way management assigns authority and responsibility, and organizes and develops its people; and the attention and direction provided by the Legislature.
Risk Assessment	Every entity faces a variety of risks from external and internal sources that must be assessed. Risk assessment is the identification and analysis of relevant risks to achievement of business objectives, forming a basis for determining how the risks should be managed. Because economic, industry, regulatory and operating conditions will continue to change, mechanisms are needed to identify and deal with the special risks associated with change.
Control Activities	Control activities are the policies and procedures that help ensure management directives are carried out. They help ensure that necessary actions are taken to address risks to achievement of the entity's objectives. Control activities occur throughout the organization at all levels and in all functions. They include activities such as segregation of duties, authorizations, security of assets, reporting and reviews of operating performance and documentation.
Information and Communication	Pertinent information must be identified, captured and communicated in a form and timeframe that enables people to carry out their responsibilities. Information systems produce reports that make it possible to run and control the business. Effective communication also must occur in a broader sense, flowing down, across and up the organization. All personnel must receive information needed to make informed business decisions.
Monitoring Activities	Internal control systems need to be monitored. This is accomplished through ongoing monitoring activities, separate evaluations or a combination of the two. There is synergy and linage among these components, forming an integrated system that reacts dynamically to changing conditions. The internal control system is most effective when controls are built into the entity's infrastructure and are a part of the essence of the enterprise.

RESULTS - RISK ASSESSMENT SUMMARY
HEAT MAP BY DEPARTMENT

Risk Factors >>>		Inherent Risk									Control Risk		
		Ext. Market, Reputation	Financial	Operational	Legal, Regulatory	Strategic	Technology, Systems	People, Culture	Fraud	Inherent Risk Score	COSO Control Risk	COSO Control Risk Score	Total Residual Risk Rating (Inherent Risk Score + COSO Control Risk Score)
1	Public Works	H	H	M	M	M	L	H	H	235	4	210	445
2	Sheriff	H	H	H	H	M	M	H	M	261	3	180	441
3	Purchasing	H	H	M	M	M	H	M	H	257	3	180	437
4	County Comptroller	H	H	M	M	M	H	H	H	265	2	150	415
5	Social Services	H	H	M	H	M	M	H	H	264	2	150	414
6	County Clerk	H	H	H	M	M	M	M	H	255	2	150	405
7	Senior Services	L	H	H	M	M	L	M	H	220	3	180	400
8	Health	M	H	M	H	M	M	M	H	246	2	150	396
9	Environment and Planning and Sewers	M	M	M	M	L	M	M	H	208	3	180	388
10	Board of Elections	M	M	M	M	M	M	M	M	200	3	180	380
11	Parks and Recreation	M	L	M	M	M	L	M	M	169	4	210	379
12	Buffalo and Erie County Public Library	L	H	M	M	L	M	L	M	190	3	180	370
13	Personnel and Payroll	M	M	M	H	L	M	H	M	214	2	150	364
14	Real Property Tax Services	H	M	L	M	M	M	M	M	197	2	150	347
15	District Attorney	H	M	L	H	M	L	L	M	188	2	150	338
16	Central Police Services	M	L	M	M	M	M	M	M	184	2	150	334
17	Mental Health	L	M	L	H	L	M	M	M	183	2	150	333
18	Emergency Services	M	L	M	L	M	L	M	L	139	3	180	319
19	County Attorney	M	L	L	H	L	L	L	M	154	2	150	304
20	Probation	L	L	L	H	L	L	M	M	152	2	150	302
21	Veterans Affairs	L	L	L	M	L	L	M	L	122	3	180	302

	Risk Factors >>>	Continuance of Business	Communications / Network	Business Units Served	Complexity of Environment	Staffing	Availability \ Response	Computing Platform	Information Sensitivity	Inherent Risk Rating	COSO Control Risk	COSO Control Risk Score	Total Residual Risk Rating (Inherent Risk Score + COSO Control Risk Score)
22	Information and Support Services	H	H	H	H	M	M	M	H	269	3	180	449

BUSINESS PROCESS HEAT MAP BY DEPARTMENT

	County-Wide Processes	Inherent Risk				
		Revenue, Cash Mgmt, Accounts Receivable	Disbursements (Check Printing)	Bidding, Vendor Management, Contracts	Grant Management	Inventory and Asset Management
1	County Comptroller	H	H	M	L	H
2	Purchasing	M	L	H	L	H
3	Social Services	M	H	L	H	L
4	Dept. of Public Works	H	L	H	L	H
5	Senior Services	L	L	M	H	L
6	Health	M	L	M	H	M
7	Personnel (HR function)	H	H	L	L	L
8	Environment and Planning and Sewers	L	L	H	H	M
9	Parks and Recreation	H	L	L	M	H
10	Sheriff	H	M	L	M	H
11	County Clerk	H	H	L	L	M
12	District Attorney	L	L	L	L	L
13	Buffalo and Erie County Public Library	M	L	L	L	H
14	Real Property Tax Services	H	M	L	L	L
15	Central Police Services	L	L	L	H	L
16	Board of Elections	L	L	L	L	L
17	Mental Health	L	L	L	M	L
18	Emergency Services	L	L	M	L	L
19	County Attorney	L	L	L	L	L
20	Probation	M	L	L	L	L
21	Veterans Affairs	M	M	L	H	L
22	DISS	L	L	H	L	H

INTERNAL AUDIT PLAN

We design the "risk-based" Internal Audit Plan to address what we consider to be the highest priority areas and audits requested by departments/agencies, while understanding that the scope of work may need to be limited to what can realistically be accomplished with the staff resources available. The risk ratings are based on information obtained during the risk assessment meetings, also understanding that risks will change over time given the threat of new emerging risks and the nature, diversity, size and impact of county operations.

The highest risk areas should receive the most attention of internal audit to help the County best achieve its objectives and mitigate risk. The highest risk areas should have an audit every 12 months (e.g. annually) with a scope that rotates to cover all risks, divisions and processes in that department. The highest risk areas from the risk assessment are:

- Information Technology / Department of Information Support Services
- Department of Public Works
- Sheriff
- Purchasing
- Comptroller
- Department of Social Services
- County Clerk

Some of the higher risk business processes in these Departments should be included in the audit scope on a rotational basis. Many Departments have their own usually small accounting function. The higher risk business processes include:

- Revenue, AR and Cash Management – any Department that collects fees and cash has risks around misappropriation of assets and transactional accuracy.
- Disbursements – some Departments print their own checks.
- Grant Management – some Departments receives significant grant funding and much meet grant reporting compliance requirements.
- Bidding/RFP's, Vendor/Contract Management – some Departments issue large dollar RFPs or Bids and manage significant vendor contracts with limited Purchasing involvement. There can be significant risk in these activities.
- Inventory / Asset Management – some Departments manage significant inventories of vehicles (fleets), gasoline, supplies and other goods.

Due to the timing of this risk assessment, we begin the three year audit cycle with 2016. Our recommendation is that the remaining months of 2015 be used to (1) finish audits in process, (2) enhance, or develop where necessary, an internal audit process with documented procedures that align with the Institute of Internal Audit's International Professional Practices Framework (the IIA's IPPF), and (3) position the Internal Audit function for efficient execution of audits beginning immediately in 2016.

THREE YEAR PLAN 2016 TO 2018

Risk Factors >>>		Total Residual Risk Rating	Recommended Audit Frequency	Last Internal Audit	2016	2017	2018
1	Public Works	445	12	2013	X	X	X
2	Sheriff	441	12		X	X	X
3	Purchasing	437	12	2009	X	X	X
4	County Comptroller	415	12		X	X	X
5	Social Services	414	12	2011	X	X	X
6	County Clerk	405	12		X	X	X
7	Senior Services	400	24	2008	X		X
8	Health	396	24	2012		X	
9	Environment Planning Sewers	388	24	2008	X		X
10	Board of Elections	380	24	2006	X		X
11	Parks and Recreation	379	24	2013		X	
12	Public Library	370	24	2014		X	
13	Personnel and Payroll	364	24	2009	X		X
14	Real Property Tax Services	347	24	2010	X		X
15	District Attorney	338	24			X	
16	Central Police Services	334	24	2008		X	
17	Mental Health	333	24	2009		X	
18	Emergency Services	319	36		X		
19	County Attorney	304	36			X	
20	Probation	302	36	2009			X
21	Veterans Affairs	302	36		X		
22	Information Technology / DISS	449	12		X (3)	X (3)	X (3)
Recommended number of audits					16	16	16

NOTE: IT IS THE HIGHEST RISK AREA FOR THE COUNTY, LIKE MANY ORGANIZATIONS TODAY, AND NEEDS TO RECEIVE SIGNIFICANT AUDIT FOCUS. IN ADDITION TO A ROTATIONAL IT AUDIT PLAN DISCUSSED IN DETAIL LATER IN THIS REPORT, THE COUNTY SHOULD ALSO CONDUCT PRE-IMPLEMENTATION AUDITS FOCUSED ON PROJECT MANAGEMENT AND QUALITY ASSURANCE FOR MAJOR IT-RELATED PROJECTS AND SYSTEMS.

2016 INTERNAL AUDIT PLAN

Auditable Entity	Total Residual Risk Rating	Last Internal Audit	2016 Audit Focus Areas
Public Works	**445**	**2013**	Accounting, Revenue/Cash Management Bids/RFP's, Vendor Management Inventory/Asset Management Highways
Sheriff	**441**		Revenue/Cash Management Inventory/Asset Management
Purchasing	**437**	**2009**	Surplus Asset Sales
County Comptroller	**415**		Revenue, AR, Cash Management Disbursements, AP
Social Services	**414**	**2011**	Accounting, Revenue/Cash Management
County Clerk	**405**		Accounting, Revenue/Cash Management
Senior Services	**400**	**2008**	Grant Management
Environment Planning Sewers	**388**	**2008**	Bids/RFP's, Vendor Management Grant Management
Board of Elections	**380**	**2006**	
Personnel and Payroll	**364**	**2009**	Payroll
Real Property Tax Services	**347**	**2010**	Accounting, Revenue/Cash Management
Emergency Services	**319**		Bids/RFP's, Vendor Management
Veterans Affairs	**302**		Grant Management
Information and Support Services	**449**		1) IT General Computer Controls 2) Cybersecurity Penetration Testing 3) Data Security Compliance (PCI, HIPAA) (Additionally, Project Management and QA Pre-Implementation Audits for large projects)

INTERNAL AUDIT RESOURCE PLAN

When considering the annual internal audit plan activities, the resource needs versus availability should be considered. The table below provides an estimate of the total staff resources hours available. Typically the hours for the Deputy Comptroller of Audit would not be included in the resources hours plan, as the role of this individual should be focused on the ongoing risk assessment and oversight activities, with significant input into audit planning and scoping and final audit reporting processes.

Title	Deputy Comptroller	Senior Auditor	Staff Auditor	Staff Auditor	Accountant Auditor (Currently on leave)	Accountant Auditor (Currently Open)	TOTAL (Excluding Deputy Comproller)	Current Staff (less two Accountant Auditor Positions)
Base Hours (32.5 Hours per week)	1,690	1,690	1,690	1,690	1,690	1,690	8,450	5,070
Less Vacation (5 Weeks at 35 hrs)	(175)	(175)	(175)	(175)	(175)	(175)	(875)	(525)
Less Sick (5d) and Holiday (10d) at 7 hrs/day	(105)	(105)	(105)	(105)	(105)	(105)	(525)	(315)
Less Training	(40)	(40)	(40)	(40)	(40)	(40)	(200)	(120)
Available Hours	1,370	1,370	1,370	1,370	1,370	1,370	6,850	4,110

By performing this type of analysis, the function can reasonably estimate the capacity for how many audits could be executed during the course of the year, assuming a minimum level of cooperation from auditees. This resource analysis also needs to consider other types of "non-audit" activities, actual time spent on these activities historically has been assessed and incorporated into the resource plan per the following:

Non-Audit Activity	% of effort
Management request/special investigations, including Whistleblower Hotline follow-up	5-10%
Follow-up on prior audits	5-10%
Total (typical year)	**15%**

Fully staffed with 5 FTE auditors:

Total Capacity for Audits and Non-Audit Activity.....6,850 hours
Total Capacity for Audits ..... 4,823 hours
Number of Audits at 350 hours per audit..... 14 audits
Number of Audits at 400 hours per audit..... 12 audits
Number of Audits at 450 hours per audit..... 10 audits

It is highly recommended that the County increase the Audit budget to achieve this risk-based Internal Audit Plan to provide adequate coverage of all risks to the County and its citizens. Additional capacity in terms of staffing or outsourcing some audits is highly recommended to address all of the risks sufficiently. Outsourcing to Subject Matter Experts for special skill audit areas such as IT is a leading practice for many organizations.

DEPARTMENT RISK ASSESSMENT AND INTERNAL REVIEW STRATEGY

This section provides an overview of the seven departments/divisions or offices ranked as high risk during this risk assessment. Highlights from the 2015 Erie County adopted budget book are included, as well as commentary on specific risks and areas of focus to consider when developing objectives for internal audits for these divisions. These are risk concerns that should be further vetted and refined during the planning process for each audit, in order to help define specific audit objectives.

DEPARTMENT OF PUBLIC WORKS

	Inherent Risk									Control Risk		
Risk Factors >>>	Ext. Market, Reputation	Financial	Operational	Legal, Regulatory	Strategic	Technology, Systems	People, Culture	Fraud	Inherent Risk Score	COSO Control Risk	COSO Control Risk Score	Total Residual Risk Rating (Inherent Risk Score + COSO Control Risk Score)
Public Works	H	H	M	M	M	L	H	H	**235**	4	210	445
Buildings and Grounds	M	L	M	L	L	L	M	M	147			
Weights and Measures	H	H	H	M	M	M	H	H	263			
Fleet Services	H	H	H	M	M	M	H	H	263			
Highways (Road Fund)	H	H	H	M	M	L	M	H	240			
Utilities Aggregation Fund	L	M	L	M	L	L	L	M	146			

	Inherent Risk			
County-Wide Processes	Revenue, Cash Mgmt, Accounts Receivable	Disbursements (Check Printing)	Bidding, Vendor Management, Contracts	Grant Management
Public Works	H	L	H	L

Overview of Business Area

The Department of Public Works (DPW) is divided as follows: Office of the Commissioner (responsible for overall management and services to all Divisions within the Department of Public Works), the Division of Buildings and Grounds, the Division of Weights and Measures (tests, inspects and certifies the accuracy of all commercial weighing and measuring devices),

the Highway Division Road Fund (responsible for the maintenance and construction of County roads, bridges and culverts) and the Division of Fleet Services (responsible for vehicles within the County). The Department is also responsible for the operation of the mail room.

DPW derives revenues from fines imposed by the Division of Weights and Measures, and fees from the sale of signs to other municipalities. Revenue also is received from New York State under the Consolidated Highway Improvement Program (CHIPS). Where available, the Department bills other departments for select services.

Business Objectives

- Provide safe, functional roadways and bridges for the traveling public.
- Provide accurate testing of scales and measuring devices.
- Provide leadership and management in the design, construction, maintenance and management of County-owned facilities.

Potential Significant Risks and Audit Strategy

- Financial risk with potential loss of state and or federal funding, which supports 50% of the department's budget.
- Risk of theft of inventory. Due to the large inventory of DPW, Internal Audit should assess all inventory practices and current controls in place to track DPW's inventory. This should include, among other things, all vehicles (fleet and maintenance), construction supplies and materials, and gasoline. Internal Audit should also review the policies and procedures around use of department inventory. Past internal audit reviews in the department have resulted in findings around personal use of department inventory, and this should continue to be monitored closely to ensure department personnel are not using inventory for personal use outside of the current policies and procedures.
- Risk of fraud with RFP's, bidding, vendors and contracts. DPW does many large RFP's annually and has many large contracts with different vendors, and a lack of controls around the contract or vendor management process could increase the risk for the county entering into these contracts.
- Risk of misappropriation of assets and cash. DPW has its own accounting function and has revenue generation from fines with Weights and Measures and other cash management and accounting transactions.
- Additionally, prior findings from the 2014 investigation should receive some follow up by internal audit to provide reasonable assurance that risk has been sufficiently mitigated.

DPW should be audited annually with the scope rotating among the 5 major divisions (with higher frequency for higher risk Highways, Fleet and Weights and Measures), the Cash Management and local accounting function, the RFP, Bidding, Contract Management process and the Inventory/Asset Management process. For example:

- 2016 – Highways, Accounting/Revenue/Cash Management, RFP/Bidding/Vendor Management, Inventory Management
- 2017 – Weights and Measures, Building and Grounds
- 2018 – Fleet

DEPARTMENT OF PUBLIC WORKS: FLEET SERVICES

Overview of Business Area

Fleet Services provides central management for all functions related to County vehicle and equipment use and activity. The provision of such services by one division permits the County to benefit from both economies of scale and the elimination of duplicated activities. The functions provided by Fleet Services include equipment acquisition, deployment, disposal, maintenance, fueling, repair facilities management, inventory control, and procurement of rental vehicles for out-of-town travel and administration.

Business Objectives

- Provide fleet services to County agencies.
- Maximize equipment utilizations.
- Manage maintenance and repair operations.
- Manage fuel usage for all Departments.
- Provide maintenance services to County agencies.

Potential Significant Risks

- Theft of inventories (parts, supplies, gasoline)
- Use of assets for non-County uses, e.g. personal use
- Loss of volume purchasing leverage due to decentralization of some fleet purchasing functions
- Misappropriation of assets
- Safety, e.g. injuries

SHERIFF'S OFFICE

	Inherent Risk									Control Risk		
Risk Factors >>>	Ext. Market, Reputation	Financial	Operational	Legal, Regulatory	Strategic	Technology, Systems	People, Culture	Fraud	Inherent Risk Score	COSO Control Risk	COSO Control Risk Score	Total Residual Risk Rating (Inherent Risk Score + COSO Control Risk Score)
Sheriff	H	H	H	H	M	M	H	M	**261**	**3**	180	**441**
Jail Management	H	M	H	H	M	M	M	M	237			
Accounting/Admin Services	M	H	M	M	L	H	M	M	223			
Inventory	H	M	L	H	L	M	H	H	227			
Fleet Services	H	H	M	L	M	M	M	M	212			

County-Wide Processes	Inherent Risk			
	Revenue, Cash Mgmt, Accounts Receivable	Disbursements (Check Printing)	Bidding, Vendor Management, Contracts	Grant Management
Sheriff	H	M	L	M

Overview of Business Area

The Office of the Sheriff operates pursuant to the New York State Constitution, other laws of the State of New York and the Erie County Charter and Administrative Code. It is organized into two major divisions, Division of the Sheriff and Division of Jail Management, which are budgeted separately.

The Sheriff is the County's elected chief law enforcement official and is responsible for the enforcement of federal and state civil and criminal laws and county, town and village ordinances. The Office of the Sheriff provides police and patrol services, investigative crimes, conducts crime prevention programs and performs public safety and emergency services designed to protect persons and property in Erie County. A number of special-function units are also provided including domestic violence prevention and investigation, aviation, snowmobile, mounted and marine patrols, arson investigation and bomb disposal. The office also serves and enforces all civil processes required by the courts.

The Division of Jail Management operates two primary facilities: the maximum security Erie County Holding Center and the medium security Erie County Correctional Facility. Additionally, the Division of Jail Management operates secure facilities within the Erie County Medical Center, Buffalo City Court, Erie County Court and Family Court. The Division of Jail Management enforces all federal, state and local laws, all federal and state standards, as well as all departmental regulations with regard to those persons committed to the custody of the Sheriff of Erie County. Further, the Jail Management Division provides a large array of coordinated services which insure the health, safety and welfare of each inmate.

Business Objectives

- Ensure the safety and security of the citizens in Erie County and their property though effective and equitable enforcement of the federal and state, civil and criminal laws and county, town and village ordinances.
- Ensure the prompt identification and apprehension of law violators.
- Deter crime through effective programs of enforcement, crime prevention and awareness.
- Enforce and assure compliance with the directions an orders of the civil courts through efficient execution of all civil process requirements.
- Ensure safe and secure detention in the County Holding Center and Correctional Facility of all persons remanded to the custody of the Sheriff.
- Provide effective safety and emergency services.
- Provide overall policy, administrative and executive direction and coordination for the Sheriff's Office and the operations of its divisions and units.

Potential Significant Risks and Audit Strategy

- Financial risk of mishandling of cash; large sums of cash handled in the civil division.
- Accuracy of accounting of narcotics inventory from raids.
- Financial risk of continued budget overruns due to overtime costs; risk of sick time abuse to "game" the overtime system.
- Risk of inaccurate accounting of inmate property
- Technology risk of data privacy breaches around sensitive information, i.e., juvenile arrest records.
- Use of technology not maximized (i.e., video arraignments), resulting in process inefficiencies or wasteful spending.
- Reputational risk resulting from potential inmate suicides, medical issues, or allegations of mistreatment or abuse.
- Legal risk of inmate lawsuits around allegations of mistreatment or abuse, or death.

Recommended Audit Strategy:

- 2016 – Accounting/Admin Services, Revenue/Cash Management, Disbursements, Inventory/Asset
- 2017 – Jail Management
- 2018 – Grant Management

PURCHASING

Risk Factors >>>		Ext. Market, Reputation	Financial	Operational	Legal, Regulatory	Strategic	Technology, Systems	People, Culture	Fraud	Inherent Risk Score	COSO Control Risk	COSO Control Risk Score	Total Residual Risk Rating (Inherent Risk Score + COSO Control Risk Score)
3.0	Purchasing	H	H	M	M	M	H	M	H	257	3	180	437
3.1	Purchasing - Informal Bid	H	H	M	M	M	H	H	H	265			
3.2	Purchasing - Formal	H	H	M	M	M	H	M	M	241			
3.3	Surplus Program	H	M	L	L	L	L	M	H	176			

County-Wide Processes	Inherent Risk			
	Revenue, Cash Mgmt, Accounts Receivable	Disbursements (Check Printing)	Bidding, Vendor Management, Contracts	Grant Management
Purchasing	M	L	H	L

Overview of Business Area

The Division of Purchase is the central purchasing agent for the procurement of contracts for supplies, equipment and services.

The Division establishes and enforces standard specifications regarding supplies, materials, equipment and services. It is responsible for maintaining a bid procedure that is open and competitive and ensures that every vendor has an inherent right to be considered in an equitable manner for the receipt of an award. Purchase contracts are awarded to the lowest responsible bidder, except as specifically excluded by law.

The storage, transfer, sale and inventory of surplus or obsolete materials and equipment are managed by the surplus unit. When necessary, the Division of Purchase provides emergency event support for the County of Erie and political subdivisions. Costs incurred to provide centralized purchasing services are included in the interdepartmental and interfund charges administered by the Division of Budget and Management.

Business Objectives

- Provide a centralized system for the procurement of goods and services, management of surplus property and emergency event support for the County of Erie and authorized political subdivisions in the most economical, transparent and efficient manner.

Potential Significant Risks and Audit Strategy

- Risk of bypassing vendor bidding and selection requirements.
- Risk of vendors not meeting contracted performance requirements due to minimal or inconsistent monitoring of performance.
- User access risk to vendor master maintenance module
- Misappropriation of Surplus assets
- Fraudulent sale of Surplus assets
- Fictitious vendors
- Fraud related to vendors

Recommended Audit Strategy:

- 2016 – Surplus Program
- 2017 – Informal Bids
- 2018 – Formal Bids

COUNTY COMPTROLLER

Risk Factors >>>		Ext. Market, Reputation	Financial	Operational	Legal, Regulatory	Strategic	Technology, Systems	People, Culture	Fraud	Inherent Risk Score	COSO Control Risk	COSO Control Risk Score	Total Residual Risk Rating (Inherent Risk Score + COSO Control Risk Score)
4.0	**County Comptroller**	H	H	M	M	M	H	H	H	265	2	150	415
4.1	Accounts Payable	H	H	H	M	M	H	H	H	278			
4.2	Accounts Receivable (Cash Mgmt)	H	H	H	M	M	H	H	H	278			
4.3	Court & Trust Fund (Treasury)	M	H	M	M	M	M	H	M	224			
4.4	Financial Reporting	H	H	M	H	M	M	M	H	256			
4.5	Investments	H	H	M	M	M	M	M	H	242			
4.6	Borrowing	M	H	M	M	M	M	M	H	232			

County-Wide Processes	Inherent Risk			
	Revenue, Cash Mgmt, Accounts Receivable	Disbursements (Check Printing)	Bidding, Vendor Management, Contracts	Grant Management
County Comptroller	L	L	M	L

Overview of Business Area

The Erie County Comptroller is the independently elected official responsible under Article 19 of the Erie County Charter and Article 12 of the Administrative Code for performing the accounting, auditing, financial reporting and fiscal functions of the County. The Comptroller is the Chief Accounting and Reporting Officer, Chief Auditing Officer and Chief Fiscal Officer.

Accounting. Reporting. Collections and Fiscal: Under the direction of the Comptroller, the County's official accounting records are maintained and analyzed for propriety, consistency and compliance with legal requirements, policies, procedures and Generally Accepted Accounting Principles (GAAP) applicable to governmental entities. Reports are provided to the Legislature, County Executive and taxpayers regarding the fiscal condition of the County and the adequacy of and compliance with the County's system of internal accounting controls.

As the Chief Accounting and Reporting. Officer, the Comptroller's responsibilities include maintaining the County's computerized general ledger, records of appropriations, encumbrances, expenditures and revenues, and preparing interim quarterly financial statements, annual financial statements and the Countywide Cost Allocation Plan. The Erie County Charter requires that the Comptroller prescribe accounting procedures to departments in accordance with GAAP.

As the Chief Fiscal Officer, the Comptroller oversees the fiscal affairs of the County. Primary functions include the receipt and investment of County funds, disbursement of funds, structure and sale of notes to meet the short-term cash needs of the County, and structure and sale of bonds for approved capital projects. The Comptroller also provides investment services to several County officials who are responsible for maintaining their own bank accounts. The Comptroller serves as the financial advisor and chief accountant to the Buffalo and Erie County Public Library, which is a separate legal corporation. The Comptroller is responsible for payment of all debt service and maintaining an agency fund and, as part of such responsibilities, serves as the banker for state, county, and city courts.

Business Objectives

- Develop and promulgate accounting policies, procedures and guidelines to all County departments in accordance with GAAP.
- Review, process and validate departmental accounting transactions for accruals, encumbrances, expenditures and revenues, and ensure transactions are in compliance with established policies and procedures and within authorized appropriations.
- Ensure reconciliation of the County's bank accounts.
- Develop and provide timely, accurate and informative accounting reports to the County Executive, Legislature and departments for managerial use and control.
- Prepare the County's quarterly interim and annual financial statements, the annual financial report to the New York State Comptroller, and other financial reports as required, and assist the County's consultant in preparation of the countywide Cost Allocation Plan.
- Optimize the income from investments.
- Make timely and accurate disbursement of all funds consistent with the best interests of the County and vendor requirements.
- Ensure the availability of cash resources as needed for the day-to-day operation of County government and the completion of authorized capital projects.
- Develop effective plans, policies and procedures for the borrowing and investment of funds in compliance with New York State Laws.
- Working with the County's financial advisor and bond counsel, prepare all official statements for bond and note sales.
- Evaluate various financing alternatives available to the County and structure financing plans to meet County needs.
- Identify and investigate questionable transaction uncovered in the pre-audit review of payment requests submitted by departments.
- Timely deposit all revenues received to improve the County's cash flow.
- Monitor the collection of County property taxes during the period in which collection and recording is a mandated responsibility of local municipal tax receivers.

Potential Significant Risks and Audit Strategy

- Personnel risk such as potential skills gaps due to hiring requirements; risk related to succession planning and placement;
- Risks related to sub-optimization of technology and SAP; de-centralized invoice payment process, late payments, reputational impact.
- Risk around investment portfolio; poor investment practices or portfolio management could lead to poor returns
- Inaccurate financial reporting due to lack of bank reconciliations

Recommended Audit Strategy:

- 2016 – Revenue/AR/Cash Management, Disbursements/AP
- 2017 – Financial Reporting
- 2018 – Court and Trust Fund/Treasury, Investments, Borrowing

SOCIAL SERVICES

	Risk Factors >>>	Ext. Market, Reputation	Financial	Operational	Legal, Regulatory	Strategic	Technology, Systems	People, Culture	Fraud	Inherent Risk Score	COSO Control Risk	COSO Control Risk Score	Total Residual Risk Rating (Inherent Risk Score + COSO Control Risk Score)
5.0	**Social Services**	H	H	M	H	M	M	H	H	**264**	**2**	150	**414**
5.1	Division of Finance, Accounting, and Administration	M	H	H	M	M	H	H	H	**268**			
5.2	Division of Legal Affairs	H	H	H	H	M	M	H	M	**261**			
5.3	Divisions of Individual Protection	M	M	M	H	L	M	M	M	**206**			
5.4	Division of Public Health Insurance	H	M	L	H	L	M	M	H	**219**			
5.5	Youth Services	M	M	M	M	L	L	M	L	**161**			
5.6	Division of Family Independence	H	M	M	H	M	M	H	M	**208**			

County-Wide Processes	Inherent Risk			
	Revenue, Cash Mgmt, Accounts Receivable	Disbursements (Check Printing)	Bidding, Vendor Management, Contracts	Grant Management
Social Services	**M**	H	L	H

Overview of Business Area

The Department of Social Services (DSS) is responsible for administering social service programs for eligible families and individuals in Erie County. The department seeks to ensure its programs and resources are effectively and efficiently deployed to support people and families to achieve well-being and sustainability.

The department is primarily comprised of two divisions: Individual Protection and Family Independence. Units in the Individual Protection Division include Child Protective Services, Foster Care and Adoption, and Protective Services for Adults. Units in the Family Independence Division include Temporary Assistance, Supplemental Nutrition Assistance, and Home Energy Assistance.

There are also several units within the department which provide support including Legal Services, Human Resource Development and Personnel. Altogether, the department is responsible for administering more than twenty programs. Client eligibility criteria, benefit levels, administrative procedures and administrative systems are all prescribed by law and regulation. All of these services are provided by a diverse and well trained workforce of over 1,400 persons operating from six locations in collaboration with contracted human services agencies.

Business Objectives

- Provide leadership, direct management strategies and monitor service delivery for impact and integrity.
- Guide and direct policy striving for excellence and best practice.
- Develop and improve organizational capacity, customer service and accuracy in execution.
- Interface with Federal and State funding and oversight agencies.
- Coordinate and collaborate with other executive branch departments to promote effective and efficient delivery of programs and services.
- Interface with legislative and judicial, as well as community based organizations and institutions in the alignment of roles and responsibilities across all sectors on behalf of children, adults and families.

Potential Significant Risks and Audit Strategy

- Data privacy risk or risk of data breaches; records include information on income, sensitive information, protected health information (PHI) including mental health records.
- Financial risk due to department being a pass-through of significant volume of state dollars; budget cycle variance between New York State and Erie County; high degree of budget variability in general, making
- Operational risk with variability of caseloads, making budget planning and hiring more challenging.
- Reputational risk around the care of individuals, specifically child protective services (CPS).
- Risk of fraud, waste or abuse with time reporting, resulting in inaccurate time studies; fraudulent time reporting.
- Risk of fraudulent check printing
- Personnel / HR risks with attracting and retaining talent for demanding positions with high turnover rates, a high stress level, and a high degree of personal liability.

Recommended Audit Strategy:

- 2016 – Accounting/Revenue/Cash Management, Disbursements, Grant Management
- 2017 – Division of Legal Affairs, Division of Individual Protection
- 2018 – Youth Services, Division of Family Independence, Division of Public Health Insurance

COUNTY CLERK'S OFFICE

Risk Factors >>>		Ext. Market, Reputation	Financial	Operational	Legal, Regulatory	Strategic	Technology, Systems	People, Culture	Fraud	Inherent Risk Score	COSO Control Risk	COSO Control Risk Score	Total Residual Risk Rating (Inherent Risk Score + COSO Control Risk Score)
6.0	County Clerk	H	H	H	M	M	M	M	H	255	2	150	405
6.1	Accounting/Cash Mgmt	H	H	H	M	M	H	M	H	270			
6.2	Registrar	M	M	M	M	M	M	M	H	216			
6.3	Auto Bureau	H	M	M	H	M	M	M	M	224			

County-Wide Processes	Inherent Risk			
	Revenue, Cash Mgmt, Accounts Receivable	Disbursements (Check Printing)	Bidding, Vendor Management, Contracts	Grant Management
County Clerk	H	H	L	L

Overview of Business Area

The County Clerk is an independently elected official responsible for recording, filing and maintaining a central repository of legal documents and records affecting property titles (including land and real estate transactions), those related to corporate filings, assumed names, and, as Clerk of the Supreme and County Courts, all court pleadings and papers. Responsibility for maintaining all court records was transferred to the County Clerk from the State Court System in 1986. In 1987, the responsibility of processing pistol permits and maintenance of those records was transferred to the County Clerk from the State Court System. The above-described duties are carried out pursuant to the laws of the State of New York and the Erie County Charter and Administrative Code.

In addition, the local Auto Bureau is managed by .the Clerk, staffed by personnel of the Office and budgeted separately. The County Clerk oversees the operations of two Auto Bureau locations, four satellite offices and one Mobile unit serving five locations on a weekly schedule.

Fees are mandated by State and local law. The operations of the County Clerk's Office garner revenue primarily from recording, filing or processing legal records and documents, and for services provided by the Office, such as copying and certifying the records maintained as public records in the Office. More specifically, the Clerk's Office, as an agent of the State,

collects mortgage and real estate transfer taxes that are then apportioned between the State, State agencies, the County and cities, towns and villages located within Erie County. Recording fees, filing fees, licensing fees and fees such as criminal surcharges and fines paid to the Office are divided between various State agencies, such as the New York State Department of Education, the Department of Finance, the Department of Motor Vehicles, the State of New York Mortgage Agency (SONYMA), the Unified Court System and the Niagara Frontier Transportation Agency (NFTA). The funds required for Office expenses, administrative costs, and New York State document and record retention requirements are drawn from the County general fund, into which the balance of revenues collected by the Clerk's Office are deposited.

Business Objectives

- Assure timely and accurate recording and availability of legal and official documents and records, and ensure maintenance and preservation of public records as required by New York State Law and the Erie County Charter and Administrative Code.
- Assure timely issuance of permits and licenses as prescribed by New York State Law and the Erie County Charter and Administrative Code.
- Assure all other functions of the Clerk of the Courts are effectively and efficiently performed and all court records are appropriately filed and maintained.
- Effectively administer the laws related to motor vehicle sales, vehicle registration and driver licensing.
- Assure the proper collection, recording, deposit, accounting, and distribution of all fees and taxes collected pursuant to the mandates and authority granted by New York State and local law.

Potential Significant Risks and Audit Strategy

- Security of records; risk of data privacy breaches around sensitive records (i.e., criminal or matrimonial records).
- Financial risks around cash handling, cash transactions (which have been reduced with the increase of electronic transactions and online payment processing).
- Financial risk around unfunded state mandates (i.e., SAFE act), that impact the budget.

Recommended Audit Strategy:

- 2016 – Accounting/Revenue/Cash Management, Disbursements
- 2017 – Registrar
- 2018 – Auto Bureau

DIVISION OF INFORMATION SUPPORT SERVICES

		Inherent Risk									Control Risk		
Risk Factors >>>		Continuance of Business	Communications / Network	Business Units Served	Complexity of Environment	Staffing	Availability \ Response	Computing Platform	Information Sensitivity	Inherent Risk Rating	COSO Control Risk	COSO Control Risk Score	Total Residual Risk Rating (Inherent Risk Score + COSO Control Risk Score)
22.0	Information and Support Services	H	H	H	H	M	M	M	H	269	3	180	449

County-Wide Processes	Inherent Risk			
	Revenue, Cash Mgmt, Accounts Receivable	Disbursements (Check Printing)	Bidding, Vendor Management, Contracts	Grant Management
DISS	L	L	H	L

Overview of Business Area

The Division of Information and Support Services (DISS) provides centralized information technology support services for all County departments, elected officials, and related agencies as well as network services for numerous towns and villages. The provisioning of information technology services by DISS permits the County to benefit from economies of scale, improved operational efficiencies, and reduced duplication of costs.

DISS has six major functional areas: Client Services, Enterprise Application Services, Infrastructure Services, Department of Social Services Technical Support Unit, Records Management, and Central Police Services Technical Support. DISS provides support services that are utilized by all County departments and assists those departments in their public service functions by alleviating the responsibility for procuring, provisioning, deploying, managing and maintaining required technology assets and services.

The primary enterprise application is SAP supporting Finance and Accounting, Budgeting, Purchasing, HR, Payroll and other functions. Other key applications appear below.

Major Applications	Functions
SAP	Finance, accounting, purchasing, payroll, etc.
Roster Card System	Historical Personnel records
Govern	Property Tax system
CHARMS	Central Police Services system
One Touch - ecats	Microsoft CRM system for intake
Black Creek	Sheriff's jail system
Various 911 systems	911 systems
OnBase	Imaging and workflow system
Sewers SCADA system	Control system for sewers
Tied into various State systems	

Information technology services and support are provided twenty-four hours per day, seven days per week. The information system services provided by DISS enable County departments to communicate and collaborate electronically, conduct business with minimal interruption, generate timely and accurate reports, provide needed management data, and maximize the efficiency and effectiveness of their respective administrative and service operations.

Revenues are generated through an interdepartmental and inter-fund billing procedure administered by the Division of Budget and Management. Costs of services and support provided are billed to departments based on utilization. When applying for state and federal reimbursement, departments include these expenses. Revenues received as a result of billing for DISS services are reflected in the state and federal revenues to the affected County departments.

Business Objectives

- Provide the highest quality technology-based services, in the most cost effective manner to facilitate the mission of Erie County.
- Provide high availability of network, communications and services to the County government and its citizens

Potential Significant Risks

- Interrupted service in the event of a system or server failure
- Data privacy breaches, hacking – The County has a tremendous amount of non-public Personally Identifiable Information (PII), Protected Health Information (PHI) and credit card transaction and thus Payment Card Industry compliance (PCI) risks.
- Decentralized department-level purchasing of equipment; potential incompatibility, lack of volume discount
- Multiple 911 centers
- Lack of in-house SAP programmers; reliance on remote contractors to support programming.

Internal Audit Strategy

- Internal Audit has never audited DISS
- It is strongly recommended that independent and objective internal audits of key risk areas of DISS be performed.
  - The light IT controls review done by the external financial audit firm does provide adequate coverage of IT risks and controls by any measure.
  - DISS engages a 3rd party to do some ethical hacking annually. This is not truly independent as DISS engages and manages the vendor.
- A rotational schedule of IT audits should be conducted annually per the plan in the following table.

IT Audit	IT Audit Objective	Recommended Timing and Frequency of Audit
IT General Controls Audit	To assess the strength of controls in place within the following general system processes: • Access Management and Logical Security • Data Center & Server Room Physical and Environmental controls • Backup Management • Equipment Maintenance & Disposal • Application Controls • Server and Database Management • System Development & Change Management	Annually With Rotating Scope (Applications, Major Processes)
Cybersecurity Audit	Cybersecurity Audits including vulnerability and penetration testing should be conducted by objective resources outside of DISS. To assess the security of the network both externally and internally.	Annually
PCI, HIPAA and Data Privacy Compliance Audit	To assess PCI and HIPAA Compliance specifically across the County. To assess compliance with other Data Privacy regulatory requirements more generally.	2016 Bi-Annual
Business Continuity and Disaster Recovery of Information Systems Audit	To assess the steps the Institute has taken to ensure the timely recovery of critical information systems and the eventual recovery of other ancillary systems that are necessary in supporting specific colleges and divisions in the event of information systems service interruption or loss of resources. This audit should also include, but not be limited to: - Verifying the completeness of recovery plans (e.g. systems included) - Evaluating the Recovery Time and Point Objectives - Understanding personnel roles and responsibilities with regard to plan execution - Evaluating the Institution's testing strategies and the results of tests performed - Assessing the availability of hardware and alternative resources for supporting key information systems - Reviewing service level arrangements with critical third-party service providers	2017 Bi-Annual
Project Management Quality Assurance Pre-Implementation Reviews	Reviews for any large Institution-wide IT project that represents significant investment and/or expected benefits. Pre-Implementation Reviews performed by objective auditors help to identify and mitigate project risks and provide assurance that the desired outcomes are achieved in terms of business benefits, on-time/on-budget projects and improved controls.	As Needed for major IT projects

APPENDIX A: OTHER RECOMMENDATIONS AND NEXT STEPS

- Develop an internal audit charter; review with and obtain endorsement from the audit committee of the legislature. Develop an internal audit manual that aligns with the charter and with the Institute of Internal Auditors' International Professional Practices Framework.

- Utilize professional organizations and their provided resources, such as the Association of Local Government Auditors (ALGA) and the Institute of Internal Auditors (IIA) for tools, networking, benchmarking, and sharing best practices and challenges.

- Perform additional benchmarking comparison against other similar sized counties (i.e., those with similar size budget, number of residents, number of county employees, etc.) to further determine optimal staffing requirements for the Audit and Control Division of the Comptroller's office as well as comparable risks and areas of audit focus that other similar counties address. Consider obtaining a GAIN (Global Audit Information Network) benchmark report from the IIA.

- As the function progresses and continues to mature, internal audit should consider categorizing its activities to include specific activities or projects that align with the risk assessment and county objectives, such as:
  - Operational audits
  - Financial controls audits
  - Information Technology and Information Security audits
  - Management advisory projects or consultative assessments
  - Special requests (audits, investigations, analysis)
  - Contract audits related projects
  - Investigations of allegations of fraud, waste or abuse
  - Follow-up audits and testing

- Erie County leadership should consider partnering with a professional services provider to supplement existing Internal Audit staff and add the relevant additional skill sets that would help to advance the function and increase the value add to key stakeholders and Erie County residents.

APPENDIX B: ADDITIONAL CONTROL RISK DEFINITIONS

CONTROL ENVIRONMENT

Risk Factor Definition:
The control environment sets the tone of an organization, influencing the control consciousness of its people. It is the foundation for all other components of internal control, providing discipline and structure. Control environment factors include the integrity, ethical values and competence of the entity's people; management's philosophy and operating style; the way management assigns authority and responsibility, and organizes and develops its people; and the attention and direction provided by the board of directors.

Risk Rating Consideration:
Integrity and Ethical Values – Sound integrity and ethical values, particularly of top management, are developed and set the standard of conduct for business activities.
Importance of Board of Directors – The board of directors understands and exercises oversight responsibility related to internal control
Management's Philosophy and Operating Style – Management's philosophy and operating style support achieving effective internal control.
Organizational Structure – The company's organizational structure supports effective internal control
Commitment to Competency – The Company attracts, develops, retains and rewards individuals competent in their areas, who address internal control concerns and exercise appropriate management oversight.
Authority and Responsibility – Management and employees are assigned appropriate levels of authority and responsibility to facilitate effective internal control.
Human Resources – The Company's policies and procedures are designed and implemented to facilitate effective internal control.

Risk Rating Examples:

Strong	Moderate	Weak
The organization has a code of conduct that is updated and communicated annually with receipt by key employees documented. The board of directors is largely independent of management and conducts reviews both with and without senior management with parties responsible for assessing risk and monitoring internal control at least quarterly. Management places importance on internal control, and communicates the need to have effective controls in place as a factor used in judging performance. Clear responsibilities for internal controls and clear reporting hierarchies for communicating issues and managing risks exist, are widely understood and documented. The company provides an anonymous help line for employees to discuss potential fraud and other ethical concerns without fear of reprisal. Incentive systems reward and recognize performance in accordance with the company's core values for sound integrity and ethics. The organization takes clear and decisive action against employees found deviating from ethical conduct, without regard for other performance factors, seniority or rank.	The organization has a code of conduct that is not recently updated or periodically reissued and for which receipt is not documented. The board of directors meets with parties responsible for assessing risk, but may not do so frequently or without management present. Management places importance on internal control but has included this in performance assessment. Roles and responsibilities for internal controls exist, but are not documented or consistently communicated. The company method for reporting misconduct may be poorly communicated or not appropriately anonymous. Incentive systems do not explicitly reward performance in accordance with the company's core values. The organization does not take quick, clear action against employees found deviating from ethical conduct standards.	The organization has no code of conduct or clearly articulated ethical standards. The board is not independent and/or does not meet with parties responsible for assessing risk or does so exclusively in the presence of management. Management does not evaluate, reward or recognize the management of risk and maintenance of internal control in incentives or performance appraisals. There are not clear roles and responsibilities for internal control and/or the organizational hierarchy does not allow for the escalation of internal control issues. The company does not provide for anonymous employee reporting of misconduct, and/or has a history of "shooting the messenger". The organization does not take any action against some employees found deviating from ethical conduct standards.

RISK ASSESSMENT

Risk Factor Definition:
Every entity faces a variety of risks from external and internal sources that must be assessed. Risk assessment is the identification and analysis of relevant risks to achievement of business objectives, forming a basis for determining how the risks should be managed. Because economic, industry, regulatory and operating conditions will continue to change, mechanisms are needed to identify and deal with the special risks associated with change.

Risk Rating Consideration:
Importance of Financial Objectives – a precondition to risk assessment is the establishment of objectives for reliable measurement of the business.
Identification and Analysis of Risks –The Company identifies and analyzes risks to the achievement of financial reporting objectives as a basis for determining how the risks should be managed.
Assessment of Fraud Risk – the potential for material loss of asset or misstatement due to fraud is explicitly considered in assessing risks to the achievement of business objectives.

Strong	Moderate	Weak
Management begins its risk assessment by establishing business objectives that assure the consistent assessment across the organization and across time periods. The assumptions around risk, such as expected rates of growth, change and market challenges, are communicated to all parties involved in risk assessment. Goals and targets are agreed by the organization using these assumptions. Risks to the attainment of the agreed upon goals, stated in a business plan and budget approved by senior management and the board of directors, are highlighted, quantified and measured against throughout the period of the plan. Action plans to address risks are part of the business plan and costs of mitigating risks are included in the budget. Fraud is explicitly considered in risk assessment and monitoring in parts of the business most vulnerable to fraud is supported and funded.	Management establishes business objectives that may or may not be consistently applied across the organization and across time. The assumptions around risk are not as clearly outlined and communicated, and goals and targets agreed upon may incorporate these assumptions unevenly. Risks to the achievement of business objectives are not quantified and measured throughout the period of the plan, and the plan may not include action plans to address those risks or incorporate the costs of mitigating those risks. Fraud is implicitly considered but is not consistently monitored.	Management does not establish business objectives for all portions of the organization with risks and action plans to support these objectives. The business plan is not agreed upon with senior management and the board of directors, and risks to the plan are not highlighted, quantified or measured. Fraud is not considered as a risk to the business plan.

CONTROL ACTIVITIES

Risk Factor Definition:

Control activities are the policies and procedures that help ensure management directives are carried out. They help ensure that necessary actions are taken to address risks to achievement of the entity's objectives. Control activities occur throughout the organization at all levels and in all functions. They include activities such as segregation of duties, authorizations, security of assets, reporting and reviews of operating performance and documentation.

Risk Rating Consideration:

Elements of a Control Activity – policies and procedures are established and communicated throughout the company, at all levels and across all functions, which enable management directives to be carried out.

Control Activities Linked to Risk Assessment – Actions are taken to address risks to the achievement of objectives.

Information Technology – information technology controls where applicable are designed and implemented to support the achievement of objectives.

Strong	Moderate	Weak
Policies and procedures that establish what should be done and how to accomplish it are developed, documented, implemented, and monitored. These procedures specify what is allowable and what should be done to mitigate specific risks. Procedures specify how the action prescribed is performed, including the parameters of acceptable performance. These policies and procedures exist at every level of the organization from the board to individual departments, and ownership of the policies and procedures resides with the management of the business or function in which the relevant risk resides.	Policies and procedures that establish what should be done and how to accomplish it are developed, but may not be clearly documented, consistently implemented and monitored. These procedures specify what is allowable and what should be done to mitigate specific risks, but may not specify how the action prescribed is performed as appropriate to the current information technology and business process function. These policies and procedures exist in some, but not all, or the organization's individual departments. Ownership of the policies and procedures resides with the management of the business or function in which the relevant risk resides.	Policies and procedures that establish what should be done and how to accomplish it may not exist, or are not implemented. Ownership of policies and procedures is not clear and/or does not reside with the management of the business or function in which the relevant risk resides.

INFORMATION AND COMMUNICATION

Risk Factor Definition:

Pertinent information must be identified, captured and communicated in a form and timeframe that enables people to carry out their responsibilities. Information systems produce reports that make it possible to run and control the business. Effective communication also must occur in a broader sense, flowing down, across and up the organization. All personnel must receive information needed to make informed business decisions.

Risk Rating Consideration:

Information Needs – Information is identified, captured and used at all levels of a company to support the achievement of business objectives.
Information Control – Information relevant to business objectives is identified, captured, processed, and distributed within the parameters established by the company's control processes to support the achievement of business objectives.
Management Communication – All personnel receive a clear message from top management that both internal control and individual control responsibilities must be taken seriously.
Upstream Communication – Company personnel have an effective and non-retributive method to communicate significant information upstream in the company.
Board Communication – Communication exists between management and the board of directors so that both have relevant information to fulfill their roles with respect to governance.
Communication with Outside Parties – Matters affecting the achievement of business objectives are communicated appropriately with outside parties.

Strong	Moderate	Weak
Information is used in controlling activities, processes and functions and is a consistently reliable basis for decision making. Operating information is available when needed, is designed to highlight risks and results of business processes and is readily available from internal and external sources. Data underlying this information is complete, accurate and timely. Exceptions are reported triggering prompt resolution, root-cause analysis and control updates. Information systems are updated to support the identification and management of risks to reliable information, and the quality of system-generated information is reviewed periodically to assess its reliability and timeliness in meeting the company's internal control objectives. Information and communication flow unimpeded and quickly in any direction inside the organization and access is appropriately inclusive to support decision making.	Information is used in controlling some activities, processes and functions and is normally reliable as a basis for decision making. Operating information is usually available when needed, is often designed to highlight risks and results of business processes and is sometimes readily available from internal and external sources. Data underlying this information is often complete, accurate and timely. Exception reporting is available for some controls, but may not support root-cause analysis and prompt resolution. Information systems are occasionally updated to support the identification and management of risks to reliable information, and the quality of system-generated information has been reviewed to assess its reliability. Information is generally available to those who need it to support decision making.	Information is not readily or consistently available to use in controlling key activities, and is not consistently used as a basis for decision making. Operating information is not available when needed and is not designed to highlight key risks and results. Data underlying this information cannot be relied upon to be complete, accurate and timely. Exception reporting is generally not available or does not support root-cause analysis and prompt resolution. Information systems are outdated or inappropriate to support the identification and management of risks. The information and communication flow is impeded or not timely, and access is not sufficient to support decision making.

MONITORING

Risk Factor Definition:

Internal control systems need to be monitored. This is accomplished through ongoing monitoring activities, separate evaluations or a combination of the two. There is synergy and linage among these components, forming an integrated system that reacts dynamically to changing conditions. The internal control system is most effective when controls are built into the entity's infrastructure and are a part of the essence of the enterprise.

Risk Rating Consideration:

Ongoing Monitoring – ongoing monitoring processes enable management to determine whether internal controls are present and functioning properly.
Separate Evaluations – Separate evaluations of all five internal control components enable management to determine the effectiveness of internal control over financial reporting.
Reporting Deficiencies – Internal control deficiencies identified by the company are communicated in a timely manner to those parties responsible for taking corrective action, and to management and the board as appropriate.

Strong	Moderate	Weak
Ongoing monitoring is built into operations throughout the company. This monitoring includes explicit identification of what constitutes a deviation from expected control performance and signals a need to investigate. Ongoing monitoring provides continual feedback on the effective operating of controls and serves as a primary indicator of internal control operating effectiveness and new or changing risks. Independent evaluations of overall internal control are conducted by knowledgeable, objective individuals who provide feedback on the effectiveness of ongoing monitoring. Management varies the scope and frequency of these evaluations to reflect the seriousness and materiality of the business risk. Findings from these reviews are reported to the process owner, timely action is identified and taken and deficiencies that affect the larger organization are communicated to top management and the board of directors regularly and candidly. Corrective actions are monitored to assure implementation occurs timely.	Ongoing monitoring is often built into operations in key business processes. This monitoring includes identification of some common deviations from expected control performance and signals a need to investigate. Ongoing monitoring provides some feedback on the effective operating of controls, serves as one indicator of internal control operating effectiveness. Evaluations of overall internal control are conducted, with feedback on findings provided. Management may select the areas of review on a variety of bases, which may or may not include the seriousness and materiality of the business risk. Corrective actions are identified and deficiencies are communicated to top management.	Ongoing monitoring is not often built into operations in key business processes. Common and frequent deviations from expected control performance can occur without identification or management action. There is no consistent feedback on the effective operating of key controls. Evaluations of overall internal control are either not conducted, or are not done with knowledgeable, objective individuals. Management may override or suppress conclusions, and corrective action is not consistently required.

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

COMM. 18D-2	DIRECTOR OF BUDGET & MANAGEMENT	Budget Monitoring Report for Period Ending July 2023

Attachments

23COMM. 18D-2

EC LEG SEP 25 '23 PM4:07

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

September 25, 2023

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

Re: Budget Monitoring Report for Period Ending July 2023

Dear Honorable Legislators:

Please find attached the Budget Monitoring Report ("BMR") for the period ending July 31, 2023, as well as a vacancy report from the County's SAP system also as of July 31, 2023.

The BMR shows that for the first seven months of 2023 the County has a $25,405,008 positive variance. This variance is largely related to the impact from three positive factors and two negative factors.

First, for the positive factors, is continued growth in sales tax, which now has a net $16.2 million positive variance and has growth of 4.61% for 2023-related payments received to-date as compared to 2022. Second, interest earnings revenue continues to outperform expectations and is now $13.7 million over budget. Third, the County has seen significant "vacancy" savings, which is favorable by $7.6 million.

The first major negative factor relates to the sharp increase of child care costs, which through July has a net $8.6 million negative variance. The continued growth in child care costs is a major concern for the remainder of 2023 as well as for 2024. The second negative item is overtime costs, which is $6.2 million over budget. All other items through July have generated a net $2,692,179 positive variance.

On September 14, 2023, Medicaid payment changes related to the State's eFMAP "sweep" were announced, which will negatively impact 2023 and future years. The negative impact of this change for the current year will be $3.9 million.

Also, for the remainder of 2023, a major budgetary concern relates to the amounts and timing of mandated Upper Payment Limit (UPL) and Disproportionate Share Hospital (DSH) payments made to New York State for the benefit of ECMCC. At this point, two UPL payments (dating back to SFY 2022-23) and six DSH payments (dating back to SFY 2020-21) are pending, any of which could provide a 2023 negative fiscal impact.

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-July 2023 Budget Monitoring Report (BMR)

Account Type	Annual Budget	Period Budget January-July	Actuals January-July	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-	0-	100%	0-	100%
** Property Tax Related	15,978,966-	6,189,999-	5,914,165-	275,835-	96%	10,064,801-	37%
** Sales Tax	583,527,694-	333,860,893-	350,826,562-	16,965,669	105%	232,701,132-	60%
** Sales Tax to Local Govt.	403,187,071-	230,129,787-	242,400,530-	12,270,743	105%	160,786,541-	60%
** Other Sources	40,673,793-	26,455,670-	42,502,155-	16,046,485	161%	1,828,362	104%
** Fees, Fines or Charges	35,403,927-	24,110,724-	23,332,450-	778,273-	97%	12,071,477-	66%
*** Local Source Revenue	1,380,195,807-	922,171,429-	966,400,218-	44,228,789	105%	413,795,589-	70%
*** Federal Revenue	190,727,636-	111,713,873-	101,146,229-	10,567,645-	91%	89,581,407-	53%
*** State Revenue	220,926,462-	123,342,605-	107,190,625-	16,151,980-	87%	113,735,837-	49%
*** Interfund Revenue	729,966-	729,966-	728,801-	1,165-	100%	1,165-	100%
**** County Revenue	**1,792,579,871-**	**1,157,957,873-**	**1,175,465,872-**	**17,507,999**	**102%**	**617,113,999-**	**66%**
Expense							
** Salaries	273,231,778	153,968,776	143,743,163	10,225,613	93%	129,488,615	53%
** Non-Salaries	30,126,185	17,242,837	23,710,591	6,467,753-	138%	6,415,595	79%
** Countywide Adjustments	114,874	383,543-		383,543-	0%	114,874	0%
*** Personnel Related Expense	303,472,837	170,828,071	167,453,754	3,374,317	98%	136,019,083	55%
*** Fringe Benefit Total	146,025,759	81,843,055	75,876,832	5,966,223	93%	70,148,927	52%
** Supplies and Repairs	12,782,587	6,634,388	4,949,138	1,685,251	75%	7,833,449	39%
** Other	39,733,984	20,194,075	18,207,637	1,986,438	90%	21,526,348	46%
** Contractual	686,277,167	382,245,814	391,059,999	8,814,186-	102%	295,217,167	57%
** Equipment	11,660,132	2,363,731	2,159,921	203,810	91%	9,500,211	19%
** Allocations	215,693,218	96,578,423	97,183,867	605,444-	101%	118,509,352	45%
** Program Specific	575,008,133	312,970,147	308,869,546	4,100,600	99%	266,138,587	54%
** Debt Services	62,414,953	29,993,037	29,993,037		100%	32,421,916	48%
*** All Other Operating Expense	1,603,570,174	850,979,614	852,423,145	1,443,531-	100%	751,147,030	53%
**** County Expense	**2,053,068,770**	**1,103,650,739**	**1,095,753,730**	**7,897,009**	**99%**	**957,315,040**	**53%**
***** Net	**260,488,900**	**54,307,134-**	**79,712,142-**	**25,405,008**		**340,201,041**	

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-July 2023 Budget Monitoring Report
Detail by Account

Account Type	Annual Budget	Period Budget January-July	Actuals January-July	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)	(924,346)	(980,630)	56,284	106.09%	45,419	104.86%	
400030 Gn/Sale-Tax Acq Prop	(5,000)	(417)	0	(417)	0.00%	(5,000)	0.00%	
400040 Other Pay/Lieu-Tax	(5,100,000)	(5,000,000)	(4,670,150)	(329,850)	93.40%	(429,850)	91.57%	
400050 Int&Pen on R P Taxes	(13,485,555)	(392,346)	(392,346)	0	100.00%	(13,093,209)	2.91%	
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	133,110	133,110	0	100.00%	3,419,691	3.75%	
** Property Tax Related	(15,978,966)	(6,189,999)	(5,914,165)	(275,835)	95.54%	(10,064,801)	37.01%	
402000 Sales Tax EC Purp	(220,020,488)	(125,885,973)	(132,285,165)	6,399,192	105.08%	(87,735,323)	60.12%	Sales Tax The gross County Share of Sales Tax is showing a positive variance of $17.0 Million after 58% of the year. The 2023 growth rate is 4.61 %.
402100 1% Sales Tax-EC Purp	(207,730,136)	(118,849,414)	(124,887,363)	6,037,949	105.08%	(82,842,773)	60.12%	
402120 .25% Sales Tax	(51,925,690)	(29,708,502)	(31,217,678)	1,509,176	105.08%	(20,708,012)	60.12%	
402130 .5% Sales Tax	(103,851,380)	(59,417,003)	(62,436,356)	3,019,353	105.08%	(41,415,024)	60.12%	
** Sales Tax	(583,527,694)	(333,860,893)	(350,826,562)	16,965,669	105.08%	(232,701,132)	60.12%	
402140 Sales Tax to Loc Gov	(403,187,071)	(230,129,787)	(242,400,530)	12,270,743	105.33%	(160,786,541)	60.12%	
** Sales Tax to Local Govt.	(403,187,071)	(230,129,787)	(242,400,530)	12,270,743	105.33%	(160,786,541)	60.12%	
402300 Hotel Occupancy Tax	(11,200,000)	(7,170,222)	(7,407,053)	236,831	103.30%	(3,792,947)	66.13%	
402500 OTB Betting & Gaming	(2,140,000)	(1,530,940)	(1,414,694)	(116,246)	92.41%	(725,306)	66.11%	
402510 Video Lottery Aid	(288,560)	(288,560)	(288,560)	0	100.00%	0	100.00%	
402520 Gaming Facilities Aid	(786,001)	(786,001)	(1,676,987)	890,986	213.36%	890,986	213.36%	
402610 Medical Marj Exc Tax	(280,000)	(163,333)	(99,639)	(63,694)	61.00%	(180,361)	35.59%	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)	(42,544)	(71,489)	28,946	168.04%	(1,443)	98.02%	
415100 Real Property Trans	(228,045)	(133,026)	(104,688)	(28,338)	78.70%	(123,357)	45.91%	
415160 Mortgage Tax	(589,268)	(343,740)	(344,534)	795	100.23%	(244,734)	58.47%	
415360 Legal Settlements	0	0	(27,748)	27,748	0.00%	27,748	0.00%	
415500 Prisoner Transport	(21,000)	(12,250)	(15,457)	3,207	126.18%	(5,543)	73.61%	
415620 Commissary Reimb	(172,933)	(100,878)	(100,878)	0	100.00%	(72,055)	58.33%	
415622 Jail Phone Revenue	(361,389)	(296,077)	(361,389)	65,313	122.06%	0	100.00%	
416540 Insurance	0	0	0	0	0.00%	0	0.00%	
416570 Post Exposure Rabies	(133,048)	(77,611)	(86,641)	9,030	111.64%	(46,407)	65.12%	
416920 Medicd-Early Interve	(180,000)	(105,000)	(125,882)	20,882	119.89%	(54,118)	69.93%	
417200 Day Care Repay Recov	(55,234)	(32,220)	(40,831)	8,612	126.73%	(14,403)	73.92%	
417500 Repay Em Ast/Adults	(175,668)	(102,473)	(151,366)	48,893	147.71%	(24,302)	86.17%	
417510 Repay Medical Asst	(2,715,828)	(1,584,233)	(1,014,301)	(569,932)	64.02%	(1,701,527)	37.35%	
417520 Repay-Family Assist	(244,932)	(142,877)	(196,745)	53,868	137.70%	(48,187)	80.33%	
417530 Repay-Foster Care/Ad	(1,099,910)	(641,614)	(732,740)	91,125	114.20%	(367,170)	66.62%	
417550 Repay-SafetyNetAsst	(3,241,416)	(1,890,826)	(2,382,284)	491,458	125.99%	(859,132)	73.50%	
417560 Repay-Serv For Recip	(3,173)	(1,851)	(18,644)	16,793	1007.26%	15,471	587.57%	
417570 SNAP Fraud Incentives	(57,233)	(33,386)	(29,874)	(3,512)	89.48%	(27,359)	52.20%	
417580 Repaymts-Handi Child	(336,885)	(196,516)	(76,897)	(119,619)	39.13%	(259,988)	22.83%	
418025 Recov-SafetyNet Bur	0	0	(44,175)	44,175	0.00%	44,175	0.00%	
418030 Repayments-IV D Adm	(4,423,828)	(2,580,566)	(2,378,287)	(202,280)	92.16%	(2,045,541)	53.76%	
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)	(38,938)	(28,940)	(9,997)	74.32%	(37,810)	43.36%	
418410 OCSE Medical Payments	(1,253,652)	(731,297)	(689,864)	(41,433)	94.33%	(563,788)	55.03%	
418430 Donated Funds	(628,275)	(366,494)	(32,083)	(334,411)	8.75%	(596,192)	5.11%	
420020 ECC Cap Cons-Otr Gvt	(95,000)	(95,000)	(95,000)	0	100.00%	0	100.00%	
420499 OthLocal Source Rev	(94,494)	(55,122)	(47,247)	(7,875)	85.71%	(47,247)	50.00%	
420500 Rent-Rl Prop-Concess	(44,285)	(25,833)	(40,620)	14,787	157.24%	(3,665)	91.72%	
420520 Rent-Rl Prop-Rtw-Eas	(2,500)	(1,458)	(704)	(754)	48.30%	(1,796)	28.17%	
420550 Rent-663 Kensington	(14,292)	(8,337)	(8,337)	0	100.00%	(5,955)	58.33%	
420560 Rent-1500 Broadway	(258,936)	(151,046)	(150,917)	(129)	99.91%	(108,019)	58.28%	
421550 Forft Crime Proceed	(105,453)	(11,667)	(176,649)	164,983	1514.14%	71,196	167.51%	
421560 Shared Revenue (ICE)	(200,000)	0	0	0	0.00%	(200,000)	0.00%	
422000 Copies	(4,500)	(2,625)	(3,897)	1,272	148.46%	(603)	86.60%	
422040 Gas Well Drill Rents	(1,500)	(875)	(500)	(375)	57.14%	(1,000)	33.33%	
422050 E-Payable Rebates	(150,000)	(87,500)	31,768	(119,268)	-36.31%	(181,768)	-21.18%	
423000 Refunds P/Y Expend	(1,000)	(583)	92,608	(93,191)	-15875.76%	(93,608)	-9260.81%	
445000 Recovery Int - SID	(302,126)	(176,240)	(145,577)	(30,663)	82.60%	(156,549)	48.18%	
445030 Int & Earn - Gen Inv	(1,200,400)	(700,233)	(12,508,512)	11,808,279	1786.33%	11,308,112	1042.03%	
445040 Int & Earn-3rd Party	(175,000)	(102,083)	(2,012,414)	1,910,331	1971.34%	1,837,414	1149.95%	
466000 Misc Receipts	(388,240)	(146,473)	(22,234)	(124,239)	15.18%	(366,006)	5.73%	
466020 Minor Sale - Other	(26,500)	(15,458)	(10,766)	(4,693)	69.64%	(15,734)	40.63%	
466070 Refunds P/Y Expenses	(980,000)	(571,667)	(1,879,206)	1,307,540	328.72%	899,206	191.76%	
466090 Misc Trust Fd Rev	(865,329)	(497,698)	(497,698)	0	100.00%	(367,631)	57.52%	
466120 Other Misc DISS Rev	(3,400)	(1,983)	(2,149)	166	108.36%	(1,251)	63.21%	
466130 Oth Unclass Rev	0	0	(38,534)	38,534	0.00%	38,534	0.00%	
466150 Chlamydia Study Forms	(8,000)	(4,667)	(4,100)	(567)	87.86%	(3,900)	51.25%	
466180 Unanticip P/Y Rev	0	0	(575,310)	575,310	0.00%	575,310	0.00%	
466260 Intercept-LocalShare	(78,378)	(45,721)	(96,123)	50,403	210.24%	17,745	122.64%	
466280 Local Srce - ECMCC	(20,000)	(11,667)	(15,668)	4,001	134.30%	(4,332)	78.34%	
466360 Stadium Reimbursement	(790,000)	(460,833)	(210,098)	(250,735)	45.59%	(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)	(4,960)	(1,791)	(3,169)	36.11%	(6,712)	21.06%	
479100 Other Contributions	(61,510)	(19,418)	(60,080)	40,661	309.40%	(1,431)	97.67%	Through 58% of the year, the County has achieved 105% of the annual Other Sources revenue budget.
480020 Sale-Excess Material	(387,000)	(225,750)	(315,265)	89,515	139.65%	(71,735)	81.46%	
480030 Recycling Revenue	(34,050)	(19,863)	(27,023)	7,161	136.05%	(7,027)	79.36%	
** Other Sources	(40,673,793)	(26,455,670)	(42,502,155)	16,046,485	160.65%	1,828,362	104.50%	
402400 E911 Surcharge	0	0	0	0	0.00%	0	0.00%	
402700 Wireless Surcharge	0	0	0	0	0.00%	0	0.00%	
406610 STD Clinic Fees	(222,470)	(129,774)	(172,502)	42,727	132.92%	(49,968)	77.54%	
415000 Medical Exam Fees	(779,750)	(454,854)	(463,364)	8,510	101.87%	(316,386)	59.42%	
415050 Treasurer Fees	(125,000)	(72,917)	(187,313)	114,397	256.89%	62,313	149.85%	
415105 Passport Fees	(27,625)	(16,115)	(35,000)	18,885	217.19%	7,375	126.70%	
415110 Court Fees	(368,755)	(215,107)	(201,400)	(13,707)	93.63%	(167,355)	54.62%	
415120 Small Claims AR Fees	(600)	(350)	(220)	(130)	62.86%	(380)	36.67%	
415130 Auto Fees	(4,005,783)	(2,336,707)	(2,806,802)	470,095	120.12%	(1,198,981)	70.07%	

415140	Comm of Educ Fees	(129,463)	(75,520)	(55,077)	(20,443)	72.98%	(74,386)	42.54%	
415150	Recording Fees	(7,365,400)	(4,296,483)	(2,971,575)	(1,324,908)	69.16%	(4,393,825)	40.35%	
415170	Summary Page Fees	0	0	0	0	0.00%	0	0.00%	
415180	Vehicle Use Tax	(5,995,431)	(3,497,335)	(3,648,522)	151,187	104.32%	(2,346,909)	60.86%	
415185	E-Z Pass Tag Sales	(8,750)	(5,104)	(4,125)	(979)	80.82%	(4,625)	47.14%	
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)	(595,000)	(653,602)	58,602	109.85%	(366,398)	64.08%	
415520	Sheriff Fees	(45,000)	(26,250)	(23,450)	(2,800)	89.33%	(21,550)	52.11%	
415600	Inmate Disclp Surch	(15,000)	(8,750)	(12,441)	3,691	142.19%	(2,559)	82.94%	
415605	Drug Testing Charge	(35,000)	(20,417)	(15,037)	(5,380)	73.65%	(19,963)	42.96%	
415610	Restitution Surcharge	(20,000)	(11,667)	(7,427)	(4,240)	63.66%	(12,573)	37.13%	
415630	Bail Fee-Alt / Incar	(3,000)	(1,750)	(2,889)	1,139	165.11%	(111)	96.32%	
415640	Probation Fees	(475,000)	(277,083)	(193,079)	(84,004)	69.68%	(281,921)	40.65%	
415650	DWI Program	(624,742)	(52,062)	0	(52,062)	0.00%	(624,742)	0.00%	
415670	Elec Monitoring Ch	(6,000)	(3,500)	(4,573)	1,073	130.66%	(1,427)	76.22%	
415680	Pmt-Home Care Review	(10,000)	(5,833)	(112)	(5,721)	1.92%	(9,888)	1.12%	
416020	Comm Sanitat & Food	(1,175,000)	(685,417)	(674,539)	(10,878)	98.41%	(500,462)	57.41%	
416030	Realty Subdivisions	(12,000)	(7,000)	(2,839)	(4,161)	40.56%	(9,161)	23.66%	
416040	Individ Sewr Sys Opt	(425,000)	(247,917)	(235,788)	(12,129)	95.11%	(189,212)	55.46%	
416050	Lead Saf RRP Train	0	0	0	0	0.00%	0	0.00%	
416090	Pen & Fines-Health	(20,000)	(11,667)	(6,020)	(5,647)	51.60%	(13,980)	30.10%	
416150	PPD Tests	(8,580)	(5,005)	(50)	(4,955)	1.00%	(8,530)	0.58%	
416160	TB Outreach	(47,380)	(27,638)	(20,359)	(7,279)	73.66%	(27,021)	42.97%	
416190	ImmunizationsService	(8,283)	(4,832)	20	(4,852)	-0.41%	(8,303)	-0.24%	
416580	Training Course Fees	(63,910)	(37,281)	(41,825)	4,544	112.19%	(22,085)	65.44%	
416610	Pub Health Lab Fees	(200,000)	(116,667)	(146,983)	30,316	125.99%	(53,018)	73.49%	
418040	Inspec Fee Wght/Meas	(167,642)	(97,791)	(115,547)	17,756	118.16%	(52,095)	68.92%	
418050	Item Price Waivr Fee	(256,364)	(149,546)	(138,332)	(11,214)	92.50%	(118,032)	53.96%	
418400	Subpoena Fees	(4,572)	(2,667)	(3,586)	919	134.47%	(986)	78.44%	
418500	Park & Rec Chgs-Camp	(280,000)	(163,333)	(151,715)	(11,618)	92.89%	(128,285)	54.18%	
418510	Park & Rec Chgs-Shel	(495,000)	(457,534)	(425,453)	(32,081)	92.99%	(69,547)	85.95%	
418520	Chgs-Park Emp Subsis	(16,200)	(9,450)	(9,450)	0	100.00%	(6,750)	58.33%	
418530	Golf Chg-Other Fees	(335,000)	(175,936)	(219,155)	43,220	124.57%	(115,845)	65.42%	
418540	Golf Chg-Greens Fees	(795,000)	(596,079)	(638,793)	42,713	107.17%	(156,207)	80.35%	
418550	Sale of Forest Prod	(9,000)	(5,250)	(9,049)	3,799	172.37%	49	100.55%	
418590	Spec Events Receipts	(8,100)	(4,725)	(2,100)	(2,625)	44.44%	(6,000)	25.93%	
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 Gvt	(307,550)	(179,404)	(180,034)	630	100.35%	(127,516)	58.54%	
420040	Jail Facil-Oth Gov	0	0	0	0	0.00%	0	0.00%	
420190	Gen Svc-Oth Gov	(960)	(560)	(560)	0	100.00%	(400)	58.33%	
420271	CESQG Charges	(60,000)	0	0	0	0.00%	(60,000)	0.00%	
421000	Pistol Permits	(225,645)	(131,626)	(135,379)	3,753	102.85%	(90,266)	60.00%	
421500	Fines&Forfeited Bail	(10,000)	(5,833)	(2,009)	(3,824)	34.44%	(7,991)	20.09%	
421510	Fines and Penalties	(4,600)	(2,683)	(450)	(2,233)	16.77%	(4,150)	9.78%	
466010	NSF Check Fees	(2,920)	(1,703)	(2,880)	1,177	169.09%	(40)	98.64%	
466190	Item Pricing Penalty	(557,040)	(324,940)	(163,400)	(161,540)	50.29%	(393,640)	29.33%	After 58% of the year, the County has achieved 66% of the annual Fees, Fines, or Charges revenue budget.
466340	STOPDWI VIP Prs Fees	(15,000)	(8,750)	(5,975)	(2,775)	68.29%	(9,025)	39.83%	
**	Fees, Fines or Charges	(35,403,927)	(24,110,724)	(23,332,450)	(778,273)	96.77%	(12,071,477)	65.90%	
***	Local Source Revenue	(1,380,195,807)	(922,171,429)	(966,400,218)	44,228,789	104.80%	(413,795,589)	70.02%	
405570	ME 50% Fed Presch	(3,199,680)	(2,366,480)	(2,936,454)	569,974	124.09%	(263,226)	91.77%	
410070	FA-IV-B Preventive	(1,035,686)	(604,150)	(486,832)	(117,318)	80.58%	(548,854)	47.01%	
410080	FA-Admin Chargeback	1,835,629	1,070,784	1,070,784	(0)	100.00%	764,845	58.33%	
410120	FA-SNAP ET 100%	(344,497)	(200,957)	(181,126)	(19,831)	90.13%	(163,371)	52.58%	
410150	SSA-SSI Pri Inc Prg	(17,600)	(10,267)	(13,515)	3,248	131.64%	(4,085)	76.79%	
410240	HUD Rev D14.267 CoC	(6,477,277)	(3,752,484)	(2,028,679)	(1,723,805)	54.06%	(4,448,598)	31.32%	
410500	FA-Civil Defense	(342,777)	(199,953)	(199,954)	1	100.00%	(142,823)	58.33%	
410510	Fed Drug Enforcement	(38,744)	(22,601)	(6,982)	(15,619)	30.89%	(31,762)	18.02%	
410520	Fr CI Bflo Pol Dept	(29,250)	(17,063)	(14,502)	(2,560)	85.00%	(14,748)	49.58%	
411000	MH Fed Medi Sal Sh	(969,177)	(556,700)	(609,271)	52,571	109.44%	(359,906)	62.86%	
411490	Fed Aid - TANF FFFS	(39,223,148)	(22,880,170)	(31,269,036)	8,388,866	136.66%	(7,954,112)	79.72%	Federal Aid
411495	FA - SYEP	(1,737,068)	(1,013,290)	(326,188)	(687,102)	32.19%	(1,410,880)	18.78%	
411500	Fed Aid - MA In House	1,965,117	1,146,318	659,684	486,634	57.55%	1,305,433	33.57%	Formula-driven Federal Aid appears under budget, mainly in Health and Human Service Departments, is offset by savings in associated expenditures.
411520	FA-Family Assistance	(37,682,769)	(21,981,615)	(14,097,630)	(7,883,985)	64.13%	(23,585,139)	37.41%	
411540	FA-Social Serv Admin	(29,746,461)	(17,352,102)	(9,244,527)	(8,107,575)	53.28%	(20,501,934)	31.08%	
411550	FA-Soc Serv Adm A-87	(1,275,590)	(744,094)	(334,203)	(409,891)	44.91%	(941,387)	26.20%	
411570	Fed Aid - SNAP Admin	(15,194,264)	(8,863,321)	(6,901,707)	(1,961,613)	77.87%	(8,292,557)	45.42%	
411580	Fed Aid - SNAP ET 50%	(4,141,052)	(2,415,614)	(1,430,489)	(985,124)	59.22%	(2,710,563)	34.54%	
411590	FA-HEAP	(4,561,210)	(2,660,706)	(4,682,032)	2,021,326	175.97%	120,822	102.65%	
411610	FA-Serv/Recipients	(4,866,010)	(2,838,506)	(1,614,599)	(1,223,907)	56.88%	(3,251,411)	33.18%	
411640	FA-Daycare Block Grt	(19,339,794)	(11,281,547)	(18,309,498)	7,027,951	162.30%	(1,030,296)	94.67%	
411670	FA-Refugee&Entrants	(126,706)	(73,912)	(51,056)	(22,856)	69.08%	(75,650)	40.29%	
411680	FA-Foster Care/Adopt	(23,126,797)	(13,490,632)	(6,557,095)	(6,933,537)	48.60%	(16,569,702)	28.35%	
411690	FA-IV-D Incentives	(341,203)	(199,035)	(226,128)	27,093	113.61%	(115,075)	66.27%	
411700	FA-TANF Safety Net	(360,963)	(210,562)	(152,086)	(58,476)	72.23%	(208,877)	42.13%	
411780	Fed Aid-Medicaid Adm	(116,171)	(67,766)	(115,070)	47,304	169.80%	(1,101)	99.05%	
414000	Federal Aid	(157,000)	(82,250)	(261,445)	179,195	317.87%	104,445	166.53%	
414010	Federal Aid - Other	0	0	(30,173)	30,173	0.00%	30,173	0.00%	
414020	Misc Federal Aid	(77,488)	(45,201)	(71,233)	26,032	157.59%	(6,255)	91.93%	
414030	FMAP Revenue	0	0	(625,186)	625,186	0.00%	625,186	0.00%	After 58% of the year, the County has achieved 53% of the budgeted Federal revenue.
414035	FED LATCF Revenue	0	0	(100,000)	100,000	0.00%	100,000	0.00%	
***	Federal Revenue	(190,727,636)	(111,713,873)	(101,146,229)	(10,567,645)	90.54%	(89,581,407)	53.03%	
405000	State Aid Fr Da Sal	(77,682)	0	0	0	0.00%	(77,682)	0.00%	
405010	St Re Indigent Care	(30,000)	(17,500)	(17,500)	0	100.00%	(12,500)	58.33%	
405170	SA-Crt Fac Incen Aid	(2,167,000)	(1,264,083)	(1,414,167)	150,083	111.87%	(752,833)	65.26%	
405190	StAid-Octane Testing	(25,885)	(15,100)	(17,136)	2,036	113.48%	(8,749)	66.20%	
405500	SA-Spec Need Presch	(37,057,308)	(21,466,763)	(21,999,950)	533,187	102.48%	(15,057,358)	59.37%	State Aid
405520	SA-NYS DOH EI Serv	(4,259,038)	(2,484,439)	(2,361,115)	(123,324)	95.04%	(1,897,923)	55.44%	
405530	SA-Admin Preschool	(379,134)	(221,162)	(411,150)	189,989	185.90%	32,016	108.44%	Formula-driven State Aid appears under budget, mainly in Health and Human Service Departments, is offset by savings in associated expenditures.
405540	SA-Art VI-P H Work	(3,712,202)	(2,165,451)	(1,948,906)	(216,545)	90.00%	(1,763,296)	52.50%	
405560	SA-NYS DOH EI Admin	(546,948)	(319,053)	(319,053)	0	100.00%	(227,895)	58.33%	
405590	SA-Medicaid EI Admin	(116,171)	(67,766)	(115,072)	47,306	169.81%	(1,099)	99.05%	
405595	SA-Med Anti Fraud	(471,085)	(274,800)	(120,747)	(154,053)	43.94%	(350,338)	25.63%	
406000	SA-Fr Prob Serv	(1,429,470)	(833,858)	(833,858)	0	100.00%	(595,613)	58.33%	
406010	SA-Fr Nav Law Enforc	(80,500)	(46,958)	0	(46,958)	0.00%	(80,500)	0.00%	

406020	SA-Snomob Lw Enforc	(20,000)	(11,667)	(6,991)	(4,676)	59.92%	(13,009)	34.96%
406500	Refugee Hlth Assment	(91,041)	(53,107)	(81,905)	28,797	154.23%	(9,136)	89.96%
406550	Emerg Med Training	(435,395)	(253,980)	(139,885)	(114,095)	55.08%	(295,510)	32.13%
406560	SA-Art VI-PubHlthLab	(4,405,561)	(2,569,911)	(2,312,919)	(256,992)	90.00%	(2,092,642)	52.50%
406810	SA-Foren Mntl Hea Sr	(2,901,411)	(1,692,490)	(1,464,758)	(227,732)	86.54%	(1,436,653)	50.48%
406830	SA-Mental Health II	(36,884,822)	(20,587,968)	(20,603,979)	16,011	100.08%	(16,280,843)	55.86%
406860	State Aid - OASAS	(17,007,856)	(9,728,402)	(9,685,470)	(42,932)	99.56%	(7,322,386)	56.95%
406880	State Aid - OPWDD	(568,261)	(318,503)	(314,729)	(3,774)	98.82%	(253,532)	55.38%
406890	Handpd Park Surch	(14,000)	(8,167)	(3,270)	(4,897)	40.04%	(10,730)	23.36%
407500	SA-MA In House	1,965,117	1,146,318	94,052	1,052,266	8.20%	1,871,065	4.79%
407510	SA-Spec Need Adult	(2,310)	(1,348)	0	(1,348)	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)	(17,823,245)	(15,058,289)	(2,764,956)	84.49%	(15,495,845)	49.28%
407600	SA-Sec Det Other Co	(802,307)	(468,012)	(201,332)	(266,681)	43.02%	(600,975)	25.09%
407610	SA-Sec Det Loc Yth	(2,258,810)	(1,682,639)	(1,512,627)	(170,013)	89.90%	(746,183)	66.97%
407625	SA-Raise the Age	(8,650,476)	(5,296,111)	(4,281,692)	(1,014,419)	80.85%	(4,368,784)	49.50%
407630	SA-Safety Net Assist	(10,411,479)	(6,073,363)	(4,750,739)	(1,322,624)	78.22%	(5,660,740)	45.63%
407640	SA-Emrg Assist/Adult	(429,184)	(250,357)	(149,844)	(100,513)	59.85%	(279,340)	34.91%
407650	SA-Foster Care/Adopt	(28,331,826)	(16,526,899)	(8,702,434)	(7,824,465)	52.66%	(19,629,392)	30.72%
407670	SA-EAF Prev POS	(6,725,218)	(3,923,044)	(997,769)	(2,925,275)	25.43%	(5,727,449)	14.84%
407680	SA-Serv Fr Recipnts	(5,997,122)	(3,498,321)	(5,243,436)	1,745,115	149.88%	(753,686)	87.43%
407710	SA-Legal Serv/Disab	(162,242)	(94,641)	0	(94,641)	0.00%	(162,242)	0.00%
407730	State Aid - Burials	(1,034)	(603)	(70)	(533)	11.61%	(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)	(2,274,834)	(112,706)	(2,162,128)	4.95%	(3,787,009)	2.89%
407785	SA-WDI Enrollment	0	0	(204,750)	204,750	0.00%	204,750	0.00%
407795	State Aid - Code Blue	(427,812)	(289,557)	(346,194)	56,637	119.56%	(81,618)	80.92%
408000	SA-Youth Progs	(25,181)	(14,689)	(14,607)	(82)	99.44%	(10,574)	58.01%
408020	Youth-Reimb Programs	(996,576)	(581,336)	(542,235)	(39,101)	93.27%	(454,341)	54.41%
408030	Homeless/Run NR RHY1	(117,000)	(68,250)	(87,000)	18,750	127.47%	(30,000)	74.36%
408040	Homeless/Run Re RHY2	(84,000)	(49,000)	(6,000)	(43,000)	12.24%	(78,000)	7.14%
408050	Youth - Homeless Adv	0	0	0	0	0.00%	0	0.00%
408055	Youth Sports/Edu Opp	(100,000)	(58,333)	(7,500)	(50,833)	12.86%	(92,500)	7.50%
408061	STSJP - RTA	(450,000)	(262,500)	(261,000)	(1,500)	99.43%	(189,000)	58.00%
408065	Yth-Supervision	(310,000)	(180,833)	(83,991)	(96,842)	46.45%	(226,009)	27.09%
408530	SA-Crim Justice Prog	(711,517)	(378,750)	(450,356)	71,606	118.91%	(261,161)	63.30%
409000	State Aid Revenues	(4,154,898)	(10,982)	(66,462)	55,480	605.19%	(4,088,436)	1.60%
409010	State Aid - Other	(4,217,610)	(128,855)	112,674	(241,529)	-87.44%	(4,330,284)	-2.67%
409020	SA-Misc	(63,386)	(36,975)	(33,502)	(3,474)	90.61%	(29,884)	52.85%
409030	SA-Main-Lieu of Rent	(157,578)	(91,921)	(91,921)	1	100.00%	(65,657)	58.33%
409060	SA-Prob Pretrial Ser	(99,394)	(22,398)	0	(22,398)	0.00%	(99,394)	0.00%
***	**State Revenue**	**(220,926,462)**	**(123,342,605)**	**(107,190,625)**	**(16,151,980)**	**86.90%**	**(113,735,837)**	**48.52%**
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**	**(1,792,579,871)**	**(1,157,957,873)**	**(1,175,465,872)**	**17,507,999**	**101.51%**	**(617,113,999)**	**65.57%**

Expenses								
500000 Full Time - Salaries	266,000,391	150,018,871	141,082,230	8,936,641	94.04%	124,918,161	53.04%	
500010 Part Time - Wages	4,398,923	2,370,912	1,462,054	908,858	61.67%	2,936,869	33.24%	Through 58% of the year, the County has spent 53% of budgeted salaries.
500020 Regular PT - Wages	1,825,798	1,030,841	811,569	219,272	78.73%	1,014,229	44.45%	
500030 Seasonal - Wages	1,006,666	548,153	387,311	160,842	70.66%	619,355	38.47%	
** Salaries	273,231,778	153,968,776	143,743,163	10,225,613	93.36%	129,488,615	52.61%	
500300 Shift Differential	2,220,501	1,283,418	1,227,516	55,901	95.64%	992,985	55.28%	
500320 Uniform Allowance	1,131,050	244,500	244,500	0	100.00%	886,550	21.62%	
500330 Holiday Worked	2,482,406	1,434,893	1,639,768	(204,875)	114.28%	842,638	66.06%	
500340 Line-up Pay	2,946,478	1,697,761	1,502,718	195,043	88.51%	1,443,760	51.00%	
500350 Other Employee Pymts	2,532,210	1,433,336	1,108,502	324,834	77.34%	1,423,708	43.78%	After 58% of the year, overtime is showing a gross unfavorable variance of $6.8 Million
501000 Overtime	18,813,540	11,148,931	17,987,587	(6,838,656)	161.34%	825,953	95.61%	
** Non-Salaries	30,126,185	17,242,837	23,710,591	(6,467,753)	137.51%	6,415,595	78.70%	
504990 Reductions Per Srv	(2,700,000)	(1,555,740)	0	(1,555,740)	0.00%	(2,700,000)	0.00%	
504992 Salary Reserves	1,914,874	964,505	0	964,505	0.00%	1,914,874	0.00%	
504998 Net Impact Teamsters	900,000	207,692	0	207,692	0.00%	900,000	0.00%	
** Countywide Adjustments	114,874	(383,543)	0	(383,543)	0.00%	114,874	0.00%	
*** Personnel Related Expense	303,472,837	170,828,071	167,453,754	3,374,317	98.02%	136,019,083	55.18%	
502000 Fringe Benefits	143,397,388	80,487,874	0	80,487,874	0.00%	143,397,388	0.00%	
502010 Employer FICA	0	0	10,109,023	(10,109,023)	0.00%	(10,109,023)	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	2,352,537	(2,352,537)	0.00%	(2,352,537)	0.00%	
502030 Employee Health Ins	0	0	24,790,947	(24,790,947)	0.00%	(24,790,947)	0.00%	
502040 Dental Plan	0	0	899,087	(899,087)	0.00%	(899,087)	0.00%	
502050 Workers' Compensation	11,496,779	6,452,444	6,705,575	(253,131)	103.92%	4,791,204	58.33%	
502060 Unemployment Ins	0	0	140,710	(140,710)	0.00%	(140,710)	0.00%	
502070 Hosp & Med-Retirees'	1,782,192	1,039,612	17,152,394	(16,112,782)	1649.88%	(15,370,202)	962.43%	
502090 Hlth Ins Waiver	0	0	1,586,641	(1,586,641)	0.00%	(1,586,641)	0.00%	
502100 Retirement	0	0	16,597,279	(16,597,279)	0.00%	(16,597,279)	0.00%	After 58% of the year, the County has spent 52% of the total budgeted Fringe Benefit expense.
502130 WkrsCmp OtherFd Reim	(9,408,053)	(5,420,920)	(3,232,419)	(2,188,501)	59.63%	(6,175,634)	34.36%	
502140 3rd Party Recoveries	(1,242,547)	(715,956)	(1,224,943)	508,987	171.09%	(17,604)	98.58%	
*** Fringe Benefit Total	146,025,759	81,843,055	75,876,832	5,966,223	92.71%	70,148,927	51.96%	
505000 Office Supplies	1,156,156	624,808	365,911	258,897	58.56%	790,244	31.65%	
505200 Clothing Supplies	825,528	372,322	213,297	159,025	57.29%	612,231	25.84%	
505400 Food & Kitchen Supp	1,934,814	1,118,208	1,148,820	(30,612)	102.74%	785,994	59.38%	
505600 Auto Tr & Hvy Eq Sup	3,127,974	1,839,818	1,180,375	659,443	64.16%	1,947,599	37.74%	
505800 Medical & Hlth Supp	2,285,626	913,088	804,436	108,652	88.10%	1,481,190	35.20%	
506200 Maintenance & Repair	3,437,789	1,757,569	1,236,298	521,271	70.34%	2,201,490	35.96%	
507000 E-Z Pass Supplies	14,700	8,575	0	8,575	0.00%	14,700	0.00%	
** Supplies and Repairs	12,782,587	6,634,388	4,949,138	1,685,251	74.60%	7,833,449	38.72%	
555000 General Liability	8,520,262	3,702,667	(6,974)	3,709,640	-0.19%	8,527,236	-0.08%	
555010 Settlmts/Jdgmnts-Lit	0	0	1,915,400	(1,915,400)	0.00%	(1,915,400)	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	940,337	(940,337)	0.00%	(940,337)	0.00%	
555050 Insurance Premiums	0	0	777,021	(777,021)	0.00%	(777,021)	0.00%	
* Risk Retention	8,520,262	3,702,667	3,702,100	567	99.98%	4,818,162	43.45%	
510000 Local Mileage Reimb	1,808,616	1,030,306	890,642	139,664	86.44%	917,974	49.24%	
510100 Out Of Area Travel	674,855	341,480	181,884	159,596	53.26%	492,971	26.95%	
510200 Training And Educat	757,780	398,135	285,768	112,367	71.78%	472,012	37.71%	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.
511000 Control Board Expense	490,000	490,000	647,640	(157,640)	132.17%	(157,640)	132.17%	
515000 Utility Charges	3,708,150	1,963,862	1,793,913	169,948	91.35%	1,914,237	48.38%	
516040 DSS Trng & Edu Pro	1,759,781	1,222,384	740,164	482,221	60.55%	1,019,618	42.06%	
530000 Other Expenses	4,328,180	1,146,555	975,450	171,106	85.08%	3,352,730	22.54%	
530010 Chargebacks	1,636,212	954,457	936,045	18,412	98.07%	700,167	57.21%	
530030 Pivot Wage Subsidies	2,582,049	1,542,815	1,331,917	210,898	86.33%	1,250,132	51.58%	
545000 Rental Charges	13,468,099	7,401,414	6,722,115	679,299	90.82%	6,745,984	49.91%	
** Other	39,733,984	20,194,075	18,207,637	1,986,438	90.16%	21,526,348	45.82%	
* Non Profit Agency Subsidy	26,289,314	15,209,701	15,209,701	0	100.00%	11,079,614	57.86%	
* Non Profit Purchase of Servic	155,219,729	77,996,022	74,364,537	3,631,485	95.34%	80,855,192	47.91%	
516020 Pro Ser Cnt and Fees	26,362,656	9,641,845	7,749,556	1,892,290	80.37%	18,613,100	29.40%	
516021 Indep Proced Review	50,000	29,167	29,167	0	100.00%	20,833	58.33%	
516030 Maintenance Contracts	9,149,059	6,358,906	6,628,148	(269,242)	104.23%	2,520,911	72.45%	
516042 Foreclosure Action	2,120,385	1,752,754	1,752,754	0	100.00%	367,631	82.66%	
516080 Life Safety Contract	1,477,468	635,912	777,123	(141,211)	122.21%	700,345	52.60%	
516045 Prog Start-Up Costs	0	(1,108,027)	0	(1,108,027)	0.00%	0	0.00%	
520000 Municipal 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	350	229	121	65.42%	371	38.16%	
520020 Co Res Enrl Comm Col	8,305,275	4,020,244	4,018,044	2,200	99.95%	4,287,231	48.38%	
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	67,083	62,407	4,676	93.03%	52,593	54.27%	
520070 Buffalo Bills Maint	3,048,714	1,997,944	1,994,279	3,665	99.82%	1,054,435	65.41%	
520072 Working Capital Asst	1,933,237	1,933,237	1,952,899	(19,662)	101.02%	(19,662)	101.02%	
* Professional Srvs Contracts a	57,288,022	27,276,441	26,911,631	364,811	98.66%	30,376,391	46.98%	
516050 Dept Payments-ECMCC	5,429,271	4,045,244	3,830,266	214,978	94.69%	1,599,005	70.55%	
516051 ECMCC Drug & Alcohol	397,493	231,871	231,871	0	100.00%	165,622	58.33%	
* ECMCC Payments	5,826,764	4,277,115	4,062,137	214,978	94.97%	1,764,627	69.72%	
516060 Sales Tax Loc Gov 3%	403,187,071	230,129,787	242,400,530	(12,270,743)	105.33%	160,786,541	60.12%	
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	14,856,747	15,611,464	(754,717)	105.08%	10,354,803	60.12%	
* Sales Tax to Local Government	441,653,338	257,486,534	270,511,994	(13,025,460)	105.06%	171,141,344	61.25%	
** Contractual	686,277,167	382,245,814	391,059,999	(8,814,186)	102.31%	295,217,167	56.98%	
561410 Lab & Tech Eqt	8,668,025	1,950,259	1,866,612	83,647	95.71%	6,801,412	21.53%	
561420 Office Furn & Fixt	826,448	294,166	163,778	130,388	55.68%	662,670	19.82%	
561430 Bldg Grs & Hvy Eq	928,088	35,996	74,121	(38,126)	205.92%	853,967	7.99%	
561440 Motor Vehicles	1,237,571	83,310	55,409	27,901	66.51%	1,182,162	4.48%	
** Equipment	11,660,132	2,363,731	2,159,921	203,810	91.38%	9,500,211	18.52%	
559000 County Share - Grants	15,328,919	1,062,944	1,494,255	(431,311)	140.58%	13,834,664	9.75%	
570000 InterFund Trans-Subs	125,000	125,000	125,000	0	100.00%	0	100.00%	
570020 Interfund - Road	17,237,687	9,958,877	9,958,877	0	100.00%	7,278,810	57.77%	
570025 InterFd Co Share 911	5,505,969	3,224,670	3,224,670	0	100.00%	2,281,299	58.57%	
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	152,577,523	62,485,000	62,485,000	0	100.00%	90,092,523	40.95%	
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	2,559,273	1,953,562	605,711	76.33%	3,770,906	34.13%
*	Interfund Expense	221,428,168	99,990,056	99,815,657	174,400	99.83%	121,612,512	45.08%
910200	ID Budget Services	0	0	0	0	0.00%	0	0.00%
910600	ID Purchasing Srv	(286,309)	(167,014)	(152,826)	(14,188)	91.51%	(133,483)	53.38%
910700	ID Fleet Services	(3,087,181)	(1,811,775)	(1,007,744)	(804,031)	55.62%	(2,079,437)	32.64%
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)	(113,696)	(134,502)	20,806	118.30%	(60,405)	69.01%
911600	ID Jail Mgt. Service	0	0	0	0	0.00%	0	0.00%
911630	ID Correctional Fac	(45,000)	(26,250)	0	(26,250)	0.00%	(45,000)	0.00%
912000	ID DSS Service	(167,814)	(97,892)	0	(97,892)	0.00%	(167,814)	0.00%
912100	ID Utility Fund Srv	4,966	2,897	0	2,897	0.00%	4,966	0.00%
912215	ID DPW Mail Srvs	(13,561)	(7,911)	(4,724)	(3,186)	59.72%	(8,837)	34.84%
912220	ID Build&Grounds Srv	0	0	0	0	0.00%	0	0.00%
912300	ID Highways Services	32,000	18,667	4,231	14,436	22.66%	27,769	13.22%
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)	(1,999)	(138,536)	136,537	6929.97%	135,109	4042.48%
912730	ID Health Lab Srv	7,187	4,192	3,154	1,039	75.22%	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 Attny Srv	(153,032)	(88,294)	(9,568)	(78,726)	10.84%	(143,464)	6.25%
916200	ID Env & Plan Srv	57,182	33,356	25,100	8,257	75.25%	32,082	43.89%
916300	ID Senior Services	0	0	0	0	0.00%	0	0.00%
916390	ID Senior Srvs Grant	24,906	14,529	10,466	4,062	72.04%	14,440	42.02%
916400	ID Parks Services	(70,986)	(41,409)	(16,697)	(24,712)	40.32%	(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	67,343	45,493	21,850	67.55%	69,952	39.41%
942000	ID Library Services	153,143	89,333	71,767	17,566	80.34%	81,376	46.86%
980000	ID DISS Services	(2,192,172)	(1,277,912)	(1,319,604)	41,692	103.26%	(872,568)	60.20%
*	Interdepartmental Billings	(5,734,950)	(3,411,633)	(2,631,790)	(779,843)	77.14%	(3,103,160)	45.89%
**	Allocations	215,693,218	96,578,423	97,183,867	(605,444)	100.63%	118,509,352	45.06%
525000	MMIS-Medicaid Loc Sh	186,385,874	101,701,218	101,701,218	0	100.00%	84,684,656	54.56%
525020	UPL Expense	6,786,138	-	-	-	0%	6,786,138	0.00%
525030	MA - Gross Loc Pymts	39247	22894.08	6408.2	16485.88	28%	32,839	16%
525040	Family Assistance-FA	38,780,099	22,621,724	16,559,815	6,061,909	73%	22,220,284	43%
525050	CWS - Foster Care	99,177,933	46,853,794	36,802,063	10,051,731	79%	62,375,870	37%
525060	Safety Net Assist	39,665,565	25,138,246	20,783,507	4,354,739	83%	18,882,058	52%
525070	Emer Assist To Adlts	1,034,035	603,187	545,214	57,973	90%	488,821	53%
525080	Ed Handicapped Child	592,608	345,688	113,799	231,889	33%	478,809	19%
525091	Child Care - Title XX	1,580,796	922,131	1,283,668	(361,537)	139%	297,128	81%
525092	Child Care - CCBG	21,720,590	12,870,344	26,302,209	(13,431,865)	204.36%	(4,581,619)	121.09%
525100	Housekeeping - DSS	36,486	21,284	-	21,284	0.00%	36,486	0.00%
525110	Meals On Wheels WNY	70,000	40,833	40,833	-	100.00%	29,167	58.33%
525120	Adult Special Needs	2,310	1,348	-	1,348	0.00%	2,310	0.00%
525130	OCFS Yth Fac Charges	7,979,770	4,654,866	4,668,236	(13,370)	100%	3,311,534	59%
525140	HEAP Program Costs	570,000	332,500	683,546	(351,046)	206%	(113,546)	120%
525150	DSH Expense	90,977,571	50,573,845	50,573,845	-	100%	40,403,726	56%
525160	Indigent Care DSH	6,458,791	4,844,093	4,583,769	260,324	94.63%	1,875,022	70.97%
528000	Svcs Spec Need Child	64,569,406	36,516,320	39,402,813	(2,886,493)	107.90%	25,166,593	61.02%
528010	Srvs Early Inv Prog	8,570,914	4,899,997	4,818,603	81,394	98.34%	3,752,311	56.22%
530020	Independent Living	10,000	5,833	-	5,833	0.00%	10,000	0.00%
**	Program Specific	575,008,133	312,970,147	308,869,546	4,100,600	98.69%	266,138,587	53.72%
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	1,603,570,174	850,979,614	852,423,145	(1,443,531)	100.17%	751,147,030	53.16%
****	County Expense	2,053,068,770	1,103,650,739	1,095,753,730	7,897,009	99.28%	957,315,040	53.37%
*****	Net	260,488,900	(54,307,134)	(79,712,142)	25,405,008		340,201,041	

On September 14, 2023 Medicaid payment increases were announced by NYS at the amount of $3.9M which is to start in October 2023.

The payment expected for 2022 UPL is expected to occur within the next two months. It is uncertain whether the overall amount will be in one payment or two split payments.

Up to six 2023 Payments are possible

Savings due to enhanced FMAP

Report: ZHR_VACANT_POS_RPT
System: PRD/100/ZHR_VACANT_RPT
User: SCHLOSSK
Department: 101 County Executive Department

Erie County
POSITION CONTROL
PART TIME VACANCY BY DEPARTMENT, JOB

Date: 09/21/2023
Time: 10:25:46
As of: 07/31/2023

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
INTERN SEASO	51017940	GRP 01	SeasonP		06/01/2023	ERIE COUNTY EXECUTIVE'S OFFICE	110		14,100.00		07	100.000

14,100.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

Totals for County Executive Department

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
CHF PRCL(PT)	51016090	GRP 09	PT	P	10/08/2022	BUDGET & MANAGEMENT DIVISION	110		26,227.00		01	100.000

26,227.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

Totals for Budget & Management

26,227.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

Erie County
POSITION CONTROL
PART TIME VACANCY BY DEPARTMENT, JOB

SHORT DESC	POSITION NUMBER	JOB GROUP	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

14,100.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

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

27,856.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

Totals for Real Property Tax Services

27,856.00 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
CLERK PT	51004348	GRP 01	PT	T	05/06/2023	RECORDING	110		18,330.00		02	100.000
0.00 Perm Budget Amt		0 Perm Vac		18,330.00 Temp Budget Amt		1 Temp Vac				1		
JR MT V CS P	51002289	GRP 05	PT	T	09/25/2021	AUTO BUREAU BRANCH OFFICES	110		20,712.00		02	100.000
	51002294	GRP 05	PT	T	06/04/2023	AUTO BUREAU BRANCH OFFICES	110		20,712.00		02	100.000
	51002296	GRP 05	PT	T	06/04/2022	AUTO BUREAU BRANCH OFFICES	110		20,712.00		02	100.000
	51002326	GRP 05	PT	T	12/18/2021	AUTO BUREAU BRANCH OFFICES	110		20,712.00		02	100.000
	51002331	GRP 05	PT	P	11/06/2021	AUTO BUREAU BRANCH OFFICES	110		20,712.00		02	100.000
	51002332	GRP 05	PT	P	11/12/2022	AUTO BUREAU BRANCH OFFICES	110		20,712.00		02	100.000
	51002341	GRP 05	PT	T	06/04/2022	AUTO BUREAU BRANCH OFFICES	110		20,712.00		02	100.000
	51008178	GRP 05	PT	P	05/30/2023	AUTO BUREAU BRANCH OFFICES	110		20,712.00		02	100.000
	51008179	GRP 05	PT	T	06/04/2022	AUTO BUREAU BRANCH OFFICES	110		20,712.00		02	100.000
62,136.00 Perm Budget Amt		3 Perm Vac		124,272.00 Temp Budget Amt		6 Temp Vac				9		

Totals for County Clerk

62,136.00 Perm Budget Amt		3 Perm Vac		142,602.00 Temp Budget Amt		7 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
DS SE RE S S	51011332	GRP 51	SeasonP		07/15/2023	STADIUM DETAIL	110		3,511.00		07	0.000
	51011340	GRP 51	SeasonP		08/14/2021	STADIUM DETAIL	110		3,511.00		07	0.000
	51011342	GRP 51	SeasonP		08/13/2021	STADIUM DETAIL	110		3,511.00		07	0.000
	51011344	GRP 51	SeasonP		07/17/2021	STADIUM DETAIL	110		3,511.00		07	0.000
14,044.00	Perm Budget Amt	4	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac			4		
DS SEC RES S	51011383	GRP 50	SeasonP		07/15/2023	STADIUM DETAIL	110		2,200.00		07	0.000
	51011433	GRP 50	SeasonP		07/16/2023	STADIUM DETAIL	110		2,200.00		07	0.000
	51011471	GRP 50	SeasonP		12/04/2021	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
	51011599	GRP 50	SeasonP		09/19/2022	STADIUM DETAIL	110		2,200.00		07	0.000
	51017485	GRP 50	SeasonP		07/16/2023	STADIUM DETAIL	110		1,100.00		07	0.000
	51017493	GRP 50	SeasonP		06/17/2023	STADIUM DETAIL	110		1,100.00		07	0.000
	51017500	GRP 50	SeasonP		07/16/2023	STADIUM DETAIL	110		1,100.00		07	0.000
	51017506	GRP 50	SeasonP		07/16/2023	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
	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
	51017542	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
27,500.00	Perm Budget Amt	20	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac			20		
DEP SH RES P	00002369	GRP 08	PT	P	07/15/2023	POLICE SUPPORT SERVICES	110		23,258.00		02	100.000
	51007280	GRP 08	PT	P	07/16/2023	POLICE SUPPORT SERVICES	110		17,444.00		02	100.000
40,702.00	Perm Budget Amt	2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac			2		

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												

82,246.00	Perm Budget Amt	26	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	26			

Erie County
POSITION CONTROL
PART TIME VACANCY BY DEPARTMENT, JOB

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
DIR OF HSW P	51017962	GRP 13	PT	P	07/19/2023	JAIL MANAGEMENT ADMINISTRATION	110		34,924.00		07	100.000
34,924.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
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	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		10		

Totals for Jail Management

226,414.00	Perm Budget Amt		11	Perm Vac	0.00	Temp Budget Amt	0	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
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	0.00	Temp Budget Amt	0	Temp Vac	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	0.00	Temp Budget Amt	0	Temp Vac	2		
EN CR 1 PT	51002081	GRP 02	PT	P	07/01/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		18,606.00		02	0.000
	51002087	GRP 02	PT	P	05/03/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		18,606.00		02	0.000
	37,212.00	Perm Budget Amt		2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	2		
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
	41,424.00	Perm Budget Amt		2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	2		

Totals for Department of Social Services

	157,926.00	Perm Budget Amt		8	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	8		

Erie County
POSITION CONTROL
PART TIME VACANCY BY DEPARTMENT, JOB

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
CHAPLAIN PT	00001023	GRP 11	PT	P	07/01/2023	SECURE CHILD CARE	110		3,196.00		04	51.000
3,196.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
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	0.00	Temp Budget Amt	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	0.00	Temp Budget Amt	0	Temp Vac		1		
YTH DET WK P	51006936	GRP 07	PT	T	02/25/2023	SECURE PART TIME YDW CHILD CARE	110		14,353.00		02	51.000
	51016801	GRP 07	PT	T	02/10/2023	SECURE PART TIME YDW CHILD CARE	110		14,353.00		02	51.000
	51016802	GRP 07	PT	P	05/21/2023	SECURE PART TIME YDW CHILD CARE	110		14,353.00		02	51.000
14,353.00	Perm Budget Amt		1	Perm Vac	28,706.00	Temp Budget Amt	2	Temp Vac		3		
Totals for Youth Services Division												
72,585.00	Perm Budget Amt		5	Perm Vac	28,706.00	Temp Budget Amt	2	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
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	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac			11		
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
	51005236	GRP 08	PT	P	07/29/2023	EMS TRAINING	110		2,648.00		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
	51011948	GRP 08	PT	P	07/29/2023	EMS TRAINING	110		750.00		07	100.000
30,855.00	Perm Budget Amt	13	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac			13		
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	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac			4		
LAB TEC EC P	51017937	GRP 09	PT	P	07/31/2023	ENVIRONMENTAL HEALTH LAB	110		26,227.00		01	0.000

Erie County
POSITION CONTROL
PART TIME VACANCY BY DEPARTMENT, JOB

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
26,227.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		1		
PARAMED 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
157,362.00	Perm Budget Amt			6	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		6		
PR WK IN PT	51005278	GRP 01	PT	P	05/22/2021	EMS TRAINING	110		1,855.00		07	100.000
	51005279	GRP 01	PT	P	05/19/2023	EMS TRAINING	110		1,132.00		07	100.000
	51005280	GRP 01	PT	P	05/19/2023	EMS TRAINING	110		1,132.00		07	100.000
	51005284	GRP 01	PT	P	08/01/2020	EMS TRAINING	110		1,132.00		07	100.000
	51005286	GRP 01	PT	P	04/28/2023	EMS TRAINING	110		1,132.00		07	100.000
	51005287	GRP 01	PT	P	09/25/2021	EMS TRAINING	110		1,132.00		07	100.000
	51005289	GRP 01	PT	P	05/26/2021	EMS TRAINING	110		779.00		07	100.000
	51005291	GRP 01	PT	P	05/20/2023	EMS TRAINING	110		779.00		07	100.000
	51005293	GRP 01	PT	P	01/15/2022	EMS TRAINING	110		1,132.00		07	100.000
	51005297	GRP 01	PT	P	05/19/2023	EMS TRAINING	110		1,317.00		07	100.000
	51006149	GRP 01	PT	P	05/19/2023	EMS TRAINING	110		2,783.00		07	100.000
	51006177	GRP 01	PT	P	05/19/2023	EMS TRAINING	110		557.00		07	100.000
	51006178	GRP 01	PT	P	05/19/2023	EMS TRAINING	110		557.00		07	100.000
	51006183	GRP 01	PT	P	05/19/2023	EMS TRAINING	110		557.00		07	100.000
	51011943	GRP 01	PT	P	05/19/2023	EMS TRAINING	110		278.00		07	100.000
	51011945	GRP 01	PT	P	05/19/2023	EMS TRAINING	110		278.00		07	100.000
	51011946	GRP 01	PT	P	05/19/2023	EMS TRAINING	110		186.00		07	100.000
16,718.00	Perm Budget Amt			17	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		17		
REG NRS PT	51012177	GRP 08	PT	P	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		1		

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 Health												

411,833.00 Perm Budget Amt 53 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 53

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		
DABAPRCOPBOE	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		10,093.00		05	100.000
	00003157	GRP 01	PT	P	01/18/2020	ADMINISTRATION-BOE - REP.	110		3,673.00		05	100.000
	00003159	GRP 01	PT	P	12/03/2022	ADMINISTRATION-BOE - DEM.	110		10,093.00		05	100.000
	00003161	GRP 01	PT	P	05/01/2021	ADMINISTRATION-BOE - REP.	110		6,456.00		05	100.000
	00003165	GRP 01	PT	P	11/05/2022	ADMINISTRATION-BOE - REP.	110		3,673.00		05	100.000
	51007638	GRP 01	PT	P	07/15/2023	ADMINISTRATION-BOE - DEM.	110		18,330.00		05	100.000
	51007639	GRP 01	PT	P	07/25/2023	ADMINISTRATION-BOE - DEM.	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
222,856.00 Perm Budget Amt		18 Perm Vac		0.00	Temp Budget Amt	0 Temp Vac				18		
JR EL CL PT	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

Erie County
POSITION CONTROL
PART TIME VACANCY BY DEPARTMENT, JOB

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
79,208.00 Perm Budget Amt					4 Perm Vac	0.00 Temp Budget Amt	0	Temp Vac		4		
MATECBOE PT	51007110	GRP 07	PT	P	12/17/2022	ADMINISTRATION-BOE - DEM.	110		23,264.00		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	0.00 Temp Budget Amt	0	Temp Vac		2		
PR EL C A PT	51016471	GRP 08	PT	P	01/01/2022	ADMINISTRATION-BOE - REP.	110		24,684.00		05	100.000
24,684.00 Perm Budget Amt					1 Perm Vac	0.00 Temp Budget Amt	0	Temp Vac		1		
PR SUVP EL P	51005970	GRP 09	PT	P	04/26/2021	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		
SR EL CL PT	51004839	GRP 07	PT	P	05/07/2022	ADMINISTRATION-BOE - DEM.	110		23,264.00		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	0.00 Temp Budget Amt	0	Temp Vac		2		
Totals for Board of Elections												
534,470.00 Perm Budget Amt					32 Perm Vac	0.00 Temp Budget Amt	0	Temp Vac		32		

Erie County
POSITION CONTROL
PART TIME VACANCY BY DEPARTMENT, JOB

As of: 07/31/2023

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		08/05/2022	ENVIRONMENTAL COMPLIANCE	110		14,100.00		07	100.000
	51016419	GRP 01	SeasonP		01/01/2020	PLANNING	110		14,100.00		07	100.000
	51016836	GRP 01	SeasonP		07/08/2021	PLANNING	110		14,100.00		07	100.000
	51017359	GRP 01	SeasonP		05/20/2023	ENVIRONMENTAL COMPLIANCE	110		8,905.00		07	32.400
	51017360	GRP 01	SeasonP		11/05/2022	ENVIRONMENTAL COMPLIANCE	110		8,905.00		07	32.400
	51017363	GRP 01	SeasonP		05/20/2023	ENVIRONMENTAL COMPLIANCE	110		8,905.00		07	32.400

69,015.00 Perm Budget Amt 6 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 6

Totals for Environment & Planning Divis'n

69,015.00 Perm Budget Amt 6 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 6

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
PARK ATT SEA	51011823	GRP 33	SeasonP		12/15/2022	COMO LAKE PARK	110		5,376.00		03	100.000

5,376.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

Totals for Parks

5,376.00 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
FIRE INST PT	51002955	GRP 11	PT	P	01/31/2022	FIRE SAFETY	110		2,397.00		02	100.000
2,397.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		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	110		3,074.00		07	100.000
	51017931	GRP 11	PT	P	01/01/2023	DISASTER PREPAREDNESS	110		3,074.00		07	100.000
9,222.00	Perm Budget Amt		3	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		3		

Totals for Emergency Services

11,619.00	Perm Budget Amt		4	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		4		

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												

1,715,903.00 Perm Fund Amt 153 Perm Vac 171,308.00 Temp Fund Amt 9 Temp Vac 162

Run Totals: Total Perm Vac 153 Total Temp Vac 9 Total Vacancies 162 Total Positions 648 Percent 25%

Erie County
POSITION CONTROL
BENEFIT EARN VACANCY BY DEPARTMENT, JOB

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		1	Perm Vac	0.00	Temp Budget Amt	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		1	Perm Vac	0.00	Temp Budget Amt	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		

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		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		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		01	100.000
0.00	Perm Budget Amt		0	Perm Vac	73,524.00	Temp Budget Amt	1	Temp Vac		1		
SR TCH SS SP	51016756	GRP 13	FT	P	04/07/2023	APPLICATION SERVICES	110		73,524.00		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		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		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		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

249,060.00	Perm Budget Amt		4	Perm Vac	200,082.00	Temp Budget Amt	3	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
MIN WO OB ES	51017025	GRP 08	FT	P	11/01/2022	EQUAL EMPOPPORTUNITY,DIVERSITY&INCLUSION	110		51,967.00		01	100.000

51,967.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

Totals for Equal Employment Opportunity

51,967.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

Erie County
POSITION CONTROL
BENEFIT EARN VACANCY BY DEPARTMENT, JOB

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	100.000
	51011179	GRP 09	FT	T	01/30/2023	ACCOUNTING	110		55,216.00		01	100.000
0.00 Perm Budget Amt					0 Perm Vac	110,432.00 Temp Budget Amt		2 Temp Vac		2		
ACCT AUDITOR	51009174	GRP 09	FT	T	02/18/2023	AUDIT & CONTROL	110		55,216.00		01	100.000
0.00 Perm Budget Amt					0 Perm Vac	55,216.00 Temp Budget Amt		1 Temp Vac		1		
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 Temp Budget Amt		0 Temp Vac		1		
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 Temp Budget Amt		0 Temp Vac		1		
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 Temp Budget Amt		0 Temp Vac		1		

Totals for Comptroller

234,348.00 Perm Budget Amt 3 Perm Vac 165,648.00 Temp Budget Amt 3 Temp Vac 6

Erie County
POSITION CONTROL
BENEFIT EARN VACANCY BY DEPARTMENT, JOB

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	00003102	GRP 05	FT	T	07/29/2023	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
130,815.00	Perm Budget Amt		3	Perm Vac	43,605.00	Temp Budget Amt	1	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	P	07/29/2023	AUTO BUREAU BRANCH OFFICES	110		43,605.00		01	100.000
	00006610	GRP 05	FT	T	07/01/2023	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
43,605.00	Perm Budget Amt		1	Perm Vac	87,210.00	Temp Budget Amt	2	Temp Vac		3		
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		

Totals for County Clerk

254,662.00	Perm Budget Amt		6	Perm Vac	269,442.00	Temp Budget Amt	6	Temp Vac		12		

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	00000443	GRP 14	FT	P	06/03/2023	LOWER COURTS	110		81,199.00		04	100.000
	00000453	GRP 14	FT	P	07/18/2023	LOWER COURTS	110		81,199.00		04	100.000
	00000454	GRP 14	FT	P	04/22/2023	LOWER COURTS	110		81,199.00		04	100.000
	51005669	GRP 14	FT	P	06/22/2023	LOWER COURTS	110		81,199.00		04	100.000
	51005670	GRP 14	FT	P	07/01/2023	LOWER COURTS	110		81,199.00		04	100.000
	51010007	GRP 14	FT	P	07/02/2023	LOWER COURTS	110		81,199.00		04	100.000
	51017045	GRP 14	FT	P	07/01/2023	LOWER COURTS	110		81,199.00		04	100.000
	51017791	GRP 14	FT	P	07/13/2023	LOWER COURTS	110		81,199.00		04	100.000
649,592.00	Perm Budget Amt		8	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		8		
ASST DI A VI	51017039	GRP 17	FT	P	08/29/2023	LOWER COURTS	110		106,388.00		07	100.000
106,388.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
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	LOWER COURTS	110		41,689.00		01	100.000
	51016926	GRP 04	FT	T	07/15/2023	LOWER COURTS	110		41,689.00		01	100.000
	51017376	GRP 04	FT	P	07/15/2023	LOWER COURTS	110		41,689.00		01	100.000
41,689.00	Perm Budget Amt		1	Perm Vac	125,067.00	Temp Budget Amt	3	Temp Vac		4		
EX AST SEC D	00003420	GRP 18	FT	P	07/21/2023	ADMINISTRATION	110		115,307.00		04	100.000
115,307.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
LEGAL SEC	00005853	GRP 07	FT	P	08/01/2023	SUPERIOR COURTS	110		48,978.00		01	100.000
	51007709	GRP 07	FT	P	07/07/2023	GRAND JURY	110		48,978.00		01	100.000
97,956.00	Perm Budget Amt		2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		2		
PARALEGAL	51017046	GRP 05	FT	P	06/22/2023	SUPERIOR COURTS	110		43,605.00		01	100.000
43,605.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
SR CL TYP	51016231	GRP 04	FT	T	04/09/2022	LOWER COURTS	110		41,689.00		01	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
	0.00	Perm Budget Amt			0	Perm Vac	41,689.00	Temp Budget Amt	1	Temp Vac		1		

Totals for District Attorney

1,054,537.00	Perm Budget Amt		14	Perm Vac		166,756.00	Temp Budget Amt	4	Temp Vac		18	

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		43,100.00		01	100.000
43,100.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
CAPTAIN	51004646	GRP 11	FT	P	09/18/2023	POLICE/PATROL SERVICES	110		81,162.00		01	100.000
81,162.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
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	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
DAT EN OP SH	51016429	GRP 04	FT	T	12/31/2022	CIVIL PROCESS	110		43,100.00		01	100.000
0.00	Perm Budget Amt		0	Perm Vac	43,100.00	Temp Budget Amt	1	Temp Vac		1		
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		0	Perm Vac	54,993.00	Temp Budget Amt	1	Temp Vac		1		
REC CLK HC	51004832	GRP 06	FT	T	04/08/2023	ADMINISTRATION AND PROFESSIONAL SERVICES	110		47,676.00		01	100.000
0.00	Perm Budget Amt		0	Perm Vac	47,676.00	Temp Budget Amt	1	Temp Vac		1		
RECEPTIONIST	51009202	GRP 03	FT	T	05/20/2023	COMMUNITY PROGRAMS	110		41,721.00		02	100.000
	51016662	GRP 03	FT	T	07/29/2023	PROFESSIONAL STANDARDS	110		41,721.00		02	100.000
0.00	Perm Budget Amt		0	Perm Vac	83,442.00	Temp Budget Amt	2	Temp Vac		2		

Totals for Office of the Sheriff

180,401.00	Perm Budget Amt		3	Perm Vac	229,211.00	Temp Budget Amt	5	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
ASST COOK HC	00000329	GRP 04	FT	P	12/05/2021	FOOD SERVICES HC	110		43,100.00		02	100.000
43,100.00 Perm Budget Amt					1 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		1		
COM REIN CRD	51018018	GRP 10	FT	P	01/01/2023	COMMUNITY RE-INTEGRATION PROGRAM	110		60,208.00		01	100.000
60,208.00 Perm Budget Amt					1 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		1		
COR OFF CF	51011602	GRP 11	FT	T	07/29/2023	SECURITY CF	110		56,139.00		01	100.000
	51012172	GRP 11	FT	T	01/14/2023	SECURITY CF	110		56,139.00		01	100.000
	51014309	GRP 11	FT	P	08/21/2023	SECURITY CF	110		56,139.00		01	100.000
	51017379	GRP 11	FT	P	07/27/2023	SECURITY CF	110		56,139.00		01	100.000
	51017667	GRP 11	FT	T	10/22/2022	SECURITY CF	110		56,139.00		01	100.000
	51017810	GRP 11	FT	P	07/26/2023	COMMUNITY RE-INTEGRATION PROGRAM	110		56,139.00		01	100.000
	51017811	GRP 11	FT	P	07/31/2023	SECURITY CF	110		56,139.00		01	100.000
	51017956	GRP 11	FT	P	05/31/2023	SECURITY CF	110		56,139.00		01	100.000
	51017958	GRP 11	FT	P	05/31/2023	SECURITY CF	110		56,139.00		01	100.000
	51017959	GRP 11	FT	P	05/31/2023	SECURITY CF	110		56,139.00		01	100.000
	51018019	GRP 11	FT	P	06/27/2023	SECURITY CF	110		56,139.00		01	100.000
449,112.00 Perm Budget Amt					8 Perm Vac	168,417.00 Temp Budget Amt		3 Temp Vac		11		
DEP SH OF	00002515	GRP 08	FT	P	08/14/2023	SECURITY HC	110		54,993.00		01	100.000
	00002567	GRP 08	FT	P	06/26/2023	SECURITY HC	110		54,993.00		01	100.000
	00002571	GRP 08	FT	T	07/29/2023	SECURITY HC	110		54,993.00		01	100.000
	00002632	GRP 08	FT	P	07/18/2023	SECURITY HC	110		54,993.00		01	100.000
	00002645	GRP 08	FT	T	10/22/2022	SECURITY HC	110		54,993.00		01	100.000
	00002646	GRP 08	FT	P	08/06/2023	SECURITY HC	110		54,993.00		01	100.000
	00002667	GRP 08	FT	T	07/29/2023	SECURITY HC	110		54,993.00		01	100.000
	00002675	GRP 08	FT	P	08/31/2023	SECURITY HC	110		54,993.00		01	100.000
	00002692	GRP 08	FT	T	07/29/2023	SECURITY HC	110		54,993.00		01	100.000
	00002700	GRP 08	FT	T	07/29/2023	SECURITY HC	110		54,993.00		01	100.000
	00002735	GRP 08	FT	P	08/02/2023	SECURITY HC	110		54,993.00		01	100.000
	00002754	GRP 08	FT	T	01/07/2023	SECURITY HC	110		54,993.00		01	100.000
	00002786	GRP 08	FT	P	07/19/2023	TRANSPORTATION	110		54,993.00		01	100.000
	00002819	GRP 08	FT	P	08/09/2023	TRANSPORTATION	110		54,993.00		01	100.000
	00002853	GRP 08	FT	P	07/20/2023	SECURITY HC	110		54,993.00		01	100.000
	00002893	GRP 08	FT	P	06/29/2023	SECURITY HC	110		54,993.00		01	100.000
	51002381	GRP 08	FT	P	06/23/2023	SECURITY HC	110		54,993.00		01	100.000
	51003429	GRP 08	FT	P	03/25/2023	SECURITY HC	110		54,993.00		01	100.000
	51012180	GRP 08	FT	T	02/11/2023	SECURITY HC	110		54,993.00		01	100.000
	51016779	GRP 08	FT	P	07/27/2023	SECURITY HC	110		54,993.00		01	100.000
	51017832	GRP 08	FT	P	05/29/2023	SECURITY HC	110		54,993.00		01	100.000

Erie County
POSITION CONTROL
BENEFIT EARN VACANCY BY DEPARTMENT, JOB

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
769,902.00	Perm Budget Amt			14	Perm Vac	384,951.00	Temp Budget Amt		7	Temp Vac		21		
KIT HLP HC	00005425	GRP 03	FT	P	07/14/2022	FOOD SERVICES HC	110		41,721.00		03	100.000
	00005426	GRP 03	FT	P	03/19/2023	FOOD SERVICES HC	110		41,721.00		03	100.000
83,442.00	Perm Budget Amt			2	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		2		
LABORER SHER	51009878	GRP 04	FT	T	03/06/2023	PROGRAMS HC	110		43,100.00		03	100.000
0.00	Perm Budget Amt			0	Perm Vac	43,100.00	Temp Budget Amt		1	Temp Vac		1		
NURSE ED CHD	51018020	GRP 11	FT	P	01/01/2023	JAIL MEDICAL SERVICES ADMINISTRATION	110		73,572.00		01	100.000
73,572.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		1		
PRINCLK (CF)	51011704	GRP 08	FT	P	06/01/2023	HOLDING CENTER MEDICAL SERVICES	110		42,989.00		01	100.000
42,989.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		1		
REC CLK HC	00007797	GRP 06	FT	P	01/09/2023	SECURITY HC	110		47,676.00		01	100.000
47,676.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		1		
REG NURS HC	51007848	GRP 08	FT	P	09/10/2022	HOLDING CENTER MEDICAL SERVICES	110		78,836.00		02	100.000
	51010471	GRP 08	FT	T	09/10/2022	HOLDING CENTER MEDICAL SERVICES	110		78,836.00		02	100.000
	51010472	GRP 08	FT	T	05/21/2022	HOLDING CENTER MEDICAL SERVICES	110		78,836.00		02	100.000
	51010473	GRP 08	FT	P	07/27/2022	HOLDING CENTER MEDICAL SERVICES	110		78,836.00		02	100.000
	51010474	GRP 08	FT	P	08/04/2022	HOLDING CENTER MEDICAL SERVICES	110		78,836.00		02	100.000
	51010475	GRP 08	FT	P	05/04/2022	HOLDING CENTER MEDICAL SERVICES	110		78,836.00		02	100.000
	51016085	GRP 08	FT	T	10/22/2022	HOLDING CENTER MEDICAL SERVICES	110		78,836.00		02	100.000
	51016087	GRP 08	FT	P	08/08/2023	HOLDING CENTER MEDICAL SERVICES	110		78,836.00		02	100.000
394,180.00	Perm Budget Amt			5	Perm Vac	236,508.00	Temp Budget Amt		3	Temp Vac		8		
REG NURSE CH	51013385	GRP 08	FT	P	07/15/2023	CORRECTIONAL FACILITY MEDICAL SERVICES	110		58,564.00		02	100.000
	51013386	GRP 08	FT	P	06/17/2023	CORRECTIONAL FACILITY MEDICAL SERVICES	110		58,564.00		02	100.000
	51013387	GRP 08	FT	P	08/11/2023	CORRECTIONAL FACILITY MEDICAL SERVICES	110		58,564.00		02	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
175,692.00	Perm Budget Amt			3	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		3		
SGT OFFICER	00009604	GRP 11	FT	T	07/29/2023	SECURITY HC	110		64,299.00		01	100.000
	51017844	GRP 11	FT	T	07/29/2023	SECURITY HC	110		64,299.00		01	100.000
0.00	Perm Budget Amt			0	Perm Vac	128,598.00	Temp Budget Amt	2	Temp Vac		2	
SR MD SC SH	51007811	GRP 04	FT	P	08/31/2023	HOLDING CENTER MEDICAL SERVICES	110		43,100.00		01	100.000
	51016919	GRP 04	FT	P	04/13/2022	HOLDING CENTER MEDICAL SERVICES	110		43,100.00		01	100.000
86,200.00	Perm Budget Amt			2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		2	
SR NUR PR CH	51017177	GRP 16	FT	P	08/15/2023	HOLDING CENTER MEDICAL SERVICES	110		99,578.00		07	100.000
	51018061	GRP 16	FT	P	06/08/2023	HOLDING CENTER MEDICAL SERVICES	110		99,578.00		07	100.000
	51018062	GRP 16	FT	P	06/08/2023	HOLDING CENTER MEDICAL SERVICES	110		99,578.00		07	100.000
	51018063	GRP 16	FT	P	06/08/2023	HOLDING CENTER MEDICAL SERVICES	110		99,578.00		07	100.000
	51018064	GRP 16	FT	P	06/08/2023	HOLDING CENTER MEDICAL SERVICES	110		99,578.00		07	100.000
497,890.00	Perm Budget Amt			5	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		5	

Totals for Jail Management

2,723,963.00	Perm Budget Amt			44	Perm Vac	961,574.00	Temp Budget Amt	16	Temp Vac		60	

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	00000017	GRP 04	FT	T	03/11/2023	FINANCIAL RECORDS & SERVICES	110		41,689.00		01	49.200
	00000020	GRP 04	FT	T	04/08/2023	SUPPORT COLLECTION UNIT	110		41,689.00		01	37.770
	51016977	GRP 04	FT	T	07/05/2023	SUPPORT COLLECTION UNIT	110		41,689.00		01	37.770
	51017001	GRP 04	FT	T	09/10/2022	PERSONNEL/PAYROLL	110		41,689.00		01	47.220
	0.00 Perm Budget Amt				0 Perm Vac	166,756.00 Temp Budget Amt		4 Temp Vac		4		
ACC CLK TYP	00000067	GRP 04	FT	P	07/01/2023	FINANCIAL RECORDS & SERVICES	110		41,689.00		01	47.370
	41,689.00 Perm Budget Amt				1 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		1		
AST DP CM SS	00000368	GRP 15	FT	T	07/30/2023	DSS COMMISS. OFFICE & COMM RELATIONS	110		89,220.00		01	47.220
	0.00 Perm Budget Amt				0 Perm Vac	89,220.00 Temp Budget Amt		1 Temp Vac		1		
AST SP INV	00000530	GRP 07	FT	T	06/04/2023	INVESTIGATIONS AND COLLECTIONS	110		48,978.00		01	37.700
	0.00 Perm Budget Amt				0 Perm Vac	48,978.00 Temp Budget Amt		1 Temp Vac		1		
AST SS TECLI	51017868	GRP 07	FT	P	07/21/2023	TECHNICAL SUPPORT	110		48,978.00		01	47.220
	48,978.00 Perm Budget Amt				1 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		1		
CASE ASST SS	51009711	GRP 06	FT	P	03/30/2023	ADOPTION	110		46,209.00		01	49.020
	51014358	GRP 06	FT	T	05/07/2023	ADOPTION	110		46,209.00		01	49.020
	51017758	GRP 06	FT	T	05/07/2023	SERVICES DIVISION ADMINISTRATION	110		46,209.00		01	49.020
	51018057	GRP 06	FT	P	06/22/2023	ADULT & FAMILY SERVICES	110		46,209.00		01	49.020
	92,418.00 Perm Budget Amt				2 Perm Vac	92,418.00 Temp Budget Amt		2 Temp Vac		4		
CASEASTSSSPS	51017741	GRP 06	FT	P	01/01/2023	SERVICES DIVISION ADMINISTRATION	110		46,209.00		01	49.020
	46,209.00 Perm Budget Amt				1 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		1		
CASEWORKER	00000916	GRP 09	FT	T	12/03/2022	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		55,216.00		01	49.020
	00000951	GRP 09	FT	T	12/03/2022	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		55,216.00		01	49.020
	00000973	GRP 09	FT	P	04/17/2023	CPS AFTER HOURS PROGRAM	110		55,216.00		01	49.020
	00000978	GRP 09	FT	T	04/09/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		55,216.00		01	49.020
	51009135	GRP 09	FT	T	10/01/2022	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		55,216.00		01	49.020
	51009577	GRP 09	FT	T	11/06/2022	ADULT & FAMILY SERVICES	110		55,216.00		01	49.020
	51009593	GRP 09	FT	T	03/11/2023	CHILD PROTECTIVE SERVICES	110		55,216.00		01	49.020
	51009723	GRP 09	FT	P	04/04/2023	CHILD PROTECTIVE SERVICES	110		55,216.00		01	49.020
	51009726	GRP 09	FT	T	06/18/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		55,216.00		01	49.020
	51011926	GRP 09	FT	T	03/11/2023	CHILD PROTECTIVE SERVICES	110		55,216.00		01	49.020
	51011927	GRP 09	FT	T	06/18/2023	CHILD PROTECTIVE SERVICES	110		55,216.00		01	49.020
	51011952	GRP 09	FT	P	07/19/2023	CPS AFTER HOURS PROGRAM	110		55,216.00		01	49.020

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	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
	51014034	GRP 09	FT	P	07/20/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	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	T	07/02/2023	CHILD PROTECTIVE SERVICES	110		55,216.00		01	49.020
331,296.00	Perm Budget Amt		6	Perm Vac	662,592.00	Temp Budget Amt	12	Temp Vac		18		
CH SUP IN SP	51012359	GRP 07	FT	P	07/03/2023	CHILD SUPPORT ESTABLISHMENT/ENFORCEMENT	110		48,978.00		01	37.770
48,978.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
CH SUP INV	00001360	GRP 07	FT	P	07/11/2023	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
	00001388	GRP 07	FT	P	07/25/2023	CHILD SUPPORT ESTABLISHMENT/ENFORCEMENT	110		48,978.00		01	37.770
97,956.00	Perm Budget Amt		2	Perm Vac	48,978.00	Temp Budget Amt	1	Temp Vac		3		
CHF ACT CLK	00001161	GRP 07	FT	T	07/15/2023	FINANCIAL RECORDS & SERVICES	110		48,978.00		01	47.220
0.00	Perm Budget Amt		0	Perm Vac	48,978.00	Temp Budget Amt	1	Temp Vac		1		
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		1		
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
	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	154,360.00	Temp Budget Amt	4	Temp Vac		4		
CLERK TYPIST	00001584	GRP 01	FT	T	07/29/2023	CHILD SUPPORT ESTABLISHMENT/ENFORCEMENT	110		38,590.00		01	37.770
	00001589	GRP 01	FT	P	08/22/2023	CHILDREN'S SERVICES	110		38,590.00		01	49.020
	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
	51004220	GRP 01	FT	T	07/30/2023	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
	51009677	GRP 01	FT	P	07/29/2023	INVESTIGATIONS AND COLLECTIONS	110		38,590.00		01	37.700
	51009690	GRP 01	FT	T	04/22/2023	FINANCIAL RECORDS & SERVICES	110		38,590.00		01	47.220

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	51009692	GRP 01	FT	T	07/16/2023	FINANCIAL RECORDS & SERVICES	110		38,590.00		01	47.220
	51010582	GRP 01	FT	T	07/16/2023	ADULT & FAMILY SERVICES	110		38,590.00		01	49.200
	51017978	GRP 01	FT	T	03/26/2023	INVESTIGATIONS AND COLLECTIONS	110		38,590.00		01	37.700
77,180.00	Perm Budget Amt		2	Perm Vac	501,670.00	Temp Budget Amt	13	Temp Vac		15		
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	Temp Vac		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	Temp Vac		1		
COUN SS	00002140	GRP 14	FT	P	07/26/2023	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
81,199.00	Perm Budget Amt		1	Perm Vac	324,796.00	Temp Budget Amt	4	Temp Vac		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	Temp Vac		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	Temp Vac		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	Temp Vac		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
	51011555	GRP 09	FT	P	07/24/2023	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

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
331,296.00	Perm Budget Amt			6	Perm Vac	55,216.00	Temp Budget Amt		1	Temp Vac		7		
EMP CO SPAN	51010451	GRP 09	FT	P	06/22/2023	EMPLOYMENT ASSESSMENT	110		55,216.00		01	32.690
55,216.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		1		
EMP COUNS	00003228	GRP 09	FT	P	02/13/2023	EMPLOYMENT ASSESSMENT	110		55,216.00		01	32.690
	00003264	GRP 09	FT	P	04/08/2023	EMPLOYMENT ASSESSMENT	110		55,216.00		01	32.690
	00003270	GRP 09	FT	T	12/04/2022	EMPLOYMENT ASSESSMENT	110		55,216.00		01	32.690
	51013181	GRP 09	FT	P	04/08/2023	EMPLOYMENT ASSESSMENT	110		55,216.00		01	32.690
	51016884	GRP 09	FT	T	04/22/2023	EMPLOYMENT ASSESSMENT	110		55,216.00		01	32.690
165,648.00	Perm Budget Amt			3	Perm Vac	110,432.00	Temp Budget Amt		2	Temp Vac		5		
EN CR WK 1	00003308	GRP 02	FT	T	06/17/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		39,171.00		02	0.000
	00003315	GRP 02	FT	T	05/20/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		39,171.00		02	0.000
0.00	Perm Budget Amt			0	Perm Vac	78,342.00	Temp Budget Amt		2	Temp Vac		2		
HOME MAKER	00004322	GRP 03	FT	P	11/14/2022	ADOPTION	110		36,637.00		02	49.020
	00004330	GRP 03	FT	P	06/01/2023	ADOPTION	110		36,637.00		02	49.020
73,274.00	Perm Budget Amt			2	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		2		
MGT&ORG CONS	00006354	GRP 14	FT	T	07/29/2023	FISCAL MANAGEMENT	110		81,199.00		01	47.220
0.00	Perm Budget Amt			0	Perm Vac	81,199.00	Temp Budget Amt		1	Temp Vac		1		
OP COM CRD	51011552	GRP 08	FT	T	07/29/2023	TECHNICAL SUPPORT	110		51,967.00		01	47.220
0.00	Perm Budget Amt			0	Perm Vac	51,967.00	Temp Budget Amt		1	Temp Vac		1		
PARALEGAL	00006997	GRP 05	FT	T	04/23/2023	CHILDREN'S SERVICES	110		43,605.00		01	49.020
	51009617	GRP 05	FT	P	08/03/2023	CHILDREN'S SERVICES	110		43,605.00		01	49.020
43,605.00	Perm Budget Amt			1	Perm Vac	43,605.00	Temp Budget Amt		1	Temp Vac		2		
PERS CLK	51018025	GRP 06	FT	P	06/23/2023	PERSONNEL/PAYROLL	110		46,209.00		01	47.220

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
46,209.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		1		
PR SEC TYP	51017760	GRP 07	FT	P	07/29/2023	DSS COMMISS. OFFICE & COMM RELATIONS	110		48,978.00		01	47.220
48,978.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		1		
PRIN CLERK	00007389	GRP 06	FT	T	06/04/2023	EMPLOYMENT ASSESSMENT	110		46,209.00		01	32.690
	51004281	GRP 06	FT	T	07/15/2023	EC WORKS CENTER	110		46,209.00		01	38.490
0.00	Perm Budget Amt			0	Perm Vac	92,418.00	Temp Budget Amt		2	Temp Vac		2		
RECEPTIONIST	51016857	GRP 03	FT	T	07/15/2023	ADMIN. SUPPORT SERVICES ADMIN.	110		40,312.00		02	47.220
0.00	Perm Budget Amt			0	Perm Vac	40,312.00	Temp Budget Amt		1	Temp Vac		1		
SOC W EX ARA	51017454	GRP 06	FT	P	12/05/2022	TEMPORARY ASSISTANCE SERVICE TEAMS	110		46,209.00		01	38.490
46,209.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		1		
SOC WEL EX	00009837	GRP 06	FT	T	07/02/2023	TEMPORARY ASSISTANCE SERVICE TEAMS	110		46,209.00		01	38.490
	00009870	GRP 06	FT	T	07/15/2023	INVESTIGATIONS AND COLLECTIONS	110		46,209.00		01	37.700
	00009908	GRP 06	FT	T	07/16/2023	SNAP ELIGIBILITY TEAMS	110		46,209.00		01	50.000
	00009913	GRP 06	FT	T	07/01/2023	SNAP ELIGIBILITY TEAMS	110		46,209.00		01	50.000
	00009917	GRP 06	FT	T	02/26/2023	SNAP ELIGIBILITY TEAMS	110		46,209.00		01	50.000
	51003653	GRP 06	FT	T	07/30/2023	SNAP ELIGIBILITY TEAMS	110		46,209.00		01	50.000
	51003944	GRP 06	FT	P	07/28/2023	SNAP ELIGIBILITY TEAMS	110		46,209.00		01	50.000
	51009795	GRP 06	FT	T	07/18/2023	TTW-TRANSITION TO WORK TEAMS	110		46,209.00		01	38.490
	51009812	GRP 06	FT	T	06/18/2023	SNAP ELIGIBILITY TEAMS	110		46,209.00		01	50.000
	51009813	GRP 06	FT	T	06/18/2023	SNAP ELIGIBILITY TEAMS	110		46,209.00		01	50.000
	51009846	GRP 06	FT	T	06/17/2023	TEMPORARY ASSISTANCE SERVICE TEAMS	110		46,209.00		01	38.490
	51016386	GRP 06	FT	T	07/29/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		46,209.00		01	0.000
	51016890	GRP 06	FT	T	07/01/2023	SNAP ELIGIBILITY TEAMS	110		46,209.00		01	50.000
	51018024	GRP 06	FT	T	07/16/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		46,209.00		01	0.000
46,209.00	Perm Budget Amt			1	Perm Vac	600,717.00	Temp Budget Amt		13	Temp Vac		14		
SOC WEL EX S	00009956	GRP 06	FT	T	06/17/2023	TEMPORARY ASSISTANCE SERVICE TEAMS	110		46,209.00		01	38.490

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
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 CASWRKER	00008194	GRP 10	FT	T	07/02/2023	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
	00008319	GRP 10	FT	T	07/16/2023	CHILD PROTECTIVE SERVICES	110		58,644.00		01	49.020
	51013363	GRP 10	FT	T	07/30/2023	CHILD PROTECTIVE SERVICES	110		58,644.00		01	49.020
	51015153	GRP 10	FT	T	07/30/2023	CHILD PROTECTIVE SERVICES	110		58,644.00		01	49.020
0.00	Perm Budget Amt			0	Perm Vac	469,152.00	Temp Budget Amt		8	Temp Vac		8		
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
	00008660	GRP 04	FT	T	07/15/2023	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	07/18/2023	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
	51006961	GRP 04	FT	T	07/01/2023	FINANCIAL RECORDS & SERVICES	110		41,689.00		01	47.220
	51012480	GRP 04	FT	T	07/02/2023	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
0.00	Perm Budget Amt			0	Perm Vac	458,579.00	Temp Budget Amt		11	Temp Vac		11		
SR 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
80,624.00	Perm Budget Amt			2	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		2		
S CON AID S	51016681	GRP 07	FT	T	07/29/2023	FISCAL MANAGEMENT	110		48,978.00		01	47.220

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
0.00	Perm Budget Amt			0	Perm Vac	48,978.00	Temp Budget Amt	1	Temp Vac	1		
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	1		
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	1		
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
	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
342,846.00	Perm Budget Amt			7	Perm Vac	244,890.00	Temp Budget Amt	5	Temp Vac	12		
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	P	07/29/2023	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
	51012085	GRP 05	FT	T	12/03/2022	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		43,605.00		01	49.200
130,815.00	Perm Budget Amt			3	Perm Vac	130,815.00	Temp Budget Amt	3	Temp Vac	6		

Totals for Department of Social Services

2,623,697.00	Perm Budget Amt			52	Perm Vac	4,832,416.00	Temp Budget Amt	99	Temp Vac	151		

Erie County
POSITION CONTROL
BENEFIT EARN VACANCY BY DEPARTMENT, JOB

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
ELE ENG DPW	51017993	GRP 13	FT	P	06/03/2023	OPERATIONS	110		73,524.00		01	100.000
73,524.00 Perm Budget Amt				1 Perm Vac		0.00 Temp Budget Amt		0 Temp Vac		1		
HEAD LABORER	00004194	GRP 04	FT	P	08/02/2023	UNIFIED COURT SYSTEM	110		37,633.00		02	11.000
	51017780	GRP 04	FT	T	07/29/2023	CUSTODIAL SERVICES	110		37,633.00		02	100.000
37,633.00 Perm Budget Amt				1 Perm Vac		37,633.00 Temp Budget Amt		1 Temp Vac		2		
JANITOR	51014330	GRP 03	FT	P	09/07/2022	CUSTODIAL SERVICES	110		36,637.00		01	100.000
	51014337	GRP 03	FT	P	02/10/2023	UNIFIED COURT SYSTEM	110		36,637.00		01	11.000
73,274.00 Perm Budget Amt				2 Perm Vac		0.00 Temp Budget Amt		0 Temp Vac		2		
LABORER	51001136	GRP 03	FT	T	06/03/2023	UNIFIED COURT SYSTEM	110		36,637.00		03	11.000
	51016604	GRP 03	FT	T	09/10/2022	CUSTODIAL SERVICES	110		36,637.00		03	100.000
0.00 Perm Budget Amt				0 Perm Vac		73,274.00 Temp Budget Amt		2 Temp Vac		2		
STATION ENG	00010063	GRP 09	FT	P	04/17/2023	CORR FAC/HOLDING CTR MAINT & REPAIRS	110		51,717.00		01	100.000
51,717.00 Perm Budget Amt				1 Perm Vac		0.00 Temp Budget Amt		0 Temp Vac		1		
LABOR RPT	51001588	GRP 03	RPT	P	07/15/2023	UNIFIED COURT SYSTEM	110		35,721.00		03	11.000
35,721.00 Perm Budget Amt				1 Perm Vac		0.00 Temp Budget Amt		0 Temp Vac		1		

Totals for Dept of Public Works

271,869.00 Perm Budget Amt 6 Perm Vac 110,907.00 Temp Budget Amt 3 Temp Vac 9

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
COR AD S P A	51009213	GRP 13	FT	P	08/03/2023	ADULT MENTAL HEALTH SERVICES	110		73,524.00		01	0.000
73,524.00 Perm Budget Amt					1 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		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 Perm Budget Amt					1 Perm Vac	127,858.00 Temp Budget Amt		2 Temp Vac		3		
MH EM D R C	51018076	GRP 14	FT	P	07/01/2023	MENTAL HEALTH SERVICES	110		81,199.00		01	0.000
81,199.00 Perm Budget Amt					1 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		1		
SR CL TYP	00008507	GRP 04	FT	P	07/11/2023	ADULT MENTAL HEALTH SERVICES	110		41,689.00		01	30.000
	51011356	GRP 04	FT	P	07/13/2023	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 Perm Budget Amt					3 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		3		

Totals for Dept of Mental Health

343,719.00 Perm Budget Amt 6 Perm Vac 127,858.00 Temp Budget Amt 2 Temp Vac 8

Erie County
POSITION CONTROL
BENEFIT EARN VACANCY BY DEPARTMENT, JOB

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 WK	00002973	GRP 09	FT	T	06/03/2023	INTAKE	110		55,216.00		01	51.000
0.00 Perm Budget Amt		0 Perm Vac		55,216.00 Temp Budget Amt		1 Temp Vac				1		
DET SEC GD	00002962	GRP 05	FT	T	05/06/2023	BUILDING SERVICES	110		39,589.00		01	51.000
	00002965	GRP 05	FT	T	06/17/2023	BUILDING SERVICES	110		39,589.00		01	51.000
	51016805	GRP 05	FT	P	08/27/2022	BUILDING SERVICES	110		39,589.00		01	51.000
39,589.00 Perm Budget Amt		1 Perm Vac		79,178.00 Temp Budget Amt		2 Temp Vac				3		
JR YDW	51017894	GRP 06	FT	P	01/01/2023	SECURE DIRECT CARE SUPPORT	110		42,301.00		07	51.000
	51017895	GRP 06	FT	P	01/01/2023	SECURE DIRECT CARE SUPPORT	110		42,301.00		07	51.000
	51017896	GRP 06	FT	P	01/01/2023	SECURE DIRECT CARE SUPPORT	110		42,301.00		07	51.000
	51017897	GRP 06	FT	P	01/01/2023	SECURE DIRECT CARE SUPPORT	110		42,301.00		07	51.000
169,204.00 Perm Budget Amt		4 Perm Vac		0.00 Temp Budget Amt		0 Temp Vac				4		
JUVE JUS CON	51010682	GRP 10	FT	T	05/06/2023	NON-SECURE CHILD CARE	110		58,644.00		01	0.000
	51015088	GRP 10	FT	T	05/06/2023	JUVENILE DELINQUENCY SERVICES TEAM	110		58,644.00		01	51.000
0.00 Perm Budget Amt		0 Perm Vac		117,288.00 Temp Budget Amt		2 Temp Vac				2		
SR YTH DT WK	51016554	GRP 08	FT	P	08/04/2023	YOUTH DETENTION - RAISE THE AGE	110		48,372.00		01	51.000
48,372.00 Perm Budget Amt		1 Perm Vac		0.00 Temp Budget Amt		0 Temp Vac				1		
SS TM WKR	51017900	GRP 05	FT	P	01/01/2023	NON-SECURE CHILD CARE	110		43,605.00		01	0.000
43,605.00 Perm Budget Amt		1 Perm Vac		0.00 Temp Budget Amt		0 Temp Vac				1		
YTH DET WK	00010496	GRP 07	FT	T	12/03/2022	SECURE CHILD CARE	110		45,234.00		01	51.000
	00010509	GRP 07	FT	P	07/17/2023	SECURE CHILD CARE	110		45,234.00		01	51.000
	00010510	GRP 07	FT	P	06/15/2023	SECURE CHILD CARE	110		45,234.00		01	51.000
	00010515	GRP 07	FT	T	01/28/2023	SECURE CHILD CARE	110		45,234.00		01	51.000
	00010524	GRP 07	FT	P	07/21/2022	SECURE CHILD CARE	110		45,234.00		01	51.000
	51009918	GRP 07	FT	T	07/15/2023	SECURE CHILD CARE	110		45,234.00		01	51.000
	51010478	GRP 07	FT	P	06/20/2023	SECURE CHILD CARE	110		45,234.00		01	51.000
	51010480	GRP 07	FT	P	07/15/2023	SECURE CHILD CARE	110		45,234.00		01	51.000
	51010482	GRP 07	FT	P	07/18/2023	SECURE CHILD CARE	110		45,234.00		01	51.000
	51015077	GRP 07	FT	P	08/07/2023	SECURE CHILD CARE	110		45,234.00		01	51.000
	51015086	GRP 07	FT	T	09/24/2022	SECURE CHILD CARE	110		45,234.00		01	51.000
	51016391	GRP 07	FT	T	02/11/2023	SECURE CHILD CARE	110		45,234.00		01	51.000
	51016667	GRP 07	FT	P	07/15/2023	SECURE CHILD CARE	110		45,234.00		01	51.000
	51016803	GRP 07	FT	T	05/02/2023	SECURE CHILD CARE	110		45,234.00		01	51.000

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
361,872.00	Perm Budget Amt			8	Perm Vac	271,404.00	Temp Budget Amt		6 Temp Vac	14		

Totals for Youth Services Division

662,642.00	Perm Budget Amt			15	Perm Vac	523,086.00	Temp Budget Amt		11 Temp Vac	26		

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	51005215	GRP 11	FT	T	07/01/2023	PROBATION SERVICES - JUVENILE/FAM CRT.	110		63,929.00		01	0.000
	51010433	GRP 11	FT	T	07/15/2023	PROBATION SERVICES - ADULT	110		63,929.00		01	88.000
	51012852	GRP 11	FT	P	07/07/2023	PROBATION SERVICES - ADULT	110		63,929.00		01	88.000
	51018056	GRP 11	FT	P	06/03/2023	PROBATION SPECIAL PROGRAMS	110		63,929.00		01	88.000
127,858.00	Perm Budget Amt		2	Perm Vac	127,858.00	Temp Budget Amt	2	Temp Vac		4		
PROB SUP 1	51017859	GRP 12	FT	T	08/11/2023	PROBATION SERVICES - JUVENILE/FAM CRT.	110		67,914.00		01	88.000
0.00	Perm Budget Amt		0	Perm Vac	67,914.00	Temp Budget Amt	1	Temp Vac		1		

Totals for Probation

127,858.00	Perm Budget Amt		2	Perm Vac	195,772.00	Temp Budget Amt	3	Temp Vac		5		

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	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		1		
ACCOUNTANT	51016403	GRP 09	FT	P	07/29/2023	ACCOUNTING AND FISCAL MANAGEMENT	110		55,216.00		01	64.000
55,216.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
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		4		
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		1		
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		2		
HIV AID PR N	51009237	GRP 05	FT	T	07/15/2023	BEHAVIORAL RISK & DISEASE PREVENTION	110		43,605.00		01	64.000
0.00	Perm Budget Amt		0	Perm Vac	43,605.00	Temp Budget Amt	1	Temp Vac		1		
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	08/04/2023	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		4		
JR ADM ASST	51018052	GRP 07	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		48,978.00		01	91.000

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
48,978.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
JR EPID	51016615	GRP 09	FT	P	09/11/2021	SURVEILLANCE & EPIDEMIOLOGY	110		55,216.00		01	64.000
55,216.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1	
MED CARE ADM	00006365	GRP 13	FT	P	07/24/2023	TB OUTREACH	110		73,524.00		01	64.000
73,524.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1	
PARAMEDIC I	51018027	GRP 09	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		55,216.00		01	91.000
	51018028	GRP 09	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		55,216.00		01	91.000
	51018029	GRP 09	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		55,216.00		01	91.000
	51018030	GRP 09	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		55,216.00		01	91.000
	51018031	GRP 09	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		55,216.00		01	91.000
276,080.00	Perm Budget Amt			5	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		5	
PARAMEDIC II	51017997	GRP 10	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		58,644.00		01	91.000
	51017998	GRP 10	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		58,644.00		01	91.000
	51017999	GRP 10	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		58,644.00		01	91.000
	51018000	GRP 10	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		58,644.00		01	91.000
	51018026	GRP 10	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		58,644.00		01	91.000
293,220.00	Perm Budget Amt			5	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		5	
PEER NAV SUD	51015730	GRP 03	FT	P	02/13/2023	OPIOID OVERDOSE PREVENTION	110		40,312.00		01	64.000
40,312.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1	
PH NURSE	00007626	GRP 09	FT	T	07/02/2023	TB OUTREACH	110		62,756.00		01	64.000
0.00	Perm Budget Amt			0	Perm Vac	62,756.00	Temp Budget Amt	1	Temp Vac		1	
PHEMPREP COR	51016735	GRP 09	FT	T	07/29/2023	EMERGENCY PREPAREDNESS & RESPONSE	110		55,216.00		01	64.000
0.00	Perm Budget Amt			0	Perm Vac	55,216.00	Temp Budget Amt	1	Temp Vac		1	
SCENE INV	51000970	GRP 08	FT	P	07/19/2023	MEDICAL EXAMINER'S OFFICE	110		51,967.00		01	100.000
	51013929	GRP 08	FT	P	02/09/2023	MEDICAL EXAMINER'S OFFICE	110		51,967.00		01	100.000
	51017888	GRP 08	FT	P	01/01/2023	MEDICAL EXAMINER'S OFFICE	110		51,967.00		01	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
155,901.00	Perm Budget Amt			3	Perm Vac	0.00	Temp Budget Amt		0	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												
1,951,661.00	Perm Budget Amt			36	Perm Vac	277,473.00	Temp Budget Amt		5	Temp Vac		41		

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	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	02/06/2021	ADMINISTRATION-BOE - DEM.	110		46,209.00		05	100.000
	51004928	GRP 06	FT	P	01/28/2023	ADMINISTRATION-BOE - DEM.	110		46,209.00		05	100.000
	51004934	GRP 06	FT	P	01/01/2022	ADMINISTRATION-BOE - REP.	110		46,209.00		05	100.000
	51007031	GRP 06	FT	P	09/28/2020	ADMINISTRATION-BOE - DEM.	110		46,209.00		05	100.000
	51008969	GRP 06	FT	P	02/11/2023	ADMINISTRATION-BOE - DEM.	110		46,209.00		05	100.000
	51009356	GRP 06	FT	P	01/09/2021	ADMINISTRATION-BOE - REP.	110		46,209.00		05	100.000
	51010510	GRP 06	FT	P	08/02/2019	ADMINISTRATION-BOE - REP.	110		46,209.00		05	100.000
	51013177	GRP 06	FT	P	02/22/2021	ADMINISTRATION-BOE - REP.	110		46,209.00		05	100.000
	51014311	GRP 06	FT	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	12/17/2022	ADMINISTRATION-BOE - DEM.	110		41,689.00		05	100.000
	51010548	GRP 04	FT	P	03/22/2021	ADMINISTRATION-BOE - DEM.	110		41,689.00		05	100.000
	51010579	GRP 04	FT	P	11/06/2021	ADMINISTRATION-BOE - DEM.	110		41,689.00		05	100.000
	51012039	GRP 04	FT	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		
MACH 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	12/09/2014	ADMINISTRATION-BOE - DEM.	110		48,978.00		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
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

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
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-BOE - DEM.	110		23,105.00		05	100.000
	51008525	GRP 06	RPT	P	06/09/2023	ADMINISTRATION-BOE - REP.	110		45,054.00		05	100.000
	51013452	GRP 06	RPT	P	01/01/2018	ADMINISTRATION-BOE - REP.	110		45,054.00		05	100.000
	51013453	GRP 06	RPT	P	01/20/2018	ADMINISTRATION-BOE - 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	51007130	GRP 04	RPT	P	07/14/2023	ADMINISTRATION-BOE - DEM.	110		40,647.00		05	100.000
	51007554	GRP 04	RPT	P	12/15/2020	ADMINISTRATION-BOE - REP.	110		40,647.00		05	100.000
81,294.00 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
	51005446	GRP 07	RPT	P	07/26/2023	ADMINISTRATION-BOE - DEM.	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
96,731.00 Perm Budget Amt					3 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		3		
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

2,058,159.00 Perm Budget Amt					43 Perm Vac	0.00 Temp Budget Amt		0 Temp Vac		43		

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
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 1

Totals for County Attorney - Dept of Law

0.00 Perm Budget Amt 0 Perm Vac 48,978.00 Temp Budget Amt 1 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
JR PERS SP	51017952	GRP 10	FT	P	01/01/2023	CIVIL SERVICE ADMINISTRATION	110		58,644.00		01	100.000
58,644.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		
CH ETH OF RP	51017953	GRP 15	RPT	P	01/01/2023	OFFICE OF ETHICS	110		66,915.00		07	100.000
66,915.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1		

Totals for Personnel

125,559.00	Perm Budget Amt		2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		2		

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
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	0.00	Temp Budget Amt	0	Temp Vac			1		
PLANNER	51006310	GRP 10	FT	T	07/01/2023	PLANNING	110		58,644.00		01	100.000
0.00	Perm Budget Amt	0	Perm Vac	58,644.00	Temp Budget Amt	1	Temp 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	0.00	Temp Budget Amt	0	Temp Vac			1		

Totals for Environment & Planning Divis'n

125,491.00	Perm Budget Amt	2	Perm Vac	58,644.00	Temp Budget Amt	1	Temp Vac		3	

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	ELLICOTT CREEK PARK	110		53,364.00		02	100.000
	0.00 Perm Budget Amt		0 Perm Vac		53,364.00 Temp Budget Amt		1 Temp Vac			1		
PK MN WK I	51011826	GRP 03	FT	T	07/01/2023	ELLICOTT CREEK PARK	110		40,776.00		03	100.000
	0.00 Perm Budget Amt		0 Perm Vac		40,776.00 Temp Budget Amt		1 Temp Vac			1		

Totals for Parks

0.00 Perm Budget Amt 0 Perm Vac 94,140.00 Temp Budget Amt 2 Temp Vac 2

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	100.000

63,929.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

Totals for Central Police Services

63,929.00 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
BLDG GD	51018054	GRP 06	FT	P	07/22/2023	BUILDING SECURITY	110		42,301.00		01	100.000

42,301.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

Totals for Emergency Services

42,301.00 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
Totals for FUND 110												

13,256,434.00 Perm Fund Amt 243 Perm Vac 8,261,987.00 Temp Fund Amt 164 Temp Vac 407

Run Totals: Total Perm Vac 243 Total Temp Vac 164 Total Vacancies 407 Total Positions 4,016 Percent 10%

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

COMM. 18D-3	COUNTY ATTORNEY	Local Law No. 3 - A Local Law in Relation to Ensuring that Service-Disabled Veterans have Greater Participation in Erie County Contracts - State Filing Receipt

Attachments

23COMM. 18D-3

EC LEG SEP 27 '23 PM4:35

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

September 25, 2023

(Via Hand-Delivery)
Hon. Robert Graber
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Local Law No. 3 A Local Law in relation to ensuring that service-disabled veterans have greater participation in Erie County contracts.
Our File No.: 22-20230012

Dear Hon. Robert Graber:

Enclosed please find a copy of the New York Department of State filing receipt 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, Esq.
Assistant County Attorney

GPK/lda
Enclosure

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
HTTPS://DOS.NY.GOV

KATHY HOCHUL
GOVERNOR

ROBERT J. RODRIGUEZ
SECRETARY OF STATE

August 23, 2023

RECEIVED
AUG 30 2023
ERIE COUNTY
DEPARTMENT OF LAW

Jeremy C Toth
Erie County Attorney
95 Franklin Avenue
Room 1634
Buffalo NY 14202

RE: County of Erie, Local Law 3 2023, filed on August 10 2023

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492

NEW YORK STATE OF OPPORTUNITY. | Department of State

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

COMM. 18D-4	COUNTY ATTORNEY	Local Law No. 5 - A Local Law Providing for the Extended Lease of Real Property Located at 13 Centre Drive - Local Law Filing

Attachments

23COMM. 18D-4

EC LEG SEP 29 '23 AM11:48

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

September 28, 2023

Via Hand-Delivery
Hon. Robert Graber
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Local Law No. 5 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).
Our File No.: 22-20230022

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. 6-1-2023** on **September 27, 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 27 day of **September, 2023**.

Mark C. Poloncarz

A Public Hearing was held on the foregoing **Local Law Intro. No. 6-1-2023** on **September 27, 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 **September, 2023.**

Mark C. Poloncarz

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

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. 5 **of the year 20** 23

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).
(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 – 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.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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

(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 *(Name of Legislative Body)*
provisions of law.

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. of 20 23 of the (County)(~~City)(Town)(Village~~) of Erie was duly passed by the Erie County Legislature on September 21 2023, and was (approved)(~~not approved~~) *(Name of Legislative Body)*
(~~repassed after disapproval~~) by the Erie County Executive and was deemed duly adopted *(Elective Chief Executive Officer*)*
on September 27 20 23, in accordance w ith the applicable provisions of law.

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) *(Name of Legislative Body)*
(repassed after disapproval) by the _____ on _____ 20____. *(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) *(Name of Legislative Body)*
(repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)*
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.

* 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

(Seal)

Date: 1/09/23

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

COMM. 18D-5	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County

Attachments

23COMM. 18D-5

EC LEG OCT 2'23 AM11:03

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

MEMORANDUM

TO: Robert M. Graber, Clerk, Erie County Legislature

FROM: Jeremy C. Toth, Erie County Attorney

DATE: September 29, 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 20 new claims brought against the County of Erie. The claims are as follows:

Claim Name

1. Samuel Tillman v. County of Erie, et al.;
2. Emily Schrock v. County of Erie, et al.;
3. Dawn M. Kurcz v. County of Erie, et al.;
4. Eric Frauenhofer v. County of Erie;
5. Vonda Moore v. County of Erie, et al.;
6. Shahzad Shah v. County of Erie;
7. Alison and Richard Hull v. County of Erie;
8. Josephine Swanson v. County of Erie, et al.;
9. Erik McCarthy v. County of Erie, et al.;
10. Yasheiris Rivera v. County of Erie;
11. Denneceia Foster, PNG of Alaya McClure v. County of Erie, et al.;
12. Nathan Wheeler v. County of Erie, et al.;
13. Mason Kron v. County of Erie, et al.;
14. Luis Torres for Catalina Torres, Deceased, v. County of Erie, et al.;
15. Brandon Moore v. County of Erie, et al.;
16. Angelia Carrig v. County of Erie;

17. Steven Kennedy v. County of Erie, et al.;
18. Benjamin Kestel v. ECSO;
19. Tiffany Johnson for Jayce Johnson v. County of Erie, et al.; and
20. Frederick Oehler v. Theresa Nietzel, et al.

JCT:dld
Attachments

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

August 2, 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:	*Tillman, Samuel v. County of Erie, et al.*
Document Received:	Notice of Motion with Motion
Name of Claimant:	Samuel Tillman ICN #114510b Erie County Correctional Facility 11581 Walden Avenue Alden, New York 14004
Claimant's attorney:	Claimant is proceeding *pro se*

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

State of New York
County of Erie

PAID
03/22/2023/ 11:15:58
ERIE COUNTY CLERK
RCPT # 23U39125
I 002000012

In the matter of the application of

Samuel Tillman
Petitioner

-v-

Erie County Sheriff. John Garcia
Commissioner Yolonda Canty
Respondent

Petition

Index # I-2023-000012-

FILED
ACTIONS & PROCEEDINGS
MAR 22 2023
ERIE COUNTY
CLERK'S OFFICE

for a judgment pursuant to Article 78 of the NYS Civil Practice Laws and Rules

To: _____

This Petition, of Samuel Tillman, duly sworn to and complaining of the Respondent, respectfully alleges:

Petitioner is an inmate at the Erie County Correctional Facility, 11581 Walden Avenue, Town of Alden, County of Erie, State of New York 14004.

Respondent is Sheriff. John Garcia Erie County Sheriff's Office
Commissioner Yolanda Canty Commission of Correction.

The grounds for this complaint and Petition are: On June 30, 2022 a grievance was commenced for violation(s) of Petitioner's fourth and fifth amendments Constitutional rights by Erie County Sheriffs Staff members, who Stole and destroyed legal documents, which has been an ongoing conspiracy in connection with Erie County Staff members withholding incoming and outgoing privileged correspondence (Legal Mail), harassment and retaliation.

WHEREFORE, Petitioner respectfully prays that a judgment be entered pursuant to Article 78 of the NYS Civil Practice Laws and Rules:

vacating and setting aside Respondent's determination of: The grievance that was denied and affirmed by respondents on the dates of July 5, 2022 and August 11, 2022

AND/OR

directing Respondent to: Provide why was patitioner denied relief for the aforementation grievance that was commenced.

and for such other and further relief as this Court may deem just and proper.

Date: 11/21/22

Samuel Tillman

Signature, Petitioner Pro Se
11581 Walden Avenue
Alden, New York 14004

Sworn to before me on
this 21st day of
November 2022

Ronald Dolyk

Notary Public

RONALD DOLYK
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2022

VERIFICATION

In the matter of the application of

Samuel Tillman
Petitioner

-v-

Erie County Sheriff John Garcia
Commissioner Yolonda Canty
Respondent

for a judgment pursuant to Article 78 of the NYS Civil Practice Laws and Rules

Samuel Tillman, the above named Petitioner, being duly sworn, deposes and says that the contents of the foregoing petition are well known to him/her, and that same is true to his/her own knowledge, except as to matters therein stated on information and belief, and as to those matters (s)he believes it to be true.

Dated: 11/21/22

Samuel Tillman
Signature, Petitioner Pro Se

Samuel Tillman
Print Name of Petitioner

Sworn to before me this 21st
day of November, 2022

Ronald Dolyk
Signature, Notary Public

RONALD DOLYK
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2022

State of New York
County of Erie

In the matter of the application of

Petitioner

-v-

Respondent

for a judgment pursuant to Article 78 of the NYS Civil Practice Laws and Rules

Affidavit in support of order to show cause

Index # I-2023-000012

State of New York)
County of Erie) SS:
)

I, Samuel Tillman, being duly sworn, depose and say that:

I am the Petitioner I the above-entitled proceeding.

I make this affidavit in support of my annexed application for an Order to show cause to prosecute the attached petition pursuant to Article 78 of the New York Civil Practice Laws and Rules which challenges: The determination of the affirmed grievance dated on June 30, 2022 by State administrator.

The facts surrounding this Petition are as follows: On June 30, 2022 a grievance was filed fo violation of inmate rights. [redacted] Destroyed legal Documents, retaliation and harassment by Erie County Sheriff Staff members. On July 5, 2022 investigati was concluded and grievance was denied on merits, on July 11, 2022 grievanc was forwarded to the commission of correction, Citizen's Policy Complaint fo further review. Due to the fact my privileged correspondence (Legal Mail being withheld, by request on 11/11/22 I recieved a late response a day or two later. The letter, was dated August 11, 2022 Saying that further

Petitioner seeks to proceed by Order to Show Cause rather that by Notice of Petition because: Petitioner is an incarcerated individual in Custody of the Erie County Sheriff's department.

Petitioner, being incarcerated at the Erie County Correctional Facility, 11581 Walden Avenue, Town of Alden, County of Erie, also cannot effect personal service of the within papers and respectfully requests that timely service by U. S. mail be deemed sufficient.

Petitioner designates Erie County as the place of venue.

No previous application for the relief sought herein has been made.

I have moved by the annexed affidavit for a waiver of filing fees.

WHEREFORE, Petitioner respectfully prays that this Court enter an order directing Respondent to show cause why a judgment should not be made and entered pursuant to Article 78 of the Civil Practice Law and Rules, and granting such other relief as this Court may deem just and proper.

Date: 11/21/22

Samuel Dillon

Signature, Petitioner Pro Se
11581 Walden Avenue
Alden, New York 14004

Sworn to before me on
this 21st day of
November, 2022

Ronald Dolyk

Notary Public

RONALD DOLYK
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2022

7

State of New York
Erie County
Supreme Court
----------x

Samuel Tillman
Petitioner/Plaintiff

v Erie County Sheriff John Garcia
Commissioner Yolanda Lett
Respondent/Defendant
----------x

Affidavit in Support of Application Pursuant to CPLR 1101 (f) (Reduced Filing Fee)

Index/File # I-2023-000012
DIN #
NYSID # 12784472

State of New York)
) SS:
County of Erie)

I, Samuel Tillman, being duly sworn, hereby declare as follows:

1) I am the Petitioner/Plaintiff in the above-entitled proceeding, I am a sentenced inmate in a federal, state or local correctional facility (state place of incarceration: Erie County Correctional Facility, and I submit this affidavit in support of my application for a reduction of the filing fee pursuant to CPLR 1101 (f).

2) I currently receive income from the following sources, exclusive of correctional facility wages: None

3) I own the following valuable property (other than miscellaneous personal property):

☑ NONE

1) List Property: Value:

4) I have no savings, property, assets or income other than as set forth herein.

*Will be assigned by the Court/County Clerk

5) I am unable to pay the total fee necessary to prosecute this procedure.
6) No other person who is able to pay the total filing fee has a beneficial interest in the result of this proceeding.
7) The facts of my case are described in my claim and other papers filed in the court.
8) I have made no prior request for this relief in this case.
9) My date of birth is 3/14/90.
10) NYSID # 12784479.
11) Aliases (*if any*) N/A.

Samuel Tillman
(signature)

Sworn to before me this 2nd day of January, 2023.

Ronald Dolyk
Notary Public

RONALD DOLYK
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2024

AUTHORIZATION

I, Samuel Tillman, inmate number 114510, request and authorize the agency holding me in custody to send to the Clerk of the Court certified copies of the correctional facility trust fund account statement (or the institutional equivalent) for the past six months.

I further request and authorize the agency holding me in custody to calculate the amounts specified by CPLR 1101 (f)(2), to deduct those amounts from my correctional facility trust fund account (or the institutional equivalent) and to disburse those amounts as instructed by the Court.

This authorization is furnished in connection with the above entitled case and shall apply to any agency into whose custody I may be transferred.

I UNDERSTAND THAT THE ENTIRE FILING FEE AS DETERMINED BY THE COURT WILL BE PAID IN INSTALLMENTS BY AUTOMATIC DEDUCTIONS FROM MY CORRECTIONAL FACILITY TRUST FUND ACCOUNT EVEN IF MY CASE IS DISMISSED.

Samuel Tillman
(signature)

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

August 2, 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:	*Schrock, Emily v. County of Erie, Village of Akron*
Document Received:	Notice of Claim
Name of Claimant:	Emily Schrock 19 Randy Drive Akron, New York 14001
Claimant's attorney:	Gregory V. Pajak, Esq. Cellino Law 800 Delaware Avenue Buffalo, New York 14209

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

SUPREME COURT OF THE STATE
OF NEW YORK
COUNTY OF ERIE
****

EMILY SCHROCK
19 Randy Drive
Akron, New York 14001

Claimant,

v.

NOTICE OF CLAIM

COUNTY OF ERIE
Department of Law
95 Franklin Street, 16th Floor
Buffalo, New York 14202

VILLAGE OF AKRON
21 Main Street
P.O. Box 180
Akron, New York 14001

Respondents,

****

PLEASE TAKE NOTICE, that the above named Claimant claims and demands from the Respondents, County of Erie and Village of Akron, recompense for personal injuries and damages sustained by infant claimant by reason of the wrongful, negligent and careless acts and omissions of the respondent, its agents, servants and/or employees, and in support thereof, the claimant states:

1. Claimant's address is 19 Randy Drive, Akron, New York 14001.

2. The Claimant is represented by Cellino Law with offices located at 800 Delaware Avenue, Buffalo, New York 14209. The incident in which personal injuries were sustained by the claimant occurred on or about June 5, 2023 when she tripped/fell over a defect in the gravel parking lot located at Akron Falls Park, 44 Parkview Drive,

Akron, New York (adjacent to shelter # 9) consisting of concrete which was improperly placed and/or not removed and/or not covered by a sufficient depth of gravel.

3. By virtue of the negligence of the employees, agents or servants of Respondents, County of Erie and Village of Akron, Claimant has incurred medical and hospital expenses, which are to date undetermined and will incur loss of earnings, impairment of health and permanent injuries.

4. Upon information and belief, Claimant will be obligated further medical expenses including drugs, medicines and prosthetic devices, the amount of which cannot be reasonably calculated at this time.

TAKE NOTICE that Claimant demands payment of his claim as set forth above.

DATED: Buffalo, New York
June 20, 2023

CELLINO LAW LLP

By: _____

Gregory V. Pajak, Esq.
Attorneys for Claimant
800 Delaware Avenue
Buffalo, NY 14209
(716) 888-2020

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE : SS.:
)

Emily Schrock 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 the knowledge of the deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters she believes them to be true.

Emily Schrock

STATE OF NEW YORK)
COUNTY OF ERIE : SS.:
)

On the 26 day of June, in the year 2023 before me, the undersigned, personally appeared Emily Schrock, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in his capacity and that by its signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Notary Public/Commissioner of Deeds

KATHERINE RUTH APHOLZ
Notary Public - State of New York
NO. 01AP6443734
Qualified in Erie County
My Commission Expires Nov 7, 2026

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

August 2, 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:	*Kurcz, Dawn M. v. County of Erie, et al.*
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Dawn M. Kurcz 56 Sirret Street Buffalo, New York 14220
Claimant's attorney:	Claimant is proceeding *pro se*.

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF HUMAN RIGHTS on the Complaint of

DAWN M. KURCZ,

Complainant,

v.

ERIE COUNTY, WENDY COOK,

Respondents.

COMPLAINT
Pursuant to Executive Law, Article 15

Case No.
10226955

Federal Charge No. 16GC304608

I, Dawn M. Kurcz, residing at 56 Sirret Street, Buffalo, NY, 14220, charge the above named respondents, whose address is 95 Franklin St., Rm. 1634, Buffalo, NY, 14202 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of age, creed, opposed discrimination/retaliation.

Date most recent or continuing discrimination took place is 5/2/2023.

The allegations are:

SEE ATTACHED

Based on the foregoing, I charge respondents with an unlawful discriminatory practice relating to employment because of age, creed, opposed discrimination/retaliation, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

I also charge the above-named respondents with violating Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex relating to employment). I also charge the above-named respondents with violating the Age Discrimination in Employment Act (ADEA) as amended (covers ages 40 years of age or older in employment). I hereby authorize SDHR to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission (EEOC) subject to the statutory limitations contained in the aforementioned law(s).

New York State Division of Human Rights Complaint Form

Individual filing the complaint

Please provide the information requested below.

First Name

Dawn

Middle Intial

M

Last Name

Kurcz

Street Address

56 Sirret Street

City

Buffalo

State

NY

Zip

14220

Are you completing this form for someone else?

No

RECEIVED
MAY 05 2023
Buffalo EFAX/INBOX

Your complaint

Jurisdiction

Employment

Employment

Please specify where the discrimination occurred

Employment (including paid internship and domestic workers)

Are you currently working for the employer you are filing against?

Yes

Date of hire

05/23/2003

Position held or applied for

Senior social welfare examiner

For employment and internships, how many employees does this person/company have?

20 or more

Acts of alleged discrimination: What did the person/company you are complaining against do? Check all that apply

Denied me promotion/pay raise
Gave me a disciplinary notice or negative performance review
Gave me different or worse job duties than other workers doing the same job
Harassed or intimidated me on any basis indicated here

Basis

Basis of alleged discrimination in employment:

Age (if you are at least 18 years of age; those under 18 are protected for all other characteristics listed below)
Creed/Religion (religious membership, belief, practice, or observance, including sabbath or holy day observance, or wearing of attire, clothing or facial hair in accordance with your religion; or discrimination because you do not have a religious belief)
Retaliation (if you filed a discrimination case before, were a witness or helped someone else with a discrimination case, or opposed or reported discrimination due to category listed on this page)

Please specify creed/religion:

Pagan

Date of birth

12/25/1970

Please specify what you did to oppose discrimination or how you engaged in protected activity.

I am doing my job no negative evaluations being micromanaged while anything goes also was vocal about current union breaking tactics

You are filing a complaint against

Entity that discriminated against you:

Name of entity

Erie County department of social service

Street Address

95 Franklin St

City

Buffalo

State

NY

Zip

14202

In what county or borough did the violation take place?

Erie

Phone Number

716

Email address

Fax Number

Company Website

Www.erie.gov

Please provide the name, last name, and title of individual people who discriminated against you.

Wendy Cook, sue jester, Dan from the county commissioners office

Please provide the email addresses of individual people who discriminated against you.

Wendy.cook@erie.gov
Sue.Jester@erie.gov
CHABRENNA.MARKS@erie.gov

Date of the most recent act of alleged discrimination

05/02/2023

Description of discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and other details. You must explain why you think these acts were discriminatory and how these acts are connected to the protected class (race, color, sex, disability, etc.) you selected previously.

escorting them out at the end of the day approximately 2-3 months ago

4/6/23 dragged into wendy office over random moments not being filled out in March, told again today 5/2/23 of the same incident

4/10/23 called into wendys office no case given just told not to talk to other peoples client

5/2/23 I guess im not really a senior and I am not allowed to train or show people how to do their job(Diane Doster)

So im good enough to run 3 floats and my load but not good enough to train.

Declaration

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice. (If you have another action pending and still wish to file, please contact our office to discuss.)

Please initial:

Dmk

I affirm under penalties of perjury, that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and know the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believe the same to be true.

Dawn m kurcz

Enter today's date.

05/05/2023

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

August 3, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Frauenhofer, Eric v. County of Erie*
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Eric Frauenhofer 59 Hawthorne Avenue Buffalo, New York 14223
Claimant's attorney:	Claimant is proceeding *pro se*.

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF HUMAN RIGHTS on the Complaint of

ERIC FRAUENHOFER,

Complainant,

v.

COUNTY OF ERIE,

Respondent.

COMPLAINT
Pursuant to Executive Law, Article 15

Case No.
10226867

Federal Charge No. 16GC304553

I, Eric Frauenhofer, residing at 59 Hawthorne Avenue, Buffalo, NY, 14223, charge the above named respondent, 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 sex.

Date most recent or continuing discrimination took place is 5/31/2023.

The allegations are:

SEE ATTACHED

Based on the foregoing, I charge respondent with an unlawful discriminatory practice relating to employment because of sex, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

I also charge the above-named respondent with violating Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex relating to employment). I hereby authorize SDHR to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission (EEOC) subject to the statutory limitations contained in the aforementioned law(s).

New York State Division of Human Rights Complaint Form

Individual filing the complaint

Please provide the information requested below.

First Name

Eric

Middle Intial

Last Name

Frauenhofer

Street Address

59 Hawthorne Avenue

City

Buffalo

State

NY

Zip

14223

Are you completing this form for someone else?

No

RECEIVED
MAY 31 2023
Buffalo EFAX/INBOX

Your complaint

Jurisdiction

Employment

Employment

Please specify where the discrimination occurred

Employment (including paid internship and domestic workers)

Are you currently working for the employer you are filing against?

No

Date of hire

03/27/2023

Last day of work

05/31/2023

Position held or applied for

Autopsy Technician

For employment and internships, how many employees does this person/company have?

20 or more

Acts of alleged discrimination: What did the person/company you are complaining against do? Check all that apply

Fired me/laid me off
Denied me training
Gave me a disciplinary notice or negative performance review
Gave me different or worse job duties than other workers doing the same job
Harassed or intimidated me on any basis indicated here
Other - Write In (Required): Treated me differently because I am a male

Basis

Basis of alleged discrimination in employment:

Sex (because of your gender, includes sexual stereotyping, sexual harassment, pregnancy)

Please specify sex:

Male

You are filing a complaint against

Entity that discriminated against you:

Name of entity

Erie County Office of the Medical Examiner

Street Address

501 Kensington Avenue

City

Buffalo

State

NY

Zip

14214

In what county or borough did the violation take place?

Erie

Phone Number

(716) 961-7591

Email address

Fax Number

(716) 961-7581

Company Website

https://www3.erie.gov/health/medical-examiner

Please provide the name, last name, and title of individual people who discriminated against you.

Janine Blank
James McClure
Tara Mahar
Katherine Maloney
Alexandra Hart
Stacey Reed
Sara Ohanessian
Chelsea Markulius
Megan Anderson
Stephanie Coleman
Shannon Cochrane

Date of the most recent act of alleged discrimination

05/31/2023

Description of discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and other details. You must explain why you think these acts were discriminatory and how these acts are connected to the protected class (race, color, sex, disability, etc.) you selected previously.
If you have supporting documentation or evidence, you may provide it later.

I applied in February 2023 to the Erie County Office of the Medical Examiner for their open Autopsy Technician position, which was a new position to add a fifth autopsy technician to the office. I interviewed in-person for the position in March 2023, I was later hired and then subsequently began my position on 03/27/2023. I was made aware within my first few days of employment that one of the existing autopsy technicians, Chelsea Markulius, will be the one solely responsible for the majority, if not all, of my training. Within the first few weeks of my employment, Mrs. Markulius informed me that the office hired me specifically for the position because I am a male. Ms. Markulius further shared with me that because all of the autopsy staff (consisting of four autopsy technicians other than myself: Mrs. Markulius, Ms. Megan Anderson, Mrs. Stephanie Coleman, and Ms. Shannon Cochrane; and five forensic pathologists: Dr. Tara Maher, Dr. Katherine Maloney, Dr. Alexandra Hart, Dr. Stacey Reed, and Dr. Sara Ohanessian) were all female and because of that there is a lot of drama, emotions run high, and, according to Mrs. Markulius, "when one of us gets bitchy, we all get bitchy". So they wanted to hire a male for the fifth autopsy technician so, as according to Mrs. Markulius, I would, as a male, not be affected by the drama, emotions running high, and would not be affected when one, and subsequently all of them, get "bitchy". Additionally, Mrs. Markulius further stated to me that because I am a male and wouldn't be affected by all the drama and negativity between my female co-workers, I would be able to work through everything unaffected and therefore be able to pick up the slack (by doing more work shared amongst the 5 autopsy technicians) when they are upset. Because I had prior work-related experience, the majority of my training focused on making sure I was able to work to perform the work of an autopsy technician independently and without any assistance, in the event I was scheduled to work alone or had to work alone due to sickness, inclement weather, or so on. I understood this requirement and do not believe this kind of training contributed to any harassment against. However, because there existed the idea that I was a hired as a male and would therefore not be affected by anything, whenever I had any reasonable hiccup in my training, many of the autopsy staff, predominantly Mrs. Markulius as she was my primary trainer, would yell at me, berate me, being condescending towards me, and such, both in front of others and not in front of others. Despite having six months to prove I was able to work independently, they wanted me to be able to work independently less than three months into my employment. This caused the amount of negative treatment toward me to escalate over time, especially within the last two weeks as my first scheduled shift to work by myself was approaching. After weeks of working in a hostile environment, it started to negatively affect my mental health and work performance. I therefore asked, through e-mail to Ms. Blank, if I could meet with her, which she agreed to. I tried to discuss with my supervisors, Ms. Janinne Blank and Mr. James McClure, on 05/25/2023 that the constant yelling and negative attitude/treatment toward me has been making me feel uncomfortable, has been negatively affecting me, and negatively affecting my work performance, which, as I shared with Ms. Blank and Mr. McClure, I was concerned about that being used against me in any performance evaluation, especially since I was still in my six month probationary period. Ms. Blank and Mr. McClure seemed to brush this off as "interpersonal issues" that I was responsible for and that there was nothing they could do with it. I told Ms. Blank and Mr. McClure that I was concerned that, based on what Mrs. Markulius told me regarding why I was hired (for being a male), that that is the reason I am being treated the way I am. Ms. Blank told me I was not hired because I was a male, but rather because I was a diversity hire. Ms. Blank told me they narrowed the candidates for the position down to two, one female and myself. Ms. Blank said they hired me, not entirely because of my experience, but because they wanted to diversity the autopsy staff by adding a male to the team. I told her I believe this is why I am being treated the way that I am. Both Ms. Blank and Mr. McClure seemed to dismiss my concerns as being just my "perception" and that they therefore could not do anything to change that. After feeling dismissed and not feeling heard, I agreed to end the discussion as I felt I was wasting their time and they could use that against me when deciding whether to keep me past my probationary period or not. Nearly a week later, on 05/30/2023, I received an e-mail from Dr. Katherine Maloney, stating to me that I should not have done something I did earlier that morning. I replied to Dr. Maloney that I did what I did because that is how several of my peers, other autopsy technicians, trained me to do on several different occasions since I began employment there. I also shared with Dr. Maloney that I felt this was part of a larger on-going issue regarding the autopsy staff treating me in a way that they did not treat anyone else within the autopsy staff. Dr. Maloney CC'd Dr. Tara Mahar and Ms. Blank on her e-mail to me. I subsequently sent my response to Dr. Maloney as a reply all. The next morning, on 05/31/2023, I was notified via e-mail from Ms. Blank to report to her office. When I did, she asked me to shut the down and she, and Mr. McClure who was also present, informed me I am being terminated. They said the reason was because I was "not a good fit" and that my e-mails showed that I was not happy being there, which I had tried to tell her was because I have been negatively affected working in such a hostile environment, but it kept being dismissed. Ms. Blank and Mr. McClure said I was not being terminated due to my work performance, the quality of my work, time or attendance issues, the progress on my training, or anything like that. But rather, as Ms. Blank and Mr. McClure kept insisting to me, I was being terminated because I was not a good fit. I believe this goes back me being hired as a "diversity hire" as they told me on 05/25/2023 and what Mrs. Markulius told me several weeks prior, that I was hired because I was a male. I believe they thought they could treat me differently because I was a male and when it began to negatively affect me, including negatively affecting my mental health and work performance, and tried to have discussions with Ms. Blank and Mr. McClure, that is when they decided to terminate me.

Declaration

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice. (If you have another action pending and still wish to file, please contact our office to discuss.)

Please initial:

EF

I affirm under penalties of perjury, that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and know the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believe the same to be true.

Eric Frauenhofer

Enter today's date.

05/31/2023

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

August 4, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Moore, Vonda v. County of Erie, et al.*
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Vonda Moore 2216 Weston Avenue Niagara Falls, New York 14305
Claimant's attorney:	Claimant is proceeding *pro se*.

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF HUMAN RIGHTS on the Complaint of

VONDA M. MOORE,

Complainant,

v.

COUNTY OF ERIE, JAMES G. BALYS, SANDRA AMOIA,

Respondents.

COMPLAINT
Pursuant to Executive Law, Article 15

Case No.
10227290

Federal Charge No. 16GC304839

I, Vonda M. Moore, residing at 2216 Weston Ave., Niagara Falls, NY, 14305, charge the above named respondents, whose address is Attn: Jeremy C. Toth, Esq.
First Assistant County Attorney
95 Franklin St., Rm. 1634, Buffalo, NY, 14202 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of age, race/color.

Date most recent or continuing discrimination took place is 12/16/2022.

The allegations are:

SEE ATTACHED

Based on the foregoing, I charge respondents with an unlawful discriminatory practice relating to employment because of age, race/color, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

I also charge the above-named respondents with violating Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex relating to employment). I also charge the above-named respondents with violating the Age Discrimination in Employment Act (ADEA) as amended (covers ages 40 years of age or older in employment). I hereby authorize SDHR to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission (EEOC) subject to the statutory limitations contained in the aforementioned law(s).

RECEIVED
JUN 20 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: Vonda	Middle Initial/Name: M	
Last Name: Moore		
Street Address/ PO Box: 2216 Weston Avenue	Apt or Floor #:	
City: Niagara Falls	State: NY	Zip Code: 14305
If you are filing on behalf of another, provide the name of that person:	Date of birth:	Relationship:

2. Regulated Areas: Check the area where the discrimination occurred:
(If you wish to file against multiple entities, for example employer and temp agency, please file a separate complaint against each.)

- ☑ Employment *(including paid internship)*
- ☐ Internship *(unpaid)*
- ☐ Contract Work *(independent contractor, or work for a contractor)*
- ☐ Volunteer Position
- ☐ by a Labor Organization
- ☐ Apprentice Training
- ☐ by a Temp or Employment Agency
- ☐ Licensing

3. You are filing a complaint against:

Employer, Worksite, Agency or Union Name
Erie County Sheriff's Office

Street Address/ PO Box
10 Delaware Avenue

City: Buffalo	State: NY	Zip Code: 14202

Telephone Number:
716-858-7618

In what *county or borough* did the violation take place?
Erie

Individual people who discriminated against you:
Name: Sandra Arnoia Title: Superintendent
Name: James Balys Title: Chief of Compliance
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: 12-16-2022
month day year

5. For employment and internships, how many employees does this company have?
☐ 1-14 ☐ 15-19 ☑ 20 or more ☑ Don't know

6. Are you currently working for this company?

☐ Yes. Date of hire: ____ month ____ day ____ year	What is your position?
☑ No. Last day of work: 12 month 20 day 2022 year	What was your position? Nurse Educator
☐ I was never hired. Date of application: ____ month ____ day ____ year	What position did you apply for?

7. Basis of alleged discrimination:

Check *ONLY* the boxes that you believe were the reasons for discrimination, and fill in specifics only for those reasons. Please look at page 2 of "Instructions" for an explanation of each type of discrimination.

☑ **Age:** Date of Birth: 06-23-1975	☐ **Familial Status:**
☐ **Arrest Record**	☐ **Military Status:** ☐ Active Duty ☐ Reserves ☐ Veteran
☐ **Conviction Record**	☐ **Marital Status** ☐ Single ☐ Married ☐ Separated ☐ Divorced ☐ Widowed
☐ **Creed/ Religion:** Please specify: ____	☐ **National Origin:** Please specify: ____
☐ **Disability:** Please specify: ____	☐ **Predisposing Genetic Characteristic:**
☐ **Domestic Violence Victim Status**	☐ **Pregnancy-Related Condition:** Please specify: ____
☐ **Gender Identity or Expression, including the Status of Being Transgender**	☐ **Sexual Orientation:** Please specify: ____
☑ **Race/Color or Ethnicity:** Please specify: African American ☐ Trait historically associated with race such as hair texture or hairstyle	☐ **Sex:** Please specify: ____ Specify if the discrimination involved: ☐ Pregnancy ☐ Sexual Harassment

☐ **Use of Guide Dog, Hearing Dog, or Service Dog**

If you believe you were treated differently after you filed or helped someone file a discrimination complaint, participated as a witness to a discrimination complaint, or opposed or reported discrimination due to any category above, check below:

☐ **Retaliation:** How did you oppose discrimination: N/A

If you believe you were discriminated against because of your relationship or association with a member or members of a protected category listed above, indicate the relevant category(ies) above, and check below.

☑ **Relationship or association**

8. Acts of alleged discrimination: *What did the person/company you are complaining against do? Check all that apply*			
☑ Refused to hire me	☐ Gave me a disciplinary notice or negative performance review	☐ Denied my request for an accommodation for my disability, or pregnancy-related condition	☐ Sexual harassment
☑ Fired me/laid me off	☐ Suspended me	☐ Denied me an accommodation for domestic violence	☐ Harassed or intimidated me on any basis indicated above
☐ Demoted me	☐ Did not call back after lay-off	☐ Denied me an accommodation for my religious practices	☐ Denied services or treated differently by a temp or employment agency
☑ Denied me promotion/ pay raise	☐ Paid me a lower salary than other co-workers doing the same job	☐ Denied me leave time or other benefits	☐ Denied a license by a licensing agency
☐ Denied me training	☐ Gave me different or worse job duties than other workers doing the same job	☐ Discriminatory advertisement or inquiry or job application	☑ Other: Given generic interview almost a year after start date.

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.

Please see attached documents for dates, names, and people involved in acts of discrmination. 4

Also, I was never given my Health Care Worker bonus that I filled out the appropriate paperwork for and turned in.

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.

12/30/2022

I was hired to work as a contracted Nurse Educator for Erie County Sheriff's Office (ECSO) in December of 2021. During my time as a contracted employee with ECSO, I worked under the Supervision of Crystal Quinn Director of Quality Assurance/Quality Improvement (QA/QI). I assisted in the creation and implementation of several educational projects for the Correctional Health Division (CHD) staff (MAT, COVID vaccination education and clinic, retention survey for CHD staff, updated the annual nursing evaluation forms, etc.) I was also required to educate staff at both ECSO jail facilities (Erie County Holding Center (ECHC) and Erie County Correctional Facility (ECCF)), attend weekly staff meetings, and orient newly hired staff (both agency and county employees

As a contractor I had my own office in and computer at the ECSO's Administrative building at 134 W. Eagle Street and a county badge to freely go in and out of the building, as well as a laptop to work remotely from home in case of inclement weather.

On 11/1/2022 During a weekly staff meeting for Correctional Health, there was a comment made by Chief Balys about an incarcerated individual's (minority/African American) mother being upset and calling the jail and not being able to obtain information about her son. Chief Balys's commented on the mother's age and that she could have possibly had him between the ages of 12-15. This was offensive to not only myself, but my co-worker who was also the only other African American at the meeting for CHD administration. The circumstances of the mother's pregnancy are unknown and as a woman of color the comment was offensive and should have never been made, especially in a professional setting.

On 11/3/2022, I sent an email to Chief Balys regarding my job description and duties, after receiving an email from him about pictures posted by Crystal Quinn in PowerDMS (a tracking and educational tool for employee documents) in relation to the Point of Care (POC) (part of the electronic medical record (EMR)) document created by Mary Armitage RN IT Specialist. Prior to GOLIVE for the POC document, I did express to Crystal Quinn that I did not feel that this was part of my job duties, as I did not assist in the creation of the document and may not be able to answer relevant questions from staff. At this time, I again asked for a job description but never received one.

On 11/7/2022 while getting my time sheet signed by Chief Balys, I expressed to him how I felt that it should not be my job to implement the point of care (POC) document created by another employee (Mary Armitage). I expressed to him that Mary should be the one to educate on the POC document as she created it and would be able to adequately answer ALL relevant questions presented by staff. Chief Balys's response was "Why would I send my IT specialist 20 miles away to educate on this?" in reference to her making a trip to ECCF. Mary Armitage has worked at ECCF on other occasions and for overtime during my year of employment with ECSO.

On 11/15/22 During the weekly CHD meeting a topic about the severity level for crimes of incarcerated individuals came up. The example used by Chief Balys was the recent murder of an African American woman being shot in the head by her husband. Again, why did the topic have to use a person of color as the example?

On 11/16/2022, I was tasked with manually creating a PREA course in PowerDMS which included a post test for CHD staff. Employees had two weeks to complete the assignment (11/30/2022). Weeks after 12/7/2022, myself and Crystal received an email from Chief Balys stating that the PREA course for the

Annual refresher agreed upon between the NYS Attorney General and ECSO did not meet the required standards. I would think as the one of the top administrators for CH that Chief Balys should know and be able to provide an outline of Attorney General requirements prior to the creation for education. I never received anything for guidance except the JMD Orientation Handbook given to me by Crystal Quinn. It was at this point that I noticed I would receive tasks to complete at the last minute. On Friday 12/9/2022 after 2pm, I was tasked to work extra hours to manually create another course for PREA in Power DMS (PREA & Sexual Abuse) because the document needed to be completed by CHD staff no later than 12/13/2022 as part of the Annual Training.

On Tuesday afternoon 11/29/2022, I was given 6 Policies and Procedures by Crystal Quinn that needed to be reviewed with CHD staff on 11/30/2022 as part of the Annual Training. This did not give me adequate time to prepare the PowerPoint that I eventually completed before the completion of Annual training on 12/14/2022.

I was congratulated by Crystal Quinn and Jeff Demaria on the approval of my position by legislation for my position as Nurse Educator in the 2023 budget. I was also told by Crystal Quinn that the position was written to fit my qualifications and background and would include full county employee benefits so I should be able to go right into the position at the start of the new year.

On Wednesday morning 11/30/2022 I was told by Superintendent Amoia that my position (Nurse Educator) was posted in the break room and if I was interested I could apply. 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 help create/implement some of the current programs with both ECSO jail management facilities.

On 12/12/2022, I had an interview with Chief James Balys and Crystal Quinn. At the beginning of the interview, Chief Balys asked if I had received a copy of my job description. I stated no and he gave me what I felt was a generic job description. Although I requested a job description several times during my year of employment, I had never received one until the day of the interview (12/12/2022). I was originally told that the Nurse Educator position would be part of the Teamsters union, but was informed by Chief Balys during the interview that the position would be part of the NYSNA union instead. During the interview process there was nothing mentioned about other candidates having to interview for the position, when I could expect to get a response about the interview, what benefits would be included if I were to receive the job, what the salary would be, what the application process entailed or anything else. I found this to be discouraging as not only was I asked by Chief Balys before if I liked my job as the Nurse Educator, but also that they were working on getting it approved for me as a full-time county employee.

On Monday afternoon 12/12/2022 although PREA certificates were able to be tracked utilizing the PowerDMS system, I was informed by Crystal Quinn that I needed to scan the certificates and hyperlink them in Excel. When I questioned Crystal about duplicating the certificates she said we need it as back up in case the system went down. I had to again stay over to input the certificates in Excel.

On Friday December 16, 2022 at 1:06 pm, I received an email from Superintendent Amoia informing me that they had decided to go with another candidate to fill the position for Nurse Educator. Per

Superintendent Amoia, I could apply for other open RN positions. To my knowledge the only other RN positions available in the jail management facilities were floor nursing positions. I received the email two days after assisting with completion of Annual Training for CHD staff, which was a requirement and assisted in helping Erie County Sheriff's Office attaining other accreditation. Also, no explanation for why I was not chosen for the position was given in the email from Superintendent Amoia.

On 12/19/2022

Approximately 09:50am

This had a conversation with Superintendent Amoia (initiated by this writer) pertaining to what I lacked in comparison to the candidate chosen for the Nurse Educator position. Per Supeintendent Amoia, the candidate chosen had some good ideas for nurse retention and had more experience in the correctional health field. Also, the candidate would do one on one training during the orientation phase in the facilities for the new nurses to get hands on experience. This writer questioned Superintendent Amoia about making a decision based on the candidate's ideas versus what I have already done in the Nurse Educator position. Per Superintendent Amoia, they have not been able to retain staff and it is not a good idea for new hires to sit in a room all week reading policies and procedures. This writer informed Superintendent Amoia that new hires do not sit in a room all week and read policies and procedures. This writer also informed Supeintendent Amoia, that I take direction from the person in charge of QA/QI (Crystal Quinn) and hands on training is usually completed in the clinical setting (hospital/correctional health setting) with a preceptor. Per Superintendent Amoia, this isn't a hospital, staffing continues to be an issue, and they do not have the staff to train new hires so the new Educator will be able to train them in the clinical setting. Per Superintendent Amoia, new hires were making too many mistakes during the intake process and they needed less mistakes. This writer informed Superintendent Amoia, that new hires were not the only nurses making mistakes. Also, the intakes are tracked by QA/QI daily. Per Supreintendent Amoia, she directed QA/QI (Crystal Quinn) to start tracking intakes, which I was taught how to do briefly but never assigned as part of my tasks. This writer also informed Superintendent Amoia that I had never been given a job description until the day of the interview even though it was requested by this writer several times during my year of employment. This writer also questioned Superintendent Amoia about why she would tell me that they were going to legislation to get the position approved for me, but then hire someone else. Per Superintendent Amoia, the position was new (Nurse Educator) and all county employees get to interview first before anyone from the outside can interview and I am a contracted employee. Per Superintendent Amoia, Teamsters were trying to get an increase in pay for the nurses (in upwards of ($15) which is big and can help with retention.

The candidate chosen for the Nurse Educator position is Caucasian. Prior to my interview on 12/12/2022, the candidate hired for the Nurse Educator position had been making statements to other staff members in the jail facility (Erie County Holding Center) she was working in as a charge RN. The candidate stated that she wanted my position and was boasting that she pretty much had the job. Usually when job bids open, all ECSO staff members receive an email for the current and new job openings. I never received an email regarding the Nurse Educator position. The candidate chosen for the Nurse Educator position had just recently returned from maternity leave and had recently started in the Charge Nurse position before applying for the Nurse Educator position.

Also, the candidate chosen for the Nurse Educator position does not have any experience as an educator and has much less experience as an RN than I do.

Prior to the ending of my contract with Erie County Sheriff's Office, I completed all required paperwork for the Health Care Worker bonus and gave it to Sharade Aldinger (Director of Nursing) to turn in. On February 22, 2023, after being informed that the Health Care Worker bonus had been issued, I emailed administrative staff at Erie County Sheriff's Office. I received an email from Chief James Balys to contact Commissioner Brian Bray. After emails and multiple phone calls to Commissioner Bray, I still have not received a response regarding my Health Care Worker bonus.

1. False promises of hiring permanently
2. Hired Caucasian candidate with less nursing experience instead, who had just recently started the Charge RN position, which left facilities even more shortly staffed
3. Interviewed for a position I was already in (actively performing in)
4. Never really given a valid reason of why I was not hired
5. Staffing and errors continue to be an issue with seasoned/new hire employees
6. Never given a job description until day of interview (generic) 12/12/2022
7. This writer has never done the EMR portion of education (Crystal Quinn) for new hires, but being blamed for mistakes being made in intake
8. New hires get 5 days of classroom training and then hands on training in clinical setting
9. Never told that I needed to shadow new hires during intake process (told to sit in on a few intakes which I did when I first started)
10. Never received a job evaluation but criticized on education process of new hires
11. Training was implemented based on direction from QA/QI Crystal Quinn
12. Prior to me starting the Nurse Educator position, new hires received one day of orientation and during my year of employment they received 5 at the request of Chief Balys.
13. Received tasks last minute
14. Belittling comments
15. Racial Comments during weekly staff meetings
16. Health Care Worker bonus never issued

[redacted]

your system.

-

From: Amoia, Sandra <Sandra.Amoia@erie.gov>
Sent: Friday, December 16, 2022 1:06 PM
To: Moore, Vonda <Vonda.Moore@erie.gov>
Subject: Nurse Educator

Vonda,
I want to thank you for your interest in applying for the Erie County Sheriffs Office, Nurse Educator position.
At the completion of the interview process, we have chosen another candidate to fill the position.
I am formally notifying you that effective December 31, 2022, your contact will be expired.
There are currently open RN positions that you apply for if interested.
I want to personally thank you for your service this past year.

Get Outlook for iOS



...Tuesday, October 25, 2022 3:44 PM To: ...

Moore, Vonda 11/4/2022
FW: POC, NEB and Nursing Tx
...Kevin <Kevin.McGee@erie.gov>; Moore, ...

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 VM

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 17th day of June (month), 2023 (year) at Niagara Falls (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.

Vonda Moore
[Complainant name]

OATH

STATE OF NEW YORK)
COUNTY OF) SS:

Vonda Moore, 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.

Vonda Moore
Complainant signature

Subscribed and sworn to before me this 20th day of June, 2023

Signature of Notary Public

SYDNEY M DELMONTE
Notary Public - State of New York
NO. 01DE0002971
Qualified in Niagara County
My Commission Expires Mar 20, 2027

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

August 16, 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:	*Shah, Shahzad v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Shahzad Shah 1541 Love Road Grand Island, New York 14072
Claimant's attorney:	Dennis J. Bischof, Esq. 6720 Main Street, Suite 250 Williamsville, New York 14221

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

Notice of Claim

In the matter of the Claim of:

Shahzad Shah
1541 Love Road
Grand Island, New York 14072

Claimant

v.

County of Erie
95 Franklin Street
Buffalo, New York 14202

Respondent

This paper received at the
Erie County Attorney's Office
from Monique Grissing on
the 17th day of July, 2023
at 2:02 a.m. (p.m.)
AAC K
Assistant County Attorney

Please Take Notice that the above listed claimant hereby makes claim against the County of Erie for property damages, personal injuries, medical expenses and damages generally sustained by him and, in support thereof, the claimant states:

1. The post office address of the claimant is: 1541 Love Road, Grand Island, New York 14072

2. The name of the attorneys of the claimant is: Dennis J. Bischof, LLC, 6720 Main Street, Suite 250, Williamsville, New York 14221.

3. The claim arises from property damage and personal injuries sustained by said claimant through the negligence of the County of Erie as herein set forth.

4. Time when the claim arose: Tuesday June 20, 2023, at approximately 3:20p.m. Exhibit A attached MV-104.

5. At the time of the aforesaid occurrence, claimant sustained personal injuries, to hid back and neck.

6. The aforesaid accident and injuries resulting therefrom to the claimants were caused solely by the reason of the negligence, carelessness, and recklessness on the part of the respondent, with no negligence on the part of the Plaintiff contributing thereto.

As a result of the aforesaid motor vehicle accident and collision, the Plaintiff has sustained a serious injury as defined in subsections 5102 and 5104 of the Insurance Law of the State of New York.

As a result of the aforesaid motor vehicle accident Plaintiff has sustained economic loss greater than basic economic loss as defined in subsection 5102 of the Insurance Law of the State of New York.

Liability rests with respondent 100%. As a matter of law, a rear-end collision with another vehicle establishes a prima facie case of negligence on the part of the driver of the rear vehicle. Webber v. Bleiler, 270 A.D.2d 933, 705 N.Y.S.2d 473 (4th Dept. 2000) *citing* Diller v. City of New York Police Department, 269 A.D.2d 143, 701 N.Y.S.2d 432 (1st Dept. 2000). County of Erie violated VTL section 1129A by following too closely. County of Erie's failure to observe the standard imposed by statute constitutes negligence. See Martin v Herzog, 228 NY 164, 126 NE 814.

7. At the time of the aforesaid occurrence, claimant sustained property damages to his vehicle.

WHEREFORE, claimant requests that the respondent honor and pay the claims of the claimant.

Dated: July 13. 2023

Shahzad Shah

Dennis J. Bischof, LLC
Attorneys for Claimant
6720 Main Street, Suite 250
Williamsville, New York 14221
(716) 630-6500

STATE OF NEW YORK
COUNTY OF ERIE

Verification

In the matter of the Claim of:

Shahzad Shah
1541 Love Road
Grand Island, New York 14072

Claimant

v.

County of Erie
95 Franklin Street
Buffalo, New York 14202

Respondent

Shahzad Shah, being duly sworn, deposes and says that he has read the foregoing Notice of Claim and knows the contents thereof; and that the same is true to the knowledge of the deponent, except as to the matters therein stated to be alleged in information and belief, and that as to those matters, he believes it to be true.

Dated: 7-14-2023

Shahzad Shah

STATE OF NEW YORK §
COUNTY OF ERIE § SS.:

Sworn to before me
this 14 day of July, 2023

Notary Public

DENNIS J. BISCHOF, Esq.
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Sept. 26, 2026

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

August 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:	*Hull, Alison and Richard v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Alison and Richard Hull 27 Delton Street Tonawanda, New York 14150
Claimant's attorney:	Joseph L. Nicastro, Esq. Cantor, Wolff, Nicastro & Hall LLC 350 Main Street, Suite 2140 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

ALISON HULL and
RICHARD HULL,

Claimants,

vs.

COUNTY OF ERIE,

Respondent,

VERIFIED
NOTICE OF CLAIM

TO: Jeremy C. Toth, Esq.
Erie County Attorney
COUNTY OF ERIE
Erie County Hall
95 Franklin Street
Buffalo, NY 14202

Claimants, ALISON HULL and RICH HULL, by and through their attorneys, Cantor, Wolff, Nicastro & Hall, LLC, as and for their Verified Notice of Claim against the Respondent herein, COUNTY OF ERIE, state as follows:

1. The name and post office address of the Claimants is as follows: Alison Hull and Richard Hull, 27 Delton Street, Tonawanda, New York 14150.

2. The attorneys for the Claimants are Cantor, Wolff, Nicastro & Hall, LLC, Joseph L. Nicastro, Esq., 350 Main Street, Suite 2140, Buffalo, New York 14202.

3. The nature of the claim is as follows: Upon information and belief, as Claimant ALISON HULL was lawfully riding her bicycle during the "Ride for Roswell" charity event on a bridge of certain premises located at or near 15 Pirson Parkway (Town of Tonawanda) in the COUNTY OF ERIE and State of New York, she was caused to trip slip and fall on moss that

accumulated on the aforementioned bridge (hereinafter "the bridge"). Upon information and belief, the bridge, which was part of the bike path Claimant was traveling thereon, was in a dangerous and hazardous condition due to the moss. See **Exhibit A** (photo of subject bridge and moss on said bridge on the subject bike path).

4. Upon information and belief, the bridge being in such a dangerous and hazardous condition was due to the negligence, carelessness and/or recklessness of the Respondent herein, and/or the Respondent by its agents, servants, and/or employees. Further, upon information and belief, said dangerous and hazardous condition was actually caused by the Respondent herein, or in the alternative, the Respondent herein had actual and/or constructive notice thereof, yet Respondent failed to take appropriate action to remedy said dangerous and hazardous condition, thereby resulting in the Clamant, ALISON HULL, being caused to trip slip and fall, causing her to be seriously injured.

5. The time when, the place where and the manner in which the claim arose is as follows: At approximately 8:50 a.m., on June 24, 2023, on the bridge of certain premises located at or near 15 Pirson Parkway, in the Town of Tonawanda, COUNTY OF ERIE, State of New York 12302, which was located along the subject bike path, as Claimant was riding her bicycle. See **Exhibit B** (map showing approximate location of the subject bridge).

6. The items of damage or injuries claimed to have been sustained are as follows: Upon information and belief, Claimant ALISON HULL suffered serious, permanent physical injuries, including, but not limited to, bruises on her body, her left eye, her head, her face, her left hand being fractured which required surgery, among other injuries; severe conscious pain and suffering, including loss of enjoyment of life; permanent restriction and limitation of motion, function, and use of left hand; loss of strength and dexterity; the impairment of her ability to

perform her usual and customary activities of daily living; permanent scarring to her left hand; and the Claimant's injury is upon information and belief permanent, progressive, and ongoing in nature, all relating to the incident and negligence complained of, all to her continuing detriment.

That the Claimant has incurred various medical expenses and is continuing to treat with her physicians.

7. That the Claimant, ALISON HULL, hereby makes a claim against the Respondent for her personal injuries and permanency incurred as a result of her injuries, for her past and future pain and suffering, and for all of the medical expenses, past and future that have been incurred, for past and future lost wages, if any, and for all future expenses that will be incurred.

8. That the Claimant, RICHARD HULL, has been and will be deprived of the aid, companionship, society, comfort and services of his wife, ALISON HULL, and has suffered damages. Further, upon information and belief, Claimant, RICHARD HULL, has been and will be obliged to render aid, comfort and services to Claimant, ALISON HULL, and has become obligated for medical aid, expenses and attention in an effort to cure her injuries, and he believes that in the future he will be further obligated to render aid and services and to expend monies for the care of his wife, Claimant, ALISON HULL.

9. The Claimants respectfully reserve their right to amend this Verified Notice of Claim, if necessary.

PLEASE TAKE NOTICE, that in the event the Respondent fails to resolve this matter, the Claimants intend to commence an action in Erie County Supreme Court to recover damages in an amount which is currently undetermined, together with the costs and disbursements of this action and for such other and further relief as the Court deems just and proper.

DATED: Buffalo, New York
July 18, 2023

Joseph L. Nicastro, Esq.
CANTOR, WOLFF, NICASTRO & HALL
Attorneys for Claimant
350 Main Street, Suite 2140
Buffalo, New York 14202
(716) 848-8000

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

JOSEPH L. NICASTRO, being duly sworn, deposes and says that he is the attorney for the Claimants herein; that he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to the knowledge of the deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes them to be true.

JOSEPH L. NICASTRO

Sworn to before me this
18th day of July, 2023.

Pamela A Hackworth

PAMELA A. HACKWORTH
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 7, 2026

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

August 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:	*Swanson, Josephine v. County of Erie, et al.*
Document Received:	Notice of Claim
Name of Claimant:	Josephine Swanson 9170 Beech Meadow Court Clarence Center, New York 14032
Claimant's attorney:	Blake Zaccagnino, Esq. Shaw & Shaw, P.C. 4819 South Park Avenue Hamburg, New York 14075

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

STATE OF NEW YORK

JOSEPHINE SWANSON
9170 Beech Meadow Court
Clarence Center, NY 14032

Claimant,

-vs-

NOTICE OF CLAIM

CONNIE SCHWEITZER
158 Mill Street
Williamsville, NY 14221

TOWN OF AMHERST
5583 Main St.
Williamsville, NY, 14221

VILLAGE OF WILLIAMSVILLE
5565 Main Street
Williamsville, NY 14221

ERIE COUNTY WATER AUTHORITY
295 Main Street
Room 350
Buffalo, NY 14203

COUNTY OF ERIE
95 Franklin Street, Room 1634
Buffalo, NY 14202

ERIE COUNTY SEWER AUTHORITY
A DIVISION OF THE COUNTY OF ERIE
95 Franklin Street, Room 1634
Buffalo, NY 14202

ERIE COUNTY DIVISION OF SEWERAGE MANAGEMENT
A DIVISION OF THE COUNTY OF ERIE
95 Franklin Street, Room 1634
Buffalo, NY 14202

ERIE COUNTY SEWER DISTRICT NO. 5
A DIVISION OF THE COUNTY OF ERIE
95 Franklin Street, Room 1634
Buffalo, NY 14202

Respondents.

TO:

1. The name and address of **Claimant** is:

JOSEPHINE SWANSON
9170 Beech Meadow Court
Clarence Center, NY 14032

2. The **Claimant** is represented herein by:

Shaw & Shaw, P.C.
Blake Zaccagnino, Esq., of counsel
4819 South Park Avenue
Hamburg, NY 14075

LEGAL THEORY/CAUSE OF ACTION CLAIMED:

3. This is a claim founded in negligence, and is for personal injuries.

4. This is a claim for money damages for personal injuries sustained by the Claimant, when she was caused to fall on the property and premises and, more specifically, on the sidewalk adjacent to/abutting 158 Mill Street, Williamsville, NY 14221.

Upon information and belief, that property was under the possession, control and ownership of the Respondents.

Upon further information and belief, the Respondents caused and created a dangerous condition, that they had actual and constructive notice of, and failed to take corrective action prior to this incident, resulting in the accident and the Claimant's serious injuries.

TIME AND LOCATION AND MANNER IN WHICH THE CLAIM AROSE:

5. The time when the claim arose and the time when injuries and damages herein alleged were sustained was on or about July 14, 2023 at approximately 11:10PM.

NATURE AND BASIS FOR THIS CLAIM:

6. Attached as **Exhibit A**, please find a real property parcel search and deed of the adjacent/abutting property where the incident took place.

The same indicates that the property is located in the Town of Amherst and Village of Williamsville.

Same indicates that the residence is owned by CONNIE SCHWEITZER.

7. As the Claimant walked on the sidewalk mentioned above, she was caused to trip and fall over a dangerous condition on the sidewalk. More specifically, the sidewalk was not level, not even, was lifted, including but not limited to, had a dangerous raised lip on it.

When she fell, she came into contact with the ground, seriously injuring herself.

Attached as **Exhibit B**, please find photographs of the dangerous conditions that caused the Claimant's fall. Please note the ERIE COUNTY WATER AUTHORITY flag shown in the photos, at or near the dangerous condition that caused Claimant's fall.

8. At the time of her fall, the Claimant was with John Swanson. He witnessed the fall. The Claimant has all of his contact information which she is willing to provide to the Respondents on request.

LEGAL THEORY/CAUSE OF ACTION CLAIMED:

9. The above mentioned incident and the injuries and damages occurring therefrom occurred by reason of the fault, neglect, and carelessness of the Respondents, their agents, servants, and/or employees. The negligence of the Respondents, their agents, servants and/or employees includes but is not limited to:

The Respondents' negligence included but was not limited to the following:

- Failure to properly, adequately, and safely maintain the aforesaid premises;

- In failing to repair, keep safe, and maintain the sidewalk where the incident took place;

- Failure to properly and adequately supervise and control the area where the Claimant fell on the date of the incident;

- Carelessly and negligently designing the area on said premises where the incident occurred;

- Failure to take the necessary steps to correct un-level sidewalks, un-even sidewalks, including but not limited to sidewalks with a dangerous raised lips on them;

- Failure to give attention to uneven and unlevel raised sidewalk surfaces;

- Failure to take the necessary steps and make the necessary observations, which, if taken or made, would have avoided the said incident;

- Failing to act reasonable under the circumstances;

- Failing to take precautionary measures to the protect the Claimant from the incident after weighing the probability and gravity of the harm against the burden of precaution;

- Failing to take precautionary measures to the protect the Claimant from the incident when they had ownership, occupancy, control, and or special use of the property on the date of the fall;

- The Respondents' negligence was the proximate cause of the Claimant's fall and serious injuries;

- The Respondents' negligence was a substantial factor in bringing about the Claimant's injuries in that a reasonable person would regard it as a cause of her injuries;

- They failed in their duty to use reasonable care to keep their property in a reasonably safe condition for the protection of the Claimant whose presence was reasonably foreseeable on the date of the fall;

- The Respondents created the condition that caused the Claimant 's fall; and had actual and constructive notice of it;

- The Respondents either knew, or in the use of reasonable care, should have known that the condition that caused the Claimant's fall long enough before the fall to have allowed them, in the use of reasonable care to correct it or to take other suitable precautions, but they failed to do so;

- The Respondents failed to warn the Claimant about the dangerous condition before her fall;

- in having prior written notice of the dangerous sidewalk conditions shown herein, and in failing to timely fix/repair it (pursuant to, including but not limited to Town Law Section 65-a);

- in prior negligent maintenance/repair of the sidewalk conditions where this incident took place, immediately resulting in the dangerous conditions described herein;

- in affirmatively creating the dangerous conditions described herein through an act of negligence;

- in having special use of location where this incident took place, and the location of the incident, that resulted in a special benefit to the Respondents;

- causing/allowing the dangerous condition to have jagged edges, a rough irregular surface, poor lighting, to have the presence of other defects in the vicinity, to be irregular, the dangerous condition was located in an area where people are naturally distracted from looking down at their feet, and the surrounding circumstances and dangerous condition increased the risk of people, such as the Claimant, falling;

- in failing to warn of the dangerous conditions described herein;

- causing/allowing the intrinsic characteristics of sidewalk in question to be such that it was difficult for pedestrians to see and identify and to traverse safely on foot; including but not limited to,

- that the Respondents, its agents, servants and/or employees were otherwise careless and negligent.

DAMAGES CLAIMED:

10. By reason of the aforesaid occurrence, the Claimant sustained severe, painful and permanent injuries in and about her body, including, but not limited to, facial lacerations, facial bruising, possible future scarring, head trauma, facial trauma, all of which were and are severe, painful and permanent in nature including, shock to the nerves and nervous system, circulatory system, traumatic injuries to nerves, tendons and muscular system with resultant impairment and/or loss of use of normal functions; was otherwise rendered sick, sore, lame and disabled and prevented her from performing her usual activities for a period of time subsequent to this incident, and has incurred, and may suffer and sustain loss of earnings and/or loss of future earning potential and/or capacity; has caused, or may incur, hospital expenses, medical expenses, physical therapy and/or rehabilitation and counseling expenses and/or other similar types of expenses as to past, present or future, as would relate to the care, treatment and attempted cure of the injuries sustained and/or the residual effects thereof; has been deprived of the ability to enjoy the life and lifestyle that she was able to participate in and enjoy prior to the happening of this incident, and has been caused to suffer emotional upset, anxiety and depression as a result of the pain and suffering associated with the injuries as to the past, present and, upon information and belief, into the future; and together with any other special and general damages as may manifest themselves subsequent to the date of this Notice of Claim. Attached as **Exhibit C**, please find photos of some of the Claimant's injuries.

11. The Claimant also makes a claim for any and all medical expenses incurred as to her care, treatment and attempted cure of the injuries sustain and/or the residual effects of the same herein as to the past, present, and or future.

***WHEREFORE*, Claimant** respectfully prays and requests that these claims as set forth herein be paid and allowed by the **Respondents.**

Dated: July 21, 2023
Hamburg, New York

Shaw & Shaw, P.C.
Blake Zaccagnino, Esq., of counsel
Attorneys for Claimant
Office and Post Office Address
4819 South Park Avenue
Hamburg, New York 14075
(716) 648-3020 Telephone
(716) 648-3730 Fax
www.shawlawpc.com

VERIFICATION

STATE OF NEW YORK)
)ss.:
COUNTY OF)

JOSEPHINE SWANSON being duly sworn, deposes and says that (he)(she) is the Plaintiff/Claimant in the within action; that (he)(she) has read the foregoing and knows the contents thereof; that the same is true to (his) (her) own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes it to be true.

Sworn to before me this 17
day of JULY 2023

Notary Public

BLAKE J ZACCAGNINO
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02ZA6336306
Qualified in Erie County
Commission Expires February 1, 2024

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

August 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:	*McCarthy, Erik v. County of Erie, ECSO, Deputies John Does 1-5*
Document Received:	Notice of Claim
Name of Claimant:	Erik McCarthy 13237 Colonial Woods Drive Alden, New York 14004
Claimant's attorney:	Joseph J. Marusak, Esq. Kloss, Stenger & LoTempio 69 Delaware Avenue, Suite 1003 Buffalo, New York 14202

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:
STATE OF NEW YORK

ERIK MCCARTHY

Claimant,

NOTICE OF CLAIM

vs.

THE COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202

ERIE COUNTY, SHERIFF'S DEPARTMENT
10 Delaware Avenue
Buffalo, New York 14202

ERIE COUNTY DEPUTY SHERIFF JOHN DOES #s 1-5

Respondents.

This paper received at the
Erie County Attorney's Office
from Joe Marusak on
the 25 day of July, 2023
at 11:46 a.m./p.m.
Assistant County Attorney

TO: THE COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202

TO: ERIE COUNTY SHERIFF'S DEPARTMENT
10 Delaware Avenue
Buffalo, New York 14202

SIRS:

PLEASE TAKE NOTICE, that the undersigned, ERIK MCCARTHY, by and through his Attorney, Joseph J. Marusak, of Counsel to Kloss Stenger & Gormley LLP, claims damages and pain and suffering sustained by reason of the wrongful, negligent, and careless acts and/or omissions of the Respondents, THE COUNTY OF ERIE AND ERIE COUNTY SHERIFF'S DEPARTMENT, their agents, servants, and/or employees and in support thereof, Claimant states, upon information and belief:

1. Claimant ERIK MCCARTHY resides at 13237 Colonial Woods Drive in the Town of Alden, County of Erie, and State of New York.
2. The name and post office address of Claimant's Attorney is JOSEPH J. MARUSAK, OF COUNSEL TO KLOSS STENGER & GORMLEY LLP, 69 Delaware Ave., Suite 1003, Buffalo, New York 14202.
3. The date of the happening of the incident in which serious injuries were sustained, and the time at which such claim arose, is April 26, 2023 at approximately 4:00 PM.
4. The incident in which serious injuries were sustained occurred at the Erie County Medical Center, 462, Grider Street, Buffalo, New York 14215.
5. The claim herein arose in the following manner: after Erie County Deputy Sheriffs, in their official capacities as deputy sheriffs, placed Claimant in custody, they recklessly and negligently involuntarily committed Claimant to the custodial psychiatric unit at the Erie County Medical Center, 462, Grider Street, Buffalo, New York 14215, without following proper procedures and without sufficient reason and evidence to justify the involuntary commitment.

6. More specifically, Erie County Sheriff Deputies, in their official capacities as deputy sheriffs, subjected Claimant ERIK MCCARTHY to deprivation of the rights and privileges secured and protected by the Constitution and laws of the United States, specifically the constitutional right to be free from any excessive use of force against his person during the course of an arrest and/or custodial confinement and of the privileges and immunities guaranteed to every citizen of the United States, including Claimant, by the New York State and United States and Constitutions, Amendments 4, 5, 8 and § 1 of Amendment 14.

7. The above involuntary commitment constituted a deprivation of the rights and privileges of Claimant, secured and protected to him by the Constitution and the laws of the United States. As a result of the aforesaid actions, Claimant was unlawfully confined to a psychiatric unit and otherwise tortiously, negligently and maliciously harmed by the actions of Respondents, all in violation of the aforementioned laws and regulations and of Title 42 of the United States Code § 1983, et. seq.

8. As a result of the aforesaid incident, Claimant claims damages against the COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT, ERIE COUNTY DEPUTY SHERIFF JOHN DOES, for past and future pain and suffering, mental anguish and loss of enjoyment of life, in an amount in excess of the jurisdictional limits of all lower courts.

WHEREFORE, Claimant ERIK MCCARTHY respectfully requests that Respondents honor and pay the claims of Claimant as set forth herein.

Dated: Buffalo, New York
July 25, 2023

Joseph J. Marusak, *Of Counsel*
Kloss Stenger & Gormley LLP
Attorney for Claimant
69 Delaware Avenue, Suite 1003
Buffalo, New York 14202
Tel.: (716) 853-1111
Email: jjmarusak@klosslaw.com

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

ERIK MCCARTHY, being duly sworn, deposes and says, that he is the Claimant in the foregoing action; that he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to his knowledge, except as to those matters alleged to be upon information and belief, and as to those matters, he believes them to be true.

ERIK MCCARTHY

Subscribed and sworn before me

this 25th day of July 2023.

NOTARY PUBLIC

JOSEPH J. MARUSAK
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
My Commission Expires Dec. 04, Feb 10, 2027

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

August 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:	*Rivera, Yasheiris v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Yasheiris Rivera 336 Moselle Street Buffalo, New York 14211
Claimant's attorney:	Pamela A. Hackworth, Esq. Cantor, Wolff, Nicastro & Hall LLC 350 Main Street, Suite 2140 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
COUNTY OF ERIE

YASHEIRIS RIVERA
336 Moselle Street
Buffalo, New York 14211,

Claimant,

vs. **NOTICE OF CLAIM**

COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202,

Defendant.

SIR(S):

PLEASE TAKE NOTICE, that the above named Claimant, YASHEIRIS RIVERA, by and through her attorneys, Cantor, Wolff, Nicastro & Hall, hereby makes the following Notice of Claim, against the Defendant, THE COUNTY OF ERIE, as follows:

1. The name of the Claimant is YASHEIRIS RIVERA and her post office address is 336 Moselle Street, Buffalo, New York 14211.

2. The attorneys for the Claimant are Cantor, Wolff, Nicastro & Hall, 350 Main Street, Suite 2140, Buffalo, New York 14202, telephone number: (716) 848-8000.

3. This claim arose out of a motor vehicle accident which occurred on June 12, 2023 at approximately 12:43 p.m on Oak Street at Genesee Street, Buffalo, New York.

4. The Claimant, YASHEIRIS RIVERA, was operating a 2013 Toyota vehicle owned by Midairy Torres in the left hand lane of Oak Street near Genesee Street, Buffalo, New York. A 2020 Ford vehicle bearing New York State license plate number BD4499, owned by the

Defendant, COUNTY OF ERIE and operated by Tiffany Williams, struck the vehicle Claimant was operating when she negligently entered the Claimant's lane. (Attached hereto as *Exhibit A* is a copy of the Police Accident Report).

5. This claim is for personal injuries as well as other damages and monetary losses suffered by the Claimant as a result of the acts, omissions and negligence of the COUNTY OF ERIE.. The Defendant, COUNTY OF ERIE, is vicariously liable to the Claimant, as the owner of the vehicle, pursuant to New York State Vehicle and Traffic Law Section 388.

6. Upon information and belief, the operator of the aforesaid vehicle owned by Defendant, COUNTY OF ERIE, was reckless, careless and negligent, in making an unsafe lane change so as to strike the Claimant's vehicle; in making an unsafe lane change into the path of the Claimant; in failing to keep a proper lookout before making a lane change into the Claimant's lane of travel; in failing to have the vehicle under proper control at the time of the accident; in failing to ascertain the presence of the Claimant's vehicle in order to have sufficient time and distance to have thereby avoided the collision; and in operating the vehicle at said time and place in violation of the statutes of the State of New York, in such cases is made and provided.

7. As a result of the acts/omissions described above, the Claimant sustained serious injuries, including, but not limited to injuries to her neck, back, legs and knees for which she is currently being treated. The Claimant has incurred various medical expenses and has lost time from work due to her injuries.

8. Upon information and belief, the collision alleged herein was the result of the negligence, carelessness and recklessness of the COUNTY OF ERIE, without any negligence on the part of the Claimant.

9. Claimant, YASHEIRIS RIVERA, requests compensation for personal injuries, pain and suffering, expenses and other damages.

PLEASE TAKE NOTICE, that the Claimant demands payment of her Claim.

DATED: Buffalo, New York
July 14, 2023

Pamela A. Hackworth, Esq.
Cantor, Wolff, Nicastro & Hall
2140 Main Place Tower
350 Main Street
Buffalo, New York 14202
Tel: (716) 848-8000

STATE OF NEW YORK)
COUNTY OF ERIE)SS.:

YASHEIRIS RIVERA, being duly sworn, deposes and says that she is the Claimant in the foregoing Claim, that she has read the same and knows the contents thereof; that the same is true to her knowledge except as to those matters stated to be alleged upon information and belief; and as to those matters, she believes them to be true.

YASHEIRIS RIVERA

Sworn to before me this
17th day of July, 2023.

Notary Public

PAMELA A. HACKWORTH
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 7, 20 26

EXHIBIT A

Page of Pages

Local Codes 8 of 4

23-1630502 ☐ AMENDED REPORT

New York State Department of Motor Vehicles

POLICE ACCIDENT REPORT

MV-104A (6/22)

Accident Date Month	Day	Year	Day of Week	Military Time	No. of Vehicles	No. Injured	No. Killed	Not Investigated at Scene ☐ / Accident Reconstructed ☐	Left Scene ☐	Police Photos ☐ Yes ☒ No
06	12	23	Monday	1243	2	1	0			

VEHICLE 1

VEHICLE 1 - Driver License ID Number: T26079198 — State of Lic.: NY

Driver Name - exactly as printed on license: Rivera Nieves Y A

Address (Include Number & Street): 336 Moselle st — Apt. No.:

City or Town: Buffalo — State: NY — Zip Code: 14211

Date of Birth Month	Day	Year	Sex	Unlicensed	No. of Occupants	Public Property Damaged
06	1	04	F	☐		☐

Name–exactly as printed on registration: Torres Midairy J — Sex: F — Date of Birth Month 8 Day 7 Year 97

Address (Include Number & Street): 141 Conlon Ave — Apt. No.: 1 — Haz. Mat Code: — Released ☐

City or Town: Buffalo — State: NY — Zip Code: 14207

Plate Number	State of Reg	Vehicle Year & Make	Vehicle Type	Ins. Code
KGV5574	NY	2013 TOYT	PAS	6078

Ticket/Arrest Number(s): X

Violation Section(s):

Check if involved vehicle is:
☐ more than 95 inches wide;
☐ more than 34 feet long;
☐ operated with an overweight permit;
☐ operated with an overdimension permit.

VEHICLE 1 DAMAGE CODES

Box 1 - Point of Impact / Box 2 - Most Damage	1	2
	3	

Enter up to three more Damage Codes: 3: 1; 4: 2; 5: 3

Vehicle Towed: By Elite — To 1666 Dart st

VEHICLE 2 ☒ VEHICLE 2 ☐ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN

VEHICLE 2 - Driver License ID Number: 1092653589 — State of Lic.: NY

Driver Name - exactly as printed on license: Williams Tiffany T

Address (Include Number & Street): 414 Masten Ave — Apt. No.:

City or Town: Buffalo — State: NY — Zip Code: 14209

Date of Birth Month	Day	Year	Sex	Unlicensed	No. of Occupants	Public Property Damaged
3	11	79	F	☐	1	☐

Name–exactly as printed on registration: Erie; County; — Sex: — Date of Birth Month: — Day: — Year:

Address (Include Number & Street): 95 Franklin st — Apt. No.: 1415 — Haz. Mat Code: — Released ☐

City or Town: Buffalo — State: NY — Zip Code: 14202

Plate Number	State of Reg.	Vehicle Year & Make	Vehicle Type	Ins. Code
BD4499	NY	2020 FORD	PSD	994

Ticket/Arrest Number(s): X

Violation Section(s):

Check if involved vehicle is:
☐ more than 95 inches wide;
☐ more than 34 feet long;
☐ operated with an overweight permit;
☐ operated with an overdimension permit.

VEHICLE 2 DAMAGE CODES

Box 1 - Point of Impact / Box 2 - Most Damage	1	2

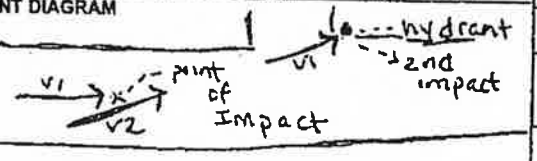
Enter up to three more Damage Codes: 3: ; 4: ; 5:

Vehicle Towed: By C.OB — To 166 Dart st

Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles.

Rear End 1. | Left Turn 3. | Right Angle 4. | Right Turn 5. | Head On 7.
Sideswipe (same direction) 2. | Left Turn 0. | | Right Turn 6. | Sideswipe (opposite direction) 8.

ACCIDENT DIAGRAM

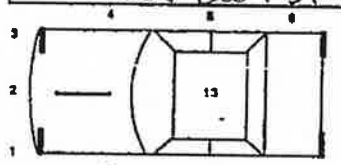


9.

Cost of repairs to any one vehicle will be more than $1000. ☒ Yes ☐ No

VEHICLE DAMAGE CODING:

1-13. SEE DIAGRAM ON RIGHT.
14. UNDERCARRIAGE
15. TRAILER
16. OVERTURNED
17. DEMOLISHED
18. NO DAMAGE
19. OTHER



Reference Marker	Coordinates (if available)
	Latitude/Northing:
	Longitude/Easting:

Place Where Accident Occurred:

County: Erie — ☒ City ☐ Village ☐ Town of: Buffalo

Road on which accident occurred: Oak St (Route Number or Street Name)

at 1) Intersecting street: Genesee St (Route Number or Street Name)

or 2) ____ Feet ____ Miles ☐N ☐S ☐E ☐W of ____ (Milepost, Nearest intersecting Route Number or Street Name)

Accident Description/Officer's Notes: V2 traveling South bound attempted to change lanes from the center lane, did not notice V1 also traveling South bound in left lane. The change lane attempt did cause V1 to make impact with V2. V1 then did continue on to hit a hydrant. Damages were caused to both vehicles.

AFF INVOLVED

	8	9	10	11	12	13	14	15	16	17 BY	TO 18	Names of all Involved	Date of Death Only
A	1	1	2	1	19	F	1	13	6	9993	1405	Y A Rivera Nieves	—
B	2	1	2	1	44	F	X	13	6	—	—	Tiffany Williams	—
C													
D													
E													
F													

Officer's Rank and Signature	Badge/ID No.	NCIC No.	Precinct/Post Troop/Zone	Station/Beat/ Sector	Reviewing Officer	Date/Time Reviewed
PO Quentin Bryant	3740	01401	B	3		6/12/23 15:

Print Name in Full: Quentin Bryant

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

August 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:	*Foster, Denneceia, as PNG of Alaya McClure v. Buffalo Board of Education, City of Buffalo, County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Denneceia Foster PNG of Alaya D. McClure 506 Glenwood Avenue, Apt. 1 Buffalo, New York 14208
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.

IN THE MATTER OF THE CLAIM OF:

DENNECEIA FOSTER as Parent and Natural Guardian
of **ALAYA D. MCCLURE**, an Infant,
506 Glenwood Avenue
Apt. 1
Buffalo, NY 14208

Claimant,

-against-

NOTICE OF CLAIM

BUFFALO BOARD OF EDUCATION
801 City Hall
65 Niagara Square
Buffalo, NY 14202

CITY OF BUFFALO
1101 City Hall
65 Niagara Square
Buffalo, NY 14202

ERIE COUNTY
95 Franklin Street
Room 1634
Buffalo, NY 14202

Respondents

PLEASE TAKE NOTICE that DENNECEIA FOSTER as Parent and Natural Guardian of ALAYA D. MCCLURE, an Infant, hereby makes claim against the BUFFALO BOARD OF EDUCATION, the CITY OF BUFFALO, and the ERIE COUNTY and in support thereof Claimant alleges:

1. That the undersigned Claimant, DENNECEIA FOSTER as Parent and Natural Guardian of ALAYA D. MCCLURE, residing at 506 Glenwood Avenue, Apt. 1, Buffalo, NY 14208, by and through her attorney, PETER K. MATTAR, 6720 Main Street, Suite 100, Williamsville, NY 14221-5986, claims damages against the BUFFALO BOARD OF EDUCATION, the CITY OF

BUFFALO, and ERIE COUNTY, for personal injuries, pain and suffering, general and special damages, medical expenses, and property damages sustained by her.

2. That the said injuries were sustained by ALAYA D. MCCLURE on May 16, 2023 at approximately 2:45 PM.

3. That ALAYA D. MCCLURE was riding on bus number 400 on her normal school provided bus route home from Frederick Law Olmsted School 156.

4. That the said injuries were the result of the collision between the school bus that ALAYA D. MCCLURE was riding and another school bus.

5. That said injures were the result of hard braking related to the collision.

6. That the bus had recently pulled away from the pickup location at the Frederick Law Olmsted School 156 before the accident happened.

7. That the collision was located in the vicinity of Frederick Law Olmsted School 156 likely on Oakmont Avenue or Hempstead Avenue.

8. That respondent, BUFFALO BOARD OF EDUCATION, provided ALAYA D. MCCLURE a letter notifying her parent and natural guardian, DENNECEIA FOSTER, that the bus collission occurred. A picture of that letter is attached as **Exhibit "A."**

9. That an employee of the responents' agent, First Student, Inc., stated in an email dated June 2, 2023 that they possess a video of the incident. This video has not been passed to claimant or the claimant's attorney. A copy of the letter is attached as **Exhibit "B."**

10. That the above mentioned employee of First Student, Inc.is Jim Martin. His phone number is 513-991-7634. The new adjuster on the file is Sharice Miller and her number is 513-823-9340.

11. That the school bus ALAYA D. MCCLURE was riding was, on that day of the incident, was, at that time, owned and operated by the respondents' agent or agents First Student, Inc., Recess Holdco LLC, First Student Management, LLC, and First Group, LLC.

10. That the school bus ALAYA D. MCCLURE was riding was, on that day of the incident, was, at that time, owned and operated by BUFFALO BOARD OF EDUCATION, the CITY OF BUFFALO, and ERIE COUNTY or those entities' servants, agents, or employees.

12. That the said injuries were the result of the collision between the school bus that ALAYA D. MCCLURE was riding and another school bus as well as the result of related hard braking.

13. That the driver of the school bus that ALAYA D. MCCLURE riding was negligent in hitting another bus and creating the circumstances under which hard braking was necessary.

14. That the driver of the school bus that ALAYA D. MCCLURE riding was a servant, agent or employee of the BUFFALO BOARD OF EDUCATION, the CITY OF BUFFALO, and ERIE COUNTY or those entities' agents including but not limited to First Student, Inc.

15. That the Claimant's damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of others including ALAYA D. MCCLURE by the

BUFFALO BOARD OF EDUCATION, the CITY OF BUFFALO, and ERIE COUNTY, their servants, agents or employees in accelerating at an unreasonable and imprudent speed, in failing to provide a safe transit, along with the other acts of negligence, carelessness and recklessness.

16. That the aforesaid BUFFALO BOARD OF EDUCATION, the CITY OF BUFFALO, and ERIE COUNTY by and through her agents, servants and employees had actual or constructive notice of the dangerous condition and hazard caused by said activity.

17. That as a result of the foregoing ALAYA D. MCCLURE sustained very serious injuries to her upper extremities, lower extremities, torso, head, back and neck. Some of these injuries will be of a permanent or indefinite duration, and Claimant, DENNECEIA FOSTER as Parent and Natural Guardian of ALAYA D. MCCLURE, has and will, in the future be forced to expend sums of money for hospitals, doctors and other medical expenses.

18. That the said injuries were occasioned solely and wholly as a result of the negligence of the BUFFALO BOARD OF EDUCATION, the CITY OF BUFFALO, and ERIE COUNTY and through her agents, servants and employees and without any negligence on the part of the Claimant contributing thereto.

DATED: Williamsville, New York
July 31, 2023

Peter K. Mattar, Esq.
WILLIAM MATTAR, P.C.
Attorney for Claimant
6720 Main Street
Suite 100
Williamsville, NY 14221-5986

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

DENNECEIA FOSTER as Parent and Natural Guardian of ALAYA D. MCCLURE being duly sworn, depose and say that she is the Claimant in this action; that she has read the foregoing Notice of Claim and know the contents thereof; that the same is true to the knowledge of the deponent, except as to matters therein stated to be alleged on information and belief, and that as to those matters they believe them to be true.

DENNECEIA FOSTER as Parent and Natural

Guardian of ALAYA D. MCCLURE

Sworn to before me this
____ day of July, 2023

Notary Public

PETER KOLBE MATTAR
Notary Public - State of New York
No. 02MA6419702
Qualified in Erie County
My Commission Expires 07/12/2025

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

August 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:	*Wheeler, Nathan F. v. County of Erie and City of Buffalo*
Document Received:	Notice of Claim
Name of Claimant:	Nathan F. Wheeler (Deceased)
Claimant's attorney:	Stephen J. Paluch, 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.

This paper received at the
Erie County Attorney's Office
from Joe Jaworowski on
the 27th day of July, 2023
at 9:34 a.m./p.m.

Assistant County Attorney

IN THE MATTER OF THE CLAIM OF:

NATHAN F. WHEELER
401 Koons Avenue
Lower Front Unit
Buffalo, NY 14211

Claimant,

-against-

ERIE COUNTY
95 Franklin Street- Rm 1634
Buffalo, NY 14202

CITY OF BUFFALO
c/o City of Buffalo Law Department
65 Niagara Square
Room 1100
Buffalo, NY 14202

Respondents.

NOTICE OF CLAIM

PLEASE TAKE NOTICE that **NATHAN F. WHEELER**, hereby makes claim against the COUNTY OF ERIE and the CITY OF BUFFALO and in support thereof Claimant alleges:

1. The Post Office addresses of the Claimant and Attorney for Claimant are:

Claimant: Nathan F. Wheeler, deceased.
Address at time of death:
330 Mang Avenue
Kenmore, New York 14217

Attorneys: William Mattar, P.C.
5720 Main Street, Suite 100
Williamsville, NY 14221-5986
(716) 633-3535

2. **The nature of the claim is:** Claimant alleges Respondents were negligent by failing to inspect and maintain the subject roadway free and clear of defective and dangerous conditions, and further negligently designed and maintained an elevated expressway exit ramp with insufficient barriers to prevent driver/occupants of motorcycles, from being thrown from the road surface off the edge of the subject elevated barrier. Said negligent acts and omissions lead to the wrongful death of the Claimant. Claimant, Nathan F. Wheeler, was killed when he was riding his motorcycle on I – 190 northbound, exiting at exit 11 merging onto the Route 198 known as the Scajaquada Expressway. When as he was proceeding on the exit ramp, the wheel of the motorcycle struck debris and/or defects in the roadway, causing Mr. Wheeler to strike the concrete barrier to the left side of the exit ramp. Upon striking the ramp, the Claimant was thrown from the motorcycle and plunged approximately 30 feet to the ground from the elevated exit ramp. Said debris in the roadway constituted a dangerous and defective condition in the roadway causing our client to lose control of his motorcycle, and as a direct result, Mr. Wheeler was ejected from his motorcycle. Further, said negligent design of the elevated exit ramp, in which the exit ramp is elevated at minimum 30 feet from the ground, along with having a concrete barrier which is insufficient to protect motorcyclist, such as the Claimaint, from leaving the roadway should an accident or incident occur where the motorcyclist is caused to hit the concrete barrier, all of which were dangerous, hazardous and defective conditions, of which Respondents either had actual or constructive notice, directly resulted in the wrongful death

of the Claimant, when he was caused to plunge to his death in the City of Buffalo, County of Erie, State of New York.

3. **The time when, the place where and the manner in which the claim arose:** On or about May 14th 2023 at approximately 7:54 am, Claimant, Nathan F. Wheeler, was killed when he was riding his motorcycle on I – 190 northbound, exiting at exit 11 merging onto the Route 198 known as the Scajaquada Expressway. When as he was proceeding on the exit ramp, the wheel of the motorcycle struck debris and/or defects in the roadway, causing Mr. Wheeler to strike the concrete barrier to the left side of the exit ramp. Upon striking the ramp, the Claimant was thrown from the motorcycle and plunged approximately 30 feet to the ground from the elevated exit ramp. Said debris in the roadway constituted a dangerous and defective condition in the roadway causing our client to lose control of his motorcycle, and as a direct result, Mr. Wheeler was ejected from his motorcycle. Further, said negligent design of the elevated exit ramp, in which the exit ramp is elevated at minimum 30 feet from the ground, along with having a concrete barrier which is insufficient to protect motorcyclist, such as the Claimaint, from leaving the roadway should an accident or incident occur where the motorcyclist is caused to hit the concrete barrier, all of which were dangerous, hazardous and defective conditions, of which Respondents either had actual or constructive notice, directly resulted in the wrongful death of the Claimant, when he was caused to plunge to his death in the City of Buffalo, County of Erie, State of New York. The Claimant was taken by Ambulance to ECMC hospital where he was pronounced deceased. See police accident report attached hereto as **Exhibit A.**

4. **Respondents are negligent in that**: The Respondents, City of Buffalo and County of Erie, were negligent, in that they improperly maintained, managed, operated, supervised, inspected and/or repaired the roadway and/or created a hazardous roadway by allowing debris and/or other defective conditions, along with a faulty and hazardous design of the elevated exit ramp with concrete barrier insufficient to keep motorcyclist who should be caused to strike the barrier, from being propelled from the elevated road surface to the ground, to then and there exist in the roadway, and either knew or should have known through the exercise of proper maintenance and inspection of the roadway that a dangerous and hazardous condition existed on the roadway known as on I-190, at exit 11 merging onto Route 198, known as the Scajaquada Expressway, in the City of Buffalo, County of Erie, and State of New York, and as a direct and proximate result of said negligence, caused the crash at issue and the death of the Claimant, Nathan F. Wheeler. Moreover, the Claimant's damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of others including Claimants by Respondents, through their servants, agents or employees by failing to adequately label, warn of the rough road ahead, and/or design the roadway, along with other acts of negligence, carelessness and recklessness.
5. That the aforesaid Respondents by and through their agents, servants and employees had actual or constructive notice of the dangerous condition and hazard caused by said unsafe roadway.
6. **The items of damage claimed are**: Loss of life of Claimant, conscious pain of suffering, conscious pre-impact terror, and loss of pecuniary support of the Claimants estate beneficiaries.

7. That the said injuries were occasioned solely and wholly as a result of the negligence of the COUNTY OF ERIE and/or the CITY OF BUFFALO and through his agents, servants and employees and without any negligence on the part of the Claimant contributing thereto.

WHEREFORE, Claimant, Nathan F. Wheeler, deceased, by and through his Estate, requests that his claim be allowed and paid by the Respondents, and each of them.

PLEASE TAKE FURTHER NOTICE that unless said claim is paid and adjusted by the Respondents and each of them within thirty (30) days from the date of service of this Notice of Claim, said Claimant fully intends to commence an action in Supreme Court of the State of New York against CITY OF BUFFALO and the COUNTY OF ERIE for a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest, costs and disbursements.

DATED: Williamsville, New York

July 20, 2023

Stephen J. Paluch, Esq.
WILLIAM MATTAR, P.C.
6720 Main Street
Suite 100
Williamsville, NY 14221-5986
(716) 633-3535

ATTORNEY VERIFICATION

Stephen J. Paluch, Esq., being duly sworn, deposes and says that deponent is an attorney duly licensed to practice law in the State of New York and is the attorney for Claimant, Nathan F. Wheeler, by and through his Estate, in the within action, and that your deponent has read the forgoing Notice of Claim and knows the contents thereof, that the same is true to your deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters your deponent believes it to be true. Your deponent makes this verification pursuant to the authority of Civil Practice Law & Rules Section 3020 (d)-3, as the Claimant, deceased, does not reside in the county where your deponent has his office.

Stephen J. Paluch, Esq.

Subscribed and sworn to before me
this 20th day of July, 2023.

Maria Friend
Notary Public

MARIA FRIEND
Notary Public, State of New York
Reg. No. 01FR6338890
Qualified in Erie County
Commission Expires March 21, 2024

Notary Public

Page 1 of 1 Pages

Local Codes: SP4T21GQSJRL

☐ AMENDED REPORT

New York State Department of Motor Vehicles

POLICE ACCIDENT REPORT

MV-104A (5/22)

Accident Date (Month / Day / Year)	Day of Week	Military Time	No. of Vehicles	No. Injured	No. Killed	Not Investigated at Scene ☐ / Accident Reconstructed ☐	Left Scene ☐	Police Photos ☐ Yes ☒ No
05 / 14 / 2023	SUNDA	07:54	1	0	1			

VEHICLE 1

VEHICLE 1 - Driver License ID Number: 708816934 — State of Lic.: NY

Driver Name - exactly as printed on license: WHEELER, NATHAN F

Address (Include Number & Street): 330 MANG AVE — Apt. No.:

City or Town: KENMORE — State: NY — Zip Code: 14217

Date of Birth (Month / Day / Year)	Sex	Unlicensed	No. of Occupants	Public Property Damaged
09 / 29 / 1995	M	☐	1	☐

Name–exactly as printed on registration: WHEELER, NATHAN F — Sex: M — Date of Birth: 09 / 29 / 1995

Address (Include Number & Street): 330 MANG AVE — Apt. No.: — Haz Mat Code: — Released: ☐

City or Town: KENMORE — State: NY — Zip Code: 14217

Plate Number	State of Reg.	Vehicle Year & Make	Vehicle Type	Ins. Code
213AM7	NY	2018 KTM	MCY	000

Ticket/Arrest Number(s):

Violation Section(s):

Check if involved vehicle is:
☐ more than 95 inches wide;
☐ more than 34 feet long;
☐ operated with an overweight permit;
☐ operated with an overdimension permit.

VEHICLE 1 DAMAGE CODES

	1	2
Box 1 - Point of Impact / Box 2 - Most Damage	1	1
Enter up to three more Damage Codes	3: 12	4: 11	5

Vehicle Towed By: DAVRONS TOWING — To: DAVRONS TOWING

VEHICLE 2 ☐ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN

VEHICLE 2 - Driver License ID Number: — State of Lic.:

Driver Name - exactly as printed on license:

Address (Include Number & Street): — Apt. No.:

City or Town: — State: — Zip Code:

Date of Birth (Month / Day / Year)	Sex	Unlicensed	No. of Occupants	Public Property Damaged
		☐		☐

Name–exactly as printed on registration: — Sex: — Date of Birth:

Address (Include Number & Street): — Apt. No.: — Haz Mat Code: — Released: ☐

City or Town: — State: — Zip Code:

Plate Number	State of Reg.	Vehicle Year & Make	Vehicle Type	Ins. Code

Ticket/Arrest Number(s):

Violation Section(s):

Check if involved vehicle is:
☐ more than 95 inches wide;
☐ more than 34 feet long;
☐ operated with an overweight permit;
☐ operated with an overdimension permit.

VEHICLE 2 DAMAGE CODES

	1	2
Box 1 - Point of Impact / Box 2 - Most Damage		
Enter up to three more Damage Codes	3	4	5

Vehicle Towed By: — To:

Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles.

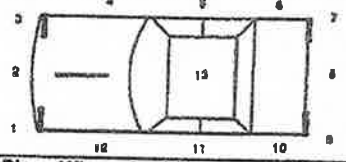
Rear End (1) | Left Turn (3) | Right Angle | Right Turn (5) | Head On (7)
Sideswipe (same direction) (2) | Left Turn (0) | (4) | Right Turn (6) | Sideswipe (opposite direction) (8)

ACCIDENT DIAGRAM

See the second page for the accident diagram

6.

VEHICLE DAMAGE CODING:
1-13. SEE DIAGRAM ON RIGHT.
14. UNDERCARRIAGE
15. TRAILER
16. OVERTURNED
17. DEMOLISHED
18. NO DAMAGE
19. OTHER



Cost of repairs to any one vehicle will be more than $1000. ☒ Yes ☐ No

Reference Marker	Coordinates (if available)
266	Latitude/Northing: 181898
5301	
1032	Longitude/Easting: 4760185

Place Where Accident Occurred:

County: ERIE — ☒ City ☐ Village ☐ Town of: BUFFALO, CITY OF

Road on which accident occurred: RAMP (Route Number or Street Name)

at 1) intersecting street: (Route Number or Street Name)

or 2) ____ Feet .1 Miles ☒N ☐S ☐E ☐W of mpm 8.6 (Milepost, Nearest Intersecting Route Number or Street Name)

Accident Description/Officer's Notes

V-1 was I-190 northbound taking the SR 198 eastbound ramp in the City of Buffalo. The operator of
V-1 struck the barrier on the western shoulder of the roadway for an unknown reason and was ejected
from the motorcycle. The operator of the motorcycle fell about 35 feet below to a grass area.
PDR4-23343 completed.

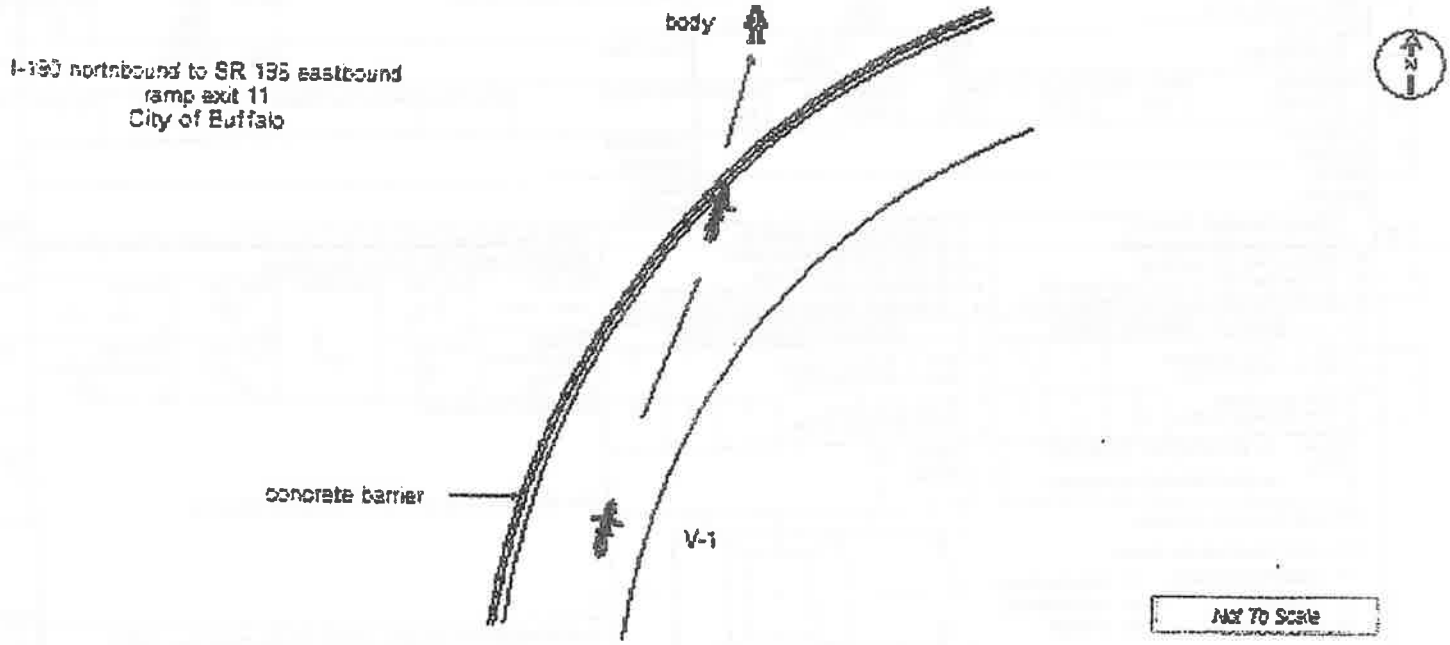
USE COVER SHEET: N

ALL INVOLVED

	8	9	10	11	12	13	14	15	16	17 BY	TO 18	Names of all Involved	Date of Death Only
A	01	1	6	3	27	M	X	X	2	9999	1405	WHEELER, NATHAN F	05/14/2023
B													
C													
D													
E													
F													

Officer's Rank and Signature	Badge/ID No.	NCIC No.	Precinct/Post Troop/Zone	Station/Beat/ Sector	Reviewing Officer	Date/Time Reviewed
TPR	994	11404	T4	11	WELSTED, JAY	06/11/2023 16:06

Print Name in Full: JUSTIN A BRACKETT


I-190 northbound to SR 195 eastbound
ramp exit 11
City of Buffalo
body
concrete barrier
V-1
N
Not To Scale

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

August 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:	*Kron, Mason v. County of Erie, Erie County Youth Services, et al.*
Document Received:	Notice of Claim
Name of Claimant:	Mason Kron 4779 Lakeshore Road Hamburg, New York 14075
Claimant's attorney:	Brittany L. Penberthy, Esq. Penberthy Law Group LLP 227 Niagara Street Buffalo, New York 14201

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

STATE OF NEW YORK

MASON KRON

Claimant

NOTICE OF CLAIM

-vs-

COUNTY OF ERIE
ERIE COUNTY YOUTH SERVICES
ERIE COUNTY YOUTH DETENTION WORKER "JUNIUS"
ERIE COUNTY YOUTH DETENTION WORKER "JAMILLA"
ERIE COUNTY YOUTH DETENTION WORKER "TAYLOR"
ERIE COUNTY YOUTH DETENTION WORKER "ISAAC"
ERIE COUNTY YOUTH DETENTION WORKER "MARQUIS"
ERIE COUNTY YOUTH DETENTION WORKER "SHANTASIA"
ERIE COUNTY YOUTH DETENTION WORKER "JAMES WHITE"
ERIE COUNTY YOUTH DETENTION WORKER "LARRY LEWIS"
ERIE COUNTY YOUTH DETENTION WORKER "DENITA LANGEHORN"
ERIE COUNTY YOUTH DETENTION WORKER "JOHN DOES"

Respondents

TO: COUNTY OF ERIE, ERIE COUNTY YOUTH SERVICES, ERIE COUNTY YOUTH DETENTION WORKERS "JUNIUS", "JAMILLA", "TAYLOR", "ISAAC", "MARQUIS", "SHANTASIA", "JAMES WHITE", "LARRY LEWIS", "DENITA LANGEHORN" and "JOHN DOES"

PLEASE TAKE NOTICE that MASON KRON hereby claims and demands against the above-named Respondents for damages for personal injuries sustained by him, for medical and hospital expenses incurred, for constitutional violations, and those permanent, disfiguring, and debilitating injuries as a result of the negligent, careless and reckless acts and omissions of the above-named Respondents, its agents, servants and/or

employees, appointees, designees, departments or divisions thereof and in support thereof, the Claimant states the following:

1. The post office address of the Claimant, 4779 Lakeshore Road, Hamburg, New York 14075; the name and post office address of Claimant's attorney is Brittanylee Penberthy, Esq., of Penberthy Law Group LLP, 227 Niagara Street, Buffalo, New York 14201.

2. That the nature of this claim is for the negligent, careless, reckless, and/or intentional acts or omissions of the above-named Respondents their agents, servants and/or employees, appointees, designees, departments and divisions thereof, in that MASON KRONE was injured when ERIE COUNTY YOUTH DETENTION WORKERS "JUNIUS", "JAMILLA", "TAYLOR", "ISAAC", "MARQUIS", "SHANTASIA", "JAMES WHITE", "LARRY LEWIS", "DENITA LANGEHORN" and "JOHN DOES" caused and/or permitted personal injuries to Claimant, without cause or the protections of any laws, all while he was in the care and supervision of ERIE COUNTY YOUTH SERVICES, and housed at E. Ferry Youth Detention Facility, located at 810 East Ferry Street, Buffalo, New York.

3. Claimant, an minor detainee at the time of the allegations alleged herein, is and was unaware of the specific names of those that caused him injury, but has identified the responsible parties herein minimally by those names known to him.

4. That said claim first arose on or about March or April 2023, the exact date/time of which is known by Respondents' following an internal investigation, wherein ERIE COUNTY YOUTH DETENTION WORKER "ISAAC" assaulted Claimant, without cause and absent any authority, by punching him in the ribs and placing his hands on Claimant's

throat, while witnessed by ERIE COUNTY YOUTH DETENTION WORKERS "SHANTASIA", causing Claimant personal injuries and hospitalization. Respondents failed to intervene and prevent harm to Claimant.

5. Further, on or about March or April 2023, the exact date/time of which is known by Respondents' following an internal investigation, ERIE COUNTY YOUTH DETENTION WORKER "JAMES WHITE" assaulted Claimant, without cause and absent any authority, by punching him in Claimant's throat, causing Claimant personal injuries. Respondents failed to intervene and prevent harm to Claimant.

6. Further, on or about April 8, 2023, the exact date/time of which is known by Respondents' following an internal investigation and that which was conducted by the Justice Center, Respondents were found to have failed to provide proper supervision to Claimant, permitting Claimant to be injured.

7. Further, on or about June 21, 2023, the exact date/time of which is known by Respondents' following an internal investigation, Respondents ERIE COUNTY YOUTH DETENTION WORKERS "JUNIUS", "JAMILLA", and "TAYLOR" failed to protect Claimant from harm when it was known another detainee (initials "S.G.") had threatened harm upon Claimant, and subsequently was permitted to cause harm upon Claimant when Respondents' workers, namely ERIE COUNTY YOUTH DETENTION WORKERS "JUNIUS", "JAMILLA", and "TAYLOR" neglected to monitor, protect, and prevent harm to Claimant. Had proper procedures been followed, Claimant would not have been subject to an assault by "S.G" that resulted in significant physical injuries and hospitalization.

8. Further, on or about July 8, 2023, the exact date/time of which is known by Respondents' following an internal investigation, ERIE COUNTY YOUTH DETENTION WORKER "LARRY LEWIS" physically assaulted Claimant, without cause and absent any authority, by smashing his head into a concrete wall and bedframe, while assisted by ERIE COUNTY YOUTH DETENTION WORKERS "JUNIUS" and "DENITA LANGEHORN", that resulted in significant physical injuries and hospitalization of Claimant. Respondents failed to intervene and prevent harm to Claimant.

9. Further, on or about July 8, 2023, the exact date/time of which is known by Respondents' following an internal investigation, ERIE COUNTY YOUTH DETENTION WORKER "MARQUIS" assaulted Claimant, without cause and absent any authority, when he kicked Claimant in the head, which resulted in significant physical injuries of Claimant. Respondents failed to intervene and prevent harm to Claimant.

10. On July 12, 2023 Claimant became 18 years of age.

11. On or about July 13, 2023, Claimant was released from Respondents' custody.

12. The assaults on Claimant described herein were not properly prevented or ceased by the Respondents herein, nor was Claimant provided protections against such harm.

13. That so far as now can be determined, the Claimant has sustained multiple extensive serious injuries externally, internally, and permanently in and about the head, neck, ribs, arms, and nervous system as a result of the aforesaid incidents, the full extent of which cannot be fully assessed at the present time. Further, mental trauma has been inflicted and remains as a result of the incident.

14. That by reason of the foregoing injuries, said Claimant became and will continue to be disabled and will continue to suffer great pain, discomfort and disfigurement and has and may require the services of physicians, surgeons, nurses, hospitals, therapy, prosthetic devices, manipulations and medicines and will continue to incur such expenses in the future; and as a result of the aforesaid injuries and permanent disabilities, the future earning capacity of the Claimant and the activities, professional, social and personal endeavors and hobbies of the Claimant and his enjoyment of life will or could be partially and/or totally impaired as a result thereof, all to the damage of said Claimant.

PLEASE TAKE FURTHER NOTICE that the Claimant requests payment of the claims and damages sustained by him as hereinbefore set forth.

DATED: July 17, 2023
Buffalo, New York

PENBERTHY LAW GROUP LLP

By: _____
BRITTANYLEE PENBERTHY, ESQ.
Attorneys for Claimant
Office and P.O. Address
227 Niagara Street
Buffalo, New York 14201
(716) 803-8400

VERIFICATION

STATE OF NEW YORK)

) SS.:

COUNTY OF ERIE)

MASON KRON ., being duly sworn, deposes and says that he is the claimant above named; he 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, he believes them to be true.

Mason Kron
MASON KRON

Sworn to before me this

25 day of July, 2023.

BRITTANY LEE PENBERTHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
Commission Expires August 24, 2025

Notary Public

JEREMY C. TOTH
COUNTY ATTORNEY

COUNTY OF ERIE

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

September 7, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Torres, Luis, Individually and as Natural Parent & Distributee of the Estate of Catalina Torres, Deceased v. County of Erie, et al.*
Document Received:	Notice of Claim
Name of Claimant:	Luis Torres 635 Rowley Road Depew, New York 14043
Claimant's attorney:	Christopher M. Pannozzo, Esq. O'Brien & Ford, P.C. 4549 Main Street, Suite 201 Buffalo, New York 14226

Should you have any questions, please call.

Very truly yours,

Jeremy C Toth (dld)

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

STATE OF NEW YORK

LUIS TORRES, Individually, as Natural Parent of and as Distributee of the Estate of CATALINA TORRES, Deceased

NOTICE OF CLAIM

Claimants

-vs-

COUNTY OF ERIE,

ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES,

ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES, Office of Foster Care and Adoption

Respondents

TO: COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202

ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES
158 Pearl Street
Buffalo, New York 14202

ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES
Office of Foster Care and Adoption
2875 Union Road, Suite 356
Cheektowaga, New York 14227

PLEASE TAKE NOTICE, that the undersigned, LUIS TORRES, Individually and as Distributee of the Estate of CATALINA TORRES, hereby makes, in accordance with the General Municipal Law Section 50 et seq., a claim and demand as against the County

of Erie, Erie County Department of Social Services, and Erie County Department of Social Services, Office of Foster Care and Adoption, as follows:

1. The name and address of the Claimant is:

LUIS TORRES
635 Rowley Road
Depew, New York 14043

2. The attorneys for the Claimants are:

O'BRIEN & FORD P.C.
Christopher M. Pannozzo, Esq.
4549 Main Street, Suite 201
Buffalo, New York 14226
(716) 907-7777

3. The time and place where such claim occurred, and nature of such claim is as follows:

That on June 1, 2023, Deceased Infant CATALINA TORRES, the natural born daughter of the Claimant herein, was at the property owned, controlled, and maintained by of Foster Parents licensed and approved by the Respondents (names currently unknown and hereinafter referred to as JOHN DOE 2 and JANE DOE 2). Upon information and belief, Deceased Infant CATALINA TORRES was temporarily placed with JOHN DOE 1 and JANE DOE 1 by Respondents, COUNTY OF ERIE, ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES and ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES, Office of Foster Care and Adoption, and their agents, servants, contractors, and employees. Upon information and belief, the number of infants and minors placed at the homes of JOHN DOE 1, JANE DOE 1, JOHN DOE 2 and JANE DOE

2 exceeded a safe, appropriate, and legally permissible amount. Additionally, the homes of JOHN DOE 1, JANE DOE 1, JOHN DOE 2 and JANE DOE 2 were grossly inadequate to care for the needs of the infants and minors placed there, including Deceased Infant CATALINA TORRES. Furthermore, JOHN DOE 1, JANE DOE 1, JOHN DOE 2 and JANE DOE 2 were grossly unqualified and untrained to care for the needs of the infants and minors at the property, including Deceased Infant CATALINA TORRES. Furthermore, JOHN DOE 1, JANE DOE 1, JOHN DOE 2 and JANE DOE 2 were previously and habitually negligent, careless, reckless, and wanton in their care of the infants and minors at the property, including Deceased Infant CATALINA TORRES. On the date and time listed above, JANE DOE 1 and JANE DOE 1 brought the Decedent to the home of JOHN DOE 2 and JANE DOE 2, which was also a Foster Home with children placed by the Respondents herein. Furthermore, this home had a pool, fence and security system at the property listed above that was dangerous, defective, broken, insufficient, improper, and in violation of local, county and state ordinances, laws, and statutes. That all of the issues listed above were known to the Respondents and their agents, servants, contractors, and employees at the time of the placement of Deceased Infant CATALINA TORRES, and throughout her time at with JOHN DOE 1, JANE DOE 1, JOHN DOE 2 and JANE DOE 2 and at said property.

At the date and time and location listed above, Deceased Infant CATALINA TORRES, while at the property listed above, entered the pool area, fell in the pool, and drowned, which caused her death.

4. The injuries to Deceased Infant CATALINA TORRES as a result of the foregoing are as follows: death, drowning, pre-death terror, as well as emotional, mental, and psychological injuries inflicted upon her from the acts which occurred on said date.

5. That the aforesaid incident and injuries and damages resulting therefrom occurred by the negligent, reckless and wanton acts of the Respondents and the Employees, Agents, Servants and/or Contractors of the Respondents herein; the fault, neglect, and carelessness of the Respondents; due to the negligence, carelessness and lack of appropriate policies of the Respondents, together with the Respondents' inadequate staffing and/or supervision of JOHN DOE 1, JANE DOE 1, JOHN DOE 2 and JANE DOE 2 and Deceased Infant CATALINA TORRES, and improper supervision and inspection, maintenance and repair of the property in whole, in addition to the pool area located at the home of JOHN DOE 2 and JANE DOE 2; that the Respondents, their agents, servants and/or employees, and contractors, were negligent, wanton and reckless in failing to properly supervise, maintain, inspect and operate and control the premises in question; that they allowed other agents, servants, employees and contractors to subject Deceased Infant CATALINA TORRES to an inherently dangerous condition, which they knew or, in the exercise of reasonable care, should have known existed for some period of time; that they failed to provide sufficient and proper protection and safeguards for the infants and minors present on the property, including the Deceased Infant CATALINA TORRES; that they failed to properly supervise JOHN DOE 1, JANE DOE 1, JOHN DOE 2 and JANE DOE 2 in their activities and duties; that they failed to provide a safe and secure property, and that they failed to have a proper, adequate and sufficient number of

individuals present to provide for the safety and security of infants and minors at the property, including the Deceased Infant CATALINA TORRES; in hiring such employees, contractors and agents, and using and retaining foster parents that they knew or should have known to be incompetent, unskilled, inexperienced and inappropriate for the care of children; that the employees, agents, contractors and foster parents so employed and retained, were incompetent, unskillful and inexperienced; in failing to properly train their employees, agents, contractors and foster parents and enforce proper and adequate rules of conduct; in failing to have a comprehensive safety plan that was defined and articulated for the property; in failing provide a proper and safe place for the infants and minors at the subject property, including the Deceased Infant CATALINA TORRES and, upon information and belief, in failing to properly respond to prior incidents involving JOHN DOE 1, JANE DOE 1, JOHN DOE 2 and JANE DOE 2.

6. Solely as a consequence of the culpable conduct of the Respondents and their agents, employees, servants and/or contractors, jointly and severally, and the resulting injuries and death to the Deceased Infant CATALINA TORRES, the Claimant herein has been deprived of the services, society, and companionship of their daughter, and suffered pecuniary loss as a result of her death. That as a result of the culpable conduct of the Respondents herein, all those individuals that survived the Deceased Infant CATALINA TORRES herein, (including, but not limited to, the named Claimants in their individual and representative capacities) have suffered a pecuniary loss from the death of the Deceased Infant CATALINA TORRES herein, in an amount that cannot be determined at the present time.

7. The undersigned therefore presents this claim for adjustment and payment and notify you that unless the same is adjusted, compromised and/or paid within the time provided by law from the date of its presentation to you, it is the intention of the undersigned to commence an action thereon.

DATED: August 28, 2023

Yours, etc.

O'BRIEN & FORD, P.C.
By: Christopher M. Pannozzo, Esq.
Attorney(s) for Claimant
4549 Main Street, Suite 201
Buffalo, New York 14226
(716) 907-7777

INDIVIDUAL VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

LUIS TORRES, being duly sworn, deposes and says:

That Deponent is the Claimant in the within action;

That Deponent has read the foregoing **NOTICE OF CLAIM** and knows the contents thereof;

That the same is true to Deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters Deponent believes it to be true.

LUIS TORRES

Sworn to before me this 28
day of August, 2023.

NOTARY PUBLIC

CHRISTOPHER M. PANNOZZO
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02PA6124504
Qualified in Erie County
Commission Expires March 28, 2025

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

September 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:	*Moore, Brandon v. County of Erie and Erie County Sheriff's Office*
Document Received:	Notice of Claim
Name of Claimant:	Brandon Moore ICN #123960 Erie County Holding Center 40 Delaware Avenue Buffalo, New York 14202
Claimant's attorney:	Claimant is appearing *pro se*.

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

Notice of Claim

To: Erie County Executive
County Attorney for the County of Erie
Erie County Sheriff

PLEAES TAKE NOTICE that Brandon Moore e claimant, hereby makes claim against the County of Erie, State of New York, for damages sustained by him for personal injury as follows:

The claimant's post-office address is Erie county holding center. 40 Delaware, Buffalo, 14202

The date upon which the injury complained of occurred was the 20th day of 7, 2013 on or about the hour of 7:50 P.M and continuing thereafter.

The injuries sustained by the claimant by reason thereof are more particularly described as follows: concussion and back injuries

The injuries complained of were sustained as a result of the negligence of said county in its care and management of the Erie County holding center 40 Delaware Avenue, Buffalo, NY 14202 which said facility was wholly under its operation and control. Claimant was incarcerated at said facility, and thus in the care and custody of said Erie County sheriff. Claimant requested 50,000

Due to the wrongful denial of Moving my cell Claimant was to suffer the above described injuries. concussion 3 Back injuries

By reason thereot, the claimant sustained injury to his person due to said county's negligence and/or wrongful denial of Moving my cell

The Claimant presents this claim and demand for adjustment and payment and gives notice that unless his claim is adjusted and paid within the time provided by law from the date of its presentation, it is claimant's intention to commence an action thereon.

Dated-

Brandon Moore 123960
B. Moore Pro Se

Roger A. Bronnan
Commissioner of Deeds
In and For the City of Buffalo
Erie County, NY
Commission Exp. Dec. 31, 2024

RECEIVED
AUG 15 2023
ERIE COUNTY
DEPARTMENT OF LAW

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

, BRANDON MOORE **NOTICE OF CLAIM**
plaintiff

vs.

,ERIE COUNTY, and **INDEX NO.:_____**
,ERIE COUNTY SHERIFF OFFICE **(to be assigned)**
Defendant(s)

COUNTY OF ERIE)
STATE OF NEW YORK) SS.:

Plaintiff, **BRANDON MOORE**, complaint against the defendant herein, states and alleges:

1. That the plaintiff is a resident of the County of ERIE, New York.

2. That the defendant is a THE ERIE COUNTY CORRECTIONAL FACILITY/ HOLDING CENTER, and THE COUTNY OF ERIE, A Manicipal corporation duly organized and existing under the laws of the State of New York, in the County of ERIE, New York, AND ONE OF THE ADRESSES OF WHICH IS 40 DELAWARE AVE, BUFFALO, NEW YORK 14202.

3.That at about THE 20th DAY OF July 2023, @ 7:50 o'clock, the defendant or somone acting on his/her behalf negligently caused the plaintiff injuries by leaving him in a cell that was leaking water and after being put on notice on the 6th day of July ,2023, @ 3:45 0'clock that said cell was leaking water and was unsafe and that said plaintiff may slip and fall and injure himself; whereupon said **BRANDON MOORE** slipped and fell and injured himself. As a result of the injuries as plaintiff suffered by the defendant or his agents the defendant required and still requires continous trips to medical and medical attention.

4. That the defendant' resulting damages were caused by the negligence of the defendant in failing to exercise proper and care and due diligance in failing to move him from this unsafe cell. The plaintiff injuries include a injured and hurt back where his pain is severe pintching and a burning sensation and loss of mition due to pain, cuts and bruises as well.

5. That on or about the 4th day of August ,2023, notice of claim was duly delivered to the defendant.

6. That more than 30 days have elapsed since the service of that notice and that adjustment or payment thereof has been neglected or refused.

8. The amount of damages sought in this action exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, plaintiff demands judgment against defendants in an amount to be determined upon the trial of this action, together with the costs and disbursements of this action.

Dated:

Buffalo, New York

/s/ **BRANDON MOORE**

x B. Moore

Sworn to before me this 4

day of August, 2023

Roger A. Brennan
Commissioner of Deeds
In and For the City of Buffalo
Erie County, NY
Commission Exp. Dec. 31, 2024

AFFIDAVIT OF SERVICE

STATE OF NEY YORK

COUNTY OF ERIE

CITY OF BUFFALO

I, Brandon Moore, being duly sworn, deposes and say that I have this 4th day of August, 2023, forwarded via the United States Postal Service copies to the following:

John J. Flynn
District Attorney of Erie County
25 Delaware Avenue
Buffalo, New York 14202

Erie Co Executive

Erie Co Attorney

Michael P. Kearns
Chief Clerk
Erie County Court Building
92 Franklin Street
Buffalo, New York 14202

Erie Co Sheriff

Sworn to me this

4 day of August, 2023

B. Moore

Defendant

Commissioner of Deeds

Roger A. Brennan
Commissioner of Deeds
In and For the City of Buffalo
Erie County, NY
Commission Exp. Dec. 31, 2024

JEREMY C. TOTH
COUNTY ATTORNEY

COUNTY OF ERIE

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

September 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:	*Carrig, Angelia R. v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Angelia R. Carrig 55 Spring Street Lackawanna, New York 14218
Claimant's attorney:	Brigitte R. Cellino, Esq. Cellino Law, LLP 800 Delaware Avenue Buffalo, New York 14209

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

SUPREME COURT OF THE STATE
OF NEW YORK
COUNTY OF ERIE
****
ANGELIA R. CARRIG

Claimant,

NOTICE OF CLAIM

v.

COUNTY OF ERIE
Department of Law
95 Franklin Street, 16th Floor
Buffalo, New York 14202

Respondent,
****

PLEASE TAKE NOTICE, that the above named claimant claims and demands from the respondents, County of Erie, recompense for personal injuries and damages sustained by claimant by reason of the wrongful, negligent and careless acts and omissions of the respondents, their agents, servants and/or employees, and in support thereof, the claimant states:

1. Claimant's address is 55 Spring Street, Lackawanna, NY 14218.

2. The claimant is represented by Cellino Law LLP, with offices located at 800 Delaware Avenue, Buffalo, New York 14209, telephone (716) 888-2020.

3. The incident in which personal injuries were sustained by the claimant occurred on or about June 30, 2023 at approximately 5:38 p.m. in a motor vehicle accident at the intersection of Gates Avenue and Ridge Road, Lackawanna, New York (**see Police Report attached hereto**).

4. Upon information and belief, the County of Erie knew or should have known that the stop sign, which controlled the intersection of Gates Avenue and Ridge

Road, was not in place prior to claimant's accident of June 30, 2023 (**see Police Report attached hereto**). Due to the fact that the County of Erie failed to replace the subject stop sign in a reasonable period of time, a motor vehicle accident between the claimant and a third party occurred.

5. By virtue of the negligence of the employees, agents or servants of the County of Erie, claimant has incurred medical and hospital expenses, which are to date undetermined and will incur loss of earnings, impairment of health and permanent injuries.

6. Upon information and belief, claimant will be obligated further medical expenses including, but not limited to, treatments, appointments, drugs, medicines and prosthetic devices, the amount of which cannot be reasonably calculated at this time.

TAKE NOTICE that claimant demands payment of his claim as set forth above.

DATED: Buffalo, New York
August 17, 2023

CELLINO LAW, LLP

Brigitte R. Cellino, Esq.
Attorneys for Claimant
800 Delaware Avenue
Buffalo, NY 14209
(716) 888-2020

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE : SS.:
)

ANGELIA R. CARRIG 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 the knowledge of the deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters she believes them to be true.

Angelia Carrig
ANGELIA R. CARRIG

STATE OF NEW YORK)
COUNTY OF ERIE : SS.:
)

On the 21st day of August, in the year 2023 before me, the undersigned, personally appeared Angelia R. Carrig, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in his capacity and that by its signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Gaelin Carrig
Notary Public/Commissioner of Deeds

GAELIN P CARRIG
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02CA6435587
Qualified in ERIE County
Commission Expires JUNE 27, 2026

Page 1 of 2 Pages

Local Codes: RLLP03GWV5L2

New York State Department of Motor Vehicles

POLICE ACCIDENT REPORT

MV-104A (5/22)

☐ AMENDED REPORT

19: 68

Accident Date Month	Day	Year	Day of Week	Military Time	No. of Vehicles	No. Injured	No. Killed	Not Investigated at Scene ☐ / Accident Reconstructed ☐	Left Scene ☐	Police Photos ☐ Yes ☒ No
06	30	2023	FRIDAY	17:38	2	1	0		☐	

VEHICLE 1

VEHICLE 1 - Driver License ID Number: 155384493 — State of Lic.: NY

Driver Name - exactly as printed on license: BECKETT, ANNA N

Address (Include Number & Street): 2761 WEHRLE DR — Apt. No.:

City or Town: BUFFALO — State: NY — Zip Code: 14221

Date of Birth Month: 08 Day: 24 Year: 1995 — Sex: F — Unlicensed ☐ — No. of Occupants: 2 — Public Property Damaged ☐

Name - exactly as printed on registration: mueller, zachery n — Sex: M — Date of Birth Month: 07 Day: 10 Year: 1991

Address (Include Number & Street): 2761 WEHRLE DR — Apt. No.: — Haz. Mat Code: — Released ☐

City or Town: BUFFALO — State: NY — Zip Code: 14221

Plate Number	State of Reg.	Vehicle Year & Make	Vehicle Type	Ins. Code
HWE4839	NY	2014 CHEV	4DSD	113

Ticket/Arrest Number(s):

Violation Section(s):

Check if involved vehicle is:
☐ more than 96 inches wide;
☐ more than 34 feet long;
☐ operated with an overweight permit;
☐ operated with an overdimension permit.

VEHICLE 1 DAMAGE CODES

Box 1 - Point of Impact: 2 — Box 2 - Most Damage: 2

Enter up to three more Damage Codes: 1, 3, 4, 3, 5, 12

Vehicle Towed: By MILLER'S To MILLER'S

VEHICLE 2 ☒ — ☐ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN

VEHICLE 2 - Driver License ID Number: 456169615 — State of Lic.: NY

Driver Name - exactly as printed on license: CARRIG, GAGE C

Address (Include Number & Street): 55 SPRING ST — Apt. No.:

City or Town: LACKAWANNA — State: NY — Zip Code: 14218

Date of Birth Month: 07 Day: 25 Year: 1991 — Sex: M — Unlicensed ☐ — No. of Occupants: 3 — Public Property Damaged ☐

Name - exactly as printed on registration: CARRIG, ANGELIA R — Sex: F — Date of Birth Month: 12 Day: 18 Year: 1990

Address (Include Number & Street): 55 SPRING ST 1 — Apt. No.: — Haz. Mat Code: — Released ☐

City or Town: LACKAWANNA — State: NY — Zip Code: 14218

Plate Number	State of Reg.	Vehicle Year & Make	Vehicle Type	Ins. Code
GUA7394	NY	2021 JEEP	SUBN	743

Ticket/Arrest Number(s):

Violation Section(s):

Check if involved vehicle is:
☐ more than 96 inches wide;
☐ more than 34 feet long;
☐ operated with an overweight permit;
☐ operated with an overdimension permit.

VEHICLE 2 DAMAGE CODES

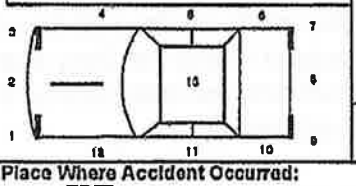
Box 1 - Point of Impact: 10 — Box 2 - Most Damage: 10

Enter up to three more Damage Codes: 11, 9, 5

Vehicle Towed: By MUCCI'S To MUCCI'S

VEHICLE DAMAGE CODING:

1-13. SEE DIAGRAM ON RIGHT.
14. UNDERCARRIAGE
15. TRAILER
16. OVERTURNED
17. DEMOLISHED
18. NO DAMAGE
19. OTHER



Circle the diagram below that describes the accident, or draw your own diagram in space #9. Number the vehicles.

Rear End 1. — Left Turn 3. — Right Angle — Right Turn 5. — Head On 7.
Sideswipe (same direction) 2. — Left Turn 0. — Right Turn 6. — Sideswipe (opposite direction) 8.

ACCIDENT DIAGRAM

See the second page for the accident diagram

Cost of repairs to any one vehicle will be more than $1000. ☒ Yes ☐ No

Reference Marker:

Coordinates (if available)
Latitude/Northing: 185452
Longitude/Easting: 4748855

Place Where Accident Occurred:
County ERIE ☒ City ☐ Village ☐ Town of LACKAWANNA, CITY OF
Road on which accident occurred RIDGE ROAD (Route Number or Street Name)
at 1) Intersecting street GATES AVE (Route Number or Street Name)
or 2) ____ Feet ____ Miles ☐N ☐S ☐E ☐W of ____ (Milepost, Nearest Intersecting Route Number or Street Name)

Accident Description/Officer's Notes

Unit 1 was traveling north on Gates Ave while Unit 2 was traveling west on Ridge Rd. Unit 1 did not stop at the intersection of Gates and Ridge because the stop sign that should be there was missing. Unit 1 was attempting to cross Ridge Rd and struck Unit 2 while it was passing by. The driver of Unit 1 was transported to ECMC for a complaints of head pain. All other occupants were evaluated on

USE COVER SHEET: N

ALL INVOLVED

	8	9	10	11	12	13	14	15	16	17 BY	TO 18	Names of all Involved	Date of Death Only
A	01	1	7	1	27	F	1	3	6	14955-EV	1405	BECKETT, ANNA N	
B	02	1	4	1	31	M	-	-	-			CARRIG, GAGE C	
C	01	3	7	1	29	M	-	-	-			DEVEANS, JONAH A	
D	02	3	4	1	32	F	-	-	-			CARRIG, ANGELIA R	
E	02	6	5	1	0	F	-	-	-			CARRIG, MAYA R	
F													

Officer's Rank and Signature	Badge/ID No.	NCIC No.	Precinct/Post Troop/Zone	Station/Beat/ Sector	Reviewing Officer	Date/Time Reviewed
PO	0053	01402			KUKOLECA, W	07/02/2023 14:29
Print Name In Full: J KOWALSKI						

Page 2 of 2 Pages

Local Codes: RLLP03GWV5L2

New York State Department of Motor Vehicles

POLICE ACCIDENT REPORT

MV-104A (5/22)

☐ AMENDED REPORT

Accident Date Month	Day	Year	Day of Week	Military Time	No. of Vehicles	No. Injured	No. Killed	Not Investigated at Scene ☐ / Accident Reconstructed ☐	Left Scene ☐	Police Photos ☐ Yes ☒ No
06	30	2023	FRIDAY	17:38	2	1	0			

VEHICLE 1

VEHICLE 1 - Driver License ID Number | State of Lic.

Driver Name - exactly as printed on license

Address (Include Number & Street) | Apt. No.

City or Town | State | Zip Code

Date of Birth Month | Day | Year | Sex | Unlicensed ☐ | No. of Occupants | Public Property Damaged ☐

Name - exactly as printed on registration | Sex | Date of Birth Month | Day | Year

Address (Include Number & Street) | Apt. No. | Haz. Mat Code | Released ☐

City or Town | State | Zip Code

Plate Number | State of Reg. | Vehicle Year & Make | Vehicle Type | Ins. Code

Ticket/Arrest Number(s)

Violation Section(s)

VEHICLE 1

Check if involved vehicle is:
☐ more than 95 inches wide;
☐ more than 34 feet long;
☐ operated with an overweight permit;
☐ operated with an overdimension permit.

VEHICLE 1 DAMAGE CODES

Box 1 - Point of Impact
Box 2 - Most Damage
Enter up to three more Damage Codes

Vehicle Towed: By / To

VEHICLE 2 ☐ BICYCLIST ☐ PEDESTRIAN ☐ OTHER PEDESTRIAN

VEHICLE 2 - Driver License ID Number | State of Lic.

Driver Name - exactly as printed on license

Address (Include Number & Street) | Apt. No.

City or Town | State | Zip Code

Date of Birth Month | Day | Year | Sex | Unlicensed ☐ | No. of Occupants | Public Property Damaged ☐

Name - exactly as printed on registration | Sex | Date of Birth Month | Day | Year

Address (Include Number & Street) | Apt. No. | Haz. Mat. Code | Released ☐

City or Town | State | Zip Code

Plate Number | State of Reg. | Vehicle Year & Make | Vehicle Type | Ins. Code

Ticket/Arrest Number(s)

Violation Section(s)

VEHICLE 2

Check if involved vehicle is:
☒ more than 95 inches wide;
☐ more than 34 feet long;
☐ operated with an overweight permit;
☐ operated with an overdimension permit.

VEHICLE 2 DAMAGE CODES

Box 1 - Point of Impact
Box 2 - Most Damage
Enter up to three more Damage Codes

Vehicle Towed: By / To

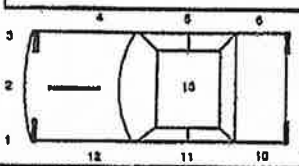
Circle the diagram below that describes the accident, or draw your own diagram in space #8. Number the vehicles.

Rear End 1. | Left Turn 3. | Right Angle | Right Turn 5. | Head On 7.

Sideswipe (same direction) 2. | Left Turn 0. | 4. | Right Turn 6. | Sideswipe (opposite direction) 8.

VEHICLE DAMAGE CODING:

1-13. SEE DIAGRAM ON RIGHT.
14. UNDERCARRIAGE
15. TRAILER
16. OVERTURNED
17. DEMOLISHED
18. NO DAMAGE
19. OTHER



ACCIDENT DIAGRAM

See the second page for the accident diagram

9.

Cost of repairs to any one vehicle will be more than $1000. ☒ Yes ☐ No

Reference Marker

Coordinates (if available)
Latitude/Northing: 185452
Longitude/Easting: 4748855

Place Where Accident Occurred:
County ERIE ☒ City ☐ Village ☐ Town of LACKAWANNA, CITY OF
Road on which accident occurred RIDGE ROAD (Route Number or Street Name)
at 1) Intersecting street GATES AVE (Route Number or Street Name)
or 2) ____ Feet ____ Miles ☐N ☐S ☐E ☐W of ____ (Milepost, Nearest Intersecting Route Number or Street Name)

Accident Description/Officer's Notes

scene by LFD and AMR and did sign off on further treatment. - WITNESS 1 WEISHAN, KIM 7169301534 -

WITNESS 2 SUMNER, MICHAEL F 7162259882

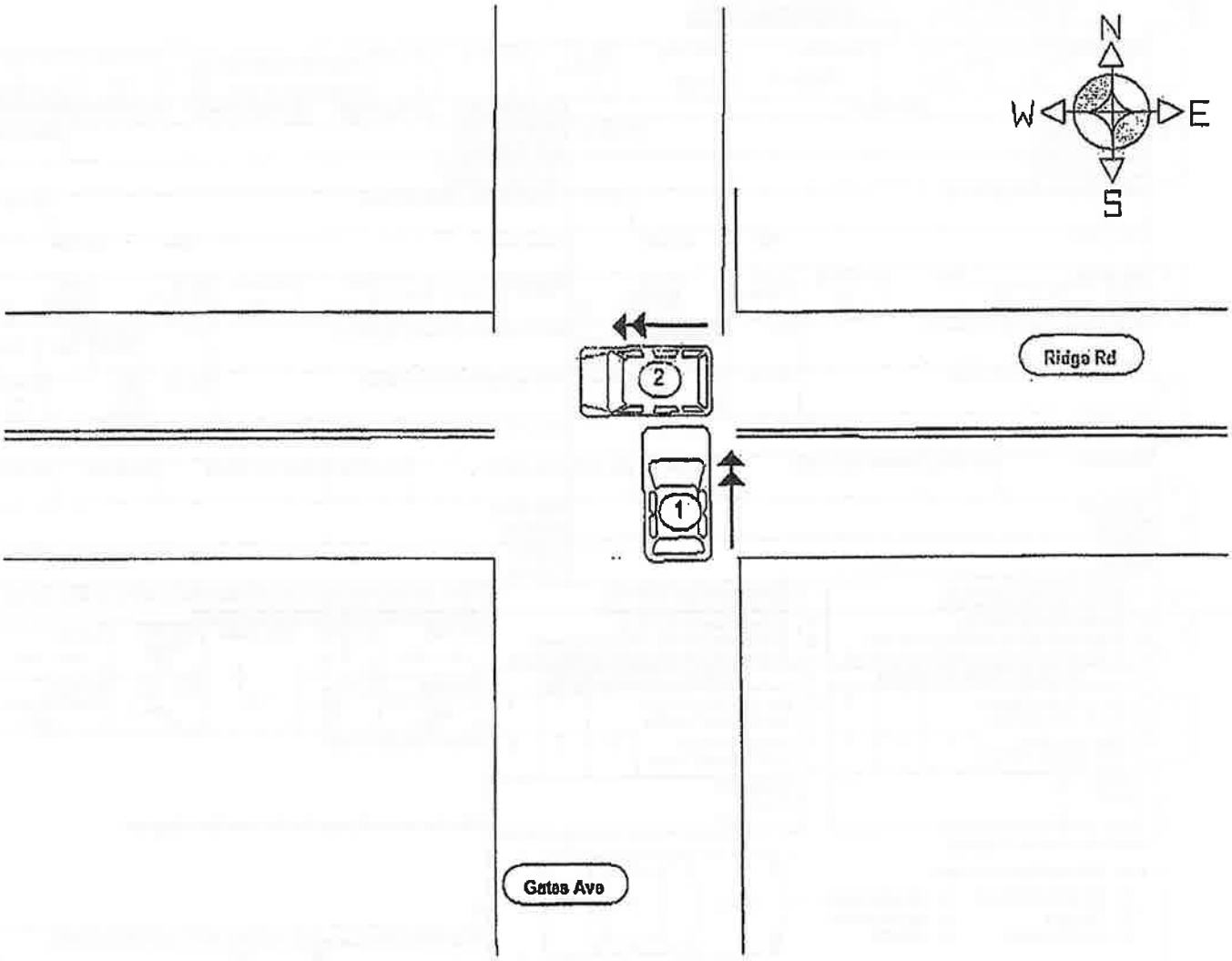
USE COVER SHEET: N

ALL INVOLVED

	8	9	10	11	12	13	14	15	16	17	BY	TO	18	Names of all involved	Date of Death Only
A															
B															
C															
D															
E															
F															

Officer's Rank and Signature	Badge/ID No.	NCIC No.	Precinct/Post Troop/Zone	Station/Beat/ Sector	Reviewing Officer	Date/Time Reviewed
PO J KOWALSKI	0053	01402			KUKOLECA, W	07/02/2023 14:29

Print Name in Full: J KOWALSKI


N
W
E
S
Ridge Rd
2
1
Gates Ave

JEREMY C. TOTH
COUNTY ATTORNEY

COUNTY OF ERIE

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

September 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:	*Kennedy, Steven P. v. County of Erie and Buffalo Niagara Convention Center Mgmt Corp.*
Document Received:	Notice of Claim
Name of Claimant:	Steven P. Kennedy 106 Pearl Street West West Seneca, New York 14224
Claimant's attorney:	Rebecca L. Postek, Esq. The Dietrich Law Firm 101 John James Audubon Parkway Buffalo, New York 14228

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
****

STEVEN P. KENNEDY,

Claimant,

vs.

COUNTY OF ERIE and
BUFFALO NIAGARA CONVENTION CENTER MANAGEMENT CORPORATION,

Respondents.
****

NOTICE OF CLAIM

PLEASE TAKE NOTICE that the above-named Claimant claims and demands from the County of Erie and Buffalo Niagara Convention Center Management Corporation recompense for personal injuries sustained by the Claimant by reason of the wrongful, unlawful, negligent, and careless acts and omissions of the Respondents, their agents, servants, and/or employees, and in support thereof the Claimant states:

1. The address of the Claimant is 106 Pearl Street, West Seneca, New York 14224.

2. The Claimant is represented by The Dietrich Law Firm P.C., 101 John James Audubon Parkway, Buffalo, New York 14228; (716) 839-3939.

3. The incident in which personal injuries were sustained by the Claimant occurred on or about August 6, 2023 at approximately 10:30 a.m. to 11:00 a.m., when the Claimant purchased a slice of pizza at the main concession stand on the second floor of the Buffalo Niagara Convention Center and was caused to choke as a result of swallowing a spray bottle cap and/or nozzle that was in his slice of pizza. As a

result, the Claimant sustained permanent and severe physical injuries, including injuries to his throat and diarrhea.

4. Attached hereto and made a part hereof as **Exhibit A** is one (1) colored photograph depicting the subject pizza and spray bottle cap and/or nozzle.

5. By virtue of the negligence and/or recklessness of the employees, agents, and/or servants of the County of Erie and Buffalo Niagara Convention Center Management Corporation, the Claimant incurred medical and hospital expenses, which are to date undetermined, and will incur loss of earnings and impairment of health.

6. Upon information and belief, the Claimant will be obligated further medical expenses including drugs, medicines, and prosthetic devices, the amount of which cannot be reasonably calculated at this time.

TAKE NOTICE that the Claimant demands payment of his claim as set forth above.

Dated: August 8, 2023

THE DIETRICH LAW FIRM P.C.

By: _____

Rebecca L. Postek, Esq.
Attorneys for Claimant
101 John James Audubon Parkway
Buffalo, New York 14228
(716) 839-3939

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE
****

STEVEN P. KENNEDY,

Claimant,

vs.

COUNTY OF ERIE and
BUFFALO NIAGARA CONVENTION CENTER MANAGEMENT CORPORATION,

Respondents.
****

VERIFICATION

I, **STEVEN P. KENNEDY**, being duly sworn, deposes and says, that the deponent is the Claimant in the within action; that the deponent has read the foregoing Notice of Claim and knows the contents hereof; that the same is true to the deponent's knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes them to be true.

STEVEN P. KENNEDY

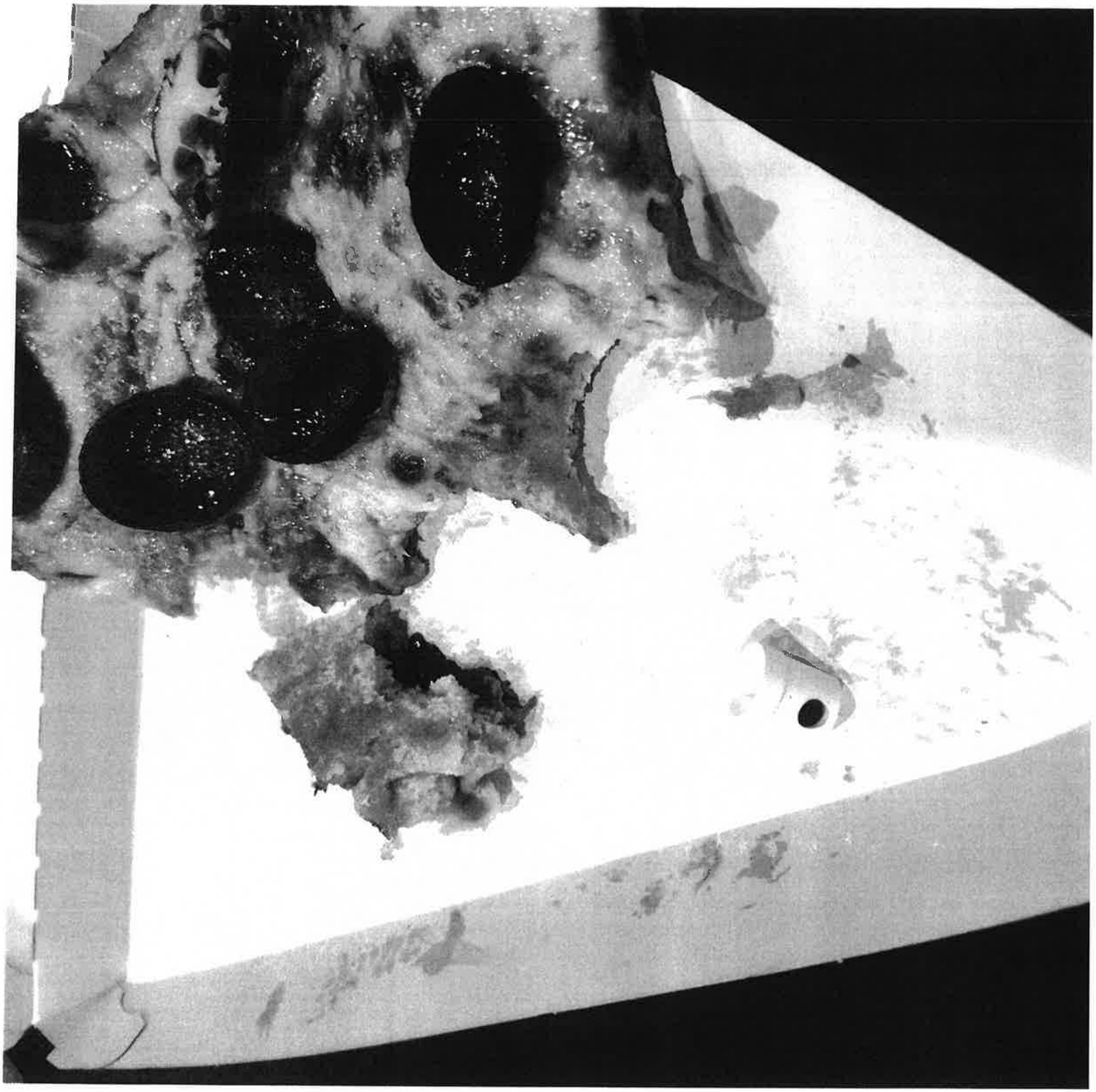
Sworn to before me this 7 day of August 2023.

NOTARY PUBLIC

PEGGY E WAGNER
NOTARY PUBLIC-STATE OF NEW YORK
No. 01WA6141246
Qualified in Erie County
My Commission Expires 02-21-2026

The Dietrich Law Firm P.C.
101 John James Audubon Parkway
Buffalo, New York 14228
(716) 839-3939

EXHIBIT A





COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

September 27, 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:	*Kestel, Benjamin v. Erie County Sheriff's Office*
Document Received:	EEOC Charge of Discrimination
Name of Claimant:	Benjamin Kestel 825 Exchange Street Alden, New York 14004
Claimant's attorney:	Claimant is proceeding *pro se*

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.	Charge Presented to: Agency(ies) Charge No(s): ___ FEPA _X_ EEOC

New York State Division of Human Rights and EEOC
State or local Agency, if any

Name (*indicate Mr. Ms. Mrs.*)	Home Phone (Incl. Area Code)	Date of Birth
Mr. Benjamin Kestel	716-954-3922	02/18/1983

Street Address City, State and ZIP Code
825 Exchange Street, Alden, NY 14004

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. (Include
Erie County Sheriff's Office		716-858-7618

Street Address City, State and ZIP Code
10 Delaware Avenue, Buffalo NY 14202

Name	No. Employees, Members	Phone No. (Include Area Code)

Street Address City, State and ZIP Code

DISCRIMINATION BASED ON (*Check appropriate box(es).*)	DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest
__ RACE __ COLOR __ SEX __ RELIGION __ NATIONAL ORIGIN	8/23/23
__ RETALIATION __ AGE _x_ DISABILITY __ OTHER (Specify below.)	_X_ CONTINUING ACTION

THE PARTICULARS ARE (*If additional paper is needed, attached extra sheet(s)*):

I began my career with Erie County in 2012. I am currently serving as a Deputy Sheriff at the Erie County Holding Center. My 8-hour shift, without overtime, is 7:00 a.m. – 3:00 p.m.

I am a 100% Service-related disabled (employable) US Army Combat Veteran (70% disabled for PTSD). Because of my disabilities, I have difficulty completing mandatory overtime shifts as a Deputy Sheriff in the Erie County Holding Center. The added stress of an unpredictable schedule has increased my symptoms. I have requested a reasonable accommodation to no longer be subjected to mandatory overtime shifts, and to be able to work a scheduled 8-hour shift each day.

I communicated with the Executive Director, Frank Cammarata, Erie County Office for People with Disabilities. He provided me with a Deputy Sheriff job description and a Physician Medical Certification for Request for Reasonable Accommodations. My physician reviewed the job description and completed the form. The Deputy job description does not state overtime hours are mandatory. On or about May 15, 2023, I provided Frank Cammarata with the required physician's certified form. The physician certified that I required a scheduled 8-hour shift each day. During this time period, I also emailed Frank Cammarata, explaining my need for an accommodation and possible other job assignments that did not require overtime. For example, on May 4, 2023, I emailed Frank Cammarata and listed other Deputy job positions that required no overtime. Some of these positions include Project Blue Deputy, New Dawn Deputy, Gang Intel Deputy, Pistol Permit Deputy, Canine Deputy, Family Court Division Deputy and various other positions. I also mentioned there are also light-duty deputies who did not work overtime. During these email exchanges, Frank Cammarata said the department said I "can take leave under FMLA." FMLA is a different law and while I have sought and been approved for FMLA, this does not address my ADA accommodation needs. FMLA is not a solution.

On or about May 25, 2023, I received a letter from Frank Cammarata, that he finds there is "no reasonable accommodation that the County can provide that would enable you to perform the essential functions of your

job." Mr. Cammarata also states a reasonable accommodation is "not warranted," and my case was closed. He gave no reason for this conclusion, and he refused to engage in the required interactive process.

I disagree that there is "no reasonable accommodation that the County can provide that would enable [me] to perform the essential functions of the job." I am currently performing the essential functions of the job. The job description states a Deputy must be "capable of performing the essential functions of the position with or without reasonable accommodation." I provided the medical documentation required and I was denied.

On August 18, 2023, I submitted a more current Physician Medical Certification, written by Rachel Smith, Nurse Practitioner, who assumed care in June 2023, to Mr. Cammarata. Her Certification specified that I required an accommodation to limit my work day to 8 hours.

On or about August 23, 2023, I received a letter from Frank Cammarata, that he finds there is "no reasonable accommodation that the County can provide that would enable you to perform the essential functions of your job." Mr. Cammarata also states a reasonable accommodation is "not warranted," and my case was closed. He gave no reason for this conclusion, and he refused to engage in the required interactive process.

Based on the facts provided and the totality of the circumstances, I believe that I am being subject to a discrimination based on my disability, in violation of the Americans with Disabilities Act, and the New York Human Rights Law.

	NOTARY – *When necessary for State and Local Agency Requirements*
I declare under penalty of perjury that the above is true and correct. 9/8/2023 *Date* *Charging Party Signature*	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. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (*month, day, year*) Sharon Aikens Dzierba SHARON AIKENS DZIERBA NOTARY PUBLIC STATE OF NEW YORK ERIE COUNTY LIC. #01DZ6234961 COMM. EXP. 1/31/2027

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

September 27, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Johnson, Tiffany, as PNG of Jayce R. Johnson v. County of Erie and Town of Cheektowaga*
Document Received:	Notice of Claim
Name of Claimant:	Tiffany Johnson PNG of Jayce R. Johnson 31 Chesterfield Drive Cheektowaga, New York 14215
Claimant's attorney:	James M. O'Keefe, Esq. William Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, New York 14221

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

This paper received at the
Erie County Attorney's Office
from Connie Rigoli on
the 29 day of Aug, 2023
at 12:47 a.m./p.m.

Assistant County Attorney

STATE OF NEW YORK
COUNTY OF ERIE

IN THE MATTER OF THE CLAIM OF:

TIFFANY JOHNSON, as Parent and Natural Guardian of JAYCE R. JOHNSON, an Infant
31 Chesterfield Drive
Cheektowaga, NY 14215

Claimant,

-against-

NOTICE OF CLAIM

ERIE COUNTY
95 Franklin Street
Buffalo, New York 14202

TOWN OF CHEEKTOWAGA
Town Hall
3301 Broadway
Cheektowaga, New York 14227

Respondents.

PLEASE TAKE NOTICE that Claimant **TIFFANY JOHNSON, as Parent and Natural Guardian of JAYCE R. JOHNSON, an Infant**, hereby presents this Notice of Claim and makes claim in accordance with New York General Municipal Law § 50-e against the Respondents, **ERIE COUNTY** and **TOWN OF CHEEKTOWAGA** (hereinafter referred to collectively as "Respondents") and in support thereof Claimant alleges:

1. The Claimant, TIFFANY JOHNSON, as Parent and Natural Guardian of JAYCE R. JOHNSON, an Infant, resides with Infant Claimant at 31 Chesterfield Drive, Cheektowaga, New York 14215. The Claimant brings this claim by and through her attorney, JAMES M.

O'KEEFE, ESQ., William Mattar, P.C., 6720 Main Street, Suite 100, Williamsville, NY 14221.

2. The Claimant brings this claim for damages against the Respondents for personal injuries, pain and suffering, general and special damages, medical expenses, and property damages allowed by law resulting from injuries suffered by JAYCE R. JOHNSON, an Infant, and as a result of the negligence of Respondents, by and through their servants, agents, or employees.

3. That the said injuries were sustained by JAYCE R. JOHNSON, an Infant on July 22, 2023 at approximately 7:45 PM when he was riding his bicycle and crossed over Chesterfield Drive in order to return to his place of residence. Chesterfield Drive was left unpaved and a large hump in the roadway caused JAYCE R. JOHNSON, an Infant, to fall and scrape his forehead and leg on the ground. Upon information and belief, Chesterfield Drive was owned, designed, constructed, maintained and cared for by the Respondents their servants, agents, or employees.

4. That the Respondents by and through their agents, servants and employees had actual or constructive notice of and created the dangerous condition and hazard. Upon information and belief, the Respondents created the conditions within the roadway and failed to maintain a reasonably safe public roadway, along with other acts of negligence, carelessness and recklessness under existing circumstances. Upon further information and

belief, the Respondents knew and/or should have known in the exercise of reasonable care, the condition of the roadway and had adequate time to correct said conditions.

5. That as a result of the foregoing, JAYCE R. JOHNSON, an Infant, suffered a laceration to the forehead and a scrape to his leg. These injuries required medical treatment, including the laceration being glued shut that also resulted in a scar and a bump under his skin, as well as debridement of the scrape to his leg. JAYCE R. JOHNSON, an Infant, endured pain and suffering, both physical and emotional, and upon information and belief, will continue to experience pain and suffering into the future. Claimant, TIFFANY JOHNSON, has also incurred medical expenses for the medical care that her child received. The full extent of these injuries is unknown at this time.

6. That the said injuries were caused and occasioned solely and wholly as a result of the negligence of the ERIE COUNTY and/or the TOWN OF CHEEKTOWAGA, through their agents, servants and employees and without any negligence on the part of the Infant Claimant contributing thereto.

DATED: Williamsville, New York
August 25, 2023

James M. O'Keefe, Esq.
WILLIAM MATTAR, P.C.
Attorneys for Claimant
Office and P.O. Address
6720 Main Street
Suite 100
Williamsville, NY 14221-5986
(716)633-3535

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

TIFFANY JOHNSON, as Parent and Natural Guardian of JAYCE R. JOHNSON, an Infant, being duly sworn, depose and say that she is the Claimant in this action; that she has read the foregoing Notice of Claim and know the contents thereof; that the same is true to the knowledge of deponents, except as to matters therein stated to be alleged on information and belief, and that as to those matters they believe them to be true.

Tiffany S Johnson
TIFFANY JOHNSON

Sworn to before me this
25th day of August, 2023

Notary Public

James O'Keefe
Notary Public, State of New York
Registration No. 02OK6383588
Qualified In Erie County
My Commission Expires January 14, 2027

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

September 28, 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:	*Oehler, Frederick v. Nietzel, Theresa and Albanese, Matthew, et al.*
Document Received:	Summons and Complaint
Name of Claimant:	Frederick Oehler 860 Ellicott Creek Road Tonawanda, New York 14150
Claimant's attorney:	Chad A. Davenport, Esq. Rupp Pfalzgraf 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.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FREDRICK OEHLER
860 Ellicott Creek Road
Tonawanda, New York 14150

Plaintiff,

v.

THERESA NIETZEL, individually and in her official capacity as a detective for the Erie County Sheriff's Office,
10 Delaware Avenue
Buffalo, New York 14202

MATTHEW ALBANESE, individually and in his official capacity as a deputy for the Erie County Sheriff's Office,
10 Delaware Avenue
Buffalo, New York 14202

MATTHEW DELLAPENTA, individually and in his official capacity as a Special Agent for the Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigation Department,
250 Delaware Avenue,
Buffalo, New York 14202

PETER COLAFRANCESDRI, individually and in his official capacity as a Special Agent for the Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigation Department,
250 Delaware Avenue,
Buffalo, New York 14202

E. GACZEWSKI, individually and in his official capacity as a Special Agent for the Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigation Department,
250 Delaware Avenue,
Buffalo, New York 14202

COMPLAINT
AND JURY DEMAND

Civil Action No. 23-cv-956

JOHN DOE(s), individually and in their official capacity as Custom and Border Protection Officers,
U.S. Customs and Border Protection
John F. Kennedy International Airport
Building 77, 2nd Floor
Jamaica, New York 11430

UNITED STATES,
500 12TH Street SW
Washington, DC 20536

Defendants.

Plaintiff, Fredrick Oehler, by his attorneys, Rupp Pfalzgraf LLC, as and for his complaint against defendants, Theresa Nietzel, Matthew Albanese, Matthew DellaPenta, Peter Colafrancesdri, E. Gaczewski, John Doe(s), and the United States (collectively referred to as "Defendants"), allege as follows:

JURISDICTION

1. This action is brought under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), 42 U.S.C. §§ 1983 and 1988, and under the Fourth and Fourteenth Amendments of the United States Constitution.

2. This Court has subject matter jurisdiction over all claims pursuant to 28 U.S.C. §§ 1331, 1343, and 1983.

3. Plaintiff further invokes this Court's pendent jurisdiction, pursuant to 28 U.S.C. § 1367(a), over any and all state law claims and as against parties that are so related to claims in this action within the original jurisdiction of this Court that they form part of the same case or controversy.

Erie County Legislature
Meeting Date: 10/05/2023

SUBJECT

COMM. 18M-1	EC BOARD OF ETHICS	Annual Report of Activities for 2022

Attachments

23COMM. 18M-1

ERIE COUNTY BOARD OF ETHICS EC LEG SEP 25 '23 PM2:29

95 Franklin St. 6th Floor Buffalo NY 14202,
Chris Trapp, Chair

Annual Report of Activities for 2022

Executive Summary: The Erie County Board of Ethics provides an Annual Report of Activities to the Erie County Legislature and County Executive. The report identifies the legislative authority, powers and duties of the Board, membership and frequency of meetings.

The Board received complaints about alleged ethical violations, requests for disclosure under FOIL and requests for opinions or actions. These included requests to investigate the conduct of elected officials, the right of individuals to hold elective offices as well as being employed by the County, as well as some issues outside the jurisdiction of the Board.

The Board also was asked for or provided opinions on potential conflicts of interest of current or future employees. The Board answered questions concerning completing the Annual Financial Disclosure Form. Board also received and reviewed all Annual Financial Disclosure Forms. The Board contacted filers with incomplete forms and sought additional information to clarify initial submissions. The Board also sent follow-up letters to specific individuals identifying potential conflicts of interest.

The 2022 Financial Disclosure Forms (for calendar year 2022) included edits and explanations to clarify information requested and reduce errors and the need for follow-ups.
http://www2.erie.gov/ethics/sites/www2.erie.gov.ethics/files/uploads/Financial-Disclosure-Form.pdf

The Erie County Board of Ethics is an independent administrative unit of Erie County. The Board's powers and duties are derived from the updated Code of Ethics County Law (2-2018) and New York State Municipal Law Article 18. Section 10 (d) of the Code provides that "the Board shall be the repository for completed annual statements of financial disclosure required by this local law." Erie County employees who are elected officials or in policy-making positions or able to make County policy are required to complete an Annual Statement of Financial Disclosure for the County of Erie by May 15. Those who must file also include members of administrative boards, chairs of county political parties, and candidates for elective offices. The Board of Elections was again notified of this need.

The Erie County Board of Ethics was established and exists pursuant to the provisions of Article 19 of the Erie County Code, as amended. The Board is charged with enforcing and implementing the provisions of the Erie County Code of the Ethics, Local Law No. 2-2018 (hereafter 'Code') pursuant to operating procedures that govern the Board. The Board shall have the power and duty to:

A. Initiate and receive complaints of violations of any of the provisions of the Code;
B. Conduct investigations, inquiries and hearings concerning any matter covered by the Code;
C. Subpoena persons or documents and, by a majority vote, issue subpoenas to the fullest extent authorized by law;
D. Determine whether to investigate and whether to act upon any particular complaint;
E. Request the assistance of other appropriate agencies in conducting investigations;
F. Consult with County agencies, officials and employees on matters involving ethical conduct which are specific to the County of Erie Board of Ethics;
G. Recommend such legislative action as it may deem appropriate to effectuate the policies within the Code;
H. Promulgate rules and regulations for the conduct of Board of Ethics activities, including

procedural rules consistent with the requirements of due process of law;

I. Prescribe forms for the disclosure and registration of information as provided in the Code;

J. Render advisory opinions with respect to the provisions of the Code;

K. Advise any individual whose acts are the subject of a complaint to the board and consult with such individual early in the process;

L. Accept and consider complaints of violations of the Code, and offer recommendations with respect to remedies for violation of that chapter; and

M. Provide an annual report to the Erie County Legislature and the County Executive with respect to the actions of the Ethics Board during the preceding calendar year.

For 2021, the following served as members or staff of the Board:

Chris Trapp, Chair (Term 12/31/2025)
Brian Downey, Vice Chair (Term 12/31/2025)
Heather Gresham (Term 12/31/2024)
Ellen Kennedy (Term 12/31/2023)
Taunya Abaya joined as the newest member for the March meeting (Term 12/31/2025)
Aaron Rubin, Counsel & Ex-Offico, Department of Law, January-February, 2021 January-
Kayla Witherspoon, as Support Staff, Department of Personnel

The Board met ten times during 2022. All meetings were posted with the Ethics Board Minutes as well on the Board's website. The following were significant issues dealt with by the Board during 2022:

1. Recommendations to the Legislature:
   a. **The Board again recommends that the Legislature amend the Code of Ethics to include issues of nepotism. Model language is included from the 2014, City of Lockport Code of Ethics that added the following: *§ 18-15 Nepotism.*** *Except as otherwise required by law: A. Effective *****, no municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board. Effective *****, no municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties.* This request has been outstanding for years without resolution by the County.
   b. **The Board again recommends that, at the time of appointment or election, elected officials, affected employees and board members should be notified of the requirement to file Annual Financial Disclosures with the Board for the year they are elected or appointed.**
   c. The law requires that candidates for County offices are required to file timely Financial Disclosure with the Board of Ethics. The Board of Ethics is required to request a list of candidates for elected office from the Board of Elections. **The Board again recommends that the Legislature clarify which agency is required to notify candidates of the filing requirement.** This Board has notified the Board of Elections with respect to this requirement.
   d. **The Board again requests that electronic signatures on Financial Disclosures be allowed to facilitate electronic submission of the form, thus reducing time and costs.**

2. Communications: The Erie County Board of Ethics website http://www2.erie.gov/ethics/ and email erieethicsboard@gmail.com continued to be updated to improve public communication directly to and from the Board. The Board Secretary and Support Staff coordinate Website updates, including meeting schedules, reports, agenda, minutes, updated Rules and Regulations and the current Financial Disclosure Form. When possible, drafts of monthly minutes are posted two weeks following meetings. Email requests are forwarded to the Chair who responds between

meetings, when practicable. A new Website was formatted on April, 2021: https://www3.erie.gov/ethics/

a. Website updated with 2022 meeting minutes, future meeting dates in 2023, draft agenda and updated Annual Report, Rules & Regulations, and Financial Disclosure Forms. A link to meeting recordings by Legislature staff is established on the Board website (http://www2.erie.gov/legislature/index.php?q=erie-county-board-ethics).
b. Communications were received requesting advice on completion of the Disclosure Form. There were also complaints about alleged ethical violations, requests for copies of disclosures under FOIL and requests for opinions or actions.
c. The Annual Report of Activities for 2021 was submitted in August 2022 to the Legislature and County Executive http://www2.erie.gov/ethics/sites/www2.erie.gov.ethics/files/uploads/2016%20Annual%20Report%20Board%20of%20Ethics%20PDF.pdf .
d. FOIL requests for Financial Disclosure Forms were received and answered. Requests were primarily disclosures of elected officials and candidates for elective offices. All those whose Financial Disclosures were released under FOIL are required to receive notice when their information is disclosed. Many FOIL requests that asked for electronic copies of Financial Disclosures were unable to be honored, because many forms are submitted by hard copy and original signatures. Some information related to minors is redacted. The Board may reconsider these requests for electronic copies as more forms are submitted electronically. No fees were waived for production of copies.
e. In January, 2022, former Chair, Steven Schwartz, while honoring other commitments, chaired his last meeting which coincided with the end of an eighteen year record of stellar service to the Erie County Board of Ethics. While the Board recognized his departure with deep regret, his legacy of service to the Board will long be remembered.
f. If a FOIL request is made in the future, the Board will identify the person making the request and what documents are being requested. We will also send a copy of the Board's response to the subject of the complaint. If the request is for a history of complaints, both the cover letter and the information request will include the disclaimer that a complaint is not evidence of an ethics violation. We will redact phone numbers from any documents provided. Our minutes will identify the complainant and the subject of the complaint.
g. The Board also received links to copies of the Legislature Submissions Pursuant to Erie County Code of Ethics, Disclosure of Family Members Employed by any governmental agencies.
h. The Board submitted a formal request to the County Executive for a Chief Ethics Officer position to manage executive functions such as answering inquiries, following up disclosures, working with departments and Boards and outlining and writing investigations for the Board. The responsibilities of the Board have expanded in the years since the revision of the Local Law. Members of the volunteer Board do not have, nor can they be expected to spend, the time required to manage these expanded duties in the timely manner. All but one of the Board members is employed in a full-time capacity in positions outside of County government.

3. Complaints and requests for investigations:
   a. The Board addressed an inquiry received with respect to potential conflicts of interest with members of the Village Board in the Village of Williamsville. Such a review was undertaken in light of the fact that while the Village maintains a Code of Ethics, they do not have their own Board of Ethics. The Village Attorney was advised of further directions to take and the Village was advised to appoint an Ethics Officer to handle future complaints.
   b. The existence of the Conditional Release Commission and its relevance to the County of Erie and thus the need for financial disclosure forms was investigated and it was ultimately determined to not exist for purposes of financial disclosure under County law.

c. A request was received by a resident with respect to issues involving child abuse and the alleged failure of the District Attorney from pursuing charges due to an alleged campaign contribution by the attorney for the Diocese. The individual was advised of the passing of the Statute of Limitations and the lack of merit as to the claim against the DA.
d. Request for an opinion from a County Department on whether there would be an appearance of a conflict of interest in the use of County letterhead for a letter on behalf of the National Child Safety Reading Council through the Erie County Sheriff's Office. Based upon the information provided, the Board advised that use of such letterhead would be inappropriate. The letter was later revised and approved by the Board.
e. Some complaints and requests for investigations were outside the authority of the Board of Ethics. All complainants were given information on other venues available to pursue their complaints. For example, a referral with respect to an issue in the Hamburg Recreation Department was referred to the Hamburg Board of Ethics. Other complaints are referred to the appropriate municipal or county department for resolution.
f. The Board Chair was invited to meet with representatives from Moldova in September by the International Institute of Buffalo to discuss governmental ethics. The delegation was provided with a copy of the Board's Rules and Regulations.
g. The Deputy County Executive requested an opinion on her attending the Dale Carnegie Women's Leadership Academy. The Board found that there was no ethical conflict with attendance, but it should be disclosed on the 2022 financial disclosure form.
h. Clarification was sought with respect to the ability to go into executive session for the purposes of review of the financial disclosure forms. This Board has never formally done so, but the Committee on Open Government opined that it was acceptable to do so if the Board wished to do so. The issue was raised as a result of the Town of West Seneca using executive sessions for a portion of their meetings.
i. The Board provides continued advice to county department on various issues.

4. Financial Disclosures – Letters were sent to department heads on February 2022 requesting lists of employees and board members required to file 2021 Financial Disclosures.
   a. Only minor updates to the 2021 Financial Disclosure Form were made to the form for purposes of clarification and to reduce errors. 1 All forms must be hand signed. The Board reviewed the current barriers to use of electronic signatures on the forms (See recommendations to the Legislature above.). Scanned forms would be sent to a secure email address and faxed forms would be sent to a secure line.
   b. Departments and Boards submitted lists of those required to file disclosures for 2021. The Board of Elections also provided names of possible candidates for elective offices as required by Ethics Law 2018 section 4c.
   c. Financial Disclosure Forms were printed and distributed by mail or by personal service on April 2022, as required by law.
   d. All **325** of the required financial disclosures were received after sending delinquent letters to less than a dozen filers, imposing a penalty of $2000 which could be waived upon receipt of their Financial Disclosures. All penalties were waived after timely submissions. One delinquent filer, a primary candidate for elected office, submitted their form after requesting an extension. One request for a Financial Disclosure was sent in error to a former Department Board member from a previous year.
   e. The Board as a whole reviewed all 325 of the individual disclosure forms for completeness and possible ethical violations.
   f. A few disclosures required follow-up contacts by Chair or the Support Staff, as authorized by the Board. Follow-up communications were routinely required in instance of missed questions, missed pages, unclear abbreviations and unclear descriptions of membership on Boards. The Chair sent five letters cautioning against potential conflicts of interest. These

five letters to elected officials or Board members cautioned them about avoiding conflicts of interest and informing them about any necessary recusals and requirements to report these potential conflicts to the Clerk of Legislature and the County Attorney. (The Board utilizes templates to request additional information, to warn of potential conflicts of interest, or to notify individuals that they had violated county law by accepting gifts in excess of allowable amounts. Copies are also sent to the department heads and the District Attorney, when appropriate.)

g. After all reviews, the Board noted ways to reduce errors and increase accuracy and made recommendations for improvement to the Financial Disclosure Form for the following year.
h. The Financial Disclosure Form is in pre-fillable format on the website but still requires actual signatures. **In the future, the Board request that the county create an online Form able to accept an electronic signature. An electronic submission with proper signature would substantially reduce paperwork, storage, and printing costs.**
http://www2.erie.gov/ethics/sites/www2.erie.gov.ethics/files/uploads/Financial-Disclosure-Form.pdf

5. Erie County Board of Ethics Rules & Regulations
   a. The Board maintained the policy on confidentiality of identities of complainants, subjects of complaints and results of investigations as effected by public information (i.e., news). Where parties to a complaint or request for investigation have disclosed their role in the matter in public (i.e. public meetings or in public media) the Board may also chose to discloses the names and issues at Board meetings which it determined to do.
   "Section 6.13 Policy of Confidentiality
   Investigations and consideration by the Board of potential violations of the Ethics Code shall be conducted confidentially and shall not be disclosed to the public, except as necessary to carry out the powers and duties of the Board. The final determination of the Board on an Investigation shall be made available to the public with such deletions as may be necessary to prevent disclosures of any information the Board determines to be confidential, in accordance with the Freedom of Information Act, as emended." Ethics Board Policy and Procedures.

6. Other Issues:
   a. Since 2019 the Erie County Personnel Department requires completion of an Annual Erie County Code of Ethics Employee Disclosure Forms for all employees. The Personnel Department sends employees this financial disclosure for those not required to file the Annual Form from the Board of Ethics. This has created some confusion. **Although this is not within the purview of the Board, the Board of Ethics continues to recommend that these completed disclosure forms be reviewed by Departments before filing in personnel folders**