



THE ERIE COUNTY LEGISLATURE

Session No. 19
OCTOBER 19, 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. Gilmour

PLEDGE OF ALLEGIANCE: Mr. Johnson

NOMINATION & ELECTION OF CLERK

TABLED ITEMS

ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING

MINUTES OF PREVIOUS MEETING - [Meeting No. 18](#)

PUBLIC HEARING

MISCELLANEOUS RESOLUTIONS:

MAJORITY & MINORITY
CAUCUSES

Celebrating the 100th Anniversary of the Better
Business Bureau of Upstate New York

JOHNSON

In Remembrance of Krystian A. Margretta

KOOSHOIAN

Honoring St. Joseph's Collegiate Institute Boys
Soccer on Setting Program Record with 10th
Consecutive Shutout

KOOSHOIAN

Recognizing Halim Habib - Canisius High School
Golf

BARGNESI

Celebrating and Honoring Randall Rider - Erie
County Wall of Honor, a Devoted Member and
Leader of Sheridan Park Volunteer Fire Company

VINAL

Congratulating and Honoring the Late Rudolph M.
Lutz on His Induction to the Erie County Fire
Services Wall of Honor

VINAL

Congratulating and Honoring the Late John P.
Bresnahan on His Induction to the Erie County Fire
Services Wall of Honor

VINAL

Recognizing Windermere Blvd Elementary School -
Acknowledging National Literacy Awareness

VINAL	Recognizing Smallwood Drive Elementary School - Acknowledging National Literacy Awareness
GILMOUR	Recognizing Jack Tebeau - St. Francis Golf
GILMOUR	Acknowledging and Recognizing Health Literacy Month
GILMOUR	Honoring Marin Collins - Frontier High School (Volleyball)
MILLS	Honoring Mary Travers Murphy for Her Service to Western New York
MILLS	Honoring Lori Ploetz for Her Service and Recognition as a 2023 Erie County Fair Firefighter Honoree
MILLS	Recognizing Eden Elementary During National School Lunch Week
MILLS	Recognizing Nativity of Our Lord School During National School Lunch Week
GREENE	Recognizing Dr. William Bohlen and Kristy Giardina During National Principals Month
GREENE	Recognizing Stephen Dimitroff, Joseph Caprio III, Todd Esposito, Mary Fial and Caroline Kos During National Principals Month
GREENE	Recognizing Elizabeth Chelus, Matthew Lauer, and Ashley Dreibelbis During National Principals Month
GREENE	Recognizing Ted Lockett During National Principals Month
TODARO	Recognizing Mya Bush for Reaching 2,000 Career Assists
TODARO	Recognizing George DelConte Jr. for His Service to the Village of Depew
TODARO	Proclaiming October 2023 as "Italian-American Heritage and Culture Month"
TODARO	Celebrating the Grand Opening of Take 5 Oil Change
TODARO	Honoring Firefighter John P. Lyon for Being Inducted into the Erie County Fire Services Wall of Honor

LEGISLATOR RESOLUTIONS:

INTRO. 19-1	MINORITY CAUCUS	Supporting Adoption of the "Migrant Home Rule Transfer and Transparency Act"
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INTRO. 19-2	GREENE	Supporting Israel in Their Battle Against the Terrorist Organization Hamas and Calling for Heightened Security at Home
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COMMUNICATIONS DISCHARGED FROM COMMITTEE:

SUSPENSION OF THE RULES:

INTRO. 19-3	BASKIN	Re-Appropriation of 2021 RENEW Plan Funding
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COMMUNICATIONS FROM ELECTED OFFICIALS:

COMM. 19E-1	COUNTY EXECUTIVE	EC Emergency Medical Services Advisory Board Appointments	Health & Human Services
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COMM. 19E-2	COUNTY EXECUTIVE	Appointment to the Mental Hygiene Community Services Board	Health & Human Services
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COMM. 19E-3	COMPTROLLER	Department of Law Risk Retention Fund Spending - August 2023	Finance & Management
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COMM. 19E-4	COUNTY EXECUTIVE	Countywide Hazardous Materials Design and/or Sample Testing & Air Monitoring - Additional Funding	Economic Development
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COMM. 19E-5	COUNTY EXECUTIVE	Right-of-Way Acquisition for Replacement of Bridges in the Town of Holland	Economic Development
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COMM. 19E-6	COUNTY EXECUTIVE	Department of Social Services Lease Extension - 460 Main Street	Health & Human Services
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COMM. 19E-7	COUNTY EXECUTIVE	Authorization to Accept TANF Funding for Non-Residential Services to Victims of Domestic Violence	Health & Human Services
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COMM. 19E-8	COUNTY EXECUTIVE	ECSD No. 3 - Electrical Substation & Plant-Wide Generator Equipment Procurement for Southtowns Advanced Wastewater Treatment Facility	Energy & Environment
COMM. 19E-9	COUNTY EXECUTIVE	ECSD No. 8, East Aurora WRRF - Control Building Improvements	Energy & Environment
COMM. 19E-10	COUNTY EXECUTIVE	ECSD No. 6, Lackawanna WRRF Digestion & Solids - Management Upgrades Project	Energy & Environment
COMM. 19E-11	COUNTY EXECUTIVE	ECSD No. 8, East Aurora WRRF - Control Building Improvements	Energy & Environment
COMM. 19E-12	COUNTY EXECUTIVE	PILOT Agreement for Juniper Apartments, Town of Hamburg - Affordable Housing Development	Economic Development
COMM. 19E-13	COUNTY EXECUTIVE	PILOT Agreement for Riley Brook Apartments, Town of Hamburg - Affordable Housing Development	Economic Development
COMM. 19E-14	COUNTY EXECUTIVE	Appointment to the Community Benefits Agreement Oversight Committee	Economic Development

COMMUNICATIONS FROM THE DEPARTMENTS:

COMM. 19D-1	DIRECTOR OF BUDGET & MANAGEMENT	October Capital Projects Update	Finance & Management
COMM. 19D-2	EC LEGISLATURE CLERK	The New Stadium Community Inclusion Task Force - Meeting Schedule	M/WBE

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:

COMM. 19M-1	NYS DEC	DEC Invites Public Comment About Brownfield Major Amendment Application and Draft Work Plan for Site on Niagara St., Buffalo	Energy & Environment
COMM. 19M-2	NFTA-METRO EXECUTIVE DIRECTOR	NFTA Cash Flow Statements	Economic Development

ANNOUNCEMENTS:

MEMORIAL RESOLUTIONS:

ADJOURNMENT:

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

MAJORITY & MINORITY CAUCUSES	Celebrating the 100th Anniversary of the Better Business Bureau of Upstate New York
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Better Business Bureau	Attachments
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STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., OCTOBER 19, 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 19th Day of October 2023, A.D., a resolution was adopted, of which the following is a true copy:

**Celebrating the 100th Anniversary of the
Better Business Bureau of Upstate New York**

WHEREAS, the **Better Business Bureau of Upstate New York** is the eighth largest Better Business Bureau in North America and exists “To make the marketplace a place where buyers and sellers trust one another”; and

WHEREAS, the **Better Business Bureau of Upstate New York** was founded on January 31, 1923, to provide an independent service that would build trust between businesses and consumers, and today is dedicated to serving over two and half million people every year; and

WHEREAS, the **Better Business Bureau of Upstate New York** was the thirty-eighth Better Business Bureau (BBB) established in the United States and became a leader as it advanced new ideas and methods within the larger BBB system; and

WHEREAS, the **Better Business Bureau of Upstate New York** had at its helm John N. Garver, Jr., who brought his knowledge and experience of administration, finance, and advertising and began directing more than one thousand investigations into deceptive business practices, which led to an educational campaign that became a trusted resource and a respected partner in the community; and

WHEREAS, the **Better Business Bureau of Upstate New York** has continued to stay true to its mission to advance marketplace trust and foster honest and responsible relationships between businesses, charities, and the public consumer, and currently serves over six million people in the forty-eight county region with over one-hundred-thirty-five-thousand businesses in seven-hundred-fifty municipalities; and

WHEREAS, the **Better Business Bureau of Upstate New York** has been under the leadership of ten individuals since its first president, John N. Garver, in 1923, including David West 1925-1934, Gordon E. Smith 1936-1943, W. Dan Bell 1943-1944, Harold Webber 1944-1969, Charles S. Dewitz 1969-1970, William F. Marx 1970-1977, Charles I Underhill 1977-1995, and David Polino 1995-2012, and continues under the leadership of Warren E. Clark beginning in 2012.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize the **Better Business Bureau of Upstate New York** on its one-hundredth anniversary and for its commitment to building trust in the marketplace.

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

OLIVIA M. OWENS
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

JOHNSON

In Remembrance of Krystian A. Margretta

Attachments

Krystian A. Margretta

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

EC LEG OCT 17 '23 PM 10:00

In Remembrance of Krystian A. Margretta

WHEREAS, Almighty God, in His infinite wisdom, on October 4, 2023, removed from our midst *Krystian Magretta* in whose death we have lost a loving son, grandson, brother, great-grandson adored and respected citizen, and whose family has lost a kind and devoted member; and

WHEREAS, *Krystian Magretta* was born on June 3, 2010 to Jamel Lloyd and Danielle Santiago; and

WHEREAS, as a young, intelligent and loving individual, Krystian possessed a very kind soul and a genuine heart at the young age of 13; and

WHEREAS, his beautiful smile could light up the world, Krystian's vibrant and joyful personality brought so much warmth to anyone who knew him, especially being a great big brother to his younger siblings; and

WHEREAS, he also enjoyed his video games and attending various sporting events; and

WHEREAS, Krystian also had a passion for football and loved playing football with his friends; and

WHEREAS, his life and legacy will continue to prosper on Earth through his parents Danielle Santiago and Jamel Lloyd, his six younger siblings, his friends at Orchard Park Middle School and tons of family and friends; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby mourn the passing of **Krystian A. Magretta** and pause in its deliberations to recognize his praiseworthy life, his love of family and for his commitment and devotion to the betterment of our community at the age of 13; and be it further

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

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

Robert M. Graber
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

KOOSHOIAN

Honoring St. Joseph's Collegiate Institute Boys Soccer on
Setting Program Record with 10th Consecutive Shutout

Attachments

St. Joseph's Collegiate Institute Boys Soccer

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, OCTOBER 16, 2023

EC LEG OCT 17 '23 AM 10:00

***Honoring St. Joseph's Collegiate Institute Boys Soccer on Setting
Program Record with 10th Consecutive Shutout***

WHEREAS, throughout Western New York sports, St. Joseph's Collegiate Institute has long been known for their athletics excellence; and

WHEREAS, the soccer team, led by coach Michael Thoin, records with its 10th consecutive shutout for the team and for goaltender Ian Burgos; and

WHEREAS, St. Joe's (12-2-1, 5-1 Monsignor Martin) has not allowed a goal since a 2-1 loss in double overtime to Canisius on Sept. 19; and

WHEREAS, the Marauders are currently ranked No. 3 in the WNY coaches large school polls; and

WHEREAS, the Marauders' coaches, staff and student-athletes continue to display their character through good sportsmanship, athletic prowess and success, both on and off the field, and it is the desire of this Honorable Body to recognize dynamic young people for these accomplishments.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature pauses in its deliberations to honor and congratulate the St. Joseph's Collegiate Institute's Soccer Team and their coaching staff for winning a record tenth consecutive shutout, program best; and be it further

RESOLVED, that this Honorable Body commends the team, coaches, teachers, supporters, parents and players on their outstanding, record-setting accomplishment in program history.

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

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

KOOSHOIAN

Recognizing Halim Habib - Canisius High School Golf

Attachments

Halim Habib

EC LEG OCT 17 '23 AM 9:59

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

Recognizing Halim Habib - Canisius High School Golf

WHEREAS, throughout Western New York, Canisius High School has long been known for their athletics excellence; and

WHEREAS, *Halim Habib*, a sophomore at Canisius placed second at the All-Catholic boys individual golf championship; and

WHEREAS, the Michigan golf commit and last year's All-Catholic individual golf champion, tied for second with a score of 79; and

WHEREAS, Halim won seven events on the Western New York Junior PGA Tour in 2020; and

WHEREAS, the Canisius High School coaches, staff and student-athletes continue to display their character through good sportsmanship, athletic prowess and success, both on and off the field, and it is the desire of this Honorable Body to recognize dynamic young people such as Halim for his accomplishments.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature pauses in its deliberations to honor and congratulate the *Halim Habib* and the coaching staff for preparing these Halim to prepare, train and win a championship; and be it further

RESOLVED, that this Honorable Body thanks the team, coaches, teachers, supporters and parents for being outstanding ambassadors and exemplars for our community and young people and wishes Halim the very best in their future success.

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

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

BARGNESI

Celebrating and Honoring Randall Rider - Erie County Wall of Honor, a Devoted Member and Leader of Sheridan Park Volunteer Fire Company

Attachments

Randall Rider

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, OCTOBER 19, 2023

EC LEG OCT 17 '23 AM 10:00

***Celebrating and Honoring Randall Rider - Erie County Wall of Honor
A Devoted Member and Leader of Sheridan Park Volunteer Fire Company***

WHEREAS, ***Randall Rider*** has served the people of the Town of Tonawanda for over five decades; and

WHEREAS; his leadership skills and work ethic led to him assuming a series of leadership roles in the Sheridan Park Volunteer Fire Company such as Commissioner of Sheridan Park Fire District #4, Day Captain, Day Lieutenant, Rescue Lieutenant, and many more; and

WHEREAS, Mr. Rider began his career with the Sheridan Park Volunteer Fire Company on November 1, 1968; and

WHEREAS, a year after becoming a member of the Sheridan Park Volunteer Fire Company, in 1969 Mr. Rider signed up for the United States Marine Corps, where he dealt heavily with radio operations and transmissions; and

WHEREAS, Mr. David Rider has shown exemplary leadership, teamwork abilities, and passion for the service throughout his career with the Sheridan Park Volunteer Fire Company; and

WHEREAS, Mr. Rider continues to be an active member on their roster, and had served as a public safety dispatcher for the Town of Tonawanda for 26 years; and

WHEREAS, Randall also served for 30 years as a commissioner for the Sheridan Park Fire District #4, and while he was able to see the entire fire service in general change, he was able to be a hand in helping transition Sheridan Park V.F.C. into the next generation; and

WHEREAS, Randall has been very active serving not only Erie County Fire Districts Associations, but at the State Level as well; and

WHEREAS, Mr. Rider also served many organizations including: Erie County Delegate for Sheridan Park, 1974 Parade Committee Member, Sheridan Park 1974, Western Delegate for Sheridan Park, 1976 Entertainment Committee Member, Sheridan Park 1985 Secretary, Sheridan Park Exempts Association, 1985, Golf Raffle Committee Member - Sheridan Park, 2004-2005 and President for the Association of Fire Districts of the State of New York, 2006-2008; and

WHEREAS, between the countless hours of training, meetings, and working to make improvements for not only his fellow members, but as well as the community of Sheridan Park District No. 4 in which he served: his passion for the fire service and membership never wavered; and

WHEREAS, Randy's unwavering commitment and passion for the service at the Sheridan Park Volunteer Fire Company is a trait that we wish to teach all members; and

WHEREAS, today's recognition is meant for those members such as Randy that have gone above standards and have helped to honor, celebrate, and promote the Sheridan Park Volunteer Fire Company, within membership, to other departments, and surrounding communities; and

WHEREAS, this Honorable Body desires to acknowledge and recognize individuals such as Randy for making substantial differences in his community benefiting the lives of thousands of children and their families.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby applauds and recognizes ***Randall Rider*** for his extensive leadership and dedicated service protecting the people and property of Western New York; and be it further

RESOLVED, that this Honorable Body congratulates Mr. Rider for his volunteer work in various positions on a local, county-wide and regional level in the fire services, as we commend him on being named to the Erie County Fire Safety Wall of Honor.

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

Robert M. Graber
Clerk of the Erie County Legislator

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

VINAL

Congratulating and Honoring the Late Rudolph M. Lutz on
His Induction to the Erie County Fire Services Wall of Honor

Attachments

Rudolph M. Lutz

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, OCTOBER 19, 2023

EC LEG OCT 17 '23 AM 10:00

*Congratulating and Honoring the late Rudolph M. Lutz
On his Induction
To the Erie County Fire Services Wall of Honor*

WHEREAS, the late *Rudolph M. Lutz* joined the department on May 3rd, 1943 and was a well like and well respected member; and

WHEREAS, Rudolph joined the fire service out of a desire to serve and help others in his community; and

WHEREAS, he resigned from the department in 1947, because he moved to California for his work; and

WHEREAS, Firefighter Lutz returned a year later, back into the department and served as a captain for several years; and

WHEREAS, on October 14, 1956 after driving a pumper to a leaf fire that spread to a telephone pole at Harlem Road near Kings Highway, Rudolph M. Lutz, age 50, suffered a heart attack and unfortunately passed away; and

WHEREAS, his department equipment number 26 is permanently retired from service in his honor; and

WHEREAS, as a young man who blessed the Snyder Fire Department, Firefighter Lutz cherished his work, valued his family and the countless friendships made throughout our community; and

WHEREAS, Rudolph's years of service makes him so worthy to be included on the prestigious Wall of Honor after defending and sacrificing his for the residents of Erie County; and

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

NOW, THEREFORE, BE IT

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

RESOLVED, that this Honorable Body congratulates the late **Rudolph M. Lutz** on his fire service, his induction into the Erie County Wall of Honor and expresses our thanks and appreciation for a life well-lived and his lifetime of civic engagement in our community.

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

Robert M. Graber
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

VINAL

Congratulating and Honoring the Late John P. Bresnahan on
His Induction to the Erie County Fire Services Wall of Honor

Attachments

John P. Bresnahan

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, OCTOBER 19, 2023

EC LEG OCT 17 '23 AM 10:00

*Congratulating and Honoring the late John P. Bresnahan
On his Induction
To the Erie County Fire Services Wall of Honor*

WHEREAS, the late *John P. Bresnahan*, began his career as a firefighter on May 1st, 1950; and

WHEREAS, John joined the fire service out of a desire to serve and help others in his community; and

WHEREAS, John was employed by Niagara Mohawk (now called National Grid) for many years, but when transferred from the local Huntley Plant to a plant much farther away, he opted to take a job assisting his good friend Bud Wilson (chief of department 1967-1972) working as a custodian at the Harlem Road Elementary School; and

WHEREAS, Bresnahan was the leading advocate for implementing the street file running card system still used today; and

WHEREAS, Bresnahan rose through the ranks and was appointed Second Assistant Chief on January 6, 1964; and

WHEREAS, on June 3, 1966, while fighting his second fire of the day, Second Assistant Chief Bresnahan collapsed and died; and

WHEREAS, his department equipment number 81 is permanently retired from service in his honor; and

WHEREAS, as a young man who blessed the Snyder Fire Department, John cherished his work, valued his family and the countless friendships made throughout our community; and

WHEREAS, John's years of service makes him so worthy to be included on the prestigious Wall of Honor after defending and sacrificing his for the residents of Erie County; and

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

NOW, THEREFORE, BE IT

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

RESOLVED, that this Honorable Body congratulates the late **John P. Bresnahan** on his fire service, his induction into the Erie County Wall of Honor and expresses our thanks and appreciation for a life well-lived and his lifetime of civic engagement in our community.

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

Robert M. Graber
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

VINAL

Recognizing Windermere Blvd Elementary School -
Acknowledging National Literacy Awareness

Attachments

Windermere Blvd Elementary School

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, OCTOBER 10, 2023

EC LEG OCT 17 '23 AM 9:59

*Recognizing Windermere Blvd Elementary School
Acknowledging and 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, Windermere is one of the most culturally rich, diverse and inclusive schools in the Buffalo Niagara area; and

WHEREAS, Windermere is in a school district that is noted for its high academic standards, child-centered program and commitment to student success; and

WHEREAS, Windermere 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 *Windermere Blvd Elementary School* 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: 10/19/2023

SUBJECT

VINAL

Recognizing Smallwood Drive Elementary School -
Acknowledging National Literacy Awareness

Attachments

Smallwood Drive Elementary School

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

EC LEG OCT 17 '23 AM 9:59

*Recognizing Smallwood Drive Elementary School
Acknowledging 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, *Smallwood Drive Elementary School* is an award winning school for academics, character and social and emotional development; and

WHEREAS, Smallwood is in a school district that is noted for having a strong foundation of educational excellence and fostering a love of learning in all children; and

WHEREAS, Smallwood pride themselves in cultivating the academic, social, relationship with parents 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 *Smallwood Drive Elementary School* 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: 10/19/2023

SUBJECT

GILMOUR

Recognizing Jack Tebeau - St. Francis Golf

Attachments

Jack Tebeau

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

Recognizing Jack Tebeau - St. Francis Golf

WHEREAS, throughout Western New York, St. Francis High School has long been known for their athletics excellence; and

WHEREAS, *Jack Tebeau*, a junior at St. Francis, won his second All-Catholic boys individual golf championship Tuesday; and

WHEREAS, Tebeau posted a score of 77 to win the Monsignor Martin golf championship at Cherry Hill Club; and

WHEREAS, he previously shared medalist honors as a freshman in 2021; and

WHEREAS, in addition, Jack was also the school's first individual All-Catholic bowling champion; and

WHEREAS, the St. Francis coaches, staff and student-athletes continue to display their character through good sportsmanship, athletic prowess and success, both on and off the field, and it is the desire of this Honorable Body to recognize dynamic young people for these accomplishments.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature pauses in its deliberations to honor and congratulate the *Jack Tebeau* and the coaching staff for preparing these Jack to prepare, train and win a championship; and be it further

RESOLVED, that this Honorable Body thanks the team, coaches, teachers, supporters and parents for being outstanding ambassadors and exemplars for our community and young people and wishes Jack the very best in their future success.

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

Robert M. Graber
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

GILMOUR

Acknowledging and Recognizing Health Literacy Month

Attachments

Health Literacy Month

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, OCTOBER 9, 2023

Acknowledging and Recognizing Health Literacy Month

WHEREAS, October is recognized nationally as Health Literacy Month, an effort to highlight the importance of making health information easy to understand and the health care system easier to navigate; 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, Literacy Buffalo Niagara and the Erie County Department of Health are partnering with the Buffalo and Erie County Public Library to raise awareness of Health Literacy in our community; and

WHEREAS, these partners are highlighting ways to improve digital literacy skills as a means to facilitate access to accurate, relevant health information and health care; and

WHEREAS, strengthening digital literacy skills can lead to better health outcomes; and

WHEREAS, this Honorable Body will continue to support health literacy activities within Erie County.

NOW, THEREFORE,

BE IT RESOLVED, that this Honorable Body thanks and extends our appreciation to Literacy Buffalo Niagara, Erie County Department of Health, the Buffalo and Erie County Public Library, literacy advocates, public health professionals and educators whose efforts to improve health literacy are foundational to improving health outcomes and quality of life.

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

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

GILMOUR

Honoring Marin Collins - Frontier High School (Volleyball)

Attachments

Marin Collins

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

Honoring Marin Collins - Frontier High School (Volleyball)

WHEREAS, throughout Western New York sports, Frontier High School has long been known for their athletic excellence in Girls Volleyball; and

WHEREAS, this season, Frontier junior volleyball player Marin Collins reached 1,000 career kills; and

WHEREAS, for Marin, what lies ahead is her college career at Penn State, a school and nationally ranked program she's wanted to be part of since she was a child; and

WHEREAS, during her career at Frontier, Marin has been part of winning two Class AA titles, in 2020 and 2021 and a three-time All-Western New York first-team selection; and

WHEREAS, the Frontier Falcons coaches, staff and student-athletes continue to display their character through good sportsmanship, athletic prowess and success, both on and off the field, and it is the desire of this Honorable Body to recognize dynamic young people for these accomplishments.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature pauses in its deliberations to honor and congratulate Marin Collins on a record breaking 1,000th kill and a sensational career; and be it further

RESOLVED, that this Honorable Body thanks the Frontier coaches, teachers, supporters, parents and players for being outstanding ambassadors and exemplars for our community and wish Marin the very best for her future success as a student-athlete at Penn State.

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

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

MILLS

Honoring Mary Travers Murphy for Her Service to Western
New York

Attachments

Mary Travers Murphy

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., OCTOBER 19, 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 19th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

***Honoring Mary Travers Murphy
For Her Service to Western New York***

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

WHEREAS, the Western New York Community has been blessed with the extraordinary dedication and leadership of **Mary Travers Murphy**, who has served in various roles throughout her distinguished career; and

WHEREAS, **Mary Travers Murphy** has tirelessly contributed her talents as a renowned journalist at WKBW-TV, dedicated four years to public service as Orchard Park Town Supervisor, and, most notably, served as the Chief Executive Officer of the Family Justice Center for the past thirteen years; and

WHEREAS, under **Mary Travers Murphy's** exceptional leadership, the Family Justice Center has undergone a remarkable transformation and experienced substantial growth, both financially and physically, adding four satellite locations in addition to its downtown center, creating a regional organization; and

WHEREAS, through this tremendous growth, the Family Justice Center has made a positive impact in the lives of thousands of domestic violence victims and their families; and

WHEREAS, **Mary Travers Murphy's** legacy of service has left an indelible mark on the Family Justice Center and the lives of domestic violence victims, improving their well-being, safety, and access to critical support.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to express gratitude and admiration for **Mary Travers Murphy** as she steps down from her role as CEO of the Family Justice Center and celebrate her decades of selfless service and the profound impact she has made in the Western New York Community.

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

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

MILLS

Honoring Lori Ploetz for Her Service and Recognition as a
2023 Erie County Fair Firefighter Honoree

Attachments

Lori Ploetz

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y. OCTOBER 19, 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 19th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Honoring Lori Ploetz for her Service
and Recognition as a 2023 Erie County Fair Firefighter Honoree**

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

WHEREAS, 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 **Lori Ploetz** has been named the **2023 Erie County Fair Firefighter Honoree**, a distinction reserved for those who embody the positive attributes of a firefighter; and

WHEREAS, **Lori Ploetz**, serves as the Third Assistant Chief and EMS Chief at the East Concord Fire Department, has served as past truck captain exterior firefighter, and actively participated in various committees and executive officer positions; and

WHEREAS, **Lori Ploetz** has demonstrated remarkable composure and steadfast resolve during life-threatening emergencies, providing a reassuring presence during the most trying of circumstances; and

WHEREAS, **Lori Ploetz** selflessly volunteers her time and energy to the East Concord Volunteer Fire Department while contributing to the family farm and nurturing her family.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **Lori Ploetz** as the **2023 Erie County Fair Firefighter Honoree** and thanks her for her longstanding service and dedication to the East Concord Fire Department and the community.

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

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

MILLS

Recognizing Eden Elementary During National School Lunch
Week

Attachments

Eden Elementary

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., OCTOBER 19, 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 19th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Recognizing Eden Elementary During
National School Lunch Week**

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

WHEREAS, **National School Lunch Week** is observed from October 9th –12th to celebrate the legacy of President John F. Kennedy, who created **National School Lunch Week** to promote the importance of a healthy school lunch in a child's life and the impact it has inside and outside of the classroom; and

WHEREAS, **National School Lunch Week** is also an opportunity to recognize the individuals who work tirelessly every day to prepare and serve nutritious meals to students, ensuring they have the fuel they need to succeed in their academic endeavors; and

WHEREAS, the dedicated **Cafeteria Staff at Eden Elementary School** demonstrates unwavering commitment and dedication to their role in providing healthy meals to students; and

WHEREAS, the **Cafeteria Staff at Eden Elementary School** aligns with Personal Touch Food Service's commitment to promoting health and wellness through quality food and nutrition education, fostering lifelong well-being; and

WHEREAS, the **Cafeteria Staff at Eden Elementary School** are an integral part of the school community, creating a welcoming and nurturing environment for everyone, while eagerly accommodating special dietary needs and ensuring that children have access to nutritious meals.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize the **Cafeteria Staff at Eden Elementary School** during "**National School Lunch Week.**"

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

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

MILLS

Recognizing Nativity of Our Lord School During National
School Lunch Week

Attachments

Nativity of Our Lord School

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., OCTOBER 19, 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 19th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Recognizing Nativity of Our Lord School
During National School Lunch Week**

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

WHEREAS, **National School Lunch Week** is observed from October 9th –12th to celebrate the legacy of President John F. Kennedy, who created **National School Lunch Week** to promote the importance of a healthy school lunch in a child's life and the impact it has inside and outside of the classroom; and

WHEREAS, **National School Lunch Week** is also an opportunity to recognize the individuals who work tirelessly every day to prepare and serve nutritious meals to students, ensuring they have the fuel they need to succeed in their academic endeavors; and

WHEREAS, the dedicated **Cafeteria Staff at Nativity of Our Lord Catholic School** demonstrates unwavering commitment and dedication to their role in providing healthy meals to students; and

WHEREAS, the **Cafeteria Staff at Nativity of Our Lord Catholic School** is committed to promoting health and wellness through quality food and nutrition education, fostering lifelong well-being; and

WHEREAS, the **Cafeteria Staff at Nativity of Our Lord Catholic School** are an integral part of the school community, creating a welcoming and nurturing environment for everyone, while eagerly accommodating special dietary needs and ensuring that children have access to nutritious meals.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize the **Cafeteria Staff at Nativity of Our Lord Catholic School** during “**National School Lunch Week**.”

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

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

GREENE

Recognizing Dr. William Bohem and Kristy Giardina During
National Principals Month

Attachments

Dr. William Bohem and Kristy Giardina

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., OCTOBER 19, 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 19th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:

**Recognizing Dr. William Bohlen and Kristy Giardina
During National Principals Month**

WHEREAS, the National Association of Elementary School Principals, the American Federation of School Administrators, and the National Association of Secondary School Principals, working with the United States Congress, have designated October as *National Principals Month*; and

WHEREAS, a principal's leadership is a crucial element needed to ensure the academic success of students in Erie County; and

WHEREAS, school principals and assistant principals are responsible for the day-to-day operation of their school, which includes supporting students as learners, overseeing the effective implementation of student-centered programs, building meaningful relationships with students, families, teachers, and community partners, and nurturing a student-focused school culture; and

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

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

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to recognize *Dr. William Bohlen* and *Kristy Giardina* during *National Principals Month* for their outstanding service and contributions to the students, parents, and faculty of Maple East Elementary; and

BE IT FURTHER RESOLVED, that this honorable body urges all citizens of Erie County to make a special effort to recognize and honor the contributions of their local school principals and assistant principals.

CHRISTOPHER D. GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

GREENE

Recognizing Stephen Dimitroff, Joseph Caprio III, Todd
Esposito, Mary Fial and Caroline Kos During National
Principals Month

Attachments

National Principals Month

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., OCTOBER 19, 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 19th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Recognizing Stephen Dimitroff, Joseph Caprio III, Todd Esposito,
Mary Fial, and Caroline Kos During National Principals Month**

WHEREAS, the National Association of Elementary School Principals, the American Federation of School Administrators, and the National Association of Secondary School Principals, working with the United States Congress, have designated October as *National Principals Month*; and

WHEREAS, a principal's leadership is a crucial element needed to ensure the academic success of students in Erie County; and

WHEREAS, school principals and assistant principals are responsible for the day-to-day operation of their school, which includes supporting students as learners, overseeing the effective implementation of student-centered programs, building meaningful relationships with students, families, teachers, and community partners, and nurturing a student-focused school culture; and

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

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

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to recognize *Stephen Dimitroff, Joseph Caprio III, Todd Esposito, Mary Fial, and Caroline Kos* during *National Principals Month* for their outstanding service and contributions to the students, parents, and faculty of Akron School District; and

BE IT FURTHER RESOLVED, that this honorable body urges all citizens of Erie County to make a special effort to recognize and honor the contributions of their local school principals and assistant principals.

CHRISTOPHER D. GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

GREENE

Recognizing Elizabeth Chelus, Matthew Lauer, and Ashley
Dreibelbis During National Principals Month

Attachments

National Principals Month

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., OCTOBER 19, 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 19th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Recognizing Elizabeth Chelus, Matthew Lauer, and
Ashley Dreibelbis During National Principals Month**

WHEREAS, the National Association of Elementary School Principals, the American Federation of School Administrators, and the National Association of Secondary School Principals, working with the United States Congress, have designated October as *National Principals Month*; and

WHEREAS, a principal's leadership is a crucial element needed to ensure the academic success of students in Erie County; and

WHEREAS, school principals and assistant principals are responsible for the day-to-day operation of their school, which includes supporting students as learners, overseeing the effective implementation of student-centered programs, building meaningful relationships with students, families, teachers, and community partners, and nurturing a student-focused school culture; and

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

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

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to recognize *Elizabeth Chelus, Matthew Lauer, and Ashley Dreibelbis* during *National Principals Month* for their outstanding service and contributions to the students, parents, and faculty of Clarence Middle School; and

BE IT FURTHER RESOLVED, that this honorable body urges all citizens of Erie County to make a special effort to recognize and honor the contributions of their local school principals and assistant principals.

CHRISTOPHER D. GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

GREENE

Recognizing Ted Lockett During National Principals Month

Attachments

Ted Lockett

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., OCTOBER 19, 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 19th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Recognizing Ted Lockett During National Principals Month

WHEREAS, the National Association of Elementary School Principals, the American Federation of School Administrators, and the National Association of Secondary School Principals, working with the United States Congress, have designated October as *National Principals Month*; and

WHEREAS, a principal's leadership is a crucial element needed to ensure the academic success of students in Erie County; and

WHEREAS, school principals and assistant principals are responsible for the day-to-day operation of their school, which includes supporting students as learners, overseeing the effective implementation of student-centered programs, building meaningful relationships with students, families, teachers, and community partners, and nurturing a student-focused school culture; and

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

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

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to recognize *Ted Lockett* during *National Principals Month* for his outstanding service and contributions to the students, parents, and faculty of ST. Gregory the Great School; and

BE IT FURTHER RESOLVED, that this honorable body urges all citizens of Erie County to make a special effort to recognize and honor the contributions of their local school principals and assistant principals.

CHRISTOPHER D. GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

TODARO

Recognizing Mya Bush for Reaching 2,000 Career Assists

Attachments

Mya Bush

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., OCTOBER 19, 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 19th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Recognizing Mya Bush for Reaching 2,000 Career Assists

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

WHEREAS, Depew High School senior and Lady Wildcats Volleyball standout **Mya Bush** reached another career milestone when she had her two thousand career assists during the Wildcats' three to zero win over Tonawanda; and

WHEREAS, **Mya Bush** was called up to the Lady Wildcats varsity team by head coach Lindsay Ahmed as an eighth grader; and

WHEREAS, she could never have imagined herself having such a successful career, let alone reaching two thousand assists, especially after tearing the meniscus in her left knee last June while playing with her travel team; and

WHEREAS, **Mya Bush** said that the thought of reaching 2,000 assists motivated her during her rehab from the injury as she worked all summer at UBMD; and

WHEREAS, Bush believes that the key to her success throughout her career has been keeping a positive attitude and being selfless on the court.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **Mya Bush** for reaching a two thousand career assist milestone for Depew High School Girls' Volleyball and wish her continued success in her future endeavors.

FRANK J. TODARO
Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

TODARO

Recognizing George DelConte Jr. for His Service to the Village
of Depew

Attachments

George DelConte Jr.

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., OCTOBER 19, 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 19th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Recognizing George DelConte Jr.
for His Service to the Village of Depew

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

WHEREAS, after fifty-one years in public service with the Village of Depew, including thirty-eight with the Village Electrical Department, **George DelConte Jr.** has announced his retirement; and

WHEREAS, **George DelConte Jr.** moved to the Village of Depew when he was nine years old and later graduated from Depew High School; and

WHEREAS, in January 1972, he joined the Depew Fire Department Hose Company #1, serving until 1985, when he was hired by the Village of Depew Electrical Department, where he worked until his retirement; and

WHEREAS, his most proud moment was convincing the department to hire his son as a part-time worker, allowing the two of them to work together for twenty-nine years as George DelConte III worked his way up and eventually became the department head; and

WHEREAS, **George DelConte Jr.** will spend his retirement living between his home in Depew and in Florida, where his daughter and grandson live.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor **George DelConte Jr.** for his fifty-one years of service to the Village of Depew and wishes him a happy and healthy retirement.

FRANK J. TODARO
Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

TODARO

Proclaiming October 2023 as "Italian-American Heritage and Culture Month"

Attachments

Italian-American Heritage and Culture Month

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., OCTOBER 19, 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 19th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Proclaiming October 2023
As “Italian-American Heritage and Culture Month”

WHEREAS, in the five centuries since Christopher Columbus, a son of Genoa, Italy, first set sail across the Atlantic Ocean, countless individuals have followed the course he charted to seek a new life in America; and

WHEREAS, bound by enduring values of faith and family, Italian-Americans have flourished in all areas of our public and economic life, helping to shape our society and steer the course of history while preserving their proud Italian traditions; and

WHEREAS, upon arrival in the United States, the Italian-American community faced racial, social, and religious discrimination, yet persevered with hope and hard work to reach for the American dream that helped build our great country; and

WHEREAS, the legacy of these dauntless immigrants is found in the millions of men and women of Italian descent who strengthen and enrich our country by operating thriving businesses, teaching our children, serving in the military, serving in all levels of government, and succeeding in countless occupations; and

WHEREAS, in 1989, the United States Congress first recognized October as National *Italian-American Heritage Month* to celebrate the cultural heritage, achievements, and contributions Italian-Americans have made across the country.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to recognize **October as Italian-American Heritage Month in Erie County** and encourage all residents to join in celebrating the many contributions of Italian-Americans.

FRANK J. TODARO
Erie County Legislator – District 8

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

TODARO

Celebrating the Grand Opening of Take 5 Oil Change

Attachments

Take 5 Oil Change

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., OCTOBER 19, 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 19th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Celebrating the Grand Opening of Take 5 Oil Change

WHEREAS, The Erie County Legislature seeks to recognize small businesses and their owners, who invest in our communities and provide essential services to the residents they serve; and

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

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

WHEREAS, **Take 5 Oil Change**, located at 4885 Transit Road in Depew, New York, is a drive-through express oil change service; and

WHEREAS, in addition to express oil changes, they also offer car washes, air filter replacement, and wiper blade replacement; and

WHEREAS, **Take 5 Oil Change's** mission is to work quickly and efficiently, never cutting corners, and to maintain a high level of service that will have customers returning again and again.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to celebrate the **Grand Opening of Take 5 Oil Change** and wishes them much future success.

FRANK J. TODARO
Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

TODARO

Honoring Firefighter John P. Lyon for Being Inducted into the
Erie County Fire Services Wall of Honor

Attachments

John P. Lyon

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., OCTOBER 19, 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 19th day of October 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Honoring Firefighter John P. Lyon for Being
Inducted into the Erie County Fire Services Wall of Honor**

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

WHEREAS, the Erie County Fire Services “Wall of Honor” exists to serve as public recognition, honoring those members of Erie County’s fire services who have demonstrated, through their dedication, talents, and sacrifices, values that promote fire service values; and

WHEREAS, the “Wall of Honor” is located at the Erie County Emergency Services Training and Operations Center in Cheektowaga; and

WHEREAS, **John P. Lyon** started his journey with the Lancaster Fire Department Rescue Hook & Ladder Company #1 on his twenty-first birthday, October 13, 1959; and

WHEREAS, following in his father’s footsteps, **John P. Lyon** also took on several leadership positions, serving as Chief of the Lancaster Fire Department from 1976-1978, President of the Lancaster Fire Council from 1968-1970, and President of the Erie County Fire Chiefs Association from 1971-1972; and

WHEREAS, **John P. Lyon** was one of the original founders of the Burn Treatment Center, and was the driving force to build the Erie County Training Center and Tower while serving on the Erie County Fire Advisory Board from 1980-1987; and

WHEREAS, **John P. Lyon** was also instrumental in the creation the Greater Lancaster Museum of Firefighting, with his 62 years of fire service, his stories, valued knowledge and experience.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor **John P. Lyon for being inducted into the Erie County Fire Services “Wall of Honor”** and for his selfless dedication to the community and fire service in Erie County.

HON. FRANK J. TODARO
Erie County Legislator – District 8

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

MALCZEWSKI

Recognizing the Greater East Aurora Chamber of Commerce
on National Support Your Local Chamber of Commerce Day

Attachments

East Aurora Chamber of Commerce

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., OCTOBER 19, 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 19th Day of October 2023, A.D., a resolution was adopted, of which the following is a true copy:

**Recognizing the Greater East Aurora Chamber of Commerce
on National Support Your Local Chamber of Commerce Day**

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

WHEREAS, the Erie County Legislature is proud to celebrate **National Support Your Local Chamber of Commerce Day** on October 18, 2023, and thank chambers across Western New York for their efforts and contributions to supporting local businesses; and

WHEREAS, there are more than 4,000 Chambers of Commerce across the United States that advocate for businesses both big and small and provide a wide variety of services to their members, including networking, education, and economic development; and

WHEREAS, the **Greater East Aurora Chamber of Commerce** was incorporated in 1964 with a mission to serve its membership as a catalyst through which business and professional people work together for the common good of the community; and

WHEREAS, the **Greater East Aurora Chamber of Commerce** represents more than 500 members from the Village of East Aurora and the towns of Aurora, Colden, Elma, Holland, Marilla, and Wales, in addition to businesses from the surrounding communities; and

WHEREAS, the **Greater East Aurora Chamber of Commerce** strives to connect businesses to the community by offering an environment of learning and development, building strong relationships, taking pride in the community, and being trustworthy stewards of the partnerships built, among many other benefits.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to recognize October 18, 2023, as **National Support Your Local Chamber of Commerce Day** and honor the **Greater East Aurora Chamber of Commerce** for the important role it plays in supporting the business community and helping entrepreneurs and businesses thrive.

JAMES MALCZEWSKI
Erie County Legislator

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

MALCZEWSKI

Recognizing the West Seneca Chamber of Commerce on
National Support Your Local Chamber of Commerce Day

Attachments

West Seneca Chamber of Commerce

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., OCTOBER 19, 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 19th Day of October 2023, A.D., a resolution was adopted, of which the following is a true copy:

**Recognizing the West Seneca Chamber of Commerce
On National Support Your Local Chamber of Commerce Day**

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

WHEREAS, the Erie County Legislature is proud to celebrate **National Support Your Local Chamber of Commerce Day** on October 18, 2023, and thank chambers across Western New York for their efforts and contributions to supporting local businesses; and

WHEREAS, there are more than 4,000 Chambers of Commerce across the United States that advocate for businesses both big and small and provide a wide variety of services to their members, including networking, education, and economic development; and

WHEREAS, the **West Seneca Chamber of Commerce** is a volunteer organization with a mission to support business and residential growth and development by promoting and encouraging commerce in the community; and

WHEREAS, the **West Seneca Chamber of Commerce** represents hundreds of members, including business owners, community and organization leaders, and residents, with the goal of creating positive change in the West Seneca community; and

WHEREAS, the **West Seneca Chamber of Commerce** strives to work closely with town, county, and state government officials and other organizations to promote opportunities unique to the Western New York region.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to recognize October 18, 2023, as **National Support Your Local Chamber of Commerce Day** and honor the **West Seneca Chamber of Commerce** for the important role it plays in supporting the business community and helping entrepreneurs and businesses thrive.

JAMES MALCZEWSKI
Erie County Legislator

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

VINAL

Acknowledging Amherst Symphony Orchestra - Celebrating
77th Concert Season in Western New York

Attachments

Amherst Symphony Orchestra

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

EC LEG OCT 18 '23 PM 3:36

*Acknowledging Amherst Symphony Orchestra
Celebrating 77th Concert Season in Western New York*

WHEREAS, The *Amherst Symphony Orchestra*, currently located in Williamsville, was established in 1946; and

WHEREAS, *Amherst Symphony Orchestra* prides themselves on giving personal attention to every musician; and

WHEREAS, each concert provides a variety of music designed to appeal and entertain those of all age groups and musical backgrounds; and

WHEREAS, for the next 6 weeks, The *Amherst Symphony Orchestra* will be performing their “Movie Magic” show for their 77th season, starting on October 22, 2023, at Amherst Middle School; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize and extend our congratulations and best wishes to *Amherst Symphony Orchestra* as they embark on their 77th season of blessing our community.

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

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

MAJORITY & MINORITY CAUCUSES In Remembrance of Robert H. Lipp

Attachments

Robert H. Lipp

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY

BUFFALO, NY, OCTOBER 17, 2023

In Remembrance of Robert H. Lipp

WHEREAS, Almighty God, in His infinite wisdom, on October 9, 2023, removed from our midst *Robert H. Lipp* in whose death we have lost a loving husband, brother, uncle, valued and respected citizen, and whose family has lost a leader, kind and devoted member; and

WHEREAS, Robert H. Lipp was born on March 7, 1965, one of six children of Millard and Betty Lipp; and

WHEREAS, Rob attended Maryvale High School in Cheektowaga, and Bryant & Stratton College in Buffalo, where he obtained a degree in Electronic Technology; and

WHEREAS, Mr. Lipp had been employed with the NYS Thruway Authority, first as a sewer plant operator and later as an electrician, before retiring following an accident while at work during a severe snowstorm; and

WHEREAS, known and loved by many, Mr. Lipp was called "*The Mayor of Fifteenth Street*" for a sincere and simple reason: He wanted to make the City of Buffalo a better place for everyone; and

WHEREAS, Robert Lipp also believed the key deterrent to his community was through his selflessness and spirit of helping others; and

WHEREAS, demonstrating his selflessness and spirit of helping others, Mr. Lipp and a co-worker were driving on Buffalo's Interstate 190 in South Buffalo when they observed a car spin out, get stuck in a snowbank and pulled over and helped an older woman by pushing her vehicle out successfully; and

WHEREAS, during the annual Garden Walk, Mr. Lipp absolutely loved being the Tour Guide showcasing his beautiful garden, as a 25-year participant; and

WHEREAS, Rob knew that the flowers he planted each year since joining Buffalo's annual Garden Walk were not just about the beautiful gardens on Buffalo's West Side, but more so about neighborhood stabilization, revitalization and a sense of community; and

WHEREAS, his life and legacy will continue to prosper on Earth his husband and loyal partner, Robert Graber; sisters Kathy (John) Neidl, Sharon Ostrowski, and Lori (Kirk) Beatty, brother Dave (Kim) Lipp, sister-in-law Liz (Mike) Lipp-Feldmann, 16 nieces and nephews; cherished best friend Patrick McNaney; his devoted pooches Harpo, Bear, Stormy, and Springy; and many friends; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby mourn the passing of **Robert H. Lipp** and pause in its deliberations to recognize his praiseworthy life, his love of family, his love to help and serve others and for his commitment and devotion to the betterment of our community; and be it further

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

Hon. 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. John J. Mills
Minority Leader
Erie County Legislator, 11th 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. Christopher D. Greene
Erie County Legislator, 6th District

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

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

Hon. James Malczewski
Erie County Legislator, 10th District

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

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

LL INTRO. 1-1 (2022)

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

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

SECTION 1. Legislative Intent

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

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

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

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

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

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

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

SECTION 2. Pilot Program Authorization

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

SECTION 3. State Requirements to Adhere Once Authorized

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

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

SECTION 4. Effective Date

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

SECTION 5. Severability

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

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



Department of
Environmental
Conservation

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

A Report to the New York State Senate and Assembly

February 22, 2022



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

www.dec.ny.gov

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

- Prepared by -

Jeremy Hurst, NYSDEC Big Game Unit Leader

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

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

Preliminary Results from the 2021-22 Deer Hunting Seasons

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

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

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

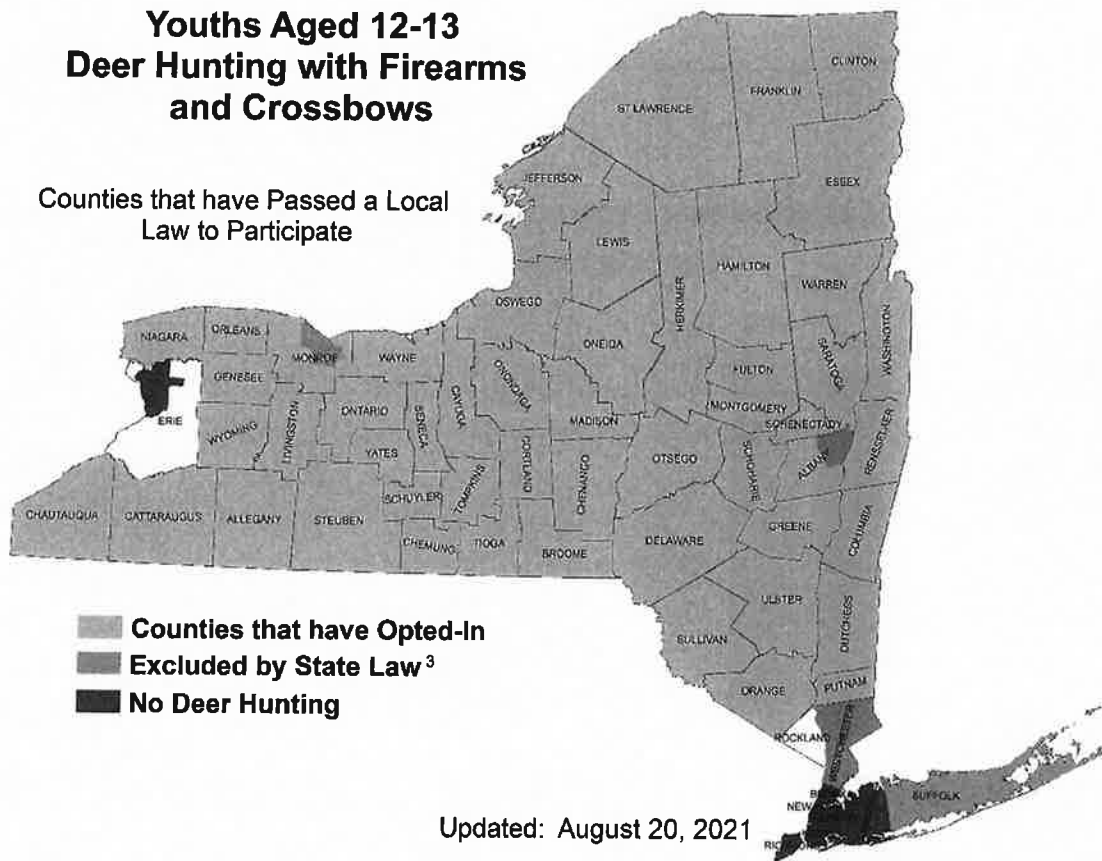
² Reported take value represents raw harvest reports with date of harvest between September 12, 2021 and January 1, 2022. This includes 173 deer reported taken with a bow. Calculated deer harvest was not available at the time of this report, as deer hunting seasons continued in portions of New York until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

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

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

County Participation

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



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

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

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

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

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

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

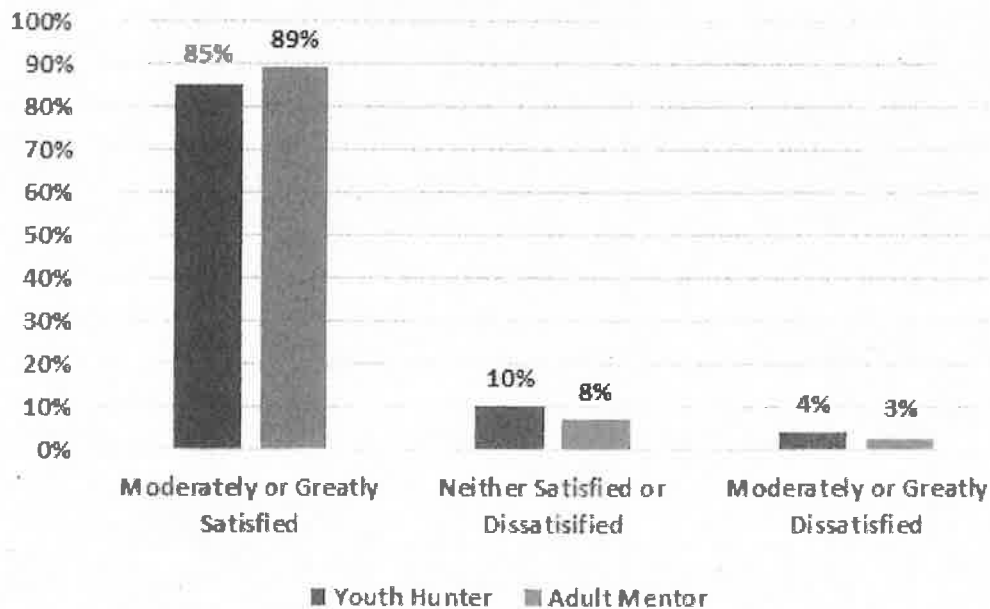
"The youth hunt is great...I think it builds a great trust and cooperation between DEC officers, young hunters and their parents, that extends well beyond the weekend. Great experience."

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



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

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



Recommendations

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

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

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

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

LL INTRO. 3-1 (2022)

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 3-1 -2022

LOCAL LAW NO. _____-2022

THE ERIE COUNTY LANGUAGE ACCESS ACT

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

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

Section 1. Legislative Intent and Findings

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

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

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

Section 2. Definitions

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

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

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

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

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

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

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

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

Section 3. Language Access Requirements

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

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

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

Section 4. Language Access Plans

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

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

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

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

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

Section 5. Amending Article 17 of the Erie County Charter

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

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

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

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

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

The Board shall:

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

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

Section 6. Right to Privacy

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

Section 7. Effective Date

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

Section 8. Severability

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

Sponsors:

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

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

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

LL INTRO. 3-1 (2023)

COUNTY OF ERIE

LOCAL LAW INTRO NO. 3-1-2023

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LOCAL LAW NO. ____-2023

A LOCAL LAW Titled: The Occupancy Tax Modernization Act

BE IT ENACTED BY THE COUNTY OF ERIE AS FOLLOWS:

Section 1. Legislative Intent.

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

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

Section 2. Definitions.

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

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

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

Section 3. Imposition of Tax.

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

Section 4. Exempt Organizations

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

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

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

Section 5. Territorial Limitations

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

Section 6. Registration

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

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

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

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

Section 7. Administration and Collection

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

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

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

Section 8. Records.

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

Section 9. Returns.

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

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

Section 10. Payment of Tax.

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

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

Section 11. Determination of Tax.

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

Section 12. Disposition of Revenues.

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

Section 13. Refunds.

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

Section 14. Reserves.

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

Section 15. Remedies Exclusive.

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

Section 16. Proceedings for Recover Tax.

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

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

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

Section 17. Notice Upon Sale.

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

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

Section 18. General Powers of the Comptroller.

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

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

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

Section 19. Administration of Oaths.

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

Section 20. Reference to Tax.

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

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

Section 21. Penalties and Interest.

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

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

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

Section 22. Returns to be Secret.

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

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

Section 23. Notices and Limitations of Time.

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

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

Section 24. Effective Date.

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

Section 25. Completion of Unfinished Business.

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

Section 26. Severability.

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

Sponsor:

HOWARD J. JOHNSON, JR.

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

LL INTRO. 3-2
(2023)

JOHNSON

The Occupancy Tax Modernization Act

Attachments

LL INTRO. 3-2 (2023)

COUNTY OF ERIE

EC LEG JUL 10 '23 AM 11:44

LOCAL LAW INTRO NO. 3-2-2023

LOCAL LAW NO. ____-2023

A LOCAL LAW entitled: The Occupancy Tax Modernization Act

BE IT ENACTED BY THE COUNTY OF ERIE AS FOLLOWS:

Section 1. Legislative Intent.

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

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

Section 2. Definitions.

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

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

Section 3. Imposition of Tax.

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

Section 4. Exempt Organizations

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

Section 5. Territorial Limitations

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

Section 6. Registration

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

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

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

Section 7. Administration and Collection

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

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

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

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

Section 8. Records.

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

Section 9. Returns.

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

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

Section 10. Payment of Tax.

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

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

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

Section 11. Determination of Tax.

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

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

Section 12. Disposition of Revenues.

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

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

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

Section 13. Refunds.

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

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

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

Section 14. Reserves.

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

Section 15. Remedies Exclusive.

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

Section 16. Proceedings for Recover Tax.

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

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

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

Section 17. Notice Upon Sale.

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

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

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

Section 18. General Powers of the Comptroller.

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

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

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

Section 19. Administration of Oaths.

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

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

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

Section 20. Reference to Tax.

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

Section 21. Penalties and Interest.

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

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

Section 22. Returns to be Secret.

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

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

Section 23. Notices and Limitations of Time.

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

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

Section 24. Effective Date.

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

Section 25. Completion of Unfinished Business.

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

Section 26. Severability.

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

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

Sponsor:

Howard J. Johnson, Jr.

Erie County Legislature
Meeting Date: 10/19/2023

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)

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: 10/19/2023

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)

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: 10/19/2023

SUBJECT

REPORT No. 9 FINANCE & MANAGEMENT

Attachments

FM REPORT NO. 9

October 12, 2023

FINANCE & MANAGEMENT COMMITTEE
REPORT NO. 9

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

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 13E-5 (2023)
COUNTY CLERK: “Resolution to Authorize Entry Into Lease with Bella Vista Group for Cheektowaga Satellite Auto Bureau Office”
(Chair’s Ruling)
 - b. COMM. 16E-3 (2023)
COMPTROLLER: “2023 Bond Sale”
(Chair’s Ruling)
 - c. COMM. 16E-14 (2023)
SHERIFF: “Letter from Sheriff to Comptroller”
(Chair’s Ruling)
 - d. COMM. 17E-1 (2023)
COMPTROLLER: “EC Federal Financial Assistance Audit Report - December 31, 2022”
(Chair’s Ruling)
 - e. COMM. 17E-2 (2023)
COMPTROLLER: “EC NYSDOT Single Audit Report - December 31, 2022”
(Chair’s Ruling)
 - f. COMM. 17E-4 (2023)
COMPTROLLER: “External Auditor Management Letter - December 31, 2022”
(Chair’s Ruling)
 - g. COMM. 17D-1 (2023)
DIRECTOR OF BUDGET & MANAGEMENT: “September Capital Projects Update”
(Chair’s Ruling)

- h. COMM. 17M-4 (2023)
NYS OFFICE OF REAL PROPERTY TAX SERVICES: “Certificate of County Equalization Rates”
(Chair’s Ruling)
- i. COMM. 17M-7 (2023)
CITY OF BUFFALO – DEPARTMENT OF ASSESSMENT AND TAXATION: “Transit Mall, Final Roll - 2024”
(Chair’s Ruling)
- j. COMM. 18E-2 (2023)
COMPTROLLER: “Apportionment and Distribution of Net Collections from the Sales & Compensating Use Tax - June, July & August 2023”
(Chair’s Ruling)
- k. COMM. 18D-1 (2023)
DEPUTY COMPTROLLER OF AUDIT: “Erie County Comptroller's Office Audit Plan”
(Chair’s Ruling)
- l. COMM. 18D-2 (2023)
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report for Period Ending July 2023”
(Chair’s Ruling)

TIMOTHY J. MEYERS
CHAIR

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

REPORT No. 14 PUBLIC SAFETY COMMITTEE

Attachments

PS REPORT NO. 14

October 12, 2023

PUBLIC SAFETY COMMITTEE
REPORT NO. 14

ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

- 1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 18D-4 (2023)
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”
(Chair’s Ruling)

- 2. COMM. 18E-17 (2023)
SHERIFF
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
409020 NYS - Miscellaneous

DECREASE
\$16,195.00

APPROPRIATION

501000 Overtime
Total Revenue

INCREASE

\$16,159.00
\$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
(6-0)

- 3. COMM. 18E-18 (2023)
SHERIFF
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	\$ 19,000
Total	\$1,006,000
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.

(6-0)

HOWARD J. JOHNSON, JR.
CHAIR

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

REPORT No. 14 ECONOMIC DEVELOPMENT COMMITTEE

Attachments

ED REPORT NO. 14

October 12, 2023

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 14

ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

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

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

August 23, 2023

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

(Chair's Ruling)

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

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
• <u>B.23052 – 2023 Preservation of Bridges & Culverts</u>	<u>\$ 166,924</u>
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. (6-0)

3. COMM. 18E-8 (2023)
COUNTY EXECUTIVE

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.

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. (6-0)

4. COMM. 18E-9 (2023)
COUNTY EXECUTIVE

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 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

(6-0)

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

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 Casino; and

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 contract 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 contract, in addition to 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.

(6-0)

HOWARD J. JOHNSON, JR.
CHAIR

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

REPORT No. 10 HEALTH & HUMAN SERVICES COMMITTEE

Attachments

HHS REPORT NO. 10

October 12, 2023

HEALTH & HUMAN SERVICES
COMMITTEE
REPORT NO. 10

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

1. **COMM. 18E-10 (2023)**
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Health's Children with Special Needs Division currently contracts with many special education programs providing related services; and

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

WHEREAS, 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.
(5-0)

2. **COMM. 18E-11 (2023)**
COUNTY EXECUTIVE
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.

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.
(5-0)
3. **COMM. 18E-13 (2023)**
COUNTY EXECUTIVE
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

		BUDGET
Account	Revenues	
417060	Other Income Senior Services	<u>\$62,450</u>
	TOTAL	<u>\$62,450</u>

		BUDGET
Account	Appropriations	
916390	ID Senior Srvs Grant	<u>\$62,450</u>
	TOTAL	<u>\$62,450</u>

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

JOHN J. GILMOUR
CHAIR

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

INTRO. 19-1	MINORITY CAUCUS	Supporting Adoption of the "Migrant Home Rule Transfer and Transparency Act"
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Attachments

23INTRO. 19-1

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLS, TODARO, GREENE and MALCZEWSKI**

Re: Supporting Adoption of the “Migrant Home Rule Transfer and Transparency Act”

WHEREAS, in May and June of this year, in order to relieve housing scarcity in New York City, hundreds of self-purported asylum seekers were relocated from New York City to other municipalities, such as Cheektowaga and Amherst, under a plan in which New York City paid a company for relocation services; and

WHEREAS, while some counties declared a state of emergency and did not have individuals relocated there, others, such as Erie County, did not take such action, claiming the lack of authority to do so; and

WHEREAS, bills in the New York State Assembly and Senate with bipartisan support seek to create another avenue of authority for municipalities to determine whether their communities and governmental services are equipped to provide services to self-purported asylum seekers; and

WHEREAS, New York State Senate Bill S.7615 and New York State Assembly Bill A.8008 would require that the governing bodies of both the municipality and the county in which the municipality is located would have to approve a resolution authorizing the relocation of migrants; and

WHEREAS, further, prior to the relocation of such individuals, the relocating municipality must provide thirty days written notice to the receiving municipality regarding the relocation; and

WHEREAS, a violation of the provisions of the law would be punishable by a fine in the amount of \$1,000 per migrant, per day, payable to the comptroller of the state of New York; and

WHEREAS, although it would be preferable to remit the fine to the affected municipalities and school districts, such a fine may provide an effective deterrent against violation of the law; and

WHEREAS, such a law would improve transparency and provide a voice to impacted municipalities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support of New York State Senate Bill S.7615 and New York State Assembly Bill A.8008 and urges their immediate passage and adoption; 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 Legislature.

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

INTRO. 19-2	GREENE	Supporting Israel in Their Battle Against the Terrorist Organization Hamas and Calling for Heightened Security at Home
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Attachments

23INTRO. 19-2

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

**Re: Supporting Israel in their Battle Against the Terrorist Organization Hamas and
Calling for Heightened Security at Home**

WHEREAS, on October 7, 2023, the terrorist organization Hamas attacked Israel, murdering over a thousand people and kidnapping hundreds of others; and

WHEREAS, Hamas is a terrorist organization whose charter calls for the eradication of all Jews; and

WHEREAS, Israel is a friend and ally of the United States in the Middle East; and

WHEREAS, on October 8, 2023, a rally, promoted by New York City's chapter of the Democratic Socialists of America, was held in New York City to show support for the people of Palestine; and

WHEREAS, at the rally, in addition to showing support for the people of Palestine, protestors cheered the cowardly actions of the terrorist organization Hamas, stomped on Israeli flags and flashed swastikas on their phones; and

WHEREAS, while respecting the protestors right to free speech, regardless of how ignorant, repugnant and hateful that it is, the vitriol demonstrated at the rally gives rise to safety and security concerns about promoters of such hate; and

WHEREAS, preventing violence through vigilance should be pursued to avoid spreading such hate to Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature stands with all innocent victims of the terrorist organization Hamas, and especially those individuals affected by the terrorist incursion into Israel; and, be it further

RESOLVED, that the Erie County Legislature asks that the Erie County Sheriff's Office provide heightened security at events in Erie County promoted by comparable groups to those that promoted the hateful rally in New York City to prevent violence against Erie County residents; and, be it further

RESOLVED, that a copy of this resolution be transmitted to the Erie County Sheriff, the Erie County Executive and the Israeli Ambassador to the United States.

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

INTRO. 19-3	BASKIN	Re-Appropriation of 2021 RENEW Plan Funding
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Attachments

23INTRO. 19-3

SUSPENSION

A RESOLUTION TO BE SUBMITTED BY CHAIR BASKIN

Re: Re-Appropriation of 2021 RENEW Plan Funding

WHEREAS, the GBUAHN was awarded \$200,000 in RENEW Plan funding by the Erie County Legislature in Comm. 18E-18 (2021) in Erie County Department of Health Fund Center 12700, Account 516020; and

WHEREAS, the current funding in the account is at \$50,000 following re-appropriations via Intro, (2022), and Comm. 11E-34 (2023); and

WHEREAS, the Erie County – Parks Erie County Small Business Park Project was budgeted \$1,279,434 in RENEW Plan funding by the Erie County Legislature in Comm. 15E-13 and the current funding remaining in the project is \$76,934 following re-appropriations via Comm. 11E-34 (2023); and

WHEREAS, the remaining funds in each account will be transferred to Erie Community College to upgrade the kitchen equipment at the South Campus cafeteria.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer the \$126,934 of RENEW Plan funding from both the Erie County Department of Health Fund Center 12700, Account 516020 and “Erie County – Parks Erie County Small Business Park Project” Fund 110, Fund Center 16200, Account 570050 and into Erie Community College, Fund 110, Fund Center 14030 for the “South Campus Cafeteria Kitchen Equipment Project”; 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, including the creation of any general fund or capital project accounts; 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.

Fiscal Impact: Budget Neutral.

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

COMM. 19E-1	COUNTY EXECUTIVE	EC Emergency Medical Services Advisory Board Appointments
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Attachments

23COMM. 19E-1



2023 OCT 5 2:29:10 PM

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

October 4, 2023

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

Re: Erie County Emergency Medical Services Advisory Board

Dear Honorable Members:

Pursuant to the power vested in me by Article 14, Section 1403 of the Erie County Charter, I hereby appoint the following individuals to the Erie County Emergency Medical Services Advisory Board. Their term will expire December 31, 2025.

Appointees:

Daniel P. McCartan, RN
70 Queens Drive
West Seneca, NY 14224

Rev. John R. Gaglione
1305 Learmont Drive
Derby, NY 14047

Edward L. Mager
235 Washington Street
Albion, NY 14411

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

Sincerely yours,

A handwritten signature in blue ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/nn

cc: Melissa Calhoun, Special Assistant to the Deputy Commissioner - EMS
Appointees

CURRICULUM VITAE

Rev. John R. Gaglione
1305 Learmont Dr.
Derby, NY 14047
716-997-0063
jgaglione@ctksnyder.com

Date of Birth: January 30, 1948

Education:

- Masters of Divinity from Christ the King Seminary, East Aurora, NY (1976)
- Ordained June 12, 1976
- BA in Philosophy from St. Mary's College, Kentucky (1972)
- Bishop Neumann High School
- Christ the King Elementary School

- New York State Fireman's Training Course
- Specialized Course in Cardiac Care at University of Buffalo (Pilot Paramedic Program)
- New York State Emergency Medical Technician Certification
- Critical Incident Stress Management Course: Basic Group Crisis Intervention. (2002)
- Graduated, Air Command and Staff College (2000)
- Air Force Officer Orientation Course (August 3, 1984)
- Air Force Chaplain School (August 24, 1984)
- Extensive training in Quality Management and Leadership

Professional Military Experience:

- Retired after twenty-five years of Military Service on 1/30/08
- Promoted to Lt. Col. in the Air Force Reserve (April 16, 2001)
- Promoted to Wing Chaplain Niagara Falls Air Reserve Station (October 1, 1996-2008)
- Promoted to Major in the Air Force Reserve (April 16, 1994)
- Promoted to Captain in the Air Force Reserve (October 16, 1985)

(Continued):

-Commissioned First Lieutenant, Chaplain in the Air Force Reserve (April 16, 1983)

-Veteran - Desert Shield/Storm

-Veteran – Iraqi Freedom

Professional

Experience- Current: -Appointed by Bishop Kmiec as a representative of the Diocese of Buffalo to the members and Sponsors Board of Catholic Health (5-19-11)

-Chaplain, Erie County Emergency Services

-Chaplain, Snyder Fire Dept.

-Member: Board of Directors- Mercy Flight

-Erie County Reserve Deputy Sheriff (Assigned as Chaplain at Erie County Holding Center.

-Transferred to Reserve Aviation Division (8/23).

Professional

Experience- Past:

-Member of the Diocese of Buffalo Finance Council

-Chairperson, Niagara Falls Catholic School Network Board (June, 1998-June, 2000)

-Member of the Diocesan Pastoral Council

-Advocate and Judge for Diocesan Marriage Tribunal

-Vice Chairman of Sisters of Charity Hospital President's Council

-Appointed Emergency Medical Services Coordinator for the City of Niagara Falls, New York by Mayor James C. Galie (May 15, 1997-Jan. 1, 2000)

-Member, Niagara County Emergency Medical Services Council (May, 1997-Jan, 2000)

-Defender of the Bond for the Court of Second Instance (Diocesan Marriage Tribunal)

-Chaplain, Amherst Fire Council

(Continued):

-Chairman of the Buffalo Emergency Medical

- Services Board (1977- Nov. 1996)
- Coordinator of Emergency Services, City of Buffalo (July, 1985-Nov. 1996)
- Member of the County of Erie Emergency Medical Services Advisory Board (September 16, 1986-2010)
- Member of the County of Erie Disaster Preparedness Advisory Board (January 1, 1989-Nov. 1996)
- Member of Volunteer Fire Company and Rescue Squad.
- Employed by two private ambulance services.

Work Experience:

- Part time Chaplain Buffalo Mercy Hosp. (2021) Until fulltime Chaplain was hired.
- Director of Pastoral Care and Chaplain at St. Joseph COVID Center.(3/20-7/20
- Pastor- Christ the King, Snyder (May, 2007- January 30 2018- Retired from active ministry)
- Activated for Base Support at Niagara Air Reserve Station (August, 2005-February, 2007)
- Pastor- St. Paul's, Kenmore (September, 2001- 20005)
- Pastor- Our Lady of the Rosary, Niagara Falls (December, 1995-September, 2000)
- Senior Parochial Vicar, St. Paul, Kenmore (September 1, 1994-December 16, 1995)
- Pastor of Holy Name of Mary, Ellicottville (June 15, 1994- September 1, 1994)
- Coordinator of Priests' Personnel Board for the Diocese of Buffalo (June 1, 1988- June 15, 1994)
- Parochial Vicar at St. Lawrence, Buffalo (1986-1988)
- Parochial Vicar at St. John the Baptist, Tonawanda, and Secretary to the Most Rev. Bernard J. McLaughlin, DD Auxiliary Bishop of Buffalo (1978-1986)
- Parochial Vicar at Holy Name of Jesus, Buffalo (1976-1978)

Awards Received: - Numerous Military Decorations

Hobbies: -Amateur Radio Operator (KC2AUW)

9/23

Daniel P. McCartan, RN

70 Queens Drive
West Seneca, NY 14224-3227
(716) 913-7114
DanMcCartanRN@gmail.com

EDUCATION

2001 - 2005	Command and Staff Diploma Joint Professional Military Education - Phase I Certification	U. S. Naval War College, Newport, RI
1997-2000	Master of Science in Community Health Nursing Community Health Clinical Nurse Specialist – Academic/Teaching	D'Youville College, Buffalo, NY
1984-1987	Bachelor of Science in Nursing	D'Youville College, Buffalo, NY

LICENSES/CERTIFICATIONS

Registered Nurse
New York License Number 408467
Arizona License Number RN-068711

Certified Healthcare Emergency Professional - Certification Number 1256
International Board for Certification of Safety Managers

Certified Hospital Emergency Coordinator, Level III
National Disaster Life Support Foundation

PROFESSIONAL EXPERIENCE

2014 - Present *Emergency Manager - Erie County Medical Center Corporation* - Primary focus is on preparedness, response, and mitigation and education/training activities for the ECMC Corporation. All Hazards are addressed ranging from Ebola Readiness to Active Shooters to a Chemical/Biological/ Radiological/Nuclear/High-yield Explosive Event. Chair the ECMC Emergency Preparedness Committee; serve on the Environment of Care and Joint Commission Steering Committees. Served on the Erie County Disaster Preparedness Advisory Board; Erie County Local Emergency Planning Committee (Past Chairman); Metropolitan Medical Response System: Steering Committee Member / Co-Chair of the Mass Fatality Sub-Committee; Vice Chair of the WNY Region Area Maritime Security Subcommittee, Coast Guard Sector Buffalo. Teach multiple courses including: Basic and Advanced Disaster Life Support (National Disaster Life Support Foundation), Disaster Mental Health, and OSHA HazMat First Receiver Operations.

2010 - present *Deputy Emergency Manager, Office of Emergency Management - Town of West Seneca.* Volunteer Administrative Deputy for the Town, focus is on preparedness and mitigation related activities. Serve in all Command and General Staff positions, including Incident Commander, as necessary. Conducted training with CERT Team.

2009 - 2014 *Program Coordinator, Western New York Regional Resource Center / Regional Training Center for Healthcare Emergency Preparedness - Erie County Medical Center Corporation.* Area of responsibility was the eight western counties of New York State. Primary focus is on assisting all healthcare facilities and agencies in the region in all areas of emergency preparedness and response, with special emphasis on Chemical/ Biological/ Radiological/Nuclear/High-yield Explosive Events. Had frequent interaction with Native American Indian Nations, regional governments, Emergency Management,

Law Enforcement, Fire and EMS services. Evaluated and designed disaster preparedness exercises. Served on the Erie County DPAB; Erie County LEPC (Vice Chair & Chair); Niagara County LEPC; Metropolitan Medical Response System: Steering Committee Member and Co-Chair of the Mass Fatality Sub-Committee and the WNY Mass Fatality Workgroup. Taught multiple courses ranging from Basic and Advanced Disaster Life Support (National Disaster Life Support Foundation), Care of the Bombing Victim (College of Emergency Physicians); and FEMA courses including Incident Command, & WMD Standardized Awareness Level Course, to the Hospital Emergency Response Team Training for WMD Multiple Casualty Incidents); Disaster Mental Health: A Critical Response (NYSDOH); and Disaster Mental Health: Core Competencies (MMRS).

2004 – 2009 *Regional Emergency Preparedness Coordinator, Western New York Healthcare Association.* Covered the eight western counties of New York State. Primary focus was on assisting the WNYHA member hospitals in the region as they prepared to provide care to victims of a Chemical/ Biological/ Radiological/Nuclear/High-yield Explosive Event. Had frequent interaction with all healthcare facilities in the region and the two Native American Indian Nations, coordinating and facilitating regional meetings with all involved parties in WNY including the regional governments, Emergency Management, Law Enforcement, Fire and EMS services. Served as an evaluator and designer for hospital disaster exercises. Participated in the Western New York Public Health Alliance. Served on the Erie County Disaster Preparedness Advisory Board, the Erie County Local Emergency Planning Committee (Co-Chair), the Metropolitan Medical Response System Steering Committee and Mental Health Sub-committee, and as a member of the Specialized Medical Assistance Response Team {SMART}. Co-chaired the WNY Mass Fatality Workgroup and authored plan templates for both healthcare facilities and counties on Mass Fatality Management. Taught FEMA courses including Incident Command, WMD Standardized Awareness Level Course, Disaster Mental Health: A Critical Response (NYSDOH); and the Hospital Emergency Response Team Training for WMD Multiple Casualty Incidents.

2003 *Division Officer and Clinical Nurse Specialist, Naval Medical Center – Portsmouth, VA (3/03 – 6/03)* Recalled to Active Duty in support of Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom. Managed the 26 bed In-patient Oncology/Hematology Unit at the largest hospital in the US Government. Additionally, functioned as the Clinical Nurse Specialist for the Oncology Department providing educational support to the department and as the Clinical Nurse Specialist for the Palliative Care Consult Service providing end-of-life care instruction and direct patient care. Conducted educational programs for hospital staff on Palliative Care and Symptom Management.

1993- 2004 *Primary Nurse Case Manager, The Center for Hospice and Palliative Care, Inc. (8/2002- 11/2004)* Served as the Primary Nurse for Hospice Homecare patients, acting as the Case Manager in the coordination of care. Performed all duties related to the care of the patients at home, including wound care, medication administration, family support, and postmortem care.

Admissions/Liaison Nurse, The Center for Hospice and Palliative Care, Inc. (7/93 - 8/02) Conducted assessments of prospective patients and admitted those that are appropriate into the Hospice homecare program. Performed all duties related to care of patients in the home setting. Served on several administrative committees; conducted in-services/classes for staff of the Center and at other hospital and college settings.

1990 - present *Rescue Instructor, County of Erie, Department of Emergency Services* Planned / presented the Infection Control Officer Course at the Fire Training Academy. Presented programs on the OSHA Standards at many fire companies and at Erie Community College-South Campus.

- 1989-1997 *Staff Nurse & Charge Nurse, Emergency Department, (Full-time and Per-diem) Mercy Hospital* Performed all duties related to the care of patients in the Emergency Department from triage, to critical/intensive care, to medical direction to ambulance personnel. Involved in all aspects of patient care from education to counseling to advocacy.
- 1989-1990 *Nurse Epidemiologist, Maricopa County Department of Health, Division of Public Health* Conducted epidemiological investigations of employee health complaints in various county buildings. Conducted statistical analysis of the collected data which was then published locally in addition, nationally. Served on a number of managerial and administrative committees.

PUBLICATIONS/TECHNICAL REPORTS

- Maricopa County Department of Health Services, Division of Public Health. (1989). Indoor Air Quality Analysis of the Maricopa County Luhrs Complex. Phoenix, AZ: Maricopa County.
- Maricopa County Department of Health Services, Division of Public Health. (1989). Indoor Air Quality Analysis of the Maricopa County Long Term Care/Controller's Offices. Phoenix, AZ: Maricopa County.
- McCartan, D.P., & Wallace, J.J. (1989). The Impact of Bats on Public Health in Maricopa County - A Health Care Assessment. Phoenix, AZ: Maricopa County Department of Health Services, Division of Public Health, Epidemiology and Statistical Services Unit.
- Maricopa County Department of Health Services, Division of Public Health. (1990). Indoor Air Quality Analysis of the Maricopa County Medical Center - Phase I. Phoenix, AZ: Maricopa County.
- Maricopa County Department of Health Services, Division of Public Health. (1989). Indoor Air Quality Analysis of the Maricopa County Medical Center - Phase II. Phoenix, AZ: Maricopa County.
- Cole, G., McCartan, D.P., & Wallace, J.J. (1991). Survey aids in assessing the impact of IAQ on worker health, satisfaction. Occupational Health and Safety, 60 (5), 38-51.
- McCartan, D.P. (2002). End of life care - A gift for our patients. Navy Medicine 93 (2), 14-16.
- Homish, G.G., Frazer, B. S., McCartan, D.P., & Billittier, A.J. Emergency Mental Health: Lessons Learned From Flight 3407. Disaster Medicine and Public Health Preparedness, 2010: 4: 1-6.
- McCartan, D. P. (2021). The COVID-19 Pandemic: Parallel Emergency Management Perspectives. International Emergency Management Association Bulletin. April: 33-35.

AWARDS/HONORS

- Lee Conroy Higgins Award, D'Youville College, 1987
 American Red Cross, Certificate of Extraordinary Action for Saving a Life, 1987
 Greater Buffalo Chapter, American Red Cross - Clara Barton Volunteer of the Year Award, 1991
 Society of Nursing Professional's, "Who's Who in American Nursing" ('90 - '91) & ('93-'94)
 Commencement Speaker, Board of Cooperative Education, LPN Program, 1993
 Greater Niagara Frontier Council, Silver Lakes District, Boy Scouts of America - Spark Plug Award, 1999
 Sigma Theta Tau International Honor Society of Nursing, Inducted 1999
 Greater Niagara Frontier Council, Silver Lakes District, BSA - District Award of Merit, 2000
 Bernice Schneeberger Award for Excellence in Community Health Clinical Nursing Practice, Master of Science in Community Health Nursing Program - D'Youville College, 2000
 Greater Niagara Frontier Council, BSA - Silver Beaver Award, 2005
 Greater Niagara Frontier Council, BSA - Venturing Leadership Award, 2016

Greater Niagara Frontier Council, Red Jacket District – Boy Scout Leader of the Year Award – 2019
Wyoming-Erie Regional EMS Council – Registered Nurse of Excellence Award - 2019
Greater Niagara Frontier Council, BSA – Boy Scout Leader of the Year Award – 2019

RELATED EXPERIENCE

American Red Cross – Volunteer Disaster Nurse and Disaster Services Instructor
Boy Scouts of America - Eagle Scout, Scoutmaster, Assistant Cubmaster, & Sea Scout Commodore.
Critical Incident Stress Management Team Member, WNY Stress Reduction Program
Presenter, Shea-Arentzen Nursing Symposium - United States Navy, 1993 on HIV Education
Presenter, Shea-Arentzen Nursing Symposium - United States Navy, 2001 on Palliative Care Education
Volunteer Firefighter/EMT - Vigilant Fire Co., Union Fire Co., and Lake Shore Fire Co.
Presenter, American Public Health Association Annual Meeting – Denver, CO, November 2010
Title: Emergency Mental Health: Lessons Learned From Flight 3407
Presenter, 11th World Congress on Stress, Trauma and Coping - Baltimore, MA, February 2011
Title: Emergency Mental Health: Lessons Learned From Flight 3407
Presenter / Panelist, Active Shooter Planning – Albany, NY, June 2016
Title: What Healthcare Facilities Need To Know

MILITARY SERVICE

July 1987 – May 2010: Commander, Nurse Corps, United States Navy (retired). Served in a variety of Navy Reserve Units in all leadership roles including Officer-in-Charge, also was the Executive Officer / Assistant Officer-in-Charge of MEDFLAG 07, a Joint Service Medical Humanitarian Mission to West Africa in 2007. Recipient of the Navy and Marine Corps Commendation Medal (with Gold Star in lieu of Third Award), the Navy and Marine Corps Achievement Medal (with Gold Star in lieu of Third Award), the Meritorious Unit Commendation Ribbon (with Bronze Star in lieu of Second Award), the National Defense Service Medal (with Bronze Star in lieu of Second Award), the Global War on Terrorism Service Medal, the Military Outstanding Volunteer Service Medal (with Bronze Star in lieu of Third Award), the Navy Recruiting Service Ribbon, the Armed Forces Reserve Medal with Bronze "M" device, the Navy Expert Rifleman Medal, the Navy Pistol Ribbon with Sharpshooter Device, and the Navy Recruiting Command Gold Wreath Award (with Silver Star in lieu of Third Award). Held qualifications as Academic Instructor for multiple areas including: Emergency Medicine, Palliative Care and Pre-hospital Care / EMT. Served as the American Heart Association Basic Life Support Instructor, Instructor Trainer and Affiliate Faculty at various times through the Military Training Network.

Commander, New York Naval Militia (retired). Served as the Deputy Commander (Intelligence) for the Western Region of New York. Recipient of the New York State Medal for Merit; New York State Military Commendation Medal; the Defense of Liberty Medal with "WTC" device for service at the World Trade Center post 9-11-01; and the Long and Faithful Service Medal with Silver Shield.

PROFESSIONAL ASSOCIATIONS

Association of Military Surgeons of the United States - Life Member
Association of the US Navy - Life Member
Disabled American Veterans - Life Member
Emergency Managers Association of Western NY
International Association of Emergency Managers
National Eagle Scout Association - Life Member
New York State Emergency Managers Association
Professional Nurses Association of Western New York
Reserve Officers Association - Life Member

Edward L. Mager

235 Washington Street □ Albion, NY 14411 □ (585) 589-5032 □ edmager@icloud.com

Objective

To develop and advance in my role as a Health Systems Specialist with the New York State Department of Health and continue ensure to exceed the mission and goals of the Department daily.

Profile

Motivated, personable business professional and public servant with a talent for quickly mastering technology – Diplomatic and tactful with professionals and non-professionals at all levels. Accustomed to handling sensitive, confidential records. Demonstrated history of project management while producing accurate, timely reports, meeting deadlines and managing multiple priorities. Proven leader with decades of experience motivating subordinates to excel. Flexible and versatile – able to manage emergency and large-scale incidents effectively. Poised and competent with demonstrated ability to easily transcend cultural differences. Thrives in deadline-driven environments. Excellent team-building skills. Maintains a positive can-do attitude.

Skills Summary

- | | | |
|---------------------------|------------------------|------------------------------|
| ◆ Project Management | ◆ Computer proficiency | ◆ Problem solving |
| ◆ Report/Case Preparation | ◆ Customer service | ◆ Investigations/compliance |
| ◆ Written Correspondence | ◆ Supervising staff | ◆ Public speaking |
| ◆ General Office Skills | ◆ Teamwork | ◆ Professional Presentations |

Education

2005 Associate's Degree in Business Administration, Genesee Community College GPA: 3.94

2023 Certificate - National Certified Investigator & Inspector Training – Advanced (24 hrs.)

2022 Joint Criminal and Epidemiological Investigations Workshop- FBI/CDC (16 hrs.)

2019 Certificate - National Certified Investigator & Inspector Training – Basic (65 hrs.)

1990 Western New York EMS Training Institute Paramedic Program- Buffalo General Hospital

1990- EMS System Status Management Training Jack Stout, EMS Industry Leader

FEMA Incident Command – IS 100, 200, 300, 400, 700, 800

FEMA Emergency Manager - IS 1 (Intro), IS 2 (Emergency Preparedness), IS 15 (Special Event

Contingency Planning for Public Safety), IS 240 (Leadership & Influence)

Professional Experience

BRANCH CHIEF / REGIONAL EMS PROGRAM MANAGER

5/2016-Present - New York State Department of Health Bureau of EMS and Trauma Systems

EMS Program Administrative/Operational oversight for the Western District and the thirty-seven counties within the district. Manage BEMSATS field and administrative support staff. Work with pre-hospital care providers, ambulance services, first response agencies and EMS course sponsors. Administer the certification and inspection program for ambulance services and other pre-hospital medical services; investigate complaints and violations of the public health law against/by ambulance services, pre-hospital care personnel and EMS education training agencies by conducting interviews of witnesses and others, taking written statements and affidavits, collecting and analyzing physical and documentary evidence and preparing detailed written reports of investigative findings; monitor compliance by certified providers and EMS training agencies; review public function and mass gathering applications; work with local, state and federal management offices to develop and implement disaster management plans and mutual aid agreements; and serve as Department of Health liaison with regional or local EMS councils and regional emergency medical advisory committees.

- DOH BEMS Liaison Officer – Buffalo Children's Hospital Move – 2017
- DOH BEMS Project Lead – Western Regional Office Transition to Electronic Record Keeping - 2019
- DOH BEMS Incident Commander – Woodstock 50 Planning – 2019
- DOH Operations Section Chief – Public Health Response – Herkimer County, NY – 2019
- DOH BEMS Project Lead – Statewide Inspection Synchronization and transition to electronic processing - 2019
- DOH BEMS Liaison Officer – COVID Quarantine Operations – Western Region, NY - 2020
- DOH BEMS Hospital and Nursing Home Capacity Coordination Center Section Chief – Albany, NY - 2020
- DOH Deputy Incident Commander – 1st Mass Point of Care COVID testing – WRO - 2020
- DOH Deputy Incident Commander – NFL Playoff Game 1 (COVID Part 18)– Buffalo, NY – 2021
- DOH Deputy Incident Commander – NFL Playoff Game 2 (COVID Part 18)– Buffalo, NY – 2021
- DOH Incident Commander – Erie County Blizzard – Buffalo, NY – 2022

SENIOR EMERGENCY MEDICAL CARE REPRESENTATIVE

7/2006-5/2016 - New York State Department of Health Buffalo New York

Work with pre-hospital care providers, ambulance services, first response agencies and EMS course sponsors. Administer the certification and inspection program for ambulance services and other pre-hospital medical services; investigate complaints and violations of the public health law against/by ambulance services, pre-hospital care personnel and EMS education training agencies by conducting interviews of witnesses and others, taking written statements and affidavits, collecting and analyzing physical and documentary evidence and preparing detailed written reports of investigative findings; monitor compliance by certified providers and EMS training agencies; review public function and mass gathering applications; work with local, state and federal management offices to develop and implement disaster management plans and mutual aid agreements; and serve as Department of Health liaison with regional or local EMS councils and regional emergency medical advisory committees

- DOH BEMS Liaison Officer – October Surprise Storm – 2006
- DOH BEMS Liaison Officer – Gowanda Flooding – 2009
- DOH BEMS Liaison Officer – Flight 3407 Crash, Clarence, NY – 2009
- DOH BEMS Command Staff – Ebola Screening Operation, JFK Airport - 2014

COMMUNICATIONS MANAGER, EMS OPERATIONS MANAGER, SENIOR SUPERVISOR, FIELD PARAMEDIC

12/1988- 7/2006 - Rural/Metro Medical Services Rochester New York

Manager of over 200 EMS field staff and operations supervisors. Coordinated day to day operations of regional personnel in both 911 and interfacility system across multiple counties. Responsible for compliance with OSHA, PESH, Medicare/Medicaid, NYS PHL. Responsible for investigating complaints and violations of the public health law and company standards against staff by conducting interviews of witnesses and others, taking written statements and affidavits, collecting and analyzing physical and documentary evidence and preparing detailed written reports of investigative findings. Provided field training for new employees.

EMS ADMINISTRATOR

7/1994 – 7/2006 - Central Orleans Volunteer Ambulance Inc.

Manager of 30 EMS field providers. Coordinated day to day operations of regional personnel in both 911 and interfacility system. Responsible for compliance with OSHA, PESH, Medicare/Medicaid, NYS PHL. Responsible for investigating complaints and violations of the public health law and company standards against staff by conducting interviews of witnesses and others, taking written statements and affidavits, collecting and analyzing physical and documentary evidence and preparing detailed written reports of investigative findings. Provided field training for new employees.

Volunteer Experience

FIREFIGHTER / EMT

1985-2005 - Albion Fire Department

EMT / PARAMEDIC

1985-1994 – Central Orleans Volunteer Ambulance Service

Awards and Recognition

Harriet C. Weber EMS Leadership Award – Erie Wyoming Regional EMS Council – 2022

NYS Governor Recognition Letter – Blizzard Response – 2022

Erie County Executive Recognition Letter – Blizzard Response – 2022

Patriot Award – Employer Support of the Guard and Reserve, Department of Defense – 2019

NYSDOH Commissioner Recognition Award – Public Health Emergency - 2019

*References available upon request.

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

COMM. 19E-2

COUNTY EXECUTIVE

Appointment to the Mental Hygiene
Community Services Board

Attachments

23COMM. 19E-2



2023 OCT 5 10:10

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

October 4, 2023

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

RE: Appointment to the Mental Hygiene Community Services Board

Dear Honorable Members,

Pursuant to the powers vested in me by Section 1303 of the Erie County Charter, I hereby appoint the following person to the Erie County Mental Hygiene Community Services Board for a term ending December 31, 2024.

Pastor George Nicholas
34 Roman Lane
Amherst, NY 14226

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

Sincerely,

Mark C. Poloncarz
Erie County Executive

MCP/nn

cc: Mark O'Brien, Commissioner of Erie County Department of Mental Health
Appointee

PASTOR GEORGE F. NICHOLAS

PROFESSIONAL BIO

CONTACT

716.364.4476

gfnicholas1@gmail.com

gnicholas@buffalohealththeequity.org

RECIPIENT

Max Donatelli

Family Advocate

maxjoydonatelli@gmail.com

Pastor George Nicholas, MDiv is the Senior pastor of Lincoln Memorial United Methodist, Buffalo, NY. He has been recognized by the General Board of Global Ministries of the United Methodist for his work on urban ministries. Pastor Nicholas is an advocate for social justice and community revitalization. He has particular passion for public health, as a result he is a founding member of the African-American Health Equity Task Force which birthed the Buffalo Center for Health Equity where he is the Board Chair and Chief Executive. As a recognition for his work in public health, Pastor Nicholas was awarded with the Benard J. Tyson Health Equity Award in 2022.

Pastor Nicholas serves on multiple Committees including, the Executive Committee of the Board of Population Health Collaborative, HEALTeLINK Board of Directors, Board of Directors of the Bills Foundation, and the Advisory Committee for New York's Master Plan for Aging.

Pastor Nicholas holds an undergraduate degree from The Ohio State University and graduate degrees from SUNY at Buffalo and Colgate Rochester Divinity School
Pastor Nicholas is married to Daun Nicholas and they have 5 children Kristin, Desmond, George Jr., Joel and Caleb.

GEORGE F. NICHOLAS

34 Roman Lane Amherst, NY 14226

716.364.4476

gfnicholas1@gmail.com

gnicholas@buffalohealthequity.org

EXPERIENCE

JANUARY 2023 – PRESENT

CHIEF EXECUTIVE OFFICER, Buffalo Center for Health Equity, BUFFALO, NY

JULY 2012 – PRESENT

SENIOR PASTOR, LINCOLN MEMORIAL UNITED METHODIST CHURCH, BUFFALO, NY

JANUARY 2002 – JULY 2012

CHIEF EXECUTIVE OFFICER, GRACE COMMUNITY VILLAGE INC., ROCHESTER, NY

JULY 2000 – JULY 2012

SENIOR PASTOR, GRACE UNITED METHODIST CHURCH, ROCHESTER, NY

APRIL 1999 – MAY 2000

CHIEF EXECUTIVE OFFICER, GENEVA B. SCRUGGS COMMUNITY HEALTH CARE CENTER, BUFFALO, NY

OCT 1997 – APRIL 1999

CONSULTANT, HUMAN RESOURCES AND ADMINISTRATION, GENEVA B. SCRUGGS COMMUNITY HEALTH CARE CENTER, BUFFALO, NY

APRIL 1996 – JUNE 2000

FOUNDER AND CHIEF EXECUTIVE OFFICER, Consulting and Business development, NICHOLAS ENTERPRISES, BUFFALO, NY

NOVEMBER 1993 - MARCH 1996

FOUNDER AND DIRECTOR, United Neighborhoods Block Club and Neighborhood Organizations Development, UNITED WAY OF BUFFALO AND ERIE COUNTY, BUFFALO, NY

SEPTEMBER 1993 - DECEMBER 1995

CONSULTANT, Community Outreach, Health Care Plan, Buffalo, NY

SEPTEMBER 1993 - NOVEMBER 1993

CONSULTANT, Minority Business Development,
Western New York Economic Development Agency, Buffalo, NY

MAY 1992 - AUGUST 1993

DIRECTOR, Community Outreach and Minority Business Development, World
University Games, July 1993, Buffalo, NY

JULY 1991 - MARCH 1992

ASSISTANT DIRECTOR, Prevention Resource Center, State University College at
Buffalo, Buffalo, NY

JUNE 1990 - JULY 1991

STAFF ASSISTANT, Business Development and Community Programs, Greater
Buffalo Development Foundation, Buffalo, NY

APRIL 1988 - SEPTEMBER 1989

DIRECTOR OF PUBLIC RELATIONS FOR THE DEPUTY SPEAKER, New York State
Assembly 141st District, Buffalo, NY

NOVEMBER 1986 - APRIL 1988

RESEARCH ASSISTANT, Commercial Banking, Manufacturers and Traders Trust
Company, Buffalo, NY

MAY 1996 - OCTOBER 1996

CASE DEVELOPER, Clients Specific Planning, SENIOR COUNSELOR, Tot Lot
Program, Buffalo Federation of Neighborhood Centers, Buffalo, NY

JANUARY 1986 TO JUNE 1986

SUBSTITUTE TEACHER, Buffalo Public Schools, Buffalo, NY

JUNE 1985 TO JANUARY 1986

STAFF ORGANIZER AND RECRUITER, Communications Workers of
America, Columbus, OH

EDUCATION

MAY 2001

MASTERS OF DIVINITY, COLGATE ROCHESTER DIVINITY SCHOOL, ROCHESTER, NY

MAY 1992

MASTERS OF SOCIAL SCIENCE, Center for Applied Public Affairs and Public Policy Studies, STATE UNIVERSITY OF NEW YORK AT BUFFALO, BUFFALO, NY

JUNE 1985

BACHELOR OF SCIENCE, THE OHIO STATE UNIVERSITY, COLUMBUS, OH

ORGANIZATIONS

2022 – PRESENT

Board of Directors, **HealthLink**, Buffalo, NY

2022 – PRESENT

Member of the Local Advisory Council, **LISC WNY**, Buffalo, NY

2022 – PRESENT

Member, **Advisory Committee for New York's Master Plan for Aging**, New York State

2022 – PRESENT

Board of Directors, **Investigative Post**, Buffalo, NY

2022 – PRESENT

Board of Directors, **Buffalo Bills Foundation**, Buffalo, NY

2022 – PRESENT

Advisory Board, **University of Buffalo**, School of Education, Buffalo, NY

2019 – PRESENT

Board Chair, **Buffalo Center for Health Equity**, Buffalo, NY

2018 – PRESENT

Board of Directors, **Population Health Collaborative**, Buffalo, NY

AWARDS & ACHIEVEMENTS

2022

ACHP Bernard J. Tyson Health Equity Award recipient

1995

Medgar Evers Civil Rights Award, Buffalo Branch NAACP

1992

Black Achievers Award, 1490 Enterprises Outstanding Academic and Professional Achievement Award Center for Applied Public Affairs, SUNY at Buffalo

1991

Distinguished Service Award - Buffalo Branch NAACP

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

COMM. 19E-3

COMPTROLLER

Department of Law Risk Retention Fund
Spending - August 2023

Attachments

23COMM. 19E-3



EC LEG OCT 11 '23 AM 9:59

ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

October 11, 2023

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

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

Dear Honorable Members:

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

Sincerely,

A handwritten signature in black ink, appearing to read "K. R. Hardwick", is written over a faint, larger version of the same signature.

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

Attachment

County of Erie
Law Department Spending
Risk Retention
August, 2023

Run Date: 10/10/2023

<u>Vendor Number</u>	<u>Vendor Name</u>	<u>Expenditures</u>
1	David Hauser and Bonina & Bonina,	5,000.00
1	Scott Harmon & Andrews, Bernstein,	15,000.00
101109	BOND, SCHOENECK & KING, PLLC	2,500.84
102816	Feldman Kieffer LLP	12,360.00
103442	Hodgson Russ	8,583.65
104457	LAWLEY SERVICE INSURANCE GROUP	245,609.38
108120	Walsh Roberts & Grace	69,136.25
1100055	M & T BANK PURCHASING CARD	1,475.38
116145	HURWITZ & FINE PC	1,049.40
118314	JEREMY C TOTH AS CUSTODIAN	28,054.49
120447	LIPPES MATHIAS WEXLER FRIEDMAN LLP	39,835.66
139834	LEGAL MED	19,133.33
143279	BENGART & DEMARCO LLP	16,056.90
174717	ARCINA RISK GROUP	2,885.00
		<u>466,680.28</u>

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

COMM. 19E-4	COUNTY EXECUTIVE	Countywide Hazardous Materials Design and/or Sample Testing & Air Monitoring - Additional Funding
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Attachments

23COMM. 19E-4



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

October 13, 2023

2023 OCT 13 12:55

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

RE: Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring – Additional Funding

Dear Honorable Members:

The Department of Public Works (DPW) entered into Contract with Watts Architects on August 22, 2022 per COMM 13E-10 (2022), for Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring. The Department of Public Works (DPW) needs additional funding for this term contract.

Should your Honorable Body require further information, I encourage you to contact Commissioner William E. Geary, Jr., at the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

Mark. C. Poloncarz, Esq.

Erie County Executive

MCP/ks
Enclosure

cc: William E. Geary, Jr., Commissioner, Department of Public Works

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring – Additional Funding
Date: October 13, 2023

SUMMARY

The Department of Public Works (DPW) advertised for an Erie County On-Call Hazardous Material Consultant for assistance in projects Countywide as requested by DPW. Watts Architects and Engineers was selected to provide said consulting services and \$75,000 funding was provided for the Term Agreement per COMM 13E-10 (2022).

At this time, the Department of Public Works (DPW) is seeking approval for additional funding for this Term Agreement as there have been unforeseen conditions on existing projects related to Hazardous Materials requiring additional services through the term agreement beyond what could have been anticipated.

Air sampling and asbestos abatement monitoring is required for all abatement projects in County owned facilities in accordance with all applicable local, state, and federal standards including Code Rule 56.

The Commissioner of Public Works is, therefore, recommending that the Erie County Legislature authorize the County Executive to approve the Additional Funding request.

FISCAL IMPLICATIONS

Funds for the project are currently available from the approved and adopted 2023 capital budget, A.23005 DPW (Buildings and Grounds) – Preservation of County Buildings and Facilities, Funds Center 122, Fund 410 in an amount not to exceed a total of \$75,000. Consultant billing would be on an hourly basis according to the approved rate schedule per their proposal unless an agreed upon work scope and fee can be determined prior to beginning any services.

REASONS FOR RECOMMENDATION

The County does not have the capability internally to perform these services and the County has several older buildings within their inventory that contain hazardous materials. The original amount provided for the Term Agreement is almost depleted.

BACKGROUND INFORMATION

The environmental consulting services necessary include, hazardous materials design and/or sample testing and air monitoring on various County projects to maintain compliance with federal regulations. These services are necessary in order to implement new asbestos abatement programs and to continue previously initiated asbestos abatement programs.

CONSEQUENCES OF NEGATIVE ACTION

If the additional funding is not approved, the County will not have the ability to have suspect materials sampled and tested in a timely manner. Furthermore, full compliance with State and Federal standards for abatement and monitoring hazardous materials, including NYS Department of Labor Code Rule 56, would be put in jeopardy.

STEPS FOLLOWING APPROVAL

Upon legislative approval, additional funding will be provided for the term contract with Watts Architecture and Engineering.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.

Timothy C. Callan 10/5/23

TIMOTHY C. CALLAN
Deputy Comptroller
Comptroller's Office

A.23305 DPW (Buildings and Grounds) – Preservation of County Buildings and Facilities

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS

RE: Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring
Additional Funding

WHEREAS, Watts Architecture and Engineering was previously approved to provide Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring services; and

WHEREAS, the Department of Public Works (DPW) desires to increase the funding for the Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring of Environmental Service Consultants Watts Architecture and Engineering in order to comply with the New York State Department of Labor Code Rule 56 and to implement Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring; and

WHEREAS, DPW advertised for Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring on May 31, 2022 through the County's standard Request for Qualification process; and

WHEREAS, a contract with Watts Architecture and Engineering was entered into on August 22, 2022 per COMM.13E-10 (2022); and

WHEREAS, the previous funds allocated for the Hazardous Material services have been previously utilized on construction projects; and

WHEREAS, DPW is requesting additional funding be approved for Watts Architects and Engineers to accommodate the use of the term for future projects as the current funds per the existing contract have been utilized; and

WHEREAS, Watts Architecture and Engineering has proven they have the necessary expertise, experience, and manpower to continue to provide the required services.

WHEREAS, each assignment will be billed on an hourly basis according to an approved rate schedule unless an agreed upon work scope and fee is negotiated with the assigned consultant prior to beginning any services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to amend the existing contract with Watts Architects and Engineers for Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring in the amount of \$75,000; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for services from Capital Project A.23005 DPW (Buildings and Grounds) – Preservation of County Buildings

and Facilities, Funds Center 122, Fund 410 for a total amount not to exceed \$75,000; and be it further

RESOLVED, that two (2) certified copies each of this resolution be sent to the Department of Public Works, Commissioner's Office and one (1) copy to the County Executive's Office, Comptroller's Office, and the Division of Budget and Management.

TO: TIMOTHY C. CALLAN, COMPTROLLER'S OFFICE
PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- | | |
|-----------------------|---|
| 1. CONTRACTOR'S NAME | Watts Architects and Engineers
_____ |
| 2. AMOUNT OF CONTRACT | Additional funds not to exceed \$ 75,000
_____ |
| 3. PROJECT NUMBER | A.23005 DPW (Buildings and Grounds) –
Preservation of County Buildings and Facilities
_____ |
| 4. PROJECT TITLE | Countywide Hazardous Materials Design and/or
Sample Testing and Air Monitoring
_____ |
| 5. DEPARTMENT CONTACT | Funding questions: Kristofer Straus x7294
Letter pickup: Christy Weber at x8301
_____ |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|------------------------------------|----------------------------------|
| 6. AVAILABILITY OF FUNDS | \$182,000.00
_____ |
| 7. PERFORMED BY | <i>Kristofer Straus</i>
_____ |
| Date Sent to Comptroller's Office: | October 4, 2023
_____ |

[55 compt_10]

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

COMM. 19E-5	COUNTY EXECUTIVE	Right-of-Way Acquisition for Replacement of Bridges in the Town of Holland
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Attachments

23COMM. 19E-5



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

10 OCT 13 '23 PM 12:55

October 13, 2023

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

RE: Right-of-Way Acquisition for Replacement of Bridges in the Town of Holland

Dear Honorable Members:

Please find the following proposed resolution seeking authorization for Erie County to allocate funding for the purposes of Right-of-Way acquisition related to the replacement of two bridges in the Town of Holland.

Should your Honorable Body require further information, I encourage you to contact Commissioner William E. Geary, Jr., at the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in blue ink that reads "Mark C. Poloncarz".

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: Right-of-Way Acquisition for Replacement of Bridges in the Town of Holland
Date: October 13, 2023

SUMMARY

The Department of Public Works has completed design authorized via COMM. 12E-19 (2022) and intends to move forward with the reconstruction of two bridges – Hunters Creek Road over Hunters Creek (BIN 3328140/BR 382-01) and Sanders Hills Road over Hunters Creek (BIN 3328180/BR 393-01) – Town of Holland. The purpose of this resolution is to allocate fundings and authorize the Erie County to acquire the necessary Right-of-Way (ROW) for replacement of these bridges. The ROW required is comprised of a total of three takings, one on each of three different properties. A single temporary easement is needed on one property on Hunters Creek Road, a permanent easement is needed on one property on Sanders Hill Road, and a temporary easement is needed on another property on Sanders Hill Road.

FISCAL IMPLICATIONS

Funds for these ROW acquisitions are available in Capital Project B.17006, Capital Right-of-Way, Fund 420, Funds Center 123.

PROPERTY SBL NUMBERS

TOWNSHIP

SBL 217.00-3-31	Holland
SBL 217.00-4-9.1	Holland
SBL 217.00-3-36.12	Holland

REASONS FOR RECOMMENDATION

Allow the County to acquire necessary ROW for the replacement of the subject bridges.

BACKGROUND INFORMATION

This Project has construction funding in Capital Projects B.22006 – 2022 Preservation of Bridges and Culverts and B.23009 – 2023 Preservation of Bridges and Culverts. Replacement of the two bridges may be staggered into two construction seasons due to available funding, and overlapping detours for the bridges which are near one another. Acquisition of the ROW is necessary prior to the construction phase of these bridges beginning.

CONSEQUENCES OF NEGATIVE ACTION

If ROW is not acquired the project cannot be constructed and the bridges will continue to deteriorate and hinder travel for the general public.

STEPS FOLLOWING APPROVAL

The Right-of-Way necessary to construct the project will be acquired.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.



Timothy C. Callan
Deputy Comptroller
Comptroller's Office



John Solecki
Director of Accounting Services & Cash Management

B.17006

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

RE: Right-of-Way Acquisition for Replacement of Bridges in the Town of Holland

WHEREAS, a design project for replacement of both the Hunters Creek Road Bridge over Hunters Creek (BIN 3328140/BR 382-01) and the Sanders Hills Road Bridge over Hunters Creek (BIN 3328180/BR 393-01) in the Town of Holland, (the "Project") was previously authorized by your honorable body via COMM. 12E-19 (2022); and

WHEREAS, to facilitate the replacement of these bridges, it is necessary for the County to acquire by fee and/or easement portions of real property noted below referred to as "Subject Property" in the vicinity of the bridges:

<u>PROPERTY TAX MAP SBL NUMBERS</u>	<u>TOWNSHIP</u>
SBL 217.00-3-31	Holland
SBL 217.00-4-9.1	Holland
SBL 217.00-3-36.12	Holland

and

WHEREAS, to acquire the easement parcels for the Project, it is necessary for the County to establish an amount which it believes to represent just compensation for the real property interest to be acquired and to thereafter make a written offer to purchase the real property interest for the respective just compensation amount; and

WHEREAS, the acquisition of the portions of the Subject Properties is de minimis in nature so that the public interest will not be prejudiced by the construction of the new bridges; and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Properties by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the acquisition of necessary Right-of-Way for the reconstruction of Hunters Creek Road Bridge over Hunters Creek (BIN 3328140/BR 382-01) and the Sanders Hills Road Bridge over Hunters Creek (BIN 3328180/BR 393-01) in the Town of Holland; and be it further

RESOLVED, that authorization is hereby given for a sum not to exceed \$10,000 be made available to cover the cost of all Right-of-Way acquisitions; and be it further

RESOLVED, that sufficient funding for this Right-of-Way acquisition exists within Capital Project B.17006 – Capital Right of Way; and be it further

RESOLVED, that the County of Erie is authorized to acquire the necessary real property interests from the aforementioned Subject Property for the purpose of constructing the Project; and be it further

RESOLVED, that the County of Erie is authorized to enter into all necessary contracts and agreements for the acquisition of the required ROW to construct the Project; and be it further

RESOLVED, Commissioner of Public Works, or his authorized representatives, including DiDonato Engineering & Architectural Professionals, are hereby authorized to establish the amounts representing just compensation for the real property to be acquired; and be it further

RESOLVED, the Commissioner of Public Works, or his authorized representatives, including DiDonato Engineering & Architectural Professionals, are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring interests in portions of their respective parcels of real property by fee and/or easement, which acquisitions are necessary for the Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including DiDonato Engineering & Architectural Professionals, are authorized to act on behalf of the County of Erie in connection with the acquisition of the required ROW from the owners of the Subject Property; and be it further

RESOLVED, that based upon the factors previously set forth herein, it is the determination of this County Legislature that such acquisitions of portions of the aforementioned Subject Properties are de minimis in nature; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee and/or easement interests in the Subject Properties; and be it further

RESOLVED, that should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, authorization is hereby given to the County to commence eminent domain procedures; and be it further

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

TO: TIMOTHY C. CALLAN, COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS


REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- | | |
|-----------------------|--|
| 1. CONTRACTOR'S NAME | DiDonato Engineering & Architectural
Professionals;
Land Owners
_____ |
| 2. AMOUNT OF CONTRACT | Combined not to exceed \$10,000
_____ |
| 3. PROJECT NUMBER | B.17006 - \$10,000
_____ |
| 4. PROJECT TITLE | Replacement of two (2) Bridges in Holland –
CAP-382-01-393-01-22
_____ |
| 5. DEPARTMENT CONTACT | Funding questions: William E. Geary, Jr. at
7555
Letter pickup: Christy Weber at 8301
_____ |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|------------------------------------|---|
| 6. AVAILABILITY OF FUNDS | \$ 73,000.00
_____ |
| 7. PERFORMED BY | 
_____ |
| Date Sent to Comptroller's Office: | September 27, 2023
_____ |

[55 compt_10]

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

COMM. 19E-6

COUNTY EXECUTIVE

Department of Social Services Lease Extension
- 460 Main Street

Attachments

23COMM. 19E-6



EC LEG OCT 13 '23 PM 12:55

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

October 13, 2023

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

Re: Department of Social Services Lease Extension – 460 Main Street

Dear Honorable Members:

The Department of Social Services is requesting authorization to extend a lease at 460 Main Street with 4858 Group, LP for the purpose of housing Social Services programs at that site. The Lease extension for the period November 1, 2023–October 31, 2028, is for space totaling 20,520 square feet at an annual base rental amount of \$15.70 per square feet for an annual base rental amount of \$322,164 for Years 1 through 5, monthly cost of \$26,847.

Funds for this lease were anticipated and are included in the 2024 Proposed Budget; therefore, there is no 2024 fiscal impact. This resolution requests a waiver of section 26.08 of the County Code requirement for a Request for Proposals as the cost of moving is prohibitive due to the extensive cabling and systems installations in place at the current location.

If your Honorable Body requires any further information, please contact Commissioner Marie Cannon at the Department of Social Services. Thank you for your consideration of this request.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mmk
Enclosure

cc: Commissioner of Social Services Marie Cannon

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Social Services
Re: Department of Social Services Lease Extension – 460 Main Street
Date: October 13, 2023

SUMMARY

The Department of Social Services is requesting authorization to extend a lease at 460 Main Street with 4858 Group, LP for the purpose of housing Social Services programs at that site. The Lease extension for the period November 1, 2023-October 31, 2028, is for space totaling 20,520 square feet at an annual base rental amount of \$15.70 per square feet for an annual base rental amount of \$322,164 for Years 1 through 5, monthly cost of \$26,847. This resolution requests a waiver of section 26.08 of the County Code requirement for a Request for Proposals as the cost of moving is prohibitive due to the extensive cabling and systems installations in place at the current location.

FISCAL IMPLICATIONS

Funds for this lease extension were anticipated and are included in the 2024 Proposed Budget; therefore, there is no 2024 fiscal impact.

REASONS FOR RECOMMENDATION

The cost of moving is prohibitive due to the extensive cabling and systems installations in place at the current location.

CONSEQUENCES OF NEGATIVE ACTION

Rental payments would be delayed.

STEPS FOLLOWING APPROVAL

A lease extension will be executed.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SOCIAL SERVICES

Re: Department of Social Services Lease Extension – 460 Main Street

WHEREAS, the Erie County Department of Social Services is requesting authorization to extend a lease at 460 Main Street with 4858 Group, LP for the purpose of housing Social Services programs at this site; and

WHEREAS, the lease extension for the period November 1, 2023, through October 31, 2028, is for space totaling 20,520 square feet at an annual base rental amount of \$15.70 per square foot for an annual base rental amount of \$322,164 for Years 1 through 5; and

WHEREAS, the current lease period ends on October 31, 2023, and this lease is needed to maintain Department of Social Services administered programs at this location; and

WHEREAS, the Department of Social Services has leased space at 460 Main Street since 2018, and the facility currently houses its HEAP Division; and

WHEREAS, the County included funds for this lease in the 2024 Proposed Budget; therefore, there will be no fiscal impact to the County in 2024.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to extend the existing lease at 460 Main Street with 4858 Group, LP at the rental amount of \$26,847 per month, \$322,164 annually, for Years 1 through 5 under the rental terms herein presented for the purpose of housing Social Services programs at this site; and be it further

RESOLVED, that authorization is hereby given to waive Section 26.08 as being impractical as the cost of moving is prohibitive due to the extensive cabling and systems installations in place at the current location; and be it further

RESOLVED, that sufficient funds to cover the cost of this lease extension already exist within the Department of Social Services (Fund 110, Fund Center 1202020) 2024 General Fund Budget in account 545000 – Rental Charges; 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 Social Services, and Division of Budget and Management.

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

COMM. 19E-7	COUNTY EXECUTIVE	Authorization to Accept TANF Funding for Non-Residential Services to Victims of Domestic Violence
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Attachments

23COMM. 19E-7



COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

EC LEG OCT 13 '23 PM 12:55

October 13, 2023

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

**Re: Authorization to Accept Temporary Assistance to Needy Families (TANF)
funding for Non-Residential services to victims of Domestic Violence**

Dear Honorable Members:

Please find attached a resolution requesting legislative authorization to accept TANF funding from the New York State Office of Children and Family Services and to increase contracts with current providers to enhance services for non-residential victims of Domestic Violence.

If your Honorable Body requires any further information, please contact Commissioner Marie Cannon at the Department of Social Services. Thank you for your consideration of this request.

Sincerely yours,

A handwritten signature in blue ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mmk
Enclosure

cc: Commissioner of Social Services, Marie Cannon

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Social Services
Re: Authorization to Accept Temporary Assistance for Needy Families (TANF)
Funding for Non-Residential services to victims of Domestic Violence
Date: October 13, 2023

SUMMARY

Legislative authorization is requested to accept \$283,622 in funding from the New York State Office of Children and Family Services, to enhance non-residential services to victims of Domestic Violence. The Department of Social Services is asking to waive the County Administrative Code Section 26.08 due to the fact that TANF funds must be used to provide enhanced or expanded core non-residential DV services provided by OCFS approved non-residential DV programs.

FISCAL IMPLICATIONS

The funding for this action is derived entirely from 100% Federal Aid dollars. No County tax dollars are necessary to support this request.

REASONS FOR RECOMMENDATION

The Department of Social Services through the New York State Office of Family Services, has been awarded \$283,622 of TANF funds to enhance non-residential services to victims of Domestic Violence. The provisions of the award specifically prohibit the sup-plantation of existing funding agreements. The Department of Social Services seeks to amend existing contracts with Child and Family Services, Suicide Prevention and Crisis Services, Family Justice Center, and Hispanics United of Buffalo, as well as the Interdepartmental Agreement with the Erie County District Attorney's Office. The funds are targeted toward Domestic Violence Survivor's with an income at or below 200% of the federal poverty level.

CONSEQUENCES OF NEGATIVE ACTION

We would be unable to provide enhanced services to Domestic Violence victims with an income at or below 200% of the federal poverty level.

STEPS FOLLOWING APPROVAL

The Department of Social Services will work with the Division of Budget and Management to amend the existing 2023 Adopted Budget amounts and will then amend contracts to Child and Family Services, Suicide Prevention and Crisis Services, Family Justice Center, and Hispanics United as well as the Interdepartmental Agreement with the Erie County District Attorney's Office.

**A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SOCIAL SERVICES**

Re: Authorization to Accept Temporary Assistance for Needy Families (TANF) Funding for Non-Residential Domestic Violence Victims

WHEREAS, the Department of Social Services has been awarded an amount of \$283,622 in 100% federal share Temporary Assistance to Needy Families (TANF) funds to enhance non-residential services to victims of domestic violence; and

WHEREAS, the additional Federal TANF funding is awarded to provide enhanced or expanded core non-residential DV services provided by OCFS approved non-residential DV programs; and

WHEREAS, the provisions of the award specifically prohibit the sup-plantation of existing funding agreements and also prohibit the use of funds for County government operations; and

WHEREAS, only new contractual services or expansion of existing contractual services are eligible for this funding, and the vendors used must be among those named in the Department’s Consolidated Services Plan (CSP) approved by the State.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept \$283,622 in additional Federal Aid Funding for TANF into the Department of Social Services 2023 Operating Budget and amend an interdepartmental agreement between the District Attorney’s Office and Department of Social Services for non-residential services to victims of domestic violence as follows:

Department of Social Services
Fund 110, Funds Center 1209010

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
414000	Federal Aid Revenue	<u>\$283,622</u>
	TOTAL	<u>\$283,622</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516410	TANF Title XX	<u>\$238,622</u>
911400	ID District Attorney Services	<u>\$ 45,000</u>
	TOTAL	<u>\$283,622</u>

District Attorney’s Office
Fund 110, Funds Center 114

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
911400	ID District Attorney Services	<u>(\$45,000)</u>
	TOTAL	<u>(\$45,000)</u>

and be it further

RESOLVED, that authorization is hereby given for the County Executive to enter into or amend contracts with the following State-approved OCFS providers, waiving Section 26.08, in an amount not to exceed \$238,622:

516410	Suicide Prevention and Crisis Services	\$121,162.31
516410	Child and Family Services	68,959.69
516410	Family Justice Center	40,000.00
516410	Hispanics United of Buffalo	<u>8,500.00</u>
	Total	\$238,622.00

and be it further

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

RESOLVED, that certified copies of this resolution be furnished to the Erie County Executive's Office, Comptroller's Office, District Attorney's Office, Department of Social Services, and Division of Budget and Management.

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

COMM. 19E-8	COUNTY EXECUTIVE	ECSD No. 3 - Electrical Substation & Plant-Wide Generator Equipment Procurement for Southtowns Advanced Wastewater Treatment Facility
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Attachments

23COMM. 19E-8



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

October 13, 2023

EC LEG OCT 13 '23 PM 12:55

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

**RE: Erie County Sewer District No. 3
Electrical Substation and Plant-Wide Generator Equipment Procurement for
Southtowns Advanced Wastewater Treatment Facility
Proposed Change Order No. 1 – Contract No. 74P-R**

Dear Honorable Members:

The Department of Environment and Planning, Division of Sewerage Management is contemplating a no cost, time extension change order for the above referenced Contract with O'Connell Electric Company, Inc.

Due to the anticipated assignment of this contract in November, it is essential that this potential change order be considered as soon as possible. We respectfully request this item be placed on the agenda of the Energy and Environment Committee. After final details are received, should the Department wish to proceed, the necessary supporting documentation and a suggested resolution will be provided for review.

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: mlp

cc: J. Fiegl – Deputy Commissioner, Division of Sewerage Management

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Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

COMM. 19E-9	COUNTY EXECUTIVE	ECSD No. 8, East Aurora WRRF - Control Building Improvements
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Attachments

23COMM. 19E-9



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG OCT 13 '23 PM 12:55

October 13, 2023

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

**RE: Erie County Sewer District No. 8
East Aurora Water Resource Recovery Facility (WRRF)
Control Building Improvements
Contract No. 21-D Electrical Construction Close Out**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning pertaining to close out of the East Aurora WRRF Control Building Improvements Project, Erie County Sewer District No. 8, Contract No. 21-D Electrical Construction.

Should your Honorable Body require further information, I encourage you to contact the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:ds

cc: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 8
East Aurora Water Resource Recovery Facility (WRRF)
Control Building Improvements
Contract No. 21-D Electrical Construction Close Out
Date: October 13, 2023

SUMMARY

Acceptance and approval of Contract No. 21-D in the final contract amount of \$236,699.71 together with Change Order No. 2 (Final), a decrease of \$2,105.38 in Capital Bond Account No. C.21150, as well as authorization to issue final payment to the contractor, Frey Electric Construction Co., Inc., is requested.

FISCAL IMPLICATIONS

There will be no impact on the County's General Fund. The funds for this contract were allocated from Capital Bond Account No. C.21150 (American Rescue Plan funds).

REASONS FOR RECOMMENDATION

All scheduled improvements required by the contract documents have been completed. As a result, it is the Department's recommendation to finalize this contract.

BACKGROUND INFORMATION

Contract No. 21-D was bid on January 13, 2022 and awarded by the Erie County Legislature on February 17, 2022 pursuant to Legislative Comm. 25E-3 (2021). The project consisted of Electrical construction of the East Aurora WRRF Control Building Improvements Project in Erie County Sewer District No. 8. Change Order No. 1 was issued on January 5, 2023 to facilitate changes to the communications cabinet, increasing the Contract amount \$15,805.09 to \$238,805.09.

CONSEQUENCES OF NEGATIVE ACTION

Contract default on the part of the County of Erie could be claimed by the Contactor.

STEPS FOLLOWING APPROVAL

The County of Erie will execute the final change order and make a final payment to Frey Electric Construction Co., Inc.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient capital appropriations for the action proposed.

Signed Timothy C. Callan Date 10/4/23
Title Timothy C. Callan, Ph.D.
Deputy Comptroller
Comptroller's Office

**Erie County Sewer District No. 8
Contract No. 21-D
Contract Close Out – Frey Electric Construction Co., Inc.
Capital Bond Account No. C.21150**

A RESOLUTION SUBMITTED BY
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District No. 8
East Aurora Water Resource Recovery Facility (WRRF)
Control Building Improvements
Contract No. 21-D Electrical Construction Close Out

WHEREAS, pursuant to Legislative Comm. 25E-3 (2021), Contract No. 21-D was awarded to Frey Electric Construction Co., Inc. for Electrical Construction of the East Aurora WRRF Control Building Improvements Project in Erie County Sewer District No. 8; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 21-D, in the final contract amount of \$236,699.71 which includes Change Order No. 2 (Final), a decrease of \$2,105.38, and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby authorizes acceptance of Contract No. 21-D between the County of Erie and Frey Electric Construction Co., Inc., (100 Pearce Avenue, Buffalo, NY 14150) as final, in the amount of \$236,699.71, which includes Change Order No. 2 (final), a decrease of \$2,105.38; and be it further

RESOLVED, that authorization is hereby given to the Erie County Comptroller to make final payment for Contract No. 21-D, to Frey Electric Construction Co., Inc. for a total contract amount of \$236,699.71; and be it further

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

TO: COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

<u>REQUESTING DEPARTMENT</u>	<u>COMPLETE ITEMS 1 THROUGH 5</u>
1. CONTRACTOR'S NAME	<u>Frey Electric</u>
2. AMOUNT OF CONTRACT	<u>\$ 236,699.71</u>
3. PROJECT NUMBER	<u>C.21150</u>
4. PROJECT TITLE	<u>EA WRRF Control Bldg Impr. Contract 21D</u>
5. DEPARTMENT CONTACT	<u>Beth Pfalzer x6144</u>
<u>COMPTROLLER'S OFFICE</u>	<u>COMPLETE ITEMS 6 AND 7</u>
6. AVAILABILITY OF FUNDS	<u>\$12,426,635.30</u>
7. PERFORMED BY	<u><i>Idunpton</i></u>
Date Sent to Comptroller's Office:	<u>October 3 2023</u>

[55 compt_10]

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

COMM. 19E-10

COUNTY EXECUTIVE

ECSD No. 6, Lackawanna WRRF Digestion
& Solids - Management Upgrades Project

Attachments

23COMM. 19E-10



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG OCT 13 '23 PM 12:55

October 13, 2023

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

**RE: Erie County Sewer District No. 6
Lackawanna Water Resource Recovery Facility Digestion and Solids
Management Upgrades Project – Contract No. 64
Time Extension Change Orders**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management pertaining to no-cost time extension Change Orders for the Lackawanna Water Resource Recovery Facility Digestion and Solids Management Upgrades project, Erie County Sewer District No. 6, Contract No. 64.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:mp
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: Lackawanna Water Resource Recovery Facility Digestion and Solids Management Upgrades Project – Contract No. 64 Time Extension Change Orders
Date: October 13, 2023

SUMMARY

Your Honorable Body is requested to approve Change Order No. 2 to Contract No. 64-A and Change Order No. 1 to Contract No.64-D for the Lackawanna Water Resource Recovery Facility Digestion and Solids Management Upgrades project.

FISCAL IMPLICATIONS

There will be no impact to the County's General Fund. There is no cost associated with these Change Orders.

REASONS FOR RECOMMENDATION

Delays in delivery of essential components under Contract No. 64-A has not allowed the onsite work for the project to progress on the anticipated schedule. The work being performed under Contract No. 64-D is directly related to the work of Contract No. 64-A and will be equally impacted by the equipment delays. The change orders would account for delays beyond the Contractor's control.

BACKGROUND INFORMATION

The Lackawanna Water Resource Recovery Facility Digestion and Solids Management Upgrades Project was awarded under Legislative Comm. 10E-21 (2022) and primarily involves installing new digester covers, digestion equipment, and solids handling equipment.

H&K Services, Inc. has experienced delays, beyond what was anticipated at the time of award, in the receipt of essential equipment components, known as the mixing pumps, needed to complete the work in the Step 2 Digester. The Step 2 Digester cannot be put into service until all components have been installed and the work on the Step 3 Digester cannot begin until the Step 2 Digester is operational.

H&K Services, Inc. submitted a request to add 130 days to the duration of Contract No. 64-A, for a total of 580 days and a completion date of June 21, 2024. Frey Electric Construction Co., Inc. has requested the same extension for Contract No. 64-D. The Division of Sewerage Management reviewed the submittals and based on the recommendation of the Engineer, AECOM, believes proposed Change Order No. 2 for Contract No. 64-A and Change Order No. 1

for Contract No. 64-D is appropriate to complete the work. No additional costs would be incurred.

CONSEQUENCES OF NEGATIVE ACTION

The Contractor has acted in good faith to provide and install the materials and equipment under the terms of the Contract. Not granting a time request could be considered a breach of the Contract.

STEPS TO FOLLOW APPROVAL

The County will issue Change Order No. 2 to Contract No. 64-A and Change Order No. 1 to Contract No. 64-D, allowing for the extension of time until June 21, 2024.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District No. 6
Lackawanna Water Resource Recovery Facility Digestion and Solids Management
Upgrades Project – Contract No. 64
Time Extension Change Orders

WHEREAS, pursuant to Legislative Comm. 10E-21 (2022), Contract No. 64-A was awarded to H&K Services Inc. and Contract No. 64-D was awarded to Frey Electric Construction Co., Inc. to construct the Lackawanna Water Resource Recovery Facility Digestion and Solids Management Upgrades project in Erie County Sewer District No. 6; and

WHEREAS, the Division of Sewerage Management has determined that additional time is needed for receipt of essential equipment and completion of the work; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of no-cost Change Order No. 2 for Contract No. 64-A and Change Order No. 1 for Contract No. 64-D, an increase of time of 130 days to a total Contract time of 580 days.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes increasing the total Contract Time for Contract No. 64-A between the County of Erie and H&K Services, Inc. (12025 Leon-New Albion Road, Leon, NY 14751) and for Contract No. 64-D between the County of Erie and Frey Electric Construction Co., Inc. (100 Pearce Avenue, Tonawanda, NY 14150) by 130 days to a total of 580 days; and be it further

RESOLVED, that authorization is hereby given to the Deputy Commissioner of the Division of Sewerage Management be authorized to execute Change Order No. 2 for Contract No. 64-A and Change Order No. 1 for Contract No. 64-D; and be it further

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

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

COMM. 19E-11	COUNTY EXECUTIVE	ECSD No. 8, East Aurora WRRF - Control Building Improvements
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Attachments

23COMM. 19E-11



EC LEG OCT 13 '23 PM 2:55

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

October 13, 2023

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

**RE: Erie County Sewer District No. 8
East Aurora Water Resource Recovery Facility (WRRF)
Control Building Improvements
Contract 21-B HVAC Construction Close Out**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning pertaining to close out of the East Aurora WRRF Control Building Improvements Project, Erie County Sewer District No. 8, Contract No. 21-B HVAC Construction.

Should your Honorable Body require further information, I encourage you to contact the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP: ds

cc: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 8
East Aurora Water Resource Recovery Facility (WRRF)
Control Building Improvements
Contract 21-B HVAC Construction Close Out
Date: October 13, 2023

SUMMARY

Acceptance and approval of Contract No. 21-B in the final contract amount of \$278,120.00 together with Change Order No. 2 (Final), a decrease of \$8,480.00 in Capital Bond Account No. C.21150, as well as authorization to issue final payment to the contractor, Greater Niagara Mechanical, Inc., is requested.

FISCAL IMPLICATIONS

There will be no impact on the County's General Fund. The funds for this contract were allocated from Capital Bond Account No. C.21150 (American Rescue Plan funds).

REASONS FOR RECOMMENDATION

All scheduled improvements required by the contract documents have been completed. As a result, it is the Department's recommendation to finalize this contract.

BACKGROUND INFORMATION

Contract No. 21-B was bid on January 13, 2022 and awarded by the Erie County Legislature on February 17, 2022 pursuant to Legislative Comm. 25E-3 (2021). The project consisted of HVAC construction of the East Aurora WRRF Control Building Improvements Project in Erie County Sewer District No. 8. Change Order No. 1 was issued on March 1, 2023 providing a 90-day time extension for completion due to equipment delays.

CONSEQUENCES OF NEGATIVE ACTION

Contract default on the part of the County of Erie could be claimed by the Contactor.

STEPS FOLLOWING APPROVAL

The County of Erie will execute the final change order and make a final payment to Greater Niagara Mechanical, Inc.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient capital appropriations for the action proposed.

Signed Timothy C. Callan Date 10/4/23
Title Timothy C. Callan, Ph.D.
Deputy Comptroller
Comptroller's Office

**Erie County Sewer District No. 8
Contract No. 21-B
Contract Close Out – Greater Niagara Mechanical, Inc.
Capital Bond Account No. C.21150**

A RESOLUTION SUBMITTED BY
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District No. 8
East Aurora Water Resource Recovery Facility (WRRF)
Control Building Improvements
Contract No. 21-B HVAC Construction Close Out

WHEREAS, pursuant to Legislative Comm. 25E-3 (2021), Contract No. 21-B was awarded to Greater Niagara Mechanical, Inc. for HVAC Construction of the East Aurora WRRF Control Building Improvements Project in Erie County Sewer District No. 8; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 21-B, in the final contract amount of \$278,120.00 which includes Change Order No. 2 (Final), a decrease of \$8,480.00, and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby authorizes acceptance of Contract 21-B between the County of Erie and Greater Niagara Mechanical, Inc., (7311 Ward Road, North Tonawanda, NY 14120) as final, in the amount of \$278,120.00, which includes Change Order No. 2 (final), a decrease of \$8,480.00; and be it further

RESOLVED, that authorization is hereby given to the Erie County Comptroller to make final payment for Contract No. 21-B, to Greater Niagara Mechanical, Inc. for a total contract amount of \$278,120.00; and be it further

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

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 Greater Niagara Mechanical
2. AMOUNT OF CONTRACT \$278,120.00
3. PROJECT NUMBER C.21150
4. PROJECT TITLE EA WRRF Control Bldg Impr. Contract 21B
5. DEPARTMENT CONTACT Beth Pfalzer x6144

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS \$12,426,635.30
 7. PERFORMED BY *[Signature]*
- Date Sent to Comptroller's Office: October 3, 2023

[55 compt_10]

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

COMM. 19E-12	COUNTY EXECUTIVE	PILOT Agreement for Juniper Apartments, Town of Hamburg - Affordable Housing Development
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Attachments

23COMM. 19E-12



EC LEG OCT 13 '23 PM 12:55

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

October 13, 2023

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

RE: Payment in Lieu of Taxes (PILOT) Agreement for Juniper Apartments, Town of Hamburg – 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 Juniper Apartments. The resolution authorizes the County Executive to execute an agreement with Juniper Apartments LLC, Rogers Neighborhood Housing Development Fund Company, Inc., and the Town of Hamburg.

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 Juniper Apartments, Town of Hamburg – Affordable Housing Project
Date: October 13, 2023

SUMMARY

The resolution authorizes the County Executive to execute a PILOT Agreement with Juniper Apartments LLC, Rogers Neighborhood Housing Development Fund Company, Inc., and the Town of Hamburg.

The owner is seeking a PILOT from the Town of Hamburg 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 Juniper Apartments shall be based on a payment of \$16,825 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 Hamburg 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 Hamburg supports the PILOT and on September 25, 2023, the Town Board approved the Juniper Apartments PILOT Agreement. The project conforms to the provisions of Article XI of the New York Private Housing Finance Law.

BACKGROUND INFORMATION

The residential project involves two buildings, one designated for seniors 55-years and older and the other designated for individuals 18-years and older. The project consists of 65 total units in the Town of Hamburg at 5355 Rogers Road. This will include 54 one-bedroom units and 11 two-bedroom units of affordable housing. The project will provide affordable housing opportunities to households with incomes at or below 30%, 50%, or 60% of the Area Median Income and at least 60% of the units are affordable to persons' earning no greater than 50% of the Area Medium Income. The total development cost is projected to be \$32,173,787.

CONSEQUENCES OF NEGATIVE ACTION

Without the PILOT, it would not be economically feasible for Juniper Apartments LLC and/or Rogers Neighborhood Housing Development Fund Corporation to complete the project as it is currently structured.

STEPS FOLLOWING APPROVAL

The County Executive will enter into a PILOT Agreement with the noted parties.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Payment in Lieu of Taxes (PILOT) Agreement for Juniper Apartments, Town of Hamburg – Affordable Housing Project

WHEREAS, Juniper Apartments Project consists of the creation of two buildings containing a total of 65 units of affordable housing located at 5355 Rogers Road in the Town of Hamburg; 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 Juniper Apartments LLC and Rogers Neighborhood Housing Development Fund Corporation to operate the housing project it is necessary to extend tax relief from the County of Erie and the Town of Hamburg.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby given to the County Executive to execute a Payment in Lieu of Taxes (PILOT) Agreement with Juniper Apartments LLC, Rogers Neighborhood Housing Development Fund Corporation, and the Town of Hamburg and any other organizations necessary to conclude this PILOT Agreement; and be it further

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

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

**SCHEDULE A
PILOT Payments**

<i>Share</i>		75%	25%
Year	Proposed PILOT Payments	Town	County
1	\$ 16,825	\$ 12,619	\$ 4,206
2	\$ 17,330	\$ 12,997	\$ 4,332
3	\$ 17,850	\$ 13,387	\$ 4,462
4	\$ 18,385	\$ 13,789	\$ 4,596
5	\$ 18,937	\$ 14,202	\$ 4,734
6	\$ 19,505	\$ 14,629	\$ 4,876
7	\$ 20,090	\$ 15,067	\$ 5,022
8	\$ 20,693	\$ 15,519	\$ 5,173
9	\$ 21,313	\$ 15,985	\$ 5,328
10	\$ 21,953	\$ 16,465	\$ 5,488
11	\$ 22,611	\$ 16,958	\$ 5,653
12	\$ 23,290	\$ 17,467	\$ 5,822
13	\$ 23,988	\$ 17,991	\$ 5,997
14	\$ 24,708	\$ 18,531	\$ 6,177
15	\$ 25,449	\$ 19,087	\$ 6,362

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

COMM. 19E-13	COUNTY EXECUTIVE	PILOT Agreement for Riley Brook Apartments, Town of Hamburg - Affordable Housing Development
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Attachments

23COMM. 19E-13



SC LEG OCT 13 '23 PM 12:55

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

October 13, 2023

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

RE: Payment in Lieu of Taxes (PILOT) Agreement for Riley Brook Apartments, Town of Hamburg – 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 Riley Brook Apartments. The resolution authorizes the County Executive to execute an agreement with Riley Brook Apartments, LLC, Riley Brook Housing Development Fund Company, Inc., and the Town of Hamburg.

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 Riley Brook Apartments, Town of Hamburg – Affordable Housing Project
Date: October 13, 2023

SUMMARY

The resolution authorizes the County Executive to execute a PILOT Agreement with Riley Brook Apartments LLC, Riley Brook Housing Development Fund Company, Inc., and the Town of Hamburg.

The owner is seeking a PILOT from the Town of Hamburg 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 Riley Brook Apartments shall be based on a payment of \$39,428 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 Hamburg 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 Hamburg supports the PILOT and on September 25, 2023, the Hamburg Town Board approved Riley Brook Apartments PILOT Agreement. The project conforms to the provisions of Article XI of the New York Private Housing Finance Law.

BACKGROUND INFORMATION

The residential project involves the acquisition and development of vacant land into a seven-building apartment complex containing (70) affordable apartment units. The project will be located on Riley Boulevard. The project has a total of 70 units, including 14 1-bedroom apartments, 42 2-bedroom apartments, and 14 3-bedroom apartments. The project will provide affordable housing opportunities to residents with 8 units serving those at 30% or below AMI, 27 units will serve those at 50% or below AMI, and 35 units will serve those at 60% or below area AMI. The total development cost is projected to be \$24,862,523.

CONSEQUENCES OF NEGATIVE ACTION

Without the PILOT, it would not be economically feasible for Riley Brook Apartments LLC and/or Riley Brook Housing Development Fund Company, Inc. to complete the project as it is currently structured.

STEPS FOLLOWING APPROVAL

The County Executive will enter into a PILOT Agreement with the noted parties.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Payment in Lieu of Taxes (PILOT) Agreement for Riley Brook Apartments, Town of Hamburg – Affordable Housing Project

WHEREAS, Riley Brook Apartments Project consists of the acquisition and development of vacant land into a seven-building apartment complex containing seventy (70) affordable apartment units located on Riley Boulevard; 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 Riley Brook Apartments LLC and Riley Brook Housing Development Fund Company, Inc. to operate the housing project it is necessary to extend tax relief from the County of Erie and the Town of Hamburg.

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 Riley Brook Apartments LLC, Riley Brook Housing Development Fund Company, Inc., and the Town of Hamburg and any other organizations necessary to conclude this PILOT Agreement; and be it further

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

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

**SCHEDULE A
PILOT Payments**

<i>Share</i>		75%	25%
Year	Proposed PILOT Payments	Town	County
1	\$ 39,428	\$ 29,571	\$ 9,857
2	\$ 40,610	\$ 30,458	\$ 10,153
3	\$ 41,829	\$ 31,372	\$ 10,457
4	\$ 43,084	\$ 32,313	\$ 10,771
5	\$ 44,376	\$ 33,282	\$ 11,094
6	\$ 45,707	\$ 34,281	\$ 11,427
7	\$ 47,079	\$ 35,309	\$ 11,770
8	\$ 48,491	\$ 36,368	\$ 12,123
9	\$ 49,946	\$ 37,459	\$ 12,486
10	\$ 51,444	\$ 38,583	\$ 12,861
11	\$ 52,987	\$ 39,741	\$ 13,247
12	\$ 54,577	\$ 40,933	\$ 13,644
13	\$ 56,214	\$ 42,161	\$ 14,054
14	\$ 57,901	\$ 43,426	\$ 14,475
15	\$ 59,638	\$ 44,728	\$ 14,909

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

COMM. 19E-14	COUNTY EXECUTIVE	Appointment to the Community Benefits Agreement Oversight Committee
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Attachments

23COMM. 19E-14



EC LEG OCT 16 '23 PM 3:33

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

October 4, 2023

Buffalo Bills
Attn: Kathryn D'Angelo
1 Bills Drive
Orchard Park, NY 14127

Re: Appointment to the Community Benefits Agreement Oversight Committee

Dear Ms. D'Angelo:

Pursuant to the Community Benefits Agreement executed by the County of Erie, Erie County Stadium Corporation, Buffalo Bills, LLC, and Bills Stadium and Events Company, LLC, I hereby submit the following individual for appointment to serve on the Community Benefits Agreement Oversight Committee:

Ms. Maria Whyte
725 Exchange Street, Suite 525
Buffalo, NY 14210

Reverend Mark Blue
163 Broadway Avenue
Buffalo, NY 14204

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

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/nn

cc: Penny Semaia
Erie County Legislature
Jeremy Toth, County Attorney

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

COMM. 19D-1	DIRECTOR OF BUDGET & MANAGEMENT	October Capital Projects Update
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Attachments

23COMM. 19D-1

WBS	Project Name	Dept	Type	Total Project	Bonded	Other Aid	PAYGO	Updated Spent	Updated Committed	Updated Available	Status	Estimated Completion
A.23001	DPW (Buildings and Grounds) – Roof Replacement and Exterior Waterproofing (Countywide)	122	23 CBR	2,000,000	2,000,000	-	-	2,672	17,935	1,979,393	Work has started	
A.23002	DPW (Buildings and Grounds) – Mechanical, Electrical, Plumbing, and Miscellaneous Improvements	122	23 CBR	1,000,000	1,000,000	-	-	-	-	1,000,000	Work has started	
A.23003	DPW (Buildings and Grounds) – Buffalo Niagara Convention Center (BNCC) Improvements	122	23 CBR	500,000	500,000	-	-	-	-	500,000		
A.23004	DPW (Buildings and Grounds) – Erie County Sheriff's Department – Miscellaneous Renovations	122	23 CBR	700,000	700,000	-	-	-	-	700,000		
A.23005	DPW (Buildings and Grounds) – Preservation of County Buildings and Facilities	122	23 CBR	500,000	500,000	-	-	-	318,000	182,000	Work has started	
A.23006	Countywide Parks Improvements and ADA Accessibility	164	23 CBR	500,000	500,000	-	-	92,157	102,043	305,800	Approximately \$300,000 in projects will take place this summer with the remainder in spring 2024	Spring 2024
A.23007	Vehicles and Equipment - Parks and Recreation	164	23 CBR	500,000	500,000	-	-	190,316	301,940	7,744	Some items are on state contract and in stock now. Probably only \$250,000 spent in the next 1-3 months	
A.23008	Inclusive Playgrounds (2)	164	23 CBR	500,000	500,000	-	-	-	444,022	55,978	Equipment on order for late fall 23 or early spring 24 installation	Fall 2023
A.23009	Replacement of the Police, Fire, and Medical Computer Aided Dispatch and Record Management System	165	23 CBR	5,000,000	5,000,000	-	-	-	-	5,000,000	Finalizing RFP to be released	2024
A.23010	Microsoft E5 Enterprise Agreement/Security Enhancements	105	23 CBR	1,000,000	1,000,000	-	-	488,497	-	511,503	Install and operate Microsoft E5 Enterprise agreement. The installation of the E5 Enterprise software provides threat detection, identity management, access management, advance analytics, information management, compliance management, and security management.	2023
A.23011	PC/Thin Client Replacements	105	23 CBR	600,000	600,000	-	-	-	106,378	493,622	Replace and update all out of support thin clients and PC's in the County. New units will support Windows 11.	Spring 2024
A.23012	Youth Facility HVAC Replacement	122	23 CBR	1,300,000	663,000	637,000	-	-	1,300,000	-	Ordering of materials is happening and work will begin shortly.	
A.23013	Youth Facility Security Upgrades	122	23 CBR	817,000	416,670	400,330	-	-	-	817,000	Bid will happen in July and funds will begin being expended in August.	
A.23014	New Buffalo Bills	122		250,000,000	-	-	125,000,000	61,209,000	-	188,791,000		
A.23050	DPW Rehab of Highmark Stadium - 11th Year	122	23 BUD	5,484,957	-	3,219,395	2,265,562	-	-	5,484,957		
A.23051	DPW EPA Regulatory Compliance	122	23 BUD	350,000	-	-	350,000	-	250,000	100,000		Unknown
A.23052	DPW Code & Environment Compliance	122	23 BUD	250,000	-	-	250,000	-	250,000	-		Unknown
A.23053	Preservation of County Highway Facilities	122	23 BUD	250,000	-	-	250,000	2,182	12,357	235,461		Unknown
A.23054	Convention Center Security Upgrades	122	23 BUD	327,600	-	-	327,600	-	313,828	13,772		Unknown
A.23056	Gasboy Software Upgrades - Fleet	107	23 BUD	150,000	-	-	150,000	-	93,000	57,000	Working with vendor	2023
A.23057	Vehicle Replacements - Fleet	107	23 BUD	400,000	-	-	400,000	-	400,000	-	Building vehicle spec sheets	2023
A.23058	Shelter Bldg & Comfort Station Rehab	164	23 BUD	200,000	-	-	200,000	47,075	46,298	106,627	Projects yet to be awarded	Summer 2024
A.23059	Exterior Signage Plan Phase 2	164	23 BUD	300,000	-	-	300,000	-	-	300,000	Phase 2 to be bid Fall 2023	Summer 2024
A.23060	Countywide Park Amenities	164	23 BUD	100,000	-	-	100,000	29,944	44,947	25,109	Items Ordered	Spring 2024
A.23061	Municipal Planning Grant Program	162	23 BUD	350,000	-	-	350,000	-	-	350,000	RFP to be released in June, 2023	2025

2023 Capital Projects

WBS	Project Name	Dept	Type	Total Project	Bonded	Other Aid	PAYGO	Updated Spent	Updated Committed	Updated Available	Status	Estimated Completion
A.23062	Buffalo Southern Railroad Capital Improvement	162	23 BUD	400,000	-	-	400,000	-	-	400,000	Match to Federal grant - Federal contract is not executed	2026
A.23063	DL&W Railroad Bridge Capital Program	162	23 BUD	150,000	-	-	150,000	-	-	150,000	Match to Federal grant - Federal contract is not executed	2026
A.23064	Jefferson Ave Fine Arts Project	162	23 BUD	200,000	-	-	200,000	-	-	200,000	SEQR recently Completed, Meeting planned	Unknown
A.23065	Backup System Replacement	105	23 BUD	400,000	-	-	400,000	-	-	400,000	Work is underway and will be completed this year	Late 2023
A.23066	Server Replacement	105	23 BUD	300,000	-	-	300,000	73,072	-	226,928	Work is underway and will be completed this year	Late 2023
A.23067	Network Equipment Upgrades	105	23 BUD	300,000	-	-	300,000	-	-	300,000	Work is underway and will be completed this year	Late 2023
A.23068	DSS Technology Upgrades	120	23 BUD	284,500	-	150,785	133,715	-	212,770	71,730	awaiting delivery of equipment	Late 2023
A.23069	Child Advocacy Center Relocation	162	23 BUD	1,000,000	-	-	1,000,000	-	-	1,000,000	Meeting held 1/23 to review County requirements	Unknown
A.23070	Office Furniture Upgrades	112	23 BUD	100,000	-	-	100,000	-	89,851	10,149	awaiting delivery of furniture	2023
A.23071	Tow Path Fenian Inv Monument Project	164	RESO	95,000	-	-	-	-	94,821	179	Project awarded with upcoming ground breaking	Fall 2023
A.23072	DPW (Buildings and Grounds) – Rath Building Improvements	122	22 BB	750,000	750,000	-	-	-	-	750,000		
A.23073	EMS Ambulance Building Design and Construction	122	22 BB	1,725,000	1,725,000	-	-	380	-	1,724,620	For the design and construction of a new ECDOH-EMS Ambulance Division building.	
A.23074	Countywide Roads, Pathways, and Parking Lot Improvements	164	22 BB	750,000	750,000	-	-	-	-	750,000		
A.23075	Emery Maintenance and Out Building Exterior Improvements	164	22 BB	1,100,000	1,100,000	-	-	386	-	1,099,614	Late fall construction start	Spring 2024
A.23076	Renaissance Commerce Park	162	22 BB	3,800,000	3,800,000	-	-	-	-	3,800,000	Anticipated to be allocated towards railroad reconstruction. Extended negotiation with landowner and railroad have delayed the project.	2026
A.23077	Kleinhans Music Hall Capital Campaign	162	22 BB	650,000	650,000	-	-	-	-	650,000	Contract being written and funds will be transferred shortly thereafter.	2023
A.23078	Public Safety Needs Assessment and Feasibility Study	162	22 BB	750,000	750,000	-	-	-	-	750,000	RFP currently being written.	2024
A.23079	Explore & More	100	RENEW	100,000	-	-	100,000	100,000	-	-	can be closed	completed
A.23080	Boys & Girls Club of the Northtowns	100	RENEW	200,000	-	-	200,000	200,000	-	-	can be closed	completed
A.23081	Kenmore Volunteer Fire Department Floor	162	RENEW	30,000	-	-	30,000	-	-	30,000	new project set up	
A.23082	Tonawanda Pool Liner Replacement	162	RENEW	17,000	-	-	17,000	-	-	17,000	new project set up	
A.23083	Kaleidoscope of WNY Parking Lot	162	RENEW	10,000	-	-	10,000	-	-	10,000	new project set up	
A.23084	Delta Development of WNY Housing	162	RENEW	100,000	-	-	100,000	-	-	100,000	new project set up	
A.23085	T.O.P. Enterprises Mixed Use Project	162	RENEW	1,200,000	-	-	1,200,000	-	-	1,200,000	new project set up	
A.23086	Erie County Cultural Plan	162	RENEW	147,000	-	-	147,000	-	-	147,000	new project set up	
A.23087	Town of Tonawanda Rails to Trails	100	RENEW	120,000	-	-	120,000	120,000	-	-	can be closed	completed
A.23088	Town of Amherst Royal Park Reno	100	RENEW	440,000	-	-	440,000	440,000	-	-	can be closed	completed
A.23089	Akron Sports Inc.	100	RENEW	40,000	-	-	40,000	-	40,000	-	new project set up	
B.23001	Preservation Roads Construction Kenmore Avenue	123	23 CBR	865,000	865,000	-	-	72,942	289,474	502,584	Contract signed and project construction is underway	winter 2023
B.23002	Rehabilitation of Vermont Street (CR226) Construction	123	23 CBR	1,700,000	1,700,000	-	-	-	1,372,106	327,894	project is in progress	winter 2023
B.23003	Trevett Road (CR420) Reconstruction and Slope Stabilization	123	23 CBR	750,000	750,000	-	-	-	-	750,000	project is in progress	winter 2023

2023 Capital Projects

WBS	Project Name	Dept	Type	Total Project	Bonded	Other Aid	PAYGO	Updated Spent	Updated Committed	Updated Available	Status	Estimated Completion
B.23004	Preservation Roads Construction Abbott & Willet Road	123	23 CBR	3,162,500	3,162,500	-	-	-	-	3,162,500	Bidding in November afor spring 2024 construction	2024
B.23005	2023 Federal Aid - Road Design Summary	123	23 CBR	5,750,000	1,750,000	4,000,000	-	-	583,000	5,167,000	RFPs in place and design will begin shortly	2024
B.23006	Vehicle and Equipment Replacement - Highways	123	23 CBR	6,750,000	6,750,000	-	-	1,908	6,748,092	-	Updated Quotes are being gathered for Bidding, timeline for delivery unknown	2023
B.23007	Federal Aid Bridge Replacement - Sharp Street	123	23 CBR	2,315,000	925,000	1,390,000	-	-	-	2,315,000	Bidding in October for spring 2024 construction	2024
B.23008	Federal Aid Bridge Preservation - Design	123	23 CBR	1,500,000	500,000	1,000,000	-	-	-	1,500,000	Waiting on announcement for Bridge NY awards	
B.23009	Preservation of Bridges Construction - Holland	123	23 CBR	1,500,000	1,500,000	-	-	-	-	1,500,000	Bidding in September for spring 2024 construction	2024
B.23010	Rehabilitation of Borden Road (CR332)	123	23 CBR	3,000,000	3,000,000	-	-	-	-	3,000,000	Bidding in October for spring 2024 construction	2024
B.23011	Preservation of Bridges & Culverts Construction - Miscellaneous Culvert Repairs/Replacements	123	23 CBR	500,000	500,000	-	-	-	-	500,000	Bidding in October for spring 2024 construction	2024
B.23012	Federal Aid Bridge Replacement - Goodrich Road Bridge	123	23 CBR	1,750,000	530,000	1,220,000	-	-	-	1,750,000	Bidding in October for spring 2024 construction	2024
B.23050	Capital Overlay Program Countywide	123	23 BUD RESO	16,485,000	-	-	16,485,000	3,899,397	5,419,519	7,166,084		2024
B.23051	Emergency Engineering Design Services	123	23 BUD	250,000	-	-	250,000	-	-	250,000	On going repair designs 2023	2024
B.23052	Preservation of Bridges/Culverts - Construction	123	23 BUD	250,000	-	-	250,000	-	-	250,000	Construction repairs 2023	2024
B.23053	Highway Safety Improvements	123	23 BUD	400,000	-	-	400,000	226,095	121,155	52,750	On going repairs 2023	Spring 2024
B.23054	Lakeshore Rd Federal Aid Road Construction	123	23 BUD	700,000	-	560,000	140,000	-	-	700,000	Bid construction Fall 2023	2024
B.23055	Culvert Bridge & Pedestrian Bridge Inspection	123	23 BUD	250,000	-	-	250,000	-	84,548	165,452	2023-2024 inspection contract	2024
B.23056	FEMA Hazard Mitigation Ellicott Creek	123	23 BUD	500,000	-	375,000	125,000	-	-	500,000	Waiting on grant	2024
B.23057	Storm Damage Restoration Project	123	RESO	1,750,000	-	-	1,750,000	-	1,685,000	65,000	New project set up and contract awarded	2024
E.23050	SUNY Erie Community College Facility Master Plan Phase 2	122	22 BB	5,000,000	-	2,500,000	2,500,000	-	-	5,000,000	Project needs to be reduced to recognize loss of \$4M due to Amherst's withdrawl	2025
E.23051	SUNY Erie Community College Sports Field Relocation & Improvements	122	22 BB	5,000,000	-	4,500,000	500,000	-	-	5,000,000	Phase 1 to begin in 2023 after Amherst has bonded and transferred funding	2024
F.23001	DPW (Buildings and Grounds) - Buffalo & Erie County Public Library Roof Replacement	123	23 CBR	2,000,000	2,000,000	-	-	-	-	2,000,000		
F.23050	DPW Buffalo & EC Public Library Improvements	122	23 BUD	500,000	-	250,000	250,000	-	-	500,000		Unknown

Total for 2023

\$ 350,865,557 \$ 47,337,170 \$ 20,202,510 \$ 158,230,877 \$ 67,196,023 \$ 20,741,083 \$ 262,928,451

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

COMM. 19D-2	EC LEGISLATURE CLERK	The New Stadium Community Inclusion Task Force - Meeting Schedule
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Attachments

23COMM. 19D-2



ERIE COUNTY LEGISLATURE

92 Franklin Street - 4th Floor
Buffalo, New York 14202

THE FOLLOWING IS THE SCHEDULE OF THE NEW STADIUM COMMUNITY INCLUSION TASK FORCE.

MEETINGS WILL BE HELD AT THE LEROY COLES BRANCH LIBRARY, 1187 E DELAVAN AVENUE, BUFFALO, NY 14215

First Meeting – Monday, October 23rd at 5:30PM

Subsequent Meetings – Monday, November 13th and Monday, November 27th.

Thereafter the Task Force will meet **every 2nd and 4th Monday of each month** through July 2024.

ROBERT M. GRABER
Clerk, Erie County Legislature

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

COMM. 19M-1	NYS DEC	DEC Invites Public Comment About Brownfield Major Amendment Application and Draft Work Plan for Site on Niagara St., Buffalo
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Attachments

23COMM. 19M-1

Graber, Robert

From: New York State Department of Environmental Conservation
<nysdec@public.govdelivery.com>
Sent: Wednesday, September 27, 2023 12:18 PM
To: Graber, Robert
Subject: Curtis Malt House Project Site (Buffalo) - Public Comment Invited on Brownfield Major Amendment Application and Draft Work Plan

[Caution: this email is **not** from an Erie County employee: attachments or links **may not be safe.**]



[View in browser](#)

DEC Invites Public Comment About Brownfield Major Amendment Application and Draft Work Plan for Site on Niagara St., Buffalo

The New York State Department of Environmental Conservation (DEC) has received a Brownfield Cleanup Program (BCP) Major Amendment application and Draft Remedial Investigation Work Plan from Jemal's Curtis Malting L.L.C., for a site known as **Curtis Malt House Project, site ID #C915382**. This site is located in the City of Buffalo, within the County of Erie, and is located at 1100 Niagara Steet.

Access the application, Draft Remedial Investigation Work Plan, and other relevant documents online through the DECinfo Locator: <https://www.dec.ny.gov/data/DecDocs/C915382/>. The documents also are available at the document repository located at the Buffalo & Erie County Public Library, 1 Lafayette Square, Buffalo, NY 14203.

There are several ways to comment on BCP applications. Comments can be submitted to the Project Manager, Eugene Melnyk, NYS Department of Environmental Conservation, 700 Delaware Avenue, Buffalo, NY 14209; via email to Eugene.Melnik@dec.ny.gov; or call (716) 851-7256. **All comments must be submitted by October 27, 2023.**

Site information can be viewed by entering the site ID noted above at: <https://www.dec.ny.gov/cfm/external/index.cfm?pageid=3>

What is the Brownfield Cleanup Program?

New York's Brownfield Cleanup Program (BCP) is designed to encourage private-sector cleanups of brownfields and to promote their redevelopment as a means to revitalize economically blighted communities. The BCP is an alternative to "greenfield" (land not previously developed or contaminated) development and is intended to remove some of the barriers to, and provide tax incentives for, the redevelopment of brownfields. Since its inception

(2003), the BCP has catalyzed the cleanup of more than 500 contaminated sites statewide and incentivized redevelopment. There are more than 550 active sites in the BCP.

Additional information on the State's Brownfield program is available at DEC's website:
<https://www.dec.ny.gov/chemical/8450.html>

Translation Available

Translation services are available for this notice. Additional information is available at the following link: <https://www.dec.ny.gov/data/der/factsheet/emelnyktranslation.pdf>

The [New York State Department of Environmental Conservation](#) respects your right to [privacy](#) and welcomes your [feedback](#) | [Update preferences or unsubscribe](#) | [Learn more about DEC Delivers](#)

Connect with DEC:       SHARE

Basil Seggos, Commissioner

This email was sent to robert.graber@erie.gov using GovDelivery Communications Cloud on behalf of: New York State Department of Environmental Conservation · 625 Broadway · Albany, NY 12233 · (518) 402-8013

Erie County Legislature
Meeting Date: 10/19/2023

SUBJECT

COMM. 19M-2	NFTA-METRO EXECUTIVE DIRECTOR	NFTA Cash Flow Statements
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Attachments

23COMM. 19M-2

181 Ellicott Street
Buffalo, New York 14203
716-855-7300
Fax: 716-855-7657
TDD: 855-7650
www.nfta.com

EC LEG OCT 16 '23 PM 2:49

October 11, 2023

Robert M. Graber
Erie County Legislature
25 Delaware Avenue
Buffalo, New York 14202

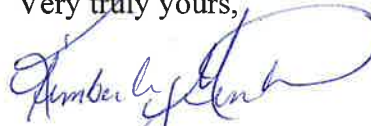
Dear Mr. Graber:

Enclosed herewith are two (2) Cash Flow Statements in accordance with Item 21 of the funding Agreement between the County of Erie and the Niagara Frontier Transit Metro System, Inc., signed February 5, 1991.

The Metro Cash Flow Statements set out an Actual Cash Flow for the period 4/1/23 – 9/30/23 and the Projected Cash Flow for the period 10/1/23 – 9/30/24.

If you have any questions, please feel free to contact me.

Very truly yours,



Kimberley Minkel
Executive Director

KM/lre

Enclosure

cc: Dr. Kevin Hardwick, Comptroller

**NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.
ACTUAL CASH FLOW
APRIL 2023 - SEPTEMBER 2023 (\$000 Omitted)**

	Apr	May	Jun	Jul	Aug	Sept.
<i>Beginning - Cash</i>	12,653	6,814	33,472	18,704	8,550	15,287
Receipts						
Operating Revenue	2,057	1,595	3,453	1,441	1,471	3,857
Other Receipts	0	556	247	426	345	0
Change in Money Center	17	30	29	37	20	0
Change in Working Funds	(22)	44	21	95	(49)	0
Net Operating Receipts	2,052	2,225	3,750	1,999	1,787	3,857
Operating Assistance:						
Eric County Sales Tax	0	0	6,407	0	0	6,996
Eric County Mortgage Tax	683	1,036	732	851	783	919
Niagara County Mortgage Tax	132	187	178	150	129	180
Peace Bridge Revenue	0	0	0	0	0	0
NYS - Section 18b	0	1,025	0	0	1,025	0
Eric County Match - 18b	0	914	0	0	914	0
Niagara County Match - 18b	0	111	0	0	111	0
NYS - Additional Funds	0	18,500	0	0	18,500	0
NYS - PMA	0	0	0	0	8,680	0
FTA - PMA	0	19,009	0	0	0	3,219
FTA - CRRSA/CARES ACT	0	0	0	0	0	0
FTA - Section 18 Section 5311	0	0	0	0	77	0
Total Operating Assistance	815	40,782	7,318	1,001	30,219	11,314
Total Operating Receipts & Assistance	2,867	43,007	11,068	3,000	32,006	15,171
Operating Expenditures:						
Operating Expenditures	(13,344)	(7,217)	(21,510)	(9,212)	(12,015)	(9,941)
NFTA Services	(836)	(3,184)	(3,106)	(3,166)	(3,218)	(3,168)
Total Operating Expenditures	(14,180)	(10,401)	(24,616)	(12,378)	(15,233)	(13,109)
Other Receipts & Expenditures						
Eric County 88c (Sec.253, Sub. 2)	413	417	553	595	589	680
Increase to 88c Investment	(413)	(417)	(553)	(595)	(589)	(680)
Internal Loans	(1,527)	(2,485)	(1,133)	(5,472)	449	(904)
Capital Purchases	0	(3,463)	(87)	(304)	(486)	(407)
Transfer to Transpo Centers	0	0	0	0	0	0
Union Contribution	0	0	0	0	0	0
Debt Service	0	0	0	0	0	0
Transfer to/from Metro investment	7,000	0	0	5,000	(10,000)	0
Operating Revenue Reserve - Passenger Fares	900	900	900	900	900	900
Operating Expense Reserve - Personnel	0	0	(230)	0	(8,000)	(230)
Total Other Receipts & Expenditures	5,473	(5,948)	(1,220)	(776)	(10,036)	(1,311)
Net Monthly Cash Flow	(5,839)	26,658	(14,768)	(10,154)	6,737	751
Ending - Cash	6,814	33,472	18,704	8,550	15,287	16,039

NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.
 PROJECTED CASH FLOW
 OCTOBER 2023 - SEPTEMBER 2024 (\$000 Omitted)

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Projected Total
<i>Beginning - Cash</i>	16,039	20,768	25,270	35,558	40,293	28,695	35,758	18,033	19,873	8,324	563	3,652	16,039
Receipts													
Operating Revenue	1,759	1,759	1,759	1,759	1,759	1,759	2,260	2,189	1,838	1,311	1,524	2,317	21,992
Other	398	398	398	398	96	96	200	200	200	200	200	200	2,986
Change in Money Center	2	7	9	5	8	3	7	7	8	7	8	8	79
Change in Working Funds	(10)	(4)	(9)	(7)	(4)	(6)	2	2	1	1	2	1	(31)
<i>Net Operating Receipts</i>	2,149	2,160	2,157	2,155	1,859	1,852	2,469	2,398	2,047	1,519	1,734	2,526	25,026
Operating Assistance:													
Erie County Sales Tax	0	0	6,924	0	0	3,924	0	0	6,598	0	0	6,598	24,044
Erie County Mortgage Tax	839	839	839	839	839	839	865	865	865	865	865	865	10,224
Niagara County Mortgage Tax	180	180	180	180	180	180	180	180	180	180	180	180	2,160
Peace Bridge Revenue	0	0	0	0	200	0	0	0	0	0	0	0	200
NYS - Section 18b	0	1,025	0	0	1,025	0	0	1,025	0	0	1,025	0	4,100
Erie County Match - 18b	914	0	0	914	0	0	0	0	0	914	914	0	3,657
Niagara County Match - 18b	0	111	0	0	111	0	0	111	0	0	1,110	0	1,442
NYS - Additional Operating Assistance	0	18,500	0	0	18,500	0	0	18,500	0	0	18,500	0	74,000
NYS - PMA	0	0	0	0	0	0	0	0	0	0	0	0	0
FTA - PMA	1,248	1,248	1,248	1,248	1,248	1,248	0	0	0	0	0	0	7,488
FTA - COVID RELIEF	18,959	0	18,959	18,959	0	18,959	0	0	0	0	0	0	75,836
FTA - Section 18 Section 5311	0	0	0	0	0	81	0	0	0	0	0	0	81
<i>Total Operating Assistance</i>	22,140	21,903	28,150	22,140	22,103	25,231	1,045	20,681	7,643	1,959	22,594	7,643	203,232
<i>Total Operating Receipts & Assistance</i>	24,290	24,063	30,307	24,296	23,962	27,083	3,514	23,079	9,690	3,478	24,328	10,169	228,258
Operating Expenditures:													
Operating Expenditures	(12,989)	(12,989)	(12,989)	(12,989)	(12,989)	(12,989)	(13,500)	(13,500)	(13,500)	(13,500)	(13,500)	(13,500)	(158,934)
NFTA Services	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(2,300)	(27,600)
<i>Total Operating Expenditures</i>	(15,289)	(15,289)	(15,289)	(15,289)	(15,289)	(15,289)	(15,800)	(15,800)	(15,800)	(15,800)	(15,800)	(15,800)	(186,534)
Other Receipts & (Expenditures)													
Erie County 88c (Sec. 253, Sub 2)	600	600	600	600	600	600	800	800	800	800	800	800	8,400
Increase to 88c Investment	(600)	(600)	(600)	(600)	(600)	(600)	(800)	(800)	(800)	(800)	(800)	(800)	(8,400)
Internal Loans	0	0	0	0	0	0	0	0	0	0	0	0	0
Capital Purchases	(5,232)	(5,232)	(5,232)	(5,232)	(5,232)	(5,232)	(5,500)	(5,500)	(5,500)	(5,500)	(5,500)	(5,500)	(64,395)
Intercompany Transfer/LOC Interest/Other	61	61	61	61	61	61	61	61	61	61	61	61	732
Union Contribution	0	0	0	0	0	0	0	0	0	0	0	0	0
Debt Service	0	0	0	0	0	0	0	0	0	0	0	0	0
Transfer to/from Metro Investment	0	0	(230)	0	(8,000)	(230)	0	0	0	10,000	0	8,000	9,541
Operating Revenue Reserve - Passenger Fares	900	900	900	900	900	900	900	900	900	900	900	900	5,400
Operating Expense Reserve - Personnel	0	0	(230)	0	(8,000)	(230)	0	0	0	0	0	0	(8,459)
<i>Total Other Receipts & Expenditures</i>	(4,271)	(4,271)	(4,731)	(4,271)	(20,271)	(4,731)	(5,439)	(5,439)	(5,439)	4,561	(5,439)	2,561	(57,181)
<i>Net Monthly Cash Flow</i>	4,729	4,503	10,288	4,735	(11,599)	7,063	(17,725)	1,840	(11,549)	(7,761)	3,089	(3,070)	(15,458)
<i>Ending - Cash</i>	20,768	25,270	35,558	40,293	28,695	35,758	18,033	19,873	8,324	563	3,652	581	581