



THE ERIE COUNTY LEGISLATURE

Session No. 21
NOVEMBER 16, 2023

April N.M. Baskin
Chair

Timothy J. Meyers
Majority Leader

John J. Mills
Minority Leader

Olivia M. Owens
Clerk of the Legislature

ROLL CALL

INVOCATION: Mr. Mills

PLEDGE OF ALLEGIANCE: Mr. Bargnesi

TABLED ITEMS

ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING

MINUTES OF PREVIOUS MEETING - [Meeting No. 20](#)

PUBLIC HEARING

MISCELLANEOUS RESOLUTIONS:

GILMOUR	In Remembrance of William J. Pitt
GILMOUR	In Remembrance of Colleen M. Gallivan
JOHNSON	Acknowledging and Honoring National Day of Giving
VINAL	Congratulating and Recognizing The Red Blazer Men's Chorus Celebrating 75 Years of Business Excellence
GILMOUR	Recognizing St. Francis High School Football
MALCZEWSKI	Honoring Beverly Leising as Citizen of the Month for her Work through WNY Cares, Inc.
GREENE	Celebrating Small Business Saturday in Erie County and Recognizing the Work of Our Chambers of Commerce
GREENE	Recognizing Beverly Eberz for Her Dedication to the Friends of the Clarence Public Library
MILLS	Celebrating Carol Leonard for 65 Years of Service and Honorary Membership in the Collins Firemen's Auxiliary

MILLS	Honoring Saville's Country Florist on Small Business Saturday
MILLS	Honoring STRETCH Beyond Massage on Small Business Saturday
MILLS	Honoring Chuck's Train Room on Small Business Saturday
MALCZEWSKI	Congratulating Kevin Beale on Being Named 2023 All-Bee Boys Soccer Coach of the Year
TODARO	Recognizing Henry's Candy & Gifts on Small Business Saturday
TODARO	Recognizing Depew Deli & Grocery on Small Business Saturday
TODARO & MEYERS	Congratulating Brian Gould on His Retirement from the Cheektowaga Police Department and 26 Years of Service
TODARO	Congratulating Gerry Meehan on Being Inducted into the Greater Buffalo Sports Hall of Fame
VINAL	In Remembrance of Greta Ida Nelson Anderson Co-Founder of Andersons Ice Cream
MAJORITY CAUCUS	Acknowledging and Honoring National Inspirational Role Models Month

LOCAL LAWS:

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

LL INTRO. 7-1 (2023)	GILMOUR & MILLS	A Local Law Providing for the Extended Lease of Real Property Generally Known as the Wendt Mansion	Economic Development
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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	Health & Human Services
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COMMITTEE REPORTS:

REPORT No. 12 HEALTH & HUMAN SERVICES COMMITTEE

REPORT No. 15 PUBLIC SAFETY COMMITTEE

REPORT No. 13 ENERGY & ENVIRONMENT COMMITTEE

REPORT No. 10 FINANCE & MANAGEMENT COMMITTEE

LEGISLATOR RESOLUTIONS:

INTRO. 21-1	BASKIN	Eight-Year Review Modifications of Southwest Agricultural District 8
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INTRO. 21-2	BASKIN	Modification of Agricultural Districts
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COMMUNICATIONS DISCHARGED FROM COMMITTEE:

SUSPENSION OF THE RULES:

COMMUNICATIONS FROM ELECTED OFFICIALS:

COMM. 21E-1	COMPTROLLER	Interim Financial Report - 3rd Quarter 2023	Finance & Management
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COMM. 21E-2	COMPTROLLER	Comptroller's Review of the Proposed 2024 EC Budget	Finance & Management Budget
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COMM. 21E-3	SHERIFF	Kitchen Year End Budget Adjustments	Public Safety
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COMM. 21E-4	SHERIFF	Tactical Flight Officer (TFO) Training	Public Safety
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COMM. 21E-5	COUNTY EXECUTIVE	Appointment to the Mental Hygiene Community Services Board	Health & Human Services
COMM. 21E-6	COUNTY EXECUTIVE	Teamsters Local 264, International Brotherhood of Teamsters, Chauffeurs, Warehousemen, & Helpers of America - 2024-26 CBA	Government Affairs
COMM. 21E-7	COUNTY EXECUTIVE	SUNY ECC North Campus Bretschger Hall Power and Mechanical Upgrades	Economic Development
COMM. 21E-8	COUNTY EXECUTIVE	Authorization to Accept MAT Program Funding and Enter into Interdepartmental Agreement to Transfer to Sheriff's Office	Public Safety
COMM. 21E-9	COUNTY EXECUTIVE	ECSD Board of Managers Appointments	Energy & Environment
COMM. 21E-10	COUNTY EXECUTIVE	ECSD No 4 - Engineer Term Contract Agreement	Energy & Environment
COMM. 21E-11	COUNTY EXECUTIVE	ECSD No. 1 - Contract No. 45, Contract Close Out	Energy & Environment
COMM. 21E-12	COUNTY EXECUTIVE	ECSD NYSDOT - Public Utility Work Agreements	Energy & Environment
COMM. 21E-13	COUNTY EXECUTIVE	RENEW Plan - Amendments to Existing Projects and New Project Authorizations - Phase 8	Economic Development
COMM. 21E-14	COUNTY EXECUTIVE	Agriculture & Farmland Protection Plan Update	Energy & Environment
COMM. 21E-15	COUNTY EXECUTIVE	Authorization to Contract with Public Consulting Group	Health & Human Services
COMM. 21E-16	COUNTY EXECUTIVE	Authorization to Contract with Hope Speech Pathology, PLLC	Health & Human Services
COMM. 21E-17	COUNTY EXECUTIVE	Authorization to Contract with Impact Marketing & Communications, Inc.	Health & Human Services
COMM. 21E-18	COUNTY EXECUTIVE	Authorization to Enter into an Agreement with a Consultant to Perform a Needs Assessment for the Holding Center and Correctional Facility	Economic Development

COMM. 21E-19	COUNTY EXECUTIVE	PILOT Agreement for Main Street Lofts, City of Buffalo - Affordable Housing Development	Immediate Consideration Requested
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COMMUNICATIONS FROM THE DEPARTMENTS:

COMM. 21D-1	DIRECTOR OF BUDGET & MANAGEMENT	November Capital Projects Update	Finance & Management
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COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:

COMM. 21M-1	ASSEMBLYMEMBER GIGLIO	Acknowledgment of Receipt of Certified Resolution	Government Affairs
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COMM. 21M-2	GERALD E. PARADISE III	Resignation Letter - EC Salary Review Commission	Government Affairs
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COMM. 21M-3	ECIDA ACCOUNTING MANAGER	2024 Budgets for ECIDA, RDC & ILDC	Finance & Management
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COMM. 21M-4	STADIUM INCLUSION COMMITTEE TASK FORCE	Stadium Inclusion Committee Task Force - Meeting Minutes, Meeting No. 1	M/WBE
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COMM. 21M-5	ASSIGNED COUNSEL PROGRAM	Quarterly Report of the Assigned Counsel Program	Finance & Management
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ANNOUNCEMENTS:

MEMORIAL RESOLUTIONS:

ADJOURNMENT:

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

GILMOUR

In Remembrance of William J. Pitt

Attachments

William J. Pitt

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

In Remembrance of William J. Pitt

WHEREAS, Almighty God, in His infinite wisdom, on October 22, 2023, removed from our midst *William J. Pitt* in whose death we have lost a loving husband, father, brother, adored and respected citizen, and whose family has lost a kind and devoted member; and

WHEREAS, *William J. Pitt* was born on October 14, 1948; and

WHEREAS, Willam had served the people of Erie County for many years; and

WHEREAS; his leadership skills and work ethic led to him assuming a series of leadership roles for the Lake View Company Fire District; and

WHEREAS, he was a career civil servant in Erie County, working as a child protection worker in the Department of Social Services and retiring as a probation officer in the Department of Probation; and

WHEREAS, he was a strong advocate for probation initiatives and staffing; and

WHEREAS, he also maintained regular contact with local and state representatives particularly during the 2005 Erie County budget crisis; and

WHEREAS, Will was a very determined worker with an unwavering commitment and passion for the service at the Lake View Company Fire District, and it is a trait that they wish to teach all members; and

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

WHEREAS, it is the sense of this Legislative Body to honor and pay tribute to the life of *William J. Pitt* 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 *Shaquelle William J. Pitt* 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 75; and be it further

RESOLVED, that the Erie County Legislature express its sympathy and condolences to the Pitt family and to his many friends, knowing full well that William 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. John J. Gilmour
Erie County Legislator, 9th District

Olivia M. Owens
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

GILMOUR

In Remembrance of Colleen M. Gallivan

Attachments

Colleen M. Gallivan

EC LEG NOV 13 '23 AM 11:27

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

In Remembrance of Colleen M. Gallivan

WHEREAS, Almighty God, in His infinite wisdom, on May 6, 2023, removed from our midst *Colleen M. Gallivan*, in whose death we have lost a loving wife, mother, Godmother, sister, valued and respected citizen, and whose family has lost a leader, kind and devoted member; and

WHEREAS, *Colleen M. Gallivan* was born on December 12, 1979; and

WHEREAS, Colleen was a Special Education teacher at many schools in the Springville Griffith Institute School District; and

WHEREAS, Colleen not only established herself as an exceptional teacher, but her desire and devoting in teaching and helping our youth was second to none; and

WHEREAS, three of Colleen's most precious memories involved her dedication as a wife, devoted mother, and spending time with her family; and

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

WHEREAS, whenever you were in her presence, you knew she was a selfless and genuine woman who offered unconditional love and support; and

WHEREAS, Colleen was preceded in death by her parents, Thomas and Kathleen (Nicholson) Karnath; and

WHEREAS, Colleen's beautiful life will forever be cherished in the lives of her loving husband, Matthew Gallivan; two children: Ryan and Aiden; one sister, Jennifer (John) Oleski, one Godson, Jacob Oleski and a host of additional family and friends; and

WHEREAS, after 43 fruitful and joyous years on this Earth, Colleen now rests peacefully with the Lord; and

WHEREAS, it is the sense of this Legislative Body to honor and pay tribute to the life of *Colleen M. Gallivan*, 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 *Colleen M. Gallivan* and pause in its deliberations to recognize her praiseworthy life, her love of family, education and for her commitment and devotion to the betterment of our community; and be it further

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

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

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

JOHNSON

Acknowledging and Honoring National Day of Giving

Attachments

National Day of Giving

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, NOVEMBER 28, 2023

EC LEG NOV 13 '23 PM 5:50

Acknowledging and Honoring National Day of Giving

WHEREAS, celebrated annually on every Tuesday after Thanksgiving, the *National Day of Giving* is dedicated to encouraging giving among people and organizations to their communities to make the world a better place; and

WHEREAS, National Day of Giving has become a movement that inspires hundreds of millions of people to give, collaborate, and celebrate generosity; and

WHEREAS, whether we look to our favorite causes or charities, it is a great reminder to lift others up during a generous time of year; and

WHEREAS, on the Tuesday after Thanksgiving charities, families, businesses, community centers, and students around the world will come together for one common purpose: to celebrate generosity and to give; and

WHEREAS, this day is a great time to be generous and charitable to the less fortunate in your community; and

WHEREAS, it's not about how much you can give, it's about the heart of generosity for the betterment of your community; and

WHEREAS, whether it's making someone smile, helping a neighbor or stranger out, showing up for an issue or people we care about, or giving some to those who need our help, every act of generosity counts, and everyone has something to give.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature acknowledges *National Day of Giving* and encourage our community to join together and give thanks for the friends, neighbors, family members, and strangers who have supported each other over the past year in a reflection of kindness and unity.

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

Olivia M. Owens
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

VINAL

Congratulating and Recognizing The Red Blazer Men's Chorus
Celebrating 75 Years of Business Excellence

Attachments

Red Blazer Men's Chorus

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, NOVEMBER 13, 2023

*Congratulating and Recognizing The Red Blazer Men's Chorus
Celebrating 75 Years of Business Excellence*

WHEREAS, *The Red Blazer Men's Chorus*, currently located in Amherst, was established in 1948; and

WHEREAS, on a cool crisp evening in late September, 1948, eight men gathered in the music room at Amherst Central High School; and

WHEREAS, The Red Blazer Men's Chorus, originally named The Amherst Male Glee Club, was founded by Walter E. Reitz as part of the Amherst Adult School; and

WHEREAS, in 2013, The AMGC changed its name to the Red Blazer Men's Chorus; and

WHEREAS, the RBMC performs throughout Western New York and beyond at events like the annual Senior Citizen Concert Series, where our performances are free to the residents, their families, and staff at senior living facilities across Erie County; and

WHEREAS, RBMC's success reflects the hard work of its employees and the tradition of musical excellence; and

WHEREAS, *The Red Blazer Men's Chorus* 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 *The Red Blazer Men's Chorus* as they embark on their 75th anniversary of blessing our community.

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

Olivia M. Owens
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

GILMOUR

Recognizing St. Francis High School Football

Attachments

St. Francis High School Football

EC LEG NOV 13 '23 PM 5:50

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, NOVEMBER 13, 2023

Recognizing St. Francis High School Football

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

WHEREAS, under the leadership of head coach and mentor, Jerry Smith, St. Francis Red Raiders beat visiting Canisius, 21-20, to claim a third consecutive Monsignor Martin A Division championship and their 11th title since 2002; and

WHEREAS, after an 0-4 start against competition from out of the area, St. Francis won five of its final six; and

WHEREAS, The Red Raiders (5-5), ranked No. 3 locally and 25th in the state in Class AA, advance to the Catholic state championship game; 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 St. Francis Red Raiders Football Team and their coaching staff for preparing these young men to battle adversity; 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 these young men the very best in their Catholic state championship game.

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

Olivia M. Owens
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

MALCZEWSKI

Honoring Beverly Leising as Citizen of the Month for her
Work through WNY Cares, Inc.

Attachments

Beverly Leising

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., NOVEMBER 16, 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 16th day of November 2023 A.D., a resolution was adopted, of which the following is a true copy:

**Honoring Beverly Leising as Citizen of the Month
for Her Work through WNY Cares, Inc.**

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, **Beverly Leising** was born and raised in Buffalo, attended Kensington High School, and studied Business Administration at Bryant & Stratton College. She married Herbert in 1965, and the two were blessed with three sons and later four grandchildren; and

WHEREAS, **Beverly Leising** and her family were involved in starting block clubs as a way to build relationships with neighbors, look out for one another, and help when someone was in need, which served to strengthen the community; and

WHEREAS, **Beverly Leising** moved to West Seneca in 1994 and immediately looked for ways to learn about the town and become engaged in the community, beginning with attending town board meetings, which she still does regularly; and

WHEREAS, **Beverly Leising** began crocheting blankets in 2018 to share with senior residents at Seneca Manor. She was deeply impacted by the loneliness she saw in the residents' faces and knew she wanted to do something to encourage them, which led her to start **West Seneca Cares, Inc.** as a way to invest in nursing home residents who would otherwise not have any community interaction; and

WHEREAS, through **West Seneca Cares, Inc.**, **Beverly Leising** serves residents at Father Baker Manor, Seneca Manor, and Garden Gate, providing them with personal items, toiletries, and Christmas gifts, and even after the loss of her husband, Herbert, in March 2023, she continues to stay focused on serving others.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **Beverly Leising** as **Citizen of the Month** for her commitment and dedication to serving the community.

JAMES MALCZEWSKI
Erie County Legislator

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

GREENE

Celebrating Small Business Saturday in Erie County and
Recognizing the Work of Our Chambers of Commerce

Attachments

Small Business Saturday

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., NOVEMBER 16, 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 16th day of November 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Celebrating Small Business Saturday in Erie County and Recognizing the Work of Our Chambers of Commerce

WHEREAS, The Erie County Legislature seeks to honor individuals and institutions in Erie County who use their talents to support others and enhance the quality of life in the community; and

WHEREAS, local businesses create jobs, boost our local economy, and contribute to the vibrancy of our neighborhoods, and the Erie County Legislature remains committed to providing entrepreneurs and small business owners the support they need to thrive and grow; and

WHEREAS, founded in 2010 by American Express, **Small Business Saturday** was established to support small businesses across the United States of America and is celebrated annually on the Saturday following Thanksgiving; and

WHEREAS, through the hard work and support of local Chambers of Commerce and many public and private organizations, **Small Business Saturday** has become recognized nationwide, with consumers spending billions of dollars with independent merchants across the United States since its inception; and

WHEREAS, this year, **Small Business Saturday** falls on November 25, 2023.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pause in its deliberations to recognize and thank its local Chambers of Commerce for all they do every day to support our small businesses; and

BE IT FURTHER RESOLVED, the Erie County Legislature celebrates **Small Business Saturday** and urges consumers to shop locally on Saturday, November 25, and throughout the year.

CHRISTOPHER D. GREENE

Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

GREENE

Recognizing Beverly Eberz for Her Dedication to the Friends
of the Clarence Public Library

Attachments

Beverly Eberz

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., NOVEMBER 16, 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 16th of November 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Recognizing Beverly Eberz for Her Dedication to the
Friends of the Clarence Public Library**

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

WHEREAS, our public libraries play an essential role in local communities by providing access to information and resources, supporting literacy and education, promoting lifelong learning, and serving as a welcoming gathering space for the entire community; and

WHEREAS, **Beverly Eberz's** love for reading started at a young age, as she recalls having had a library card her whole life and being involved in summer reading programs throughout her primary school years; and

WHEREAS, her passion for reading remains stronger than ever today, with her reading multiple books almost every week across a variety of genres; and

WHEREAS, for more than a decade, **Beverly Eberz** has shared her love of reading and the positive impacts it can have on the community through her position as President of the Friends of the Clarence Public Library; and

WHEREAS, as President, **Beverly Eberz** has been a leader in raising funds for several programs that the Clarence Public Library sponsors throughout the community, including meet and greets with authors, a spring and fall book sale, and even children's yoga and a petting zoo; and

WHEREAS, **Beverly Eberz** continues to encourage families to join the library and stresses the importance of reading no matter one's age because "you can never be too smart."

BE IT FURTHER RESOLVED, that the Erie County Legislature pauses to recognize **Beverly Eberz** for her dedication to the **Friends of the Clarence Public Library** and thank her for spreading her love of reading to residents across the Town of Clarence.

CHRISTOPHER D. GREENE
Erie County Legislator – District 6

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

MILLS

Celebrating Carol Leonard for 65 Years of Service and
Honorary Membership in the Collins Firemen's Auxiliary

Attachments

Carol Leonard

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., NOVEMBER 16, 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 16th day of November 2023 A.D., a resolution was adopted, of which the following is a true copy:

**Celebrating Carol Leonard for 65 Years of Service and
Honorary Membership in the Collins Firemen's Auxiliary**

WHEREAS, Carol Leonard has been an esteemed member of the **Collins Firemen's Auxiliary** for over sixty-five years, setting a record as the longest-standing member in the history of the organization; and

WHEREAS, Carol Leonard became a member of the **Collins Firemen's Auxiliary** in April 1958, marking the beginning of her extraordinary journey with this organization; and

WHEREAS, Carol Leonard served as the esteemed Treasurer for sixteen years and also held the role of Secretary, showcasing her exceptional financial acumen and dedication to the **Collins Firemen's Auxiliary**; and

WHEREAS, Carol Leonard has selflessly contributed her time and talents to various community events, including turkey dinners, fish dinners, spaghetti dinners, ham dinners, and the annual Chicken BBQ; and

WHEREAS, Carol Leonard's dedication extends beyond her official duties, as she willingly volunteers at both Firemen's fundraising events and **Collins Firemen's Auxiliary** fundraising functions, tirelessly working to support the causes she holds dear; and

WHEREAS, Carol Leonard has earned a special place in the hearts of the Collins community with her kindness, generosity, and unwavering dedication to volunteering, leaving an indelible mark on the community that will be cherished for generations to come; and

WHEREAS, in acknowledgment of her extraordinary contributions, Carol Leonard was granted the prestigious title of **Honorary Member** in the **Collins Firemen's Auxiliary**.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor Carol Leonard for her unwavering commitment to the **Collins Firemen's Auxiliary** and the community for over sixty-five years.

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

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

MILLS

Honoring Saville's Country Florist on Small Business Saturday

Attachments

Saville's Country Florist

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., NOVEMBER 16, 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 16th of November 2023 A.D., a resolution was adopted, of which the following is a true copy:

Honoring Savilles Country Florist on Small Business Saturday

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

WHEREAS, Erie County supports our local businesses that create jobs, boost our local economy, and contribute to the vibrancy of our neighborhoods, and we remain committed to providing entrepreneurs and small business owners the support they need to thrive and grow; and

WHEREAS, founded in 2010 by American Express, **Small Business Saturday** was established to support small businesses across the United States of America and is celebrated annually on the Saturday following Thanksgiving; and

WHEREAS, **Small Business Saturday** falls between Black Friday and Cyber Monday, well-known high-volume shopping days and will be celebrated this year on November 25, 2023; and

WHEREAS, Chambers of Commerce and public and private organizations across the United States have endorsed the Saturday after Thanksgiving as **Small Business Saturday**, and since its inception, it has become recognized nationwide with consumers spending billions of dollars with independent merchants; and

WHEREAS, **Savilles Country Florist**, a cherished family-owned business since 1952, embodies the spirit of **Small Business Saturday** by crafting and delivering messages of love through beautiful handcrafted floral arrangements.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor **Savilles Country Florist** on **Small Business Saturday** and urges consumers to shop locally on Saturday, November 25th, and throughout the year.

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

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

MILLS

Honoring STRETCH Beyond Massage on Small Business
Saturday

Attachments

STRETCH Beyond Massage

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., NOVEMBER 16, 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 16th of November 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Honoring STRETCH Beyond Massage
on Small Business Saturday**

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

WHEREAS, Erie County supports our local businesses that create jobs, boost our local economy, and contribute to the vibrancy of our neighborhoods, and we remain committed to providing entrepreneurs and small business owners the support they need to thrive and grow; and

WHEREAS, founded in 2010 by American Express, **Small Business Saturday** was established to support small businesses across the United States of America and is celebrated annually on the Saturday following Thanksgiving; and

WHEREAS, **Small Business Saturday** falls between Black Friday and Cyber Monday, well-known high-volume shopping days and will be celebrated this year on November 25, 2023; and

WHEREAS, chambers of commerce and public and private organizations across the United States have endorsed the Saturday after Thanksgiving as **Small Business Saturday**, and since its inception, it has become recognized nationwide with consumers spending billions of dollars with independent merchants; and

WHEREAS, **Michele Pusatier**, Owner of **STRETCH Beyond Massage**, has passionately cultivated a holistic wellness center that embodies the very essence of **Small Business Saturday**, prioritizing individualized care and offering an array of services that nurture both body and soul.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to show support for **STRETCH Beyond Massage on Small Business Saturday** and urges consumers to shop locally on Saturday, November 25th, and throughout the year.

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

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

MILLS

Honoring Chuck's Train Room on Small Business Saturday

Attachments

Chuck's Train Room

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., NOVEMBER 16, 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 16th of November 2023 A.D., a resolution was adopted, of which the following is a true copy:

**Recognizing Chuck's Train Room on
Small Business Saturday**

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

WHEREAS, Erie County supports our local businesses that create jobs, boost our local economy, and contribute to the vibrancy of our neighborhoods, and we remain committed to providing entrepreneurs and small business owners the support they need to thrive and grow; and

WHEREAS, founded in 2010 by American Express, **Small Business Saturday** was established to support small businesses across the United States of America and is celebrated annually on the Saturday following Thanksgiving; and

WHEREAS, **Small Business Saturday** falls between Black Friday & and Cyber Monday, well-known high-volume shopping days and will be celebrated this year on November 25, 2023; and

WHEREAS, **Small Business Saturday** has become recognized nationwide, with consumers spending billions of dollars with independent merchants; and

WHEREAS, **Chuck's Train Room**, a North Collins staple since 1979, specializing in Lionel Trains and accessories, celebrated its grand opening at its new location, 10504 Main Street, North Collins, New York, on November 12 and 13, 2023; and

WHEREAS, the dedication and commitment of owner **Chuck Janiga** have been instrumental in the success and longevity of **Chuck's Train Room**, which has served the community for over four decades, becoming an integral part of the local community and embodying the spirit of **Small Business Saturday**.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to recognize **Chuck's Train Room on Small Business Saturday** and urges consumers to shop locally on Saturday, November 25, and throughout the year.

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

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

MALCZEWSKI

Congratulating Kevin Beale on Being Named 2023 All-Bee
Boys Soccer Coach of the Year

Attachments

Kevin Beale

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., NOVEMBER 16, 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 16th day of November 2023 A.D., a resolution was adopted, of which the following is a true copy:

**Congratulating Kevin Beale on Being Named
2023 All-Bee Boys Soccer Coach of the Year**

WHEREAS, the Erie County Legislature is pleased to honor individuals in our community who display excellence in their craft and invest in the betterment of others; and

WHEREAS, coaches help teach a student the value of teamwork, discipline, and a healthy attitude toward competition while showing their team how to win gracefully and experience growth from defeat; and

WHEREAS, the best coaches are highly qualified teachers, friends, and counselors who help to instill essential attitudes in their charges that will serve them all of their lives; and

WHEREAS, coaches do not work for personal glory; their satisfaction comes from witnessing the achievements of those they have coached; and

WHEREAS, **Keven Beale** exemplifies everything it means to be a coach to the highest degree; and

WHEREAS, after a historic season, East Aurora Boys Soccer Coach **Kevin Beale** is the **2023 All-Bee Boys Soccer Coach of the Year**, marking the third time that Coach Beale has won this honor; and

WHEREAS, while he has seen tremendous success throughout his twenty-seven-year coaching career, the 2023 season saw **Kevin Beale** achieve many career milestones, such as his 400th win as coach of the Blue Devils, his fourth Far West Regional title, and his Blue Devils squad win which was the first boys' soccer State Title in school history; and

WHEREAS, despite his tremendous success on the field, his greatest accomplishment remains the positive impact that he has made on countless young lives throughout his coaching career.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to congratulate **Kevin Beale** on being named the **2023 All-Bee Boys Soccer Coach of the Year** and wish him continued success.

HON. JAMES MALCZEWSKI
Erie County Legislator, District 10

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

TODARO

Recognizing Henry's Candy & Gifts on Small Business
Saturday

Attachments

Henry's Candy & Gifts

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., NOVEMBER 16, 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 16th day of November 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Recognizing Henry's Candy & Gifts on Small Business Saturday

WHEREAS, The Erie County Legislature seeks to honor individuals and institutions in Erie County who use their talents to support others and enhance the quality of life in the community; and

WHEREAS, local businesses create jobs, boost our local economy, and contribute to the vibrancy of our neighborhoods, and the Erie County Legislature remains committed to providing entrepreneurs and small business owners the support they need to thrive and grow; and

WHEREAS, founded in 2010 by American Express, **Small Business Saturday** was established to support small businesses across the United States of America and is celebrated annually on the Saturday following Thanksgiving; and

WHEREAS, through the hard work and support of local Chambers of Commerce and many public and private organizations, **Small Business Saturday** has become recognized nationwide, with consumers spending billions of dollars with independent merchants across the United States since its inception; and

WHEREAS, this year, **Small Business Saturday** falls on November 25, 2023.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pause in its deliberations to recognize **Henry's Candy & Gifts**, located at 13237 Broadway Street in Alden, New York, as an outstanding local establishment that serves as the holiday candy headquarters for the Town of Alden and surrounding communities; and

BE IT FURTHER RESOLVED, the Erie County Legislature celebrates **Small Business Saturday** and urges consumers to shop locally on Saturday, November 25, and throughout the year.

FRANK J. TODARO
Erie County Legislator, District 8

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., NOVEMBER 16, 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 16th day of November 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Recognizing Depew Deli & Grocery
on Small Business Saturday**

WHEREAS, The Erie County Legislature seeks to honor individuals and institutions in Erie County who use their talents to support others and enhance the quality of life in the community; and

WHEREAS, local businesses create jobs, boost our local economy, and contribute to the vibrancy of our neighborhoods, and the Erie County Legislature remains committed to providing entrepreneurs and small business owners the support they need to thrive and grow; and

WHEREAS, founded in 2010 by American Express, **Small Business Saturday** was established to support small businesses across the United States of America and is celebrated annually on the Saturday following Thanksgiving; and

WHEREAS, through the hard work and support of local Chambers of Commerce and many public and private organizations, **Small Business Saturday** has become recognized nationwide, with consumers spending billions of dollars with independent merchants across the United States since its inception; and

WHEREAS, this year, **Small Business Saturday** falls on November 25, 2023.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pause in its deliberations to recognize **Depew Deli & Grocery**, located at 4911 Broadway in Depew, NY, as an outstanding local establishment that provides high-quality food to the residents of Depew and surrounding communities; and

BE IT FURTHER RESOLVED, the Erie County Legislature celebrates **Small Business Saturday** and urges consumers to shop locally on Saturday, November 25, and throughout the year.

FRANK J. TODARO
Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

TODARO & MEYERS

Congratulating Brian Gould on His Retirement from the
Cheektowaga Police Department and 26 Years of Service

Attachments

Brian Gould

2023
NOV
16
A.D.

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., NOVEMBER 16, 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 16th day of November 2023 A.D., a resolution was adopted, of which the following is a true copy:

**Congratulating Brian Gould on his Retirement from the
Cheektowaga Police Department and 26 years of Service**

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, **Brian Gould** was born and raised in the Town of Cheektowaga, and started his career in public safety when he joined the town's volunteer fire department at the age of eighteen; and

WHEREAS, **Brian Gould** began his career in law enforcement as a public safety dispatcher with the Cheektowaga Police Department in 1997; and

WHEREAS, **Brian Gould** rose through the ranks of the department, becoming a Lieutenant, and worked to develop Western New York's first Crisis Intervention Team, implement the department's body camera program, and led the department's partnership with the Erie County Health Department to launch a program assisting people struggling with addiction to find treatment resources; and

WHEREAS, from 2002 until 2015, **Brian Gould** also served his community as a member of the Cheektowaga Central School District Board of Education, including terms as Board President and Vice-President; and

WHEREAS, in 2021, **Brian Gould** was appointed Chief of Police of the Cheektowaga Police Department where he would serve his community with honor and integrity, and leave a lasting legacy of public service that sets the standard for his successors to live up to.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **Chief Brian Gould** for his lifelong dedication to our community, the Town of Cheektowaga, and congratulate him on his retirement after twenty-six years of public service.

FRANK J. TODARO

Erie County Legislator, District 8

TIMOTHY J. MEYERS

Erie County Legislator, District 7

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

TODARO

Congratulating Gerry Meehan on Being Inducted into the
Greater Buffalo Sports Hall of Fame

Attachments

Gerry Meehan

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY

EC LEG NOV 14 '23 AM 9:43

BUFFALO, N.Y., NOVEMBER 16, 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 16th day of November 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Congratulating Gerry Meehan on Being Inducted into
the Greater Buffalo Sports Hall of Fame**

WHEREAS, **Gerry Meehan** was born in Toronto, Ontario, Canada, and began his career playing minor hockey for St. Michael's College and junior hockey with the Toronto Marlboros, where he would win the Memorial Cup; and

WHEREAS, **Gerry Meehan** was drafted twenty-first overall by the Toronto Maple Leafs in 1963 and would go on to play for six NHL franchises, including the Buffalo Sabres, from 1970 until 1974, scoring ninety-four goals, two-hundred eight points and serving as the second team captain in Sabres history; and

WHEREAS, soon after retirement, **Gerry Meehan** would attend Canisius College and the University at Buffalo School of Law, which led him to work on player contracts with Scotty Bowman, the Sabres' General Manager and Head Coach, as well as other areas of law; and

WHEREAS, **Gerry Meehan's** connection to Scotty Bowman would lead to him becoming the first former Sabre to serve in a front-office position as Assistant General Manager, later to be promoted to General Manager, where he would draft Sabres icons such as Alexander Mogilny, Pierre Turgeon, Dale Hawerchuk, Pat LaFontaine and Dominik Hasek; and

WHEREAS, on November 8, 2023, **Gerry Meehan** was inducted into the Greater Buffalo Sports Hall of Fame, which he earned for ushering in a golden era of Sabres hockey and building one of the greatest Buffalo sports teams in history, in addition to his many contributions as a player.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to recognize **Gerry Meehan** for his contributions to the Buffalo Sabres and Buffalo sports history and congratulate him on being inducted into the Greater Buffalo Sports Hall of Fame.

FRANK J. TODARO

Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

VINAL

In Remembrance of Greta Ida Nelson Anderson Co-Founder of
Andersons Ice Cream

Attachments

Greta Ida Nelson Anderson

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, NOVEMBER 13, 2023

In Remembrance of Greta Ida Nelson Anderson
Co-Founder of Andersons Ice Cream

WHEREAS, Almighty God, in His infinite wisdom, on November 8, 2023, removed from our midst *Greta Ida Nelson Anderson*, in whose death we have lost a loving mother, grandmother, great-grandmother, valued and respected owner, and whose family has lost a kind and devoted member; and

WHEREAS, *Greta Ida Nelson Anderson*, was born on February 9th, 1918; and

WHEREAS, Greta's parents, Swedish immigrants, Edith & David Nelson, raised she and her four sisters in Buffalo, New York, all of whom predeceased her; and

WHEREAS, at the age of 23, while working as a beautician, Greta married Carl Anderson, whom she celebrated 56 years of marriage with before his death in 1997; and

WHEREAS, at the age of 81, she married Ralph Chambers, whom she celebrated 15 years of marriage with before his death in 2014; and

WHEREAS, Greta and Carl raised their children in her hometown; Jack (Lorraine), Ann (Larry), Nels (Linda), Holly (Kirk) and Keith (Darcy); and

WHEREAS, in 1946, together with her husband Carl, Greta co-founded Anderson's Frozen Custard, which remains owned and operated by her family; and

WHEREAS, Greta's unforgettable smile and friendly greeting were as much a part of the Anderson's recipe as the ingredients in the food served; and

WHEREAS, after retirement, Greta held a birthday tradition of visiting an Anderson's location to make a custard cone in support of the Variety Club Children's charities; and

WHEREAS, during her time on Earth, Anderson's has six locations, and a role in the lives of doting grandparents, teenagers, and parents across the region; and

WHEREAS, Greta loved children, and she served as teacher and leader of Sunday School, Vacation Bible School, Good News Club and Child Evangelism Fellowship; and

WHEREAS, she comforted many through her knowledge of scripture, often quoting from the Bible to comfort and encourage those she knew and loved; and

WHEREAS, this phenomenal woman was invested in our youth and making families smile throughout Erie County; and

WHEREAS, Greta had an unassuming and captivating smile that put everyone at ease and represented the good that we all need every day in our lives; and

WHEREAS, as a woman who blessed this earth for 105 fruitful years, Greta cherished and valued her family and the family establishments of Anderson's throughout our community; and

WHEREAS, it is the sense of this Legislative Body to honor and pay tribute to the life of *Greta Ida Nelson Anderson*, whose lifelong dedication to God, family, education, athletics, 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 *Greta Ida Nelson Anderson*, and pause in its deliberations to recognize her praiseworthy life, her love of family and for her commitment to the betterment of our community; and be it further

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

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

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

MAJORITY CAUCUS

Acknowledging and Honoring National Inspirational Role
Models Month

Attachments

National Inspirational Role Models Month

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, NOVEMBER 14, 2023

Acknowledging and Honoring National Inspirational Role Models Month

WHEREAS, *National Inspirational Role Models Month* offers an opportunity to spotlight those role models who embody the qualities and character for life long success; and

WHEREAS, National Inspirational Role Models Month is celebrated every November to appreciate the people in our lives who have set a positive example for us; and

WHEREAS, through their character, accomplishments, and behavior, role models inspire us to be better versions of ourselves; and

WHEREAS, a good role model at a critical time can drastically change lives and motivate others to grow up to be better people; and

WHEREAS, through the ups and downs of life, it is incredibly important to have an inspirational role model who can inspire and guide you; and

WHEREAS, *National Inspirational Role Models Month* is a month for individuals to appreciate and celebrate the people in their life that set a positive example, motivate and those who encourage you to follow your dreams.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature acknowledges *National Inspirational Role Models Month*, and the impact that current and historic role models have on people's lives.

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

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

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

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

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

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

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

Olivia M. Owens
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 11/16/2023

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).

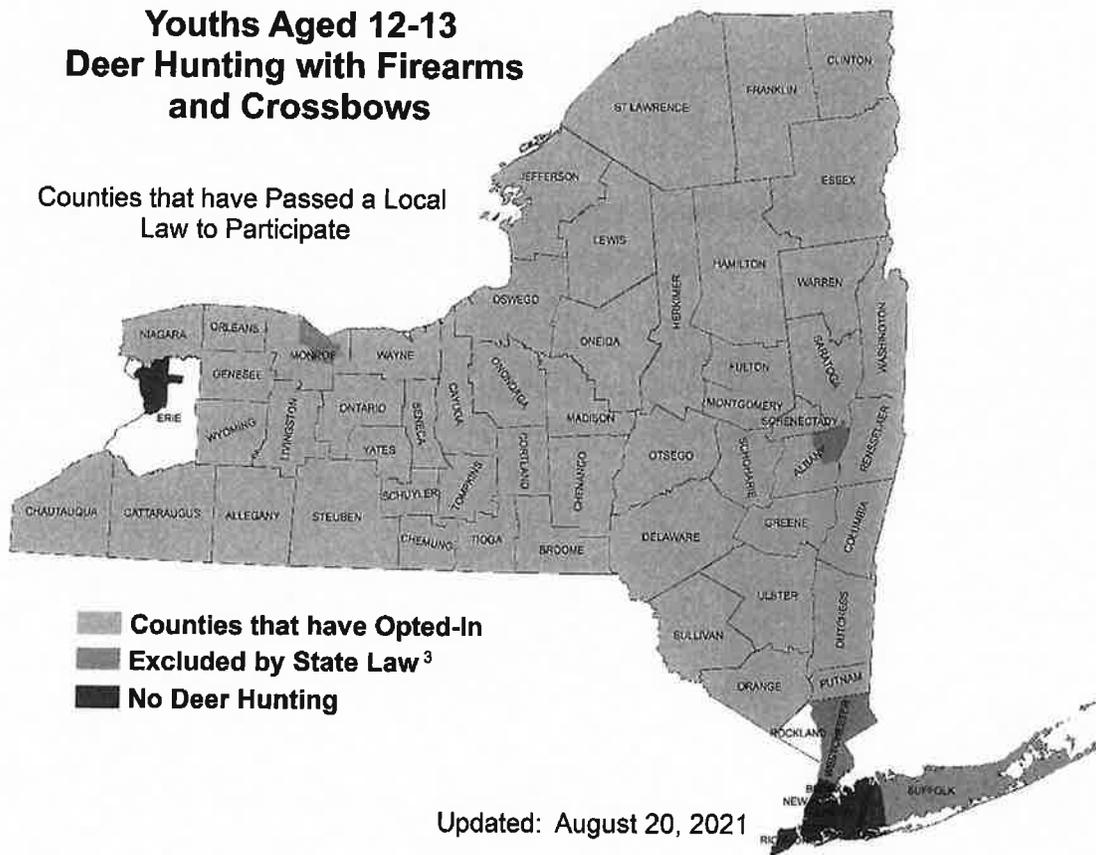
² Reported take value represents raw harvest reports with date of harvest between September 12, 2021 and January 1, 2022. This includes 173 deer reported taken with a bow. Calculated deer harvest was not available at the time of this report, as deer hunting seasons continued in portions of New York until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

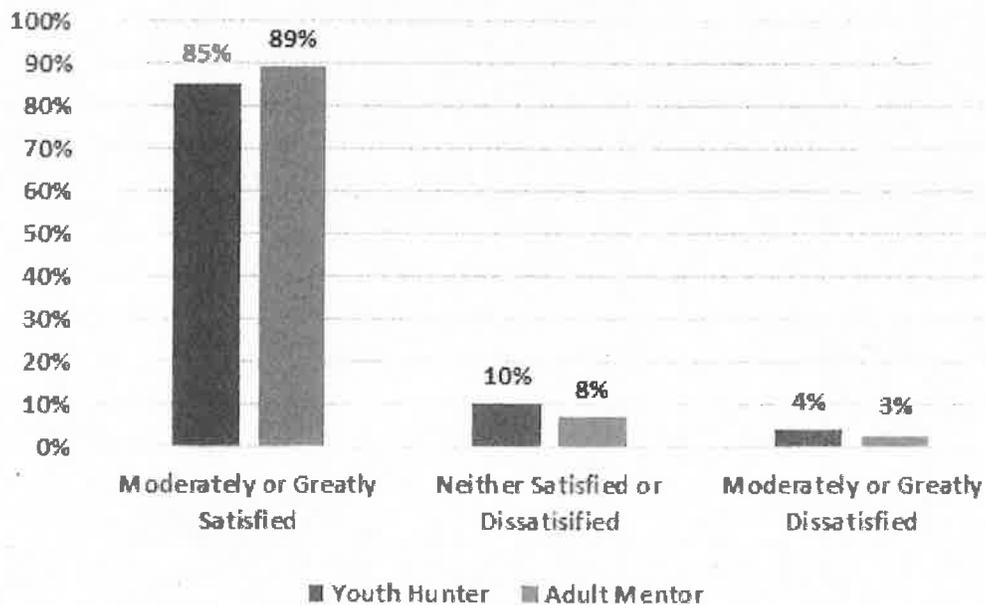
"The youth hunt is great...I think it builds a great trust and cooperation between DEC officers, young hunters and their parents, that extends well beyond the weekend. Great experience."

"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: 11/16/2023

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: 11/16/2023

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: 11/16/2023

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: 11/16/2023

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: 11/16/2023

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: 11/16/2023

SUBJECT

REPORT No. 12 HEALTH & HUMAN SERVICES COMMITTEE

Attachments

HEALTH & HUMAN SERVICES COMMITTEE

November 9, 2023

HEALTH & HUMAN SERVICES
COMMITTEE
REPORT NO. 12

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

1. COMM. 20E-12 (2023)
COUNTY EXECUTIVE

WHEREAS, the Department of Health – Medical Examiner’s Division continues to see a rise in the cost of medical supplies needed as well as the number of cases; and

WHEREAS, in order to continue the ability to provide services it is necessary to transfer funds to the appropriate budget line; and

WHEREAS, funding for the needed transfer is available in Fund 110, Funds Center 12740, Account 516020 – Professional Services, Contracts and Fees, 2023 Operating Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Health’s Division of the Medical Examiner to amend its 2023 Operating Budget (Fund 110, Funds Center 12740) as follows:

Department of Health
Division of the Medical Examiner
Fund 110, Funds Center 12740

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
505800	Medical & Health Supplies	\$50,000
516020	Prof Svcs Contracts & Fees	(\$50,000)
	TOTAL	<u>\$ 0</u>

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 will be forwarded to the Erie County Executive’s Office, Department of Health, and Division of Budget and Management.
(5-0)

2. COMM. 20E-13 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health participated in the NYS Department of Health’s ongoing Local Health Department (LHD) Performance Incentive Program; and

WHEREAS, for the year 2022, 57 LHD’s were awarded; and

WHEREAS, Erie County has been awarded \$28,208 to be used to support costs associated with Article 6 eligible services, focusing on disease prevention efforts and promotion of COVID-19 vaccination.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept \$28,208 in additional State Aid – Art VI funds from their participation in NYS Health Department’s LHD Performance Incentive Program to the Department of Health’s Health Division’s 2023 Operating Budget (Fund 110, Funds Center 12700) as follows:

Department of Health
Health Division
Fund 110, Funds Center 12700

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
405540	State Aid – Art VI/Public Hlth Work	\$28,208
	TOTAL	<u>\$28,208</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516020	Professional Services, Fees & Contracts	\$ 3,568
561410	Lab & Technical Equipment	\$24,650
	TOTAL	<u>\$28,208</u>

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 will be forwarded to the Erie County Executive’s Office, Department of Health, and Division of Budget and Management.
(5-0)

JOHN J. GILMOUR
CHAIR

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

REPORT No. 15 PUBLIC SAFETY COMMITTEE

Attachments

PUBLIC SAFETY COMMITTEE

November 9, 2023

PUBLIC SAFETY COMMITTEE
REPORT NO. 14

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

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

WHEREAS, the Erie County Department of Public Advocacy (“Public Advocacy”) was recently awarded \$2,000,000 funding from the Buffalo Division of the New York State Attorney General’s Office as a result of a the JLP Recovery Solutions LLC Settlement; and

WHEREAS, this Honorable Body established a multi-year grant via COMM. 5E-21 (2022) to utilize the allocated funds to expand consumer protection efforts on behalf of Erie County residents; and

WHEREAS, in coordination with the Department of Law, Public Advocacy will begin enforcing home improvement contract violations set forth in GBL Article 36-A committed by home improvement contractors in their contractual dealings with County homeowners; and

WHEREAS, as part of actions taken against home improvement contractors, monetary judgements may be awarded and/or settlements reached as restitution to victims wronged as a result GBL Article 36-A; and

WHEREAS, the creation of a Consumer Protection Settlement Restitution Account will allow Public Advocacy to facilitate the initial acceptance of and disbursement of any monetary judgements and/or settlements gained during such proceedings to victims; and

WHEREAS, this Restitution Account will be maintained by the Erie County Comptroller’s Office as a Trust Account and any deposits into and/or disbursements from will be made in coordination with Public Advocacy and the Law Department.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of the Consumer Protection Restitution Account as a Trust Fund (Fund 610, Funds Center 10910) Account #227120; and be it further

RESOLVED, that authorization is hereby given to accept restitution funds as a result of judgements, settlements, etc. reached as a result of GBL Article 36-A proceedings by the Departments of Public Advocacy and Law Department and record them in the Consumer Protection Restitution Account as reserved funds to be dispersed in amounts as indicated in the judgement and/or settlement document(s); and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive’s Office, the Comptroller’s Office, the Department of Public Advocacy, the Department of Law, and the Division of Budget and Management.
(5-0)

2. COMM. 20E-19 (2023)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the following named individual to the Erie County Corrections Specialist Advisory Board for a term expiring December 21, 2026:

Appointee

Julianna Everdyke
228 Parkdale Avenue
Buffalo, NY 14213

(5-0)

HOWARD J. JOHNSON, JR.
CHAIR

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

REPORT No. 13 ENERGY & ENVIRONMENT COMMITTEE

Attachments

ENERGY & ENVIRONMENT COMMITTEE

November 9, 2023

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 13

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

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

a. COMM. 20E-17 (2023)
COUNTY EXECUTIVE: “COMM. 19E-8 (2023) Time Extension Change Order – ECDS No. 3”
(Chair’s Ruling)

b. COMM. 20M-2 (2023)
EC AGRICULTURAL & FARMLAND PROTECTION BOARD: “EC Agricultural Districts Inclusion of Viable Agricultural Land”
(Chair’s Ruling)

2. COMM. 20E-15 (2023)

COUNTY EXECUTIVE

WHEREAS, various facilities throughout the Erie County Sewer Districts (ECSDs), generate sewage sludge as part of the wastewater treatment process; and

WHEREAS, the Department of Purchasing periodically advertises for sewage sludge disposal services, and private companies have historically submitted bids; and

WHEREAS, having an alternate location for the ECSDs to dispose of sewage sludge would provide operational flexibility, offer better resiliency for disposal needs, and may allow for budgetary savings; and

WHEREAS, the Chautauqua County Landfill was identified as an alternative location for the ECSDs to dispose of sewage sludge; and

WHEREAS, the Chautauqua County Landfill has a published pricing/fee schedule for sewage sludge disposal.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby waives the procedures provided in Section 3.07 of the Erie County Administrative Code as impractical for the purposes of utilizing the published pricing/fee schedule for the Chautauqua County Landfill; and be it further

RESOLVED, that authorization is hereby given to the Division of Purchase to process all necessary documents to allow for the ECSDs to utilize the published pricing/fee schedule for the Chautauqua County Landfill for sewage sludge disposal services; 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, the Division of Purchase, and the Division of Sewerage Management.
(6-0)

3. COMM. 20E-16 (2023)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 21E-13 (2018), GHD Consulting Services, Inc. (285 Delaware Ave, Suite 500, Buffalo, NY 14202) was retained to provide engineering design, bid, and construction services for the Lackawanna WRRF and ORF Disinfection Systems Improvements Project in Erie County Sewer District No. 6; and

WHEREAS, the Division of Sewerage Management has determined that additional costs above those included in the original engineering proposal period will be incurred for services during construction; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Change Order No. 3, an increase of \$70,145.18 for a total cost under GHD Consulting Services, Inc.’s agreement of \$393,728.05.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the increase of the total amount for the engineering agreement between the County of Erie and GHD Consulting Services, Inc. (285 Delaware Ave, Suite 500, Buffalo, NY 14202) for the construction of the Lackawanna WRRF and ORF Disinfection Systems Improvements Project in Erie County Sewer District No. 6 by \$70,145.18 to a total of \$393,728.05; and be it further

RESOLVED, that authorization is hereby given to the the Deputy Commissioner of the Division of Sewerage Management be authorized to execute Change Order No. 3 for this agreement; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the Office of County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, and the Division of Sewerage Management.
(5-0-1) Chair Baskin abstained.

4. COMM. 20E-18 (2023)
COUNTY EXECUTIVE

WHEREAS, Erie County Sewer District (ECSD) Nos. 3 and 8 will be working on improvements to the Southtowns Advanced Wastewater Treatment Facility and the East Aurora Water Resource Recovery Facility; and

WHEREAS, the partial closing of ECSD Nos. 3 and 8 capital reserve accounts C.00007 and C.11801, respectively, will allow for implementation of these improvements without incurring long-term financing costs.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the partial closings of up to \$295,750 in ECSD No. 3 capital reserve account C.00007 and up to \$29,250 in ECSD No. 8 capital reserve account C.11801 to assist with the necessary improvements in each respective district; and be it further

RESOLVED, that authorization is hereby given to the Division of Budget and Management to process residual equity transfers of up to \$295,750 from the ECSD No. 3 capital reserve account, WBS element C.00007.98, funds center 183, fund 430, GL 570000 – Interfund Transfer-Subsidy and residual equity transfers of up to \$29,250 from the ECSD No. 8 capital reserve account, WBS element C.11801.98, funds center 183, fund 430, GL 570000 – Interfund Transfer-Subsidy and increase the revenues and appropriations in the respective ECSD operating budgets as follows:

ECSD No. 3, Fund Center 183, Fund 220

REVENUE	INCREASE
486010 – Residual Equity Transfer-In	\$295,750
TOTAL REVENUE	\$295,750

APPROPRIATIONS	INCREASE
561410 – Lab and Technical Equipment	\$295,750
TOTAL APPROPRIATIONS	\$295,750

ECSD No. 8, Fund Center 183, Fund 220

REVENUE	INCREASE
486010 – Residual Equity Transfer-In	\$29,250
TOTAL REVENUE	\$29,250

APPROPRIATIONS	INCREASE
561410 – Lab and Technical Equipment	\$29,250
TOTAL APPROPRIATIONS	\$29,250

and be it further

RESOLVED, that authorization is hereby given to the Director of the Division of Budget and Management to implement any budget adjustments necessary to facilitate these transfers; and be it further

RESOLVED, that any unused funds be returned to the respective capital reserve accounts and the operating budgets be adjusted accordingly based on guidance from the Division of Sewerage Management; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to the Office of the County Executive, the Office of the Comptroller, the Division of Budget and Management, and the Division of Sewerage Management.
(6-0)

TIMOTHY J. MEYERS
CHAIR

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

REPORT No. 10 FINANCE & MANAGEMENT COMMITTEE

Attachments

FINANCE & MANAGEMENT COMMITTEE

November 9, 2023

FINANCE & MANAGEMENT COMMITTEE
REPORT NO. 10

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 19E-3 (2023)
COMPTROLLER: "Department of Law Risk Retention Fund Spending - August 2023"
(Chair's Ruling)
 - b. COMM. 19D-1 (2023)
DIRECTOR OF BUDGET & MANAGEMENT: "October Capital Projects Update"
(Chair's Ruling)
 - c. COMM. 20E-1 (2023)
COMPTROLLER: "EC Cultural Funding Grant Monitoring Program - Buffalo Inner City Ballet"
(Chair's Ruling)
 - d. COMM. 20E-2 (2023)
COMPTROLLER: "EC Cultural Funding Grant Monitoring Program - Hull House Foundation"
(Chair's Ruling)
 - e. COMM. 20E-3 (2023)
COMPTROLLER: "EC Cultural Funding Grant Monitoring Program - WNY Artist Group"
(Chair's Ruling)
 - f. COMM. 20E-4 (2023)
COMPTROLLER: "EC Cultural Funding Grant Monitoring Program - Centro Culturale Italiano di Buffalo"
(Chair's Ruling)
 - g. COMM. 20D-3 (2023)
COMMISSIONER OF EC DEPARTMENT OF ENVIRONMENT & PLANNING: "County Cultural Funding Grant Monitoring Program"
(Chair's Ruling)

- h. COMM. 20D-4 (2023)
DIRECTOR OF BUDGET & MANAGEMENT: "Budget Monitoring Report for Period Ending August 2023"
(Chair's Ruling)
- i. COMM. 20M-3 (2023)
SECRETARY OF THE ECWA: "ECWA 2024 Operating & Maintenance and Capital Budgets"
(Chair's Ruling)

2. COMM. 2E-3 (2023)
DIRECTOR OF REAL PROPERTY TAX SERVICES
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

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

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 250095 through 250159, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR	2023	Petition No.	250,095.00	
	ASSESSOR	Cancel	\$2,454.90	
S-B-L	142.45-2-22	83 Franklin St	140900 LACKAWANNA	
	Acct. No. 112		\$0.00	County
	Acct. No. 132		\$2,454.90	
	Town/SpecialDist/School			
	9992 ECSD#6 SAN SEWER	\$2,454.90		
	<u>Charge To :</u>	140900 LACKAWANNA		\$0.00

RPTL 550(2): Incorrect usage on ECSD
New tax bill to be issued

FISCAL YEAR	2023	Petition No.	250,096.00
	ASSESSOR	Refund	\$4.36
S-B-L	119.00-5-9.11/A	Gas well	142089 ALDEN
	Acct. No. 112		\$2.67 County
	Acct. No. 132		\$1.69
	Town/SpecialDist/School		
<u>Charge To :</u>	142089 ALDEN		\$1.69

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

FISCAL YEAR	2022	Petition No.	250,097.00
	ASSESSOR	Cancel	\$24.47
S-B-L	119.00-5-9.1/A	Gas Well	142089 ALDEN
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$24.47
	Town/SpecialDist/School		
<u>Charge To :</u>	142089 ALDEN		\$24.47
	Relevy School		\$24.47 142001 ALDEN

CENTRAL

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

FISCAL YEAR	2022	Petition No.	250,098.00
	ASSESSOR	Cancel	\$1,118.52

S-B-L	118.00-2-33	1131 Two Rod Rd	142089 ALDEN
	Acct. No. 112		\$559.73 County
	Acct. No. 132		\$558.79
	Town/SpecialDist/School		
	20072 Water Dist 3		\$34.59
<u>Charge To :</u>	142089 ALDEN		\$524.20

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

FISCAL YEAR	2021	Petition No.	250,099.00
	ASSESSOR	Cancel	\$1,778.44
S-B-L	118.00-2-33	1131 Two Rod Rd	142089 ALDEN
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$1,778.44
	Town/SpecialDist/School		
<u>Charge To :</u>	142089 ALDEN		\$1,778.44
	Relevy School		\$1,778.44 142001 ALDEN

CENTRAL

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

FISCAL YEAR	2023	Petition No.	250,100.00
	ASSESSOR	Cancel	\$641.03
S-B-L	129.01-1-12.1	246 Two Rod Rd	142089 ALDEN
	Acct. No. 112		\$0.00 County

Charge To : Acct. No. 132
 Town/SpecialDist/School
 142089 ALDEN
 Relevy School \$641.03 142001 ALDEN
 CENTRAL

RPTL 550(2): Failed to apply Enhanced STAR exemption
 New tax bill to be issued.

FISCAL YEAR 2023 Petition No. 250,101.00
 ASSESSOR Cancel \$14,367.07
 S-B-L 26.19-3-1.12 415 N French Rd 142289 AMHERST
 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$14,367.07
 Town/SpecialDist/School
 520 Code SC520 \$14,367.07
Charge To : 142289 AMHERST \$0.00

RPTL 550(2): Applied exemption removal charge in error
 New tax bill to be issued.

FISCAL YEAR 2023 Petition No. 250,102.00
 ASSESSOR Cancel \$1,397.13
 S-B-L 91.06-22-8 200 S Roycroft Blv 143089 CHEEKTOWAGA
 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$1,397.13
 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$1,397.13

UNION #3 Relevy School \$1,397.13 143003 CHEEK.
 RPTL 550(2): Failed to apply Enhanced STAR exemption
 New tax bill to be issued.

FISCAL YEAR 2023 Petition No. 250,103.00
 ASSESSOR Cancel \$1,194.89
 S-B-L 125.06-16-15 51 W Toulon Dr 143089 CHEEKTOWAGA
 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$1,194.89
 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$1,194.89
 Relevy School \$1,194.89 146801 WEST

SENECA CENT

RPTL 550(2): Failed to apply Aged exemption
 New tax bill to be issued.

FISCAL YEAR 2023 Petition No. 250,104.00
 ASSESSOR Cancel \$1,236.78
 S-B-L 276.03-4-37 88 Hardwood Ct 143889 CONCORD
 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$1,236.78
 Town/SpecialDist/School
Charge To : 143889 CONCORD \$1,236.78
 Relevy School \$1,236.78 143801 SPRING-

GRIFFITH

RPTL 550(2): Failed to apply Enhanced STAR and vet exemptions

New tax bill to be issued.

FISCAL YEAR	2023	Petition No.	250,105.00
S-B-L	346.00-1-3.121	Trevett Rd 143889 CONCORD	Refund \$551.77
		Acct. No. 112	\$0.00 County
		Acct. No. 132	\$551.77
		Town/SpecialDist/School	
<u>Charge To :</u>		143889 CONCORD	\$551.77
		Relevy School	\$551.77 143801 SPRING-

GRIFFITH

RPTL 550(3): Entered improvement to the wrong parcel
Refund to be issued to Mark Siminski

FISCAL YEAR	2023	Petition No.	250,106.00
S-B-L	334.00-2-32.1	Belscher Rd 143889 CONCORD	Refund \$355.35
		Acct. No. 112	\$0.00 County
		Acct. No. 132	\$355.35
		Town/SpecialDist/School	
<u>Charge To :</u>		143889 CONCORD	\$355.35
		Relevy School	\$355.35 143801 SPRING-

GRIFFITH

RPTL 550(2): Failed to apply Ag exemption
Refund to be issued to Buffalo Road Enterprises LLC

FISCAL YEAR	2023	Petition No.	250,107.00
S-B-L	307.00-2-50.1	9255 Genesee Rd 143889 CONCORD	ASSESSOR Cancel \$12,972.80
		Acct. No. 112	\$0.00 County
		Acct. No. 132	\$12,972.80
		Town/SpecialDist/School	
<u>Charge To :</u>		143889 CONCORD	\$12,972.80
		Relevy School	\$12,972.80 143801 SPRING-

GRIFFITH

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

FISCAL YEAR	2023	Petition No.	250,108.00
S-B-L	209.04-2-2	3741 Eckhardt Rd 144000 EDEN	ASSESSOR Refund \$240.00
		Acct. No. 112	\$0.00 County
		Acct. No. 132	\$240.00
		Town/SpecialDist/School	
		40503 ECSD3 Flat Usage Fee	\$240.00
<u>Charge To :</u>		144000 EDEN	\$0.00

RPTL 550(2) Applied ECSD in error
Refund to be issued to NYS Sustainable Housing

FISCAL YEAR	2023	Petition No.	250,109.00
		ASSESSOR	Cancel \$956.36

S-B-L 254.00-3-26.111 9981 Larkin Rd 144000 EDEN

Acct. No. 112	\$0.00	County
Acct. No. 132	\$956.36	
Town/SpecialDist/School		
144000 EDEN	\$956.36	
Relevy School	\$956.36	144001 EDEN

CENTRAL

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

FISCAL YEAR 2022 Petition No. 250,110.00

ASSESSOR Refund \$939.37
S-B-L 254.00-3-26.111 9981 Larkin Rd 144000 EDEN

Acct. No. 112	\$0.00	County
Acct. No. 132	\$939.37	
Town/SpecialDist/School		
144000 EDEN	\$939.37	
Relevy School	\$939.37	144001 EDEN

CENTRAL

RPTL 550(2): Duplicate parcel
Refund to be issued to William T & Nancy Gacioch

FISCAL YEAR 2021 Petition No. 250,111.00

ASSESSOR Refund \$928.60
S-B-L 254.00-3-26.111 9981 Larkin Rd 144000 EDEN

Acct. No. 112	\$0.00	County
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Acct. No. 132	\$928.60	
Town/SpecialDist/School		
144000 EDEN	\$928.60	
Relevy School	\$928.60	144001 EDEN

CENTRAL

RPTL 550(2): Duplicate parcel
Refund to be issued to William T & Nancy Gacioch

FISCAL YEAR 2023 Petition No. 250,112.00

ASSESSOR Refund \$463.02
S-B-L 254.00-3-26.111 9981 Larkin Rd 144000 EDEN

Acct. No. 112	\$259.49	County
Acct. No. 132	\$203.53	
Town/SpecialDist/School		
144000 EDEN	\$203.53	

RPTL 550(2): Duplicate parcel
Refund to be issued to William T & Nancy Gacioch

FISCAL YEAR 2022 Petition No. 250,113.00

ASSESSOR Refund \$460.08
S-B-L 254.00-3-26.111 9981 Larkin Rd 144000 EDEN

Acct. No. 112	\$257.29	County
Acct. No. 132	\$202.79	
Town/SpecialDist/School		
144000 EDEN	\$202.79	

RPTL 550(2): Duplicate parcel
Refund to be issued to William T & Nancy Gacioch

FISCAL YEAR	2021	Petition No.	250,114.00
	ASSESSOR	Refund	\$458.26
S-B-L	254.00-3-26.111	9981 Larkin Rd	144000 EDEN
	Acct. No. 112		\$252.78 County
	Acct. No. 132		\$205.48
	Town/SpecialDist/School		
<u>Charge To :</u>	144000 EDEN		\$205.48

RPTL 550(2): Duplicate parcel
Refund to be issued to William T & Nancy Gacioch

FISCAL YEAR	2023	Petition No.	250,115.00
	ASSESSOR	Cancel	\$1,177.41
S-B-L	146.00-5-31.2	Inland Jamison Rd	144200 ELMA
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$1,177.41
	Town/SpecialDist/School		
<u>Charge To :</u>	144200 ELMA		\$1,177.41
	Relevy School		\$1,177.41 144201 IROQUOIS

CENTRAL

RPTL 550(2): Failed to merge parcel
New tax bill to be issued

FISCAL YEAR	2023	Petition No.	250,116.00
	ASSESSOR	Refund	\$589.77
S-B-L	164.08-2-8	51 Meadow Dr	144200 ELMA
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$589.77
	Town/SpecialDist/School		
<u>Charge To :</u>	144200 ELMA		\$589.77
	Relevy School		\$589.77 144201 IROQUOIS

CENTRAL

RPTL 550(2): Incorrect exemption amount
New tax bill and partial refund to be issued to Janice M Barton

FISCAL YEAR	2023	Petition No.	250,117.00
	ASSESSOR	Cancel	\$3,218.26
S-B-L	145.04-2-26.12	90 Cloverlane Dr	144200 ELMA
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$3,218.26
	Town/SpecialDist/School		
<u>Charge To :</u>	144200 ELMA		\$3,218.26
	Relevy School		\$3,218.26 144201 IROQUOIS

CENTRAL

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

FISCAL YEAR	2023	Petition No.	250,118.00
	ASSESSOR	Cancel	\$638.74

S-B-L 221.00-4-17 1419 Burns Rd 144489 EVANS
 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$638.74
 Town/SpecialDist/School
Charge To: 144489 EVANS \$638.74
 Relevy School \$638.74 144401 LAKE

SHORE CENTRAL

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

FISCAL YEAR 2023 Petition No. 250,119.00
 ASSESSOR Cancel \$828.47
 S-B-L 37.07-2-6 Whitehaven Rd 144600 GRAND ISLAND
 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$828.47
 Town/SpecialDist/School
Charge To: 144600 GRAND ISLAND \$828.47
 Relevy School \$828.47 144601 GRND ISLN

CENTRAL

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

FISCAL YEAR 2023 Petition No. 250,120.00
 ASSESSOR Cancel \$697.66
 S-B-L 23.00-2-9.12 2789 Grand Island 144600 GRAND ISLAND
 Acct. No. 112 \$0.00 County

Acct. No. 132 \$697.66
 Town/SpecialDist/School
 144600 GRAND ISLAND \$697.66
Charge To: Relevy School \$697.66 144601 GRND ISLN

CENTRAL

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

FISCAL YEAR 2022 Petition No. 250,121.00
 ASSESSOR Refund \$54,346.23
 S-B-L 37.01-2-1.21 1611 Whitehaven R 144600 GRAND ISLAND

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$54,346.23
 Town/SpecialDist/School
Charge To: 144600 GRAND ISLAND \$54,346.23
 Relevy School \$54,346.23 144601 GRND ISLN

CENTRAL

RPTL 550(2): Failed to apply solar exemption
 New tax bill to be issued.

FISCAL YEAR 2023 Petition No. 250,122.00
 ASSESSOR Cancel \$627.89
 S-B-L 24.16-6-13 991 Foxcroft Rd 144600 GRAND ISLAND

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$627.89
 Town/SpecialDist/School
Charge To: 144600 GRAND ISLAND \$627.89

CENTRAL Relevy School \$627.89 144601 GRND ISLN

RPTL 550(2): Failed to apply vet exemption
New tax bill to be issued.

FISCAL YEAR	2023	Petition No.	250,123.00
S-B-L	38.11-2-4.2	ASSESSOR Cancel East River Rd 144600 GRAND ISLAND	\$17.44
		Acct. No. 112	\$0.00 County
		Acct. No. 132	\$17.44
		Town/SpecialDist/School	
<u>Charge To :</u>		144600 GRAND ISLAND	\$17.44
		Relevy School	\$17.44 144601 GRND ISLN

CENTRAL

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

FISCAL YEAR	2023	Petition No.	250,124.00
S-B-L	23.00-1-54	ASSESSOR Cancel 2411 Bedell Rd 144600 GRAND ISLAND	\$8,720.76
		Acct. No. 112	\$0.00 County
		Acct. No. 132	\$8,720.76
		Town/SpecialDist/School	
<u>Charge To :</u>		144600 GRAND ISLAND	\$8,720.76
		Relevy School	\$8,720.76 144601 GRND ISLN

CENTRAL

RPTL 550(2): Failed to apply solar exemption

New tax bill to be issued.

FISCAL YEAR	2023	Petition No.	250,125.00
S-B-L	35.20-1-11	ASSESSOR Cancel 2453 West River P 144600 GRAND ISLAND	\$314.37
		Acct. No. 112	\$0.00 County
		Acct. No. 132	\$314.37
		Town/SpecialDist/School	
<u>Charge To :</u>		144600 GRAND ISLAND	\$314.37
		Relevy School	\$314.37 144601 GRND ISLN

CENTRAL

RPTL 550(2): Failed to apply vet exemption, applied exemption removal
charge in error
New tax bill to be issued

FISCAL YEAR	2023	Petition No.	250,126.00
S-B-L	37.03-3-52	ASSESSOR Refund Stony Point Rd 144600 GRAND ISLAND	\$919.27
		Acct. No. 112	\$455.04 County
		Acct. No. 132	\$464.23
		Town/SpecialDist/School	
<u>Charge To :</u>		144600 GRAND ISLAND	\$464.23

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

FISCAL YEAR	2023	Petition No.	250,127.00
	ASSESSOR	Cancel	\$1,730.20
S-B-L	37.03-3-52	Stony Point Rd	144600 GRAND ISLAND
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$1,730.20
	Town/SpecialDist/School		
<u>Charge To :</u>	144600 GRAND ISLAND		\$1,730.20
	Relevy School		\$1,730.20 144601 GRND ISLN

CENTRAL

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

FISCAL YEAR	2022	Petition No.	250,128.00
	ASSESSOR	Refund	\$1,682.11
S-B-L	37.03-3-52	Stony Point Rd	144600 GRAND ISLAND
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$1,682.11
	Town/SpecialDist/School		
<u>Charge To :</u>	144600 GRAND ISLAND		\$1,682.11
	Relevy School		\$1,682.11 144601 GRND ISLN

CENTRAL

RPTL 550(2): Duplicate parcel
Refund to be issued to Jemi of Grand Island Inc

FISCAL YEAR	2023	Petition No.	250,129.00
	ASSESSOR	Cancel	\$2,494.14
S-B-L	23.00-2-9.2	2769 Grand Island	144600 GRAND ISLAND

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$2,494.14	
	Town/SpecialDist/School		
<u>Charge To :</u>	144600 GRAND ISLAND		\$2,494.14
	Relevy School	\$2,494.14	144601 GRND ISLN

CENTRAL

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

FISCAL YEAR	2023	Petition No.	250,130.00
	ASSESSOR	Cancel	\$784.87
S-B-L	23.00-2-9.11	2789 Grand Island	144600 GRAND ISLAND
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$784.87
	Town/SpecialDist/School		
<u>Charge To :</u>	144600 GRAND ISLAND		\$784.87
	Relevy School	\$784.87	144601 GRND ISLN

CENTRAL

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

FISCAL YEAR	2023	Petition No.	250,131.00
	ASSESSOR	Cancel	\$2,058.31
S-B-L	195.00-1-9.111	6284 Smith Rd	144889 HAMBURG
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$2,058.31
	Town/SpecialDist/School		

Charge To: 144889 HAMBURG \$2,058.31
 Relevy School \$2,058.31 144801 HAMBURG
 CENTRAL

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

FISCAL YEAR 2023 Petition No. 250,132.00
 ASSESSOR Cancel \$1,138.38
 S-B-L 195.00-1-9.112 6296 Smith Rd 144889 HAMBURG
 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$1,138.38
 Town/SpecialDist/School

Charge To: 144889 HAMBURG \$1,138.38
 Relevy School \$1,138.38 144801 HAMBURG
 CENTRAL

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

FISCAL YEAR 2023 Petition No. 250,133.00
 ASSESSOR Refund \$527.10
 S-B-L Multiple Multiple 144889 HAMBURG
 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$527.10
 Town/SpecialDist/School

Charge To: 144889 HAMBURG \$527.10

RPTL 550(2): Applied fire protection charge in error

Refund to be issued to multiple owners

FISCAL YEAR 2023 Petition No. 250,134.00

ASSESSOR Cancel \$776.73
 S-B-L 171.18-5-7.12 5095 Fairgrounds R 144889 HAMBURG

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$776.73
 Town/SpecialDist/School

Charge To: 144889 HAMBURG \$776.73
 Relevy School \$776.73 144801 HAMBURG

CENTRAL

RPTL 550(2): Failed to apply Enhanced STAR exemption
 New tax bill to be issued.

FISCAL YEAR 2023 Petition No. 250,135.00

ASSESSOR Cancel \$217.52
 S-B-L 182.10-3-55 Cooper Ridge 144889 HAMBURG

Acct. No. 112 \$0.00 County
 Acct. No. 132 \$217.52
 Town/SpecialDist/School

Charge To: 144889 HAMBURG \$217.52
 Relevy School \$217.52 144804 FRONTIER

CENTRAL

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

FISCAL YEAR	2023	Petition No.	250,136.00
	ASSESSOR	Cancel	\$189.15
S-B-L	182.10-5-37	Cooper Ridge	144889 HAMBURG
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$189.15
	Town/SpecialDist/School		
<u>Charge To :</u>	144889 HAMBURG		\$189.15
	Relevy School		\$189.15 144804 FRONTIER

CENTRAL

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

FISCAL YEAR	2023	Petition No.	250,137.00
	ASSESSOR	Cancel	\$110.34
S-B-L	182.10-5-18	Cooper Ridge	144889 HAMBURG
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$110.34
	Town/SpecialDist/School		
<u>Charge To :</u>	144889 HAMBURG		\$110.34
	Relevy School		\$110.34 144804 FRONTIER

CENTRAL

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

FISCAL YEAR	2023	Petition No.	250,138.00
	ASSESSOR	Cancel	\$776.73

S-B-L	195.12-6-2	101 Woodview Ave	144803 HAMBURG
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$776.73
	Town/SpecialDist/School		
<u>Charge To :</u>	144803 HAMBURG		\$776.73
	Relevy School		\$776.73 144801 HAMBURG

CENTRAL

RPTL 550(2) Failed to apply Enhanced STAR exemption
New tax bill to be issued.

FISCAL YEAR	2023	Petition No.	250,139.00
	ASSESSOR	Cancel	\$598.08
S-B-L	171.18-2-2.1	4221 Sprauve Ave	144889 HAMBURG
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$598.08
	Town/SpecialDist/School		
<u>Charge To :</u>	144889 HAMBURG		\$598.08
	Relevy School		\$598.08 144804 FRONTIER

CENTRAL

RPTL 550(2) Failed to apply Enhanced STAR exemption
New tax bill to be issued.

FISCAL YEAR	2023	Petition No.	250,140.00
	ASSESSOR	Cancel	\$4,703.17
S-B-L	216.00-7-17	7576 Olean Rd	145000 HOLLAND
	Acct. No. 112		\$0.00 County

Acct. No. 132 \$4,703.17
 Town/SpecialDist/School
Charge To : 145000 HOLLAND \$4,703.17
 Relevy School \$4,703.17 145001 HOLLAND
 CENTRAL
 RPTL 550(3) Improvement added to wrong parcel
 New tax bill to be issued.
 FISCAL YEAR 2023 Petition No. 250,141.00
 ASSESSOR Cancel \$488.06
 S-B-L 115.11-10-13 41 Edgewood Rd 145203 LANCASTER
 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$488.06
 Town/SpecialDist/School
Charge To : 145203 LANCASTER \$488.06
 Relevy School \$488.06 145201 LANCASTER
 CENTRAL
 RPTL 550(2) Failed to apply Aged exemption
 New tax bill to be issued.
 FISCAL YEAR 2023 Petition No. 250,142.00
 ASSESSOR Cancel \$440.36
 S-B-L 116.20-3-25 17 Sedge Run 145289 LANCASTER
 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$440.36
 Town/SpecialDist/School
Charge To : 145289 LANCASTER \$440.36

Relevy School \$440.36 145201 LANCASTER
 CENTRAL
 RPTL 550(2) Incorrect assessment
 New tax bill to be issued.
 FISCAL YEAR 2023 Petition No. 250,143.00
 ASSESSOR Cancel \$1,591.52
 S-B-L 117.00-1-3.112 451 Schwartz Rd 145289 LANCASTER
 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$1,591.52
 Town/SpecialDist/School
 520 Code SC520 \$1,591.52
Charge To : 145289 LANCASTER \$0.00
 RPTL 550(2) Applied exemption removal charge in error
 New tax bill to be issued.
 FISCAL YEAR 2023 Petition No. 250,144.00
 ASSESSOR Cancel \$216.39
 S-B-L 115.10-5-20 84 Harvey Dr 145203 LANCASTER
 Acct. No. 112 \$125.02 County
 Acct. No. 132 \$91.37
 Town/SpecialDist/School
Charge To : 145203 LANCASTER \$91.37
 RPTL 550(2) Failed to apply Aged exemption
 Refund to be issued to Alfred & Arlene Wojcicki

FISCAL YEAR	2023	Petition No.	250,145.00
S-B-L	148.00-3-15	ASSESSOR Cancel 11403 Tomarsue Dr 145400 MARILLA	\$598.82
		Acct. No. 112	\$0.00 County
		Acct. No. 132	\$598.82
		Town/SpecialDist/School	
<u>Charge To:</u>		145400 MARILLA	\$598.82
		Relevy School	\$598.82 144201 IROQUOIS

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

FISCAL YEAR	2023	Petition No.	250,146.00
S-B-L	33.00-2-47	ASSESSOR Cancel 6748 Cedar St 145689 NEWSTEAD	\$820.24
		Acct. No. 112	\$0.00 County
		Acct. No. 132	\$820.24
		Town/SpecialDist/School	
<u>Charge To:</u>		145689 NEWSTEAD	\$820.24
		Relevy School	\$820.24 145601 AKRON

CENTRAL
RPTL 550(2) Failed to apply Enhanced STAR exemption
New tax bill to be issued.

FISCAL YEAR	2023	Petition No.	250,147.00
S-B-L	47.07-1-6.11/B	ASSESSOR Cancel 1 Ice Cream Pl 145601 AKRON	\$1,763.39
		Acct. No. 112	\$0.00 County
		Acct. No. 132	\$1,763.39
		Town/SpecialDist/School	
<u>Charge To:</u>		145601 AKRON	\$1,763.39
		Relevy School	\$1,763.39 145601 AKRON

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

FISCAL YEAR	2023	Petition No.	250,148.00
S-B-L	33.00-2-19.1/P	ASSESSOR Cancel 12715 Lewis Rd 145689 NEWSTEAD	\$749.44
		Acct. No. 112	\$0.00 County
		Acct. No. 132	\$749.44
		Town/SpecialDist/School	
<u>Charge To:</u>		145689 NEWSTEAD	\$749.44
		Relevy School	\$749.44 145601 AKRON

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

FISCAL YEAR	2023	Petition No.	250,149.00
S-B-L	47.07-2-13.211/P	ASSESSOR Cancel 3 Oak St 145601 AKRON	\$2,204.24

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

CENTRAL

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

FISCAL YEAR	2023	Petition No.	250,150.00
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S-B-L	32.00-3-35.2	ASSESSOR	Cancel	\$820.24
		12136 Rapids Rd	145689 NEWSTEAD	

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$820.24	
	Town/SpecialDist/School		
<u>Charge To :</u>	145689 NEWSTEAD	\$820.24	
	Relevy School	\$820.24	145601 AKRON

CENTRAL

RPTL 550(2) Failed to apply Enhanced STAR exemption
New tax bill to be issued.

FISCAL YEAR	2023	Petition No.	250,151.00
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S-B-L	78.28-3-9	ASSESSOR	Cancel	\$382.46
		497 Englewood Av	146489 TONAWANDA	

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$382.46	
	Town/SpecialDist/School		

<u>Charge To :</u>	146489 TONAWANDA	\$382.46	\$382.46
	Relevy School	\$382.46	146401 KEN-TON

UNION FREE

RPTL 550(7) Failed to enter as wholly exempt, RS 8
New tax bill to be issued.

FISCAL YEAR	2023	Petition No.	250,152.00
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S-B-L	65.28-1-3	ASSESSOR	Cancel	\$4,499.51
		1750 Military Rd	146489 TONAWANDA	

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$4,499.51	
	Town/SpecialDist/School		

<u>Charge To :</u>	146489 TONAWANDA	\$4,499.51	\$4,499.51
	Relevy School	\$4,499.51	146401 KEN-TON

UNION FREE

RPTL 550(7) Failed to enter as wholly exempt, RS 8
New tax bill to be issued.

FISCAL YEAR	2023	Petition No.	250,153.00
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S-B-L	178.00-1-34.2	ASSESSOR	Refund	\$196.02
		12645 Strykersville	146600 WALES	

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$196.02	
	Town/SpecialDist/School		

<u>Charge To :</u>	146600 WALES	\$196.02	\$196.02
	Relevy School	\$196.02	144201 IROQUOIS

CENTRAL

RPTL 550(3) Improvement added in error
 Refund to be issued to David Newman

FISCAL YEAR	2023	Petition No.	250,154.00
S-B-L	202.00-3-22.112	6571 Vermont HI 146600 WALES	
	ASSESSOR	Refund	\$4,070.99
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$4,070.99
	Town/SpecialDist/School		
<u>Charge To :</u>	146600 WALES		\$4,070.99
	Relevy School		\$4,070.99 145001 HOLLAND

CENTRAL

RPTL 550(2) Incorrect assessment
 Refund to be issued to Paul A & Mary Ellen Mitchell

FISCAL YEAR	2023	Petition No.	250,155.00
S-B-L	178.00-2-61.112	13559 Schang Rd 146600 WALES	
	ASSESSOR	Refund	\$1,105.53
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$1,105.53
	Town/SpecialDist/School		
<u>Charge To :</u>	146600 WALES		\$1,105.53
	Relevy School		\$1,105.53 144201 IROQUOIS

CENTRAL

RPTL 550(2) Failed to apply solar/wind exemption
 Refund to be issued to Mark Fried.

FISCAL YEAR	2023	Petition No.	250,156.00
S-B-L	134.54-2-37.1	2952 Seneca St 146800 WEST SENECA	
	ASSESSOR	Cancel	\$1,140.57
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$1,140.57
	Town/SpecialDist/School		
<u>Charge To :</u>	146800 WEST SENECA		\$1,140.57
	Relevy School		\$1,140.57 146801 WEST

SENECA CENT

RPTL 550(2) Incorrect assessed value
 New tax bill to be issued.

FISCAL YEAR	2023	Petition No.	250,157.00
S-B-L	134.54-2-38.1	2950 Seneca St 146800 WEST SENECA	
	ASSESSOR	Cancel	\$1,325.91
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$1,325.91
	Town/SpecialDist/School		
<u>Charge To :</u>	146800 WEST SENECA		\$1,325.91
	Relevy School		\$1,325.91 146801 WEST

SENECA CENT

RPTL 550(2) Incorrect assessed value
 New tax bill to be issued.

FISCAL YEAR	2023	Petition No.	250,158.00
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	ASSESSOR	Refund	\$460.98	
S-B-L	143.20-3-46	63 Thomas Dr	146800 WEST SENECA	
	Acct. No. 112		\$0.00	County
	Acct. No. 132		\$460.98	
	Town/SpecialDist/School			
<u>Charge To:</u>	146800 WEST SENECA		\$460.98	
	Relevy School		\$460.98	146801 WEST

SENECA CENT

RPTL 550(2) Incorrect vet exemption amount
 Refund to be issued to Charles J Delahanty

FISCAL YEAR	2023	Petition No.	250,159.00
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	ASSESSOR	Refund	\$2,034.02	
S-B-L	143.16-4-23	27 Rolling Woods	146800 WEST SENECA	
	Acct. No. 112		\$0.00	County
	Acct. No. 132		\$2,034.02	
	Town/SpecialDist/School			
<u>Charge To:</u>	146800 WEST SENECA		\$2,034.02	
	Relevy School		\$2,034.02	146801 WEST

SENECA CENT

RPTL 550(2) Incorrect assessment
 Refund to be issued to Samuel Burruano

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
 (5-0) Legislator Gilmour not present for vote.

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

WHEREAS, pursuant to Section 7-6.0 of the Erie County Tax Act, as well as specific direction of resolutions adopted by the Erie County Legislature in each of the sixty (60) years, each November the County of Erie, bids for and purchases every available Tax Lien Certificate upon real estate for which current year real property taxes then remain unpaid; and

WHEREAS, the collection of delinquent real property taxes under this procedure has been satisfactory, potentially leading, absent redemption, to the commencement of an in rem tax foreclosure action against the affected properties by the County; and

WHEREAS, it is recommended that your Honorable Body direct the Director of Real Property Tax Services to bid and purchase for the County of Erie, its bid being preferred over all other offers, every 2023 Tax Certificate upon real estate for which current year real property taxes remain unpaid, along with any other unsold Tax Certificates the scheduled tax sale date for 2023 Tax Lien Certificates.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Article VII of the Erie County Tax Act, the Director of Real Property Tax Services be, and hereby is, authorized to bid for and purchase, on behalf of the County of Erie, all Tax Lien Certificates upon real estate in Erie County for which 2023 real property taxes have not been paid, along with any other unsold Tax Lien Certificates upon real estate in Erie County for which real property taxes have been paid; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive's Office, Comptroller's Office, Department of Real Property Tax Services, Department of Law, and Division of Budget and Management.
 (6-0)

TIMOTHY J. MEYERS
CHAIR

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

INTRO. 21-1

BASKIN

Eight-Year Review Modifications of
Southwest Agricultural District 8

Attachments

23INTRO. 21-1

A RESOLUTION TO BE SUBMITTED BY LEGISLATOR BASKIN

RESOLUTION TO APPROVE EIGHT-YEAR REVIEW MODIFICATIONS OF SOUTHWEST AGRICULTURAL DISTRICT 8

WHEREAS, Collins Agricultural District No. 8 was initially created on March 17, 1976, pursuant to New York State Agriculture and Markets Law (“AML”) Section 303; and

WHEREAS, Collins Agricultural District No. 8 has been recertified every years thereafter pursuant to AML Section 303-a; and

WHEREAS, Collins Agricultural District No. 8 was consolidated with Eden Agricultural District No. 2, North Collins Agricultural District No. 4, and Brant-Evans Agricultural District No. 9 in 2016 to create Southwest Agricultural District No. 8 (the “District”); and

WHEREAS, pursuant to AML Section 303-a, the Erie County Legislature is required to review Agricultural Districts every eight years; and

WHEREAS, during the review period four applicants submitted modification requests; and

WHEREAS, pursuant to AML Section 303-a, the Erie County Agricultural and Farmland Protection Board reviewed these requests and the District, and prepared a report to the Erie County Legislature, and voted on August 24, 2023 to recommend that the District be continued with the proposed modifications listed below; and

SBL	ACRES	ADDRESS	TOWN	APPLICANT	REMOVE	RETAIN
268.00-1-41.2	1	10187 Brant Angola Rd	Brant	Timothy Conmy	X	
182.00-4-42.2	2	0 Pleasant Avenue	Hamburg	Andrew Ruszczyk	X	
332.00-2-25	35.6	0 New Road	Collins	Angelo DiBlasi		X
332.00-2-26	11.9	0 New Road	Collins	Angelo DiBlasi		X
332.00-2-15.11	46	0 New Road	Collins	Angelo DiBlasi		X
332.00-2-15.12	12	13442 New Road	Collins	Angelo DiBlasi		X
182.10-4-16	4.46	5409 Sycamore Lane	Hamburg	Carmen & Deanna Polito	X	

WHEREAS, pursuant to AML Section 303-a, the Erie County Legislature gave the required public notice and directed the Erie County Agricultural and Farmland Protection Board to prepare a report on the district, and set a public hearing for November 1, 2023; and

WHEREAS, pursuant to AML Section 303-a, the Erie County Legislature published a public notice and hearing notice in a newspaper having a general circulation within the district; and

WHEREAS, pursuant to AML Section 303-a, on November 1, 2023 at 2:00 pm a public hearing was held at the Erie County Legislative Chambers, 92 Franklin Street, Buffalo, New York to consider recertification of the district; and

WHEREAS, the District has been reviewed in accordance with the New York State Environmental Quality Review Act of 1975 and the adopted review procedures and the criteria set forth in Part 617; and

WHEREAS, the modification of the District is within the scope of a Cooperative Agreement between the Erie County Legislature and the New York State Department of Agriculture and Markets; and

WHEREAS, pursuant to the cooperative agreement, the Erie County Legislature is the State Environmental Quality Review Lead Agency and has conducted a coordinated review in accordance with 6 NYCRR Section 617.6 (b) (3); and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature finds that Southwest Agricultural District No. 8 should be continued with the proposed modifications listed below as recommended by the Erie County Agricultural and Farmland Protection Board; and be it further

SBL	ACRES	ADDRESS	TOWN	APPLICANT	REMOVE	RETAIN
268.00-1-41.2	1	10187 Brant Angola Rd	Brant	Timothy Conmy	X	
182.00-4-42.2	2	0 Pleasant Avenue	Hamburg	Andrew Ruszczyk	X	
332.00-2-25	35.6	0 New Road	Collins	Angelo DiBlasi		X
332.00-2-26	11.9	0 New Road	Collins	Angelo DiBlasi		X
332.00-2-15.11	46	0 New Road	Collins	Angelo DiBlasi		X
332.00-2-15.12	12	13442 New Road	Collins	Angelo DiBlasi		X
182.10-4-16	4.46	5409 Sycamore Lane	Hamburg	Carmen & Deanna Polito	X	

RESOLVED, that the Erie County Legislature finds that the modification of Southwest Agricultural District No. 8 will not result in any significant adverse environmental impacts and therefore issues a Negative Declaration under the State Environmental Quality Review Act; and be it further

RESOLVED, that the Chairperson of the Erie County Legislature is authorized to complete and sign Part 3 of the Short Environmental Assessment Form; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Real Property Tax Services and the Town Supervisors of Collins, Brant, Boston, Eden, Evans, Hamburg, North Collins, and Orchard Park, and the Village Mayor of North Collins; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution to the Commissioner of New York State Department of Agriculture and Markets for recertification.

**Short Environmental Assessment Form
New York State Department of Agriculture and Markets**

Part 2: Impact Assessment

Part 2 is to be completed by the County Legislative Body (“CLB”) as Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted to the CLB for the proposed modification, consolidation or termination of a county-adopted, State-certified agricultural district or otherwise available to the reviewer.

In providing responses to each of the questions, the reviewer should keep in mind that the action proposed is the modification, consolidation or termination of an agricultural district(s). The action is not the land use or activity which will, or may, take place in the district(s). For example, it is not appropriate to consider the effects of management actions that may be taken by individual operators in conducting farming. Agricultural farm management practices, including construction, maintenance and repair of farm buildings, and land use changes consistent with generally accepted principles of farming are listed as Type II actions in 6 NYCRR §617.5(c)(3), and these actions have been determined not to have a significant impact on the environment.

	None to small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and fail to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PUBLIC HEARING ON PROPOSED MODIFICATION TO AGRICULTURAL DISTRICTS

92 Franklin St., 4th Floor - Buffalo, NY 14202

November 1, 2023 – 2:00 PM

MINUTES

The Public Hearing was called to order at 2:04 PM by Olivia Owens, Clerk of the Erie County Legislature.

The Clerk read the Notice of Public Hearing:

At the direction of Erie County Legislative Chair, April N.M. Baskin, Notice is hereby given that a public hearing will be held by the Legislature of the County of Erie, on the 1st of November 2023 at 2:00 PM at the Chambers of the Erie County Legislature, 4th Floor, Old County Hall, 92 Franklin St., Buffalo, NY 14202, concerning the eight-year review of Southwest Agricultural District #8 in accordance with sec. 303-a of NYS Agricultural and Markets Law. The following will be considered:

Modification of 1 parcel in the Town of Brant totaling 1.0 acres
Modification of 2 parcels in the Town of Hamburg totaling 6.5 acres
Modification of 4 parcels in the Town of Collins totaling 101.6 acres

The hearing shall consider the requests and recommendations of the County Agricultural and Farmland Protection Board (AFPB). All applications submitted and the Erie County AFPB report to the Legislature on recommended parcel inclusions are available at: erie.gov/agriculture.

Questions may be directed to Sarah Gatti, Principal Planner at sarah.gatti@erie.gov.

Dated: Buffalo, New York, October 19, 2023

BY ORDER OF THE COUNTY LEGISLATURE
OF THE COUNTY OF ERIE, NEW YORK

By Robert M. Graber
(Former) Clerk, Erie County Legislature

The Clerk then opened the floor to public comment.

Sarah Gatti, Principal Planner at the Erie County Department of Environment and Planning stated that Erie County received four requests to remove their land from the Southwest Agricultural Districts, including:

- One 1-acre parcel in Brant. The Board recommends this parcel be removed from the District.
- Two parcels totaling about 7 acres in Hamburg. The Board recommends these parcels be removed from the District.
- Four parcels totaling about 106 acres in Collins. The Board recommends these parcels be retained in the District.

These recommendations were based upon Agricultural Districts Law, which states that parcels to be included in the Districts must be "land highly suitable for agricultural production" and which will continue to be feasible for farming if conditions remain the same.

A full copy of the report is available at erie.gov/agriculture.

With no others speakers wishing to speak, the public hearing was adjourned at 2:07 PM.

Respectfully Submitted,

A handwritten signature in black ink that reads "Sarah E. Gatti". The signature is written in a cursive, flowing style.

Sarah E. Gatti
Principal Planner

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

INTRO. 21-2

BASKIN

Modification of Agricultural Districts

Attachments

23INTRO. 21-2

A RESOLUTION TO BE SUBMITTED BY LEGISLATOR BASKIN

RESOLUTION TO MODIFY AGRICULTURAL DISTRICTS

WHEREAS, pursuant to New York State Agriculture and Markets Law (“AML”) Section 303-b, the Erie County Legislature adopted Intro 20-15 (2004) on September 23, 2004; and

WHEREAS, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which applicants may submit requests to include predominantly viable agricultural land into any existing certified agricultural district outside of the established eight-year review period; and

WHEREAS, during the 2023 thirty-day open enrollment period seven applicants requested that eleven parcels of land be included in existing Agricultural Districts; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine if each includes “viable agricultural land” as defined in AML Section 301; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine whether the inclusion of such land would serve the public interest and maintain a viable agricultural industry within the Agricultural District; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board voted to recommend that the Erie County Legislature approve the inclusion of eleven parcels listed below in an existing Agricultural District; and

SBL	ACRES	ADDRESS	TOWN	APPLICANT	DISTRICT
13.17-2-1	1.1	4410 East River Rd	Grand Island	Bitikofer	North #1
12.00-2-10	8.7	4420 East River Rd	Grand Island	Bitikofer	North #1
37.02-2-12	25.4	951 Whitehaven Rd	Grand Island	Act III Broadcasting	North #1
37.02-2-13	20.5	0 Whitehaven Rd	Grand Island	Act III Broadcasting	North #1
37.02-2-5.11	22.1	0 Whitehaven Rd	Grand Island	Drexelius	North #1
37.02-2-4	8.2	0 Whitehaven Rd	Grand Island	Drexelius	North #1
45.15-1-5.2	8.4	6155 Salt Rd	Clarence	Corigliano	North #1
12.00-2-3.11	30.7	0 East River Rd	Grand Island	Harper	North #1
12.15-2-65	2.3	0 East River Rd	Grand Island	Harper	North #1
50.04-2-31	3.2	2507 Fix Rd	Grand Island	Yanicki	North #1
213.00-1-19.2	4.4	8145 Burr Rd	Colden	Khadiagala	Central #5

WHEREAS, pursuant to AML Section 303-b, the Erie County Legislature gave the required public notice and set a public hearing for November 1, 2023; and

WHEREAS, pursuant to AML Section 303-b, the Erie County Legislature published a public hearing notice in a newspaper having general circulation within the County and notified in

writing those municipalities whose territory encompasses the lands which are proposed to be included in an Agricultural District; and

WHEREAS, a public hearing was held at 2:15 p.m. on November 1, 2023 a public hearing was held at the Erie County Legislative Chambers, 92 Franklin Street, Buffalo, New York to consider modification of the Districts; and

WHEREAS, the modification of the Districts is within the scope of a Cooperative Agreement between the Erie County Legislature and the New York State Department of Agriculture and Markets; and

WHEREAS, pursuant to the Cooperative Agreement, the Erie County Legislature is the State Environmental Quality Review Lead Agency and has conducted a coordinated review in accordance with 6 NYCRR Section 617.6 (b) (3); and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves the inclusion of the following seven parcels into an adjacent existing Agricultural District; and be it further

SBL	ACRES	ADDRESS	TOWN	APPLICANT	DISTRICT
13.17-2-1	1.1	4410 East River Rd	Grand Island	Bitikofer	North #1
12.00-2-10	8.7	4420 East River Rd	Grand Island	Bitikofer	North #1
37.02-2-12	25.4	951 Whitehaven Rd	Grand Island	Act III Broadcasting	North #1
37.02-2-13	20.5	0 Whitehaven Rd	Grand Island	Act III Broadcasting	North #1
37.02-2-5.11	22.1	0 Whitehaven Rd	Grand Island	Drexelius	North #1
37.02-2-4	8.2	0 Whitehaven Rd	Grand Island	Drexelius	North #1
45.15-1-5.2	8.4	6155 Salt Rd	Clarence	Corigliano	North #1
12.00-2-3.11	30.7	0 East River Rd	Grand Island	Harper	North #1
12.15-2-65	2.3	0 East River Rd	Grand Island	Harper	North #1
50.04-2-31	3.2	2507 Fix Rd	Grand Island	Yanicki	North #1
213.00-1-19.2	4.4	8145 Burr Rd	Colden	Khadiagala	Central #5

RESOLVED, that the Erie County Legislature finds that the modification of the Districts will not result in any significant adverse environmental impacts and therefore issues a Negative Declaration under the State Environmental Quality Review Act; and be it further

RESOLVED, that the Chairperson of the Erie County Legislature is authorized to complete and sign Part 3 of the Short Environmental Assessment Form; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Real Property Tax Services, the Chair of the Erie County Agricultural and Farmland Protection Board, and the Supervisors of the Towns of Colden, Clarence, and Grand Island; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution to the Commissioner of New York State Department of Agriculture and Markets for certification.

**Short Environmental Assessment Form
New York State Department of Agriculture and Markets**

Part 2: Impact Assessment

Part 2 is to be completed by the County Legislative Body (“CLB”) as Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted to the CLB for the proposed modification, consolidation or termination of a county-adopted, State-certified agricultural district or otherwise available to the reviewer.

In providing responses to each of the questions, the reviewer should keep in mind that the action proposed is the modification, consolidation or termination of an agricultural district(s). The action is not the land use or activity which will, or may, take place in the district(s). For example, it is not appropriate to consider the effects of management actions that may be taken by individual operators in conducting farming. Agricultural farm management practices, including construction, maintenance and repair of farm buildings, and land use changes consistent with generally accepted principles of farming are listed as Type II actions in 6 NYCRR §617.5(c)(3), and these actions have been determined not to have a significant impact on the environment.

	None to small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and fail to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PUBLIC HEARING ON PROPOSED MODIFICATION TO AGRICULTURAL DISTRICTS

92 Franklin St., 4th Floor - Buffalo, NY 14202

November 1, 2023 – 2:15 PM

MINUTES

The Public Hearing was called to order at 2:15 PM by Olivia Owens, Clerk of the Erie County Legislature.

The Clerk read the Notice of Public Hearing:

At the direction of Erie County Legislative Chair, April N.M. Baskin, Notice is hereby given that a public hearing will be held by the Legislature of the County of Erie, on the 1st of November 2023 at 2:15 PM at the Chambers of the Erie County Legislature, 4th Floor, Old County Hall, 92 Franklin St., Buffalo, NY 14202, to consider the following requests for the inclusion of predominantly viable agricultural lands within existing agricultural districts that have been submitted in accordance with sec. 303-b of NYS Agricultural and Markets Law.

- 1 parcel in the Town of Clarence totaling 8.4 acres
- 1 parcel in the Town of Colden totaling 4.4 acres
- 9 parcels in the Town of Grand Island totaling 122.2 acres

The hearing shall consider the requests and recommendations of the County Agricultural and Farmland Protection Board (AFPB). All applications submitted and the Erie County AFPB report to the Legislature on recommended parcel inclusions are available at: erie.gov/agriculture.

Questions may be directed to Sarah Gatti, Principal Planner at sarah.gatti@erie.gov.

Dated: Buffalo, New York, October 19 2023

BY ORDER OF THE COUNTY LEGISLATURE
OF THE COUNTY OF ERIE, NEW YORK

By Robert M. Graber
(Former) Clerk, Erie County Legislature

The Clerk then opened the floor to public comment.

Sarah Gatti, Principal Planner at the Erie County Department of Environment and Planning stated that seven applications were received requesting to add 11 parcels into an Erie County Agricultural District. The Agricultural and Farmland Protection Board recommends adding all parcels to the Districts. These recommendations were based upon Agricultural District Law, which states that parcels to be included in the Districts must be "land highly suitable for agricultural production" and which continue to be feasible for farming if conditions remain the same.

These recommendations were based upon Agricultural Districts Law, which states that parcels to be included in the Districts must be "land highly suitable for agricultural production" and which will continue to be feasible for farming if conditions remain the same.

A full copy of the report is available at erie.gov/agriculture.

With no others speakers wishing to speak, the public hearing was adjourned at 2:18 PM.

Respectfully Submitted,

A handwritten signature in black ink that reads "Sarah E. Gatti". The signature is written in a cursive style with a large, looped "S" and a distinct "G".

Sarah E. Gatti
Principal Planner

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

COMM. 21E-1

COMPTROLLER

Interim Financial Report - 3rd Quarter 2023

Attachments

23COMM. 21E-1



ERIE COUNTY COMPTROLLER

KEVIN R. HARDWICK

November 2, 2023

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

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

Dear Honorable Members and County Executive Poloncarz:

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

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

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

Sales Tax

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

Based on third quarter 2023 sales tax revenue trends, the County is on pace to meet the 2023 budgeted revenue. The County share sales tax revenue for the County's third quarter 2023 was \$156,523,701, up from \$153,616,250 in the second quarter and \$147,313,096 in the first quarter. The third quarter 2023 County share sales tax of \$156,523,701 compares to \$152,202,672 for the third quarter of 2022.

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

Real Property Taxes

Through the nine-month period ended September 30, 2023, the County received 94.0% of the \$417,572,963 in property tax that was levied and is collectible for County purposes. This contrasts with 94.2% at the same point in 2022. Taxes remaining to be collected are at \$25,060,810 for 2023, compared to \$23,500,981 for the third quarter of 2022.

Borrowing

Due to our cash position, our office continues to project that the County will not need to issue a Revenue Anticipation Note (RAN) in 2023 (similar to 2021 and 2022).

Through November 1, 2023, this office has purchased \$6.9 billion worth of Treasury Bills since March 2022.

Conclusion

The financial statements and other information contained in this Report have been compiled largely from the official accounting records maintained in the County's SAP system. The Financial Statements from Erie County Medical Center Corporation, Erie Community College, the Erie County Tobacco Securitization Corporation, the Buffalo and Erie County Industrial Land Development Corporation, Inc. and the Erie County Fiscal Stability Authority are not included because financial information for the aforementioned entities is maintained separately from the County.

Information contained in this Report has not been reviewed by the County's independent auditor; therefore, no opinion on this Report is expressed.

If you have any questions, please contact me at (716) 858-8400.

Sincerely yours,



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

Enclosure

cc: Erie County Fiscal Stability Authority
Robert W. Keating, Director of Budget and Management

COUNTY OF ERIE, NEW YORK
INTERIM FINANCIAL REPORT

FOR THE NINE MONTHS ENDED SEPTEMBER 30, 2023



Erie County Comptroller's Office

KEVIN R. HARDWICK

Erie County Comptroller

OCTOBER 31, 2023

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For the nine months ended September 30, 2023

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FUND FINANCIAL STATEMENTS

COUNTY OF ERIE, NEW YORK

Balance Sheet

Governmental Funds

September 30 2023

(amounts expressed in thousands)

	General	Emergency Response	Other Governmental Funds	Total Governmental Funds
ASSETS:				
Cash and cash equivalents	\$ 312,738	\$ 67,667	\$ 262,348	\$ 642,753
Investments	-	-	200	200
Receivables (net of allowances)				
Real property taxes, interest, penalties and liens	64,213	-	5	64,218
Leases	277	-	-	277
Other	7,269	-	31,509	38,778
Due from other funds	45,467	52,038	16,076	113,581
Due from other governments	291,143	5	44,334	335,482
Prepaid items	2,278	-	2,088	4,366
Restricted cash	155	-	118,334	118,489
Total assets	\$ 723,540	\$ 119,710	\$ 474,894	\$ 1,318,144
LIABILITIES:				
Accounts payable	\$ 1,415	\$ -	\$ 3,712	\$ 5,127
Accrued liabilities	137,951	-	8,158	146,109
Due to other funds	5,483	-	89,089	94,572
Due to component unit	1,698	75	-	1,773
Due to other governments	102	-	50	152
Retained percentages payable	-	104,268	2,817	107,085
Unearned revenue	33,853	-	3,483	37,336
Total liabilities	180,502	104,343	107,309	392,154
DEFERRED INFLOWS OF RESOURCES:				
Unavailable revenue – property taxes	58,135	-	-	58,135
Deferred inflows – relating to leases	285	-	-	285
Total deferred inflows of resources	58,420	-	-	58,420
FUND BALANCES:				
Nonspendable:				
Community development loans	-	-	27,380	27,380
Prepaid items	2,278	-	2,088	4,366
Restricted for:				
Handicapped parking	155	-	-	155
E-911 system costs	-	-	2,399	2,399
Opioid prevention	-	-	16,000	16,000
Debt service	-	-	16,525	16,525
Capital expenditures	-	-	214,791	214,791
Assigned:				
Other purposes	72,197	15,367	88,402	175,966
Unassigned	409,988	-	-	409,988
Total fund balances	484,618	15,367	367,585	867,570
Total liabilities, deferred inflows of resources and fund balances	\$ 723,540	\$ 119,710	\$ 474,894	\$ 1,318,144

Statement of Revenues, Expenditures and Changes in Fund Balances

Governmental Funds

For the nine months ended September 30, 2023

(amounts expressed in thousands)

	General	Emergency Response	Other Governmental Funds	Total Governmental Funds
REVENUES:				
Real property taxes and tax items	\$ 307,880	\$ -	\$ 24,715	\$ 332,595
Sales and use taxes	786,494	-	3,005	789,499
Transfer taxes	135	-	9,336	9,471
Intergovernmental	309,193	(23)	59,615	368,785
Departmental	42,129	-	48,655	90,784
Interest	19,553	1,511	9,254	30,318
Miscellaneous	8,591	-	7,167	15,758
Total revenues	1,473,975	1,488	161,747	1,637,210
EXPENDITURES:				
Current:				
General government support	431,310	328	14,512	446,150
Public safety	139,677	112	15,238	155,027
Health	78,030	541	12,146	90,717
Transportation	23,100	166	24,708	47,974
Economic assistance and opportunity	485,249	30	15,412	500,691
Culture and recreation	25,445	-	89	25,534
Education	63,358	-	-	63,358
Home and community service	4,171	-	37,876	42,047
Capital outlay	-	-	131,430	131,430
Debt service:				
Principal retirement	-	-	55,562	55,562
Interest and fiscal charges	-	-	19,377	19,377
Total expenditures	1,250,340	1,177	326,350	1,577,867
Excess (deficiency) of revenues over expenditures	223,635	311	(164,603)	59,343
OTHER FINANCING SOURCES (USES):				
Issuance of general obligation debt	-	-	29,380	29,380
Premium on bond issuance	-	-	4,385	4,385
Sale of property	361	-	-	361
Transfers in	960	-	156,540	157,500
Transfers out	(154,441)	(200)	(21,931)	(176,572)
Total other financing sources (uses)	(153,120)	(200)	168,374	15,054
Net change in fund balances	70,515	111	3,771	74,397
Fund balances at beginning of year	414,103	15,256	363,814	793,173
Fund balances at end of nine months	\$ 484,618	\$ 15,367	\$ 367,585	\$ 867,570

Statement of Net Position

Proprietary Fund

September 30 2023

(amounts expressed in thousands)

	Business - Type Activity Enterprise Fund Utilities Aggregation Fund
ASSETS:	
Current Assets:	
Cash	\$ 1,019
Due from other funds	76
Due from other governments	12,893
Total current assets	13,988
Total assets	13,988
LIABILITIES	
Current Liabilities:	
Accounts payable	524
Accrued liabilities	16
Due to other funds	12,809
Due to other governments	76
Total current liabilities	13,425
Total liabilities	13,425
NET POSITION:	
Unrestricted	563
Total net position	\$ 563

Statement of Revenues, Expenses and Changes in Net Position

Proprietary Fund

For the nine months ended September 30, 2023

(amounts expressed in thousands)

	Business - Type Activity Enterprise Fund
	Utilities Aggregation Fund
OPERATING REVENUES:	
Intergovernmental revenues and charges	\$ 1
Interfund revenues	5,409
Other operating revenue	10,826
Total operating revenue	16,236
OPERATING EXPENSES:	
Employee wages	145
Employee benefits	72
Utilities and telephone	15,810
Total operating expenses	16,027
Change in net position	209
Total net position - beginning	354
Total net position at end of nine months.	\$ 563

Statement of Agency Net Position

Agency Fund

September 30 2023

(amounts expressed in thousands)

	Agency Fund
ASSETS:	
Cash and cash equivalents	\$ 42,633
Other	682
Due from other governments	2
Bonds and securities held in custody	20
Total assets	\$ 43,337
LIABILITIES:	
Held in custody for others	43,337
Total liabilities	\$ 43,337

**COMBINING & INDIVIDUAL
FUND STATEMENTS & SCHEDULES**

NONMAJOR GOVERNMENTAL FUNDS

SPECIAL REVENUE FUNDS

These funds are used to account for the proceeds of specific revenue sources that are legally restricted to expenditures for specific purposes. These funds include the Road, Sewer, Downtown Mall, E-911, Grants, Community Development, and Pharmaceutical Litigation Settlements Fund.

- **Road Fund**
Used to account for all revenues and expenditures related to the maintenance of County roads and bridges, snow removal, construction and reconstruction of County roads not required to be recorded in a Capital Projects Fund.
- **Sewer Fund**
Used to account for the activities of the various sewer districts currently in operation within the County.
- **Downtown Fund**
Used to account for revenues raised through a special district charge levy and the subsequent expenditure of these monies for the operation and maintenance of a downtown pedestrian/transit mall.
- **E-911 Fund**
Used to account for revenues raised through a telephone access line surcharge and the subsequent expenditure of these monies for the establishment and maintenance of an enhanced 911 emergency telephone system.
- **Grants Fund**
Used to account for federal and state operating grants (except the Community Development Block Grant) earmarked for specific programs, so that grantor accounting and reporting requirements can be satisfied.
- **Community Development Fund**
Used to assist participating municipalities in the development of locally approved community or economic development activities that are eligible under federal program regulations.
- **Pharmaceutical Litigation Settlements Fund**
Used to account for the County's receipt and spending of pharmaceutical litigation settlement funds from national, state and County litigation against pharmaceutical companies. The County started receiving revenue from the Office of the New York State Attorney General in 2022. Much of the settlement funding is restricted and has to be spent on specific public health measures to combat opioid abuse. The Fund reports separate breakdowns for the usages of restricted funds and unrestricted funds.

DEBT SERVICE FUND

The Debt Service Fund is used to account for current payments of principal and interest on general obligation long-term debt, and for financial resources that have been accumulated to make future principal and interest payments on general long term indebtedness.

NONMAJOR GOVERNMENTAL FUNDS (Continued)

CAPITAL PROJECTS FUNDS

Capital Projects Funds are used to account for financial resources to be used for the acquisition or construction of major capital facilities.

- **General Government Buildings, Equipment and Improvements Fund**
Used to account for capital projects administered by the Department of Public Works involving the acquisition, construction, or reconstruction of major or permanent facilities having a relatively long useful life and equipment purchased from the proceeds of long-term debt.
- **Highways, Roads, Bridges and Equipment Fund**
Utilized to account for capital projects administered by the Department of Public Works for the construction or reconstruction of County roads and bridges and the acquisition of equipment not accounted for in the Road Fund.
- **Sewers, Facilities, Equipment and Improvements Fund**
Used to account for capital projects relating to the construction and acquisition of sewer facilities and equipment by the operating sewer districts.
- **Tobacco Proceeds Fund**
Used to account for the net proceeds from the County's securitization of its share of the 1998 Master Settlement Agreement with the tobacco industry that will be used to fund capital projects that otherwise would have been supported by operating funds or the issuance of bonds.
- **Special Capital Projects Fund**
Utilized to account for capital projects administered by departments other than Public Works that are primarily for the acquisition or construction of buildings, improvements and equipment.

Combining Balance Sheet

Nonmajor Governmental Funds

September 30 2023

(amounts expressed in thousands)

Special Revenue

	Road	Sewer	Downtown Mall	E-911
ASSETS:				
Cash and cash equivalents	\$ 23,468	\$ 49,623	\$ 79	\$ 1,837
Investments	-	-	-	-
Receivables (net of allowances)				
Real property taxes, interest, penalties and liens	-	-	5	-
Other	-	-	-	93
Due from other funds	-	10,303	-	-
Due from other governments	7,757	-	-	987
Prepaid items	-	2,062	-	26
Restricted cash	-	-	-	-
Total assets	\$ 31,225	\$ 61,988	\$ 84	\$ 2,943
LIABILITIES:				
Accounts payable	\$ 11	\$ 33	\$ -	\$ 13
Accrued liabilities	1,387	1,313	24	505
Due to other funds	-	-	-	-
Due to other governments	-	-	-	-
Retained percentages payable	-	65	-	-
Unearned revenue	-	-	-	-
Total liabilities	1,398	1,411	24	518
FUND BALANCES:				
Nonspendable:				
Community development loans	-	-	-	-
Prepaid items	-	2,062	-	26
Restricted for:				
E-911 system costs	-	-	-	2,399
Opioid prevention	-	-	-	-
Debt service	-	-	-	-
Capital expenditures	-	-	-	-
Assigned:				
Other purposes	29,827	58,515	60	-
Total fund balances	29,827	60,577	60	2,425
Total liabilities, deferred inflows of resources and fund balances	\$ 31,225	\$ 61,988	\$ 84	\$ 2,943

Combining Balance Sheet

Nonmajor Governmental Funds

September 30 2023

(amounts expressed in thousands)

Special Revenue

	Grants	Community Development	Pharmaceutical Litigation Settlements	Total
ASSETS:				
Cash and cash equivalents	\$ -	\$ 147	\$ -	\$ 75,154
Investments	-	-	-	-
Receivables (net of allowances)				
Real property taxes, interest, penalties and liens	-	-	-	5
Other	5	27,398	-	27,496
Due from other funds	-	-	-	10,303
Due from other governments	31,034	471	-	40,249
Prepaid items	-	-	-	2,088
Restricted cash	-	-	16,059	16,059
Total assets	\$ 31,039	\$ 28,016	\$ 16,059	\$ 171,354
LIABILITIES:				
Accounts payable	\$ 198	\$ -	\$ 38	\$ 293
Accrued liabilities	485	174	-	3,888
Due to other funds	26,850	456	-	27,306
Due to other governments	23	6	21	50
Retained percentages payable	-	-	-	65
Unearned revenue	3,483	-	-	3,483
Total liabilities	31,039	636	59	35,085
FUND BALANCES:				
Nonspendable:				
Community development loans	-	27,380	-	27,380
Prepaid items	-	-	-	2,088
Restricted for:				
E-911 system costs	-	-	-	2,399
Opioid prevention	-	-	16,000	16,000
Debt service	-	-	-	-
Capital expenditures	-	-	-	-
Assigned:				
Other purposes	-	-	-	88,402
Total fund balances	-	27,380	16,000	136,269
Total liabilities, deferred inflows of resources and fund balances	\$ 31,039	\$ 28,016	\$ 16,059	\$ 171,354

Combining Balance Sheet

Nonmajor Governmental Funds

September 30 2023

(amounts expressed in thousands)

	Capital Projects				
	Debt Service	General Government Buildings, Equipment and Improvements	Highways, Roads, Bridges and Equipment	Sewers, Facilities Equipment and Improvements	Tobacco Proceeds
ASSETS:					
Cash and cash equivalents	\$ 14,920	\$ 144,391	\$ 5,244	\$ 22,392	\$ 5
Investments	-	-	-	-	200
Receivables (net of allowances)					
Real property taxes, interest, penalties and liens	-	-	-	-	-
Other	-	4,013	-	-	-
Due from other funds	5,773	-	-	-	-
Due from other governments	-	951	244	1,529	-
Prepaid items	-	-	-	-	-
Restricted cash	-	-	71,531	21,456	16
Total assets	\$ 20,693	\$ 149,355	\$ 77,019	\$ 45,377	\$ 221
LIABILITIES:					
Accounts payable	\$ -	\$ 1,617	\$ 1,765	\$ -	\$ -
Accrued liabilities	70	909	2,576	625	-
Due to other funds	4,098	33,516	668	22,493	5
Due to other governments	-	-	-	-	-
Retained percentages payable	-	997	479	803	-
Unearned revenue	-	-	-	-	-
Total liabilities	4,168	37,039	5,488	23,921	5
FUND BALANCES:					
Nonspendable:					
Community development loans	-	-	-	-	-
Prepaid items	-	-	-	-	-
Restricted for:					
E-911 system costs	-	-	-	-	-
Opioid prevention	-	-	-	-	-
Debt service	16,525	-	-	-	-
Capital expenditures	-	112,316	71,531	21,456	216
Assigned:					
Other purposes	-	-	-	-	-
Total fund balances	16,525	112,316	71,531	21,456	216
Total liabilities, deferred inflows of resources and fund balances	\$ 20,693	\$ 149,355	\$ 77,019	\$ 45,377	\$ 221

Combining Balance Sheet

Nonmajor Governmental Funds

September 30 2023

(amounts expressed in thousands)

	<u>Capital Projects</u>		Total Nonmajor Governmental Funds
	Special Capital Projects	Total	
ASSETS:			
Cash and cash equivalents	\$ 242	\$ 172,274	\$ 262,348
Investments	-	200	200
Receivables (net of allowances)			
Real property taxes, interest, penalties and liens	-	-	5
Other	-	4,013	31,509
Due from other funds	-	-	16,076
Due from other governments	1,361	4,085	44,334
Prepaid items	-	-	2,088
Restricted cash	9,272	102,275	118,334
Total assets	\$ 10,875	\$ 282,847	\$ 474,894
LIABILITIES:			
Accounts payable	\$ 37	\$ 3,419	\$ 3,712
Accrued liabilities	90	4,200	8,158
Due to other funds	1,003	57,685	89,089
Due to other governments	-	-	50
Retained percentages payable	473	2,752	2,817
Unearned revenue	-	-	3,483
Total liabilities	1,603	68,056	107,309
FUND BALANCES:			
Nonspendable:			
Community development loans	-	-	27,380
Prepaid items	-	-	2,088
Restricted for:			
E-911 system costs	-	-	2,399
Opioid prevention	-	-	16,000
Debt service	-	-	16,525
Capital expenditures	9,272	214,791	214,791
Assigned:			
Other purposes	-	-	88,402
Total fund balances	9,272	214,791	367,585
Total liabilities, deferred inflows of resources and fund balances	\$ 10,875	\$ 282,847	\$ 474,894

Combining Statement of Revenues, Expenditures and Changes in Fund Balances

Nonmajor Governmental Funds

For the nine months ended September 30, 2023

(amounts expressed in thousands)

	Special Revenue			
	Road	Sewer	Downtown Mall	E-911
REVENUES:				
Real property taxes and tax items	\$ -	\$ 22,919	\$ 1,796	\$ -
Sales and use taxes	-	-	-	3,005
Transfer taxes	9,336	-	-	-
Intergovernmental	11,941	-	-	28
Departmental	148	34,165	-	-
Interest	-	1,119	-	-
Miscellaneous	-	1,127	-	-
Total revenues	21,425	59,330	1,796	3,033
EXPENDITURES:				
Current:				
General government support	-	-	1,736	-
Public safety	-	-	-	6,054
Health	-	-	-	1,229
Transportation	24,708	-	-	-
Economic assistance and opportunity	-	-	-	-
Culture and recreation	-	-	-	-
Home and community service	-	33,126	-	-
Capital outlay	-	-	-	-
Debt service:				
Principal retirement	-	-	-	-
Interest and fiscal charges	-	-	-	-
Total expenditures	24,708	33,126	1,736	7,283
(Deficiency) excess of revenues over expenditures	(3,283)	26,204	60	(4,250)
OTHER FINANCING SOURCES (USES):				
Issuance of general obligation debt	-	-	-	-
Premium on bond issuance	-	-	-	-
Transfers in	10,686	-	-	4,250
Transfers out	(7,400)	(10,113)	-	-
Total other financing sources (uses)	3,286	(10,113)	-	4,250
Net change in fund balances	3	16,091	60	-
Fund balances at beginning of year	29,824	44,486	-	2,425
Fund balances at end of nine months	\$ 29,827	\$ 60,577	\$ 60	\$ 2,425

(Continued)

Combining Statement of Revenues, Expenditures and Changes in Fund Balances

Nonmajor Governmental Funds

For the nine months ended September 30, 2023

(amounts expressed in thousands)

Special Revenue

	Grants	Community Development	Pharmaceutical Litigation Settlements	Total
REVENUES:				
Real property taxes and tax items	\$ -	\$ -	\$ -	\$ 24,715
Sales and use taxes	-	-	-	3,005
Transfer taxes	-	-	-	9,336
Intergovernmental	40,999	2,090	4	55,062
Departmental	2,089	1,770	9,958	48,130
Interest	-	-	285	1,404
Miscellaneous	689	-	-	1,816
Total revenues	43,777	3,860	10,247	143,468
EXPENDITURES:				
Current:				
General government support	12,565	-	-	14,301
Public safety	8,971	-	213	15,238
Health	9,837	-	1,080	12,146
Transportation	-	-	-	24,708
Economic assistance and opportunity	15,055	199	158	15,412
Culture and recreation	89	-	-	89
Home and community service	983	3,767	-	37,876
Capital outlay	-	-	-	-
Debt service:				
Principal retirement	-	-	-	-
Interest and fiscal charges	-	-	-	-
Total expenditures	47,500	3,966	1,451	119,770
(Deficiency) excess of revenues over expenditures	(3,723)	(106)	8,796	23,698
OTHER FINANCING SOURCES (USES):				
Issuance of general obligation debt	-	-	-	-
Premium on bond issuance	-	-	-	-
Transfers in	3,723	135	-	18,794
Transfers out	-	-	-	(17,513)
Total other financing sources (uses)	3,723	135	-	1,281
Net change in fund balances	-	29	8,796	24,979
Fund balances at beginning of year	-	27,351	7,204	111,290
Fund balances at end of nine months	\$ -	\$ 27,380	\$ 16,000	\$ 136,269

(Continued)

Combining Statement of Revenues, Expenditures and Changes in Fund Balances

Nonmajor Governmental Funds

For the nine months ended September 30, 2023

(amounts expressed in thousands)

	Capital Projects				
	Debt Service	General Government Buildings, Equipment and Improvements	Highways, Roads, Bridges and Equipment	Sewers, Facilities Equipment and Improvements	Tobacco Proceeds
REVENUES:					
Real property taxes and tax items	\$ -	\$ -	\$ -	\$ -	\$ -
Sales and use taxes	-	-	-	-	-
Transfer taxes	-	-	-	-	-
Intergovernmental	77	1,019	1,558	-	-
Departmental	-	-	501	24	-
Interest	6,972	2	-	876	-
Miscellaneous	5,350	1	-	-	-
Total revenues	12,399	1,022	2,059	900	-
EXPENDITURES:					
Current:					
General government support	211	-	-	-	-
Public safety	-	-	-	-	-
Health	-	-	-	-	-
Transportation	-	-	-	-	-
Economic assistance and opportunity	-	-	-	-	-
Culture and recreation	-	-	-	-	-
Home and community service	-	-	-	-	-
Capital outlay	-	87,583	21,122	19,130	-
Debt service:					
Principal retirement	55,562	-	-	-	-
Interest and fiscal charges	19,377	-	-	-	-
Total expenditures	75,150	87,583	21,122	19,130	-
(Deficiency) excess of revenues over expenditures	(62,751)	(86,561)	(19,063)	(18,230)	-
OTHER FINANCING SOURCES (USES) :					
Issuance of general obligation debt	-	9,798	19,222	360	-
Premium on bond issuance	241	1,382	2,711	51	-
Transfers in	60,335	63,835	7,400	6,176	-
Transfers out	-	(1,662)	(2,002)	(751)	-
Total other financing sources (uses)	60,576	73,353	27,331	5,836	-
Net change in fund balances	(2,175)	(13,208)	8,268	(12,394)	-
Fund balances at beginning of year	18,700	125,524	63,263	33,850	216
Fund balances at end of nine months	\$ 16,525	\$ 112,316	\$ 71,531	\$ 21,456	\$ 216

(Continued)

Combining Statement of Revenues, Expenditures and Changes in Fund Balances

Nonmajor Governmental Funds

For the nine months ended September 30, 2023

(amounts expressed in thousands)

	Capital Projects		Total Nonmajor Governmental Funds
	Special Capital Projects	Total	
REVENUES:			
Real property taxes and tax items	\$ -	\$ -	\$ 24,715
Sales and use taxes	-	-	3,005
Transfer taxes	-	-	9,336
Intergovernmental	1,899	4,476	59,615
Departmental	-	525	48,655
Interest	-	878	9,254
Miscellaneous	-	1	7,167
Total revenues	1,899	5,880	161,747
EXPENDITURES:			
Current:			
General government support	-	-	14,512
Public safety	-	-	15,238
Health	-	-	12,146
Transportation	-	-	24,708
Economic assistance and opportunity	-	-	15,412
Culture and recreation	-	-	89
Home and community service	-	-	37,876
Capital outlay	3,595	131,430	131,430
Debt service:			
Principal retirement	-	-	55,562
Interest and fiscal charges	-	-	19,377
Total expenditures	3,595	131,430	326,350
(Deficiency) excess of revenues over expenditures	(1,696)	(125,550)	(164,603)
OTHER FINANCING SOURCES (USES) :			
Issuance of general obligation debt	-	29,380	29,380
Premium on bond issuance	-	4,144	4,385
Transfers in	-	77,411	156,540
Transfers out	(3)	(4,418)	(21,931)
Total other financing sources (uses)	(3)	106,517	168,374
Net change in fund balances	(1,699)	(19,033)	3,771
Fund balances at beginning of year	10,971	233,824	363,814
Fund balances at end of nine months	\$ 9,272	\$ 214,791	\$ 367,585

(Concluded)

LIBRARY COMPONENT UNIT

The financial data shown for the Buffalo and Erie County Public Library is derived from records maintained on its behalf by the County. The Library does not issue separate financial statements. The inclusion of the Library as a component unit in the County's financial statements reflects the County's financial accountability for this legally separate entity.

Balance Sheet

Library Component Unit

September 30 2023

(amounts expressed in thousands)

	Library
ASSETS:	
Cash and cash equivalents	\$ 24,721
Due from primary government	1,698
Due from other governments	353
Prepaid items	202
Total assets	\$ 26,974
LIABILITIES:	
Accounts payable	\$ 5
Accrued liabilities	1,248
Retained percentages payable	24
Unearned revenue	1,422
Total liabilities	2,699
FUND BALANCES:	
Nonspendable	202
Committed	3,597
Assigned	2,497
Unassigned	17,979
Total fund balances	24,275
Total liabilities and fund balances	\$ 26,974

Statement of Revenues, Expenditures and Changes in Fund Balances

Library Component Unit

For the nine months ended September 30, 2023

(amounts expressed in thousands)

	Library
REVENUES:	
Real property taxes and tax items	\$ 28,285
Intergovernmental	4,752
Departmental	77
Interest	142
Miscellaneous	834
Total revenues	34,090
EXPENDITURES:	
Current:	
Culture and recreation	25,272
Total expenditures	25,272
Net change in fund balances	8,818
Fund balances at beginning of year	15,457
Fund balances at end of nine months	\$ 24,275

INVESTMENT REPORT

Investment Report

January 1, 2023 through September 30, 2023

In accordance with the Comptroller's Investment Guidelines, the Investment Report for the first nine months of 2023 is hereby submitted. The primary objectives of the investment program, as set out in established guidelines, are as follows in order of importance:

- compliance with legal requirements
- safeguarding of principal
- ensuring sufficient liquidity
- obtaining a reasonable rate of return

Our cash management program offers the County a good return on its investments without assuming unnecessary risks. A total of 1,203 investments were made during the first nine months, resulting in \$23,458,484 in total interest earnings for all funds. The average yield for the first nine months was 3.58%. For comparison, during the first nine months of 2022, 1,168 investments were effectuated which generated \$2,018,994 in total interest earnings for all funds at an average yield of 0.37%.

SUMMARY OF INVESTMENTS PURCHASED

	Number of Investments Jan - Sept		Average Investment (in millions) Jan - Sept		Average Length of Investment (days) Jan - Sept	
	2023	2022	2023	2022	2023	2022
Manufacturers & Traders	1,159	1,168	59.3	56.3	6	7
Citizens	10	N/A	20.3	N/A	28	N/A
JP Morgan Chase	10	N/A	20.3	N/A	30	N/A
NYCLASS	18	N/A	52.2	N/A	28	N/A
Key	6	N/A	25.2	N/A	25	N/A
Totals	1,203	1,168				

Investment Report

January 1, 2023 through September 30, 2023

SUMMARY OF INTEREST EARNINGS BY FUND

	General Fund	Trust Fund	Capital Fund	Sewer Fund	. Total
1 st Quarter	\$3,528,813	\$114,510	\$1,900,235	\$196,419	\$5,739,977
2 nd Quarter	\$5,942,169	\$250,738	\$2,328,713	\$452,587	\$8,974,207
3 rd Quarter	\$5,512,860	\$121,386	\$2,644,621	\$465,433	\$8,744,300
Year to date	\$14,983,842	\$486,634	\$6,873,569	\$1,114,439	\$23,458,484

Please note the 2023 Adopted Budget General Fund interest earnings is \$1,200,000. The actual year to date earnings for the General Fund as of September 30, 2023 is \$14,983,842. For comparison, as of September 30, 2022, the General Fund interest earnings were \$1,827,842.

**SUMMARY OF WEIGHTED
AVERAGE YIELD (ALL FUNDS)**

Month	Average Yield	
	2023	2022
January	2.67%	.02%
February	3.13%	.02%
March	3.21%	.04%
April	3.80%	.09%
May	3.38%	.28%
June	3.71%	.63%
July	3.94%	.29%
August	4.31%	.82%
September	4.06%	1.12%
Weighted Average Jan. – Sept.	3.58%	.37%

CASH FLOW STATEMENT

As a matter of procedure, the Erie County Comptroller's Office does not report public projections regarding future cash flows or other results. However, the Comptroller's Office has prepared projected cash flow information, set forth in the following schedule, to present the projected cumulative cash flow of Erie County for the year ending December 31, 2023.

The projected financial information is subject to change based on various intervening factors, and was not produced to comply with guidelines established by the American Institute of Certified Public Accountants with respect to prospective financial information. Rather, it was prepared by the Comptroller's Office based on data provided by the Division of Budget, Management and Finance and other sources to reflect the best and currently available estimates and judgments, and presents, to the best of the Comptroller's Office's knowledge, the expected future cash flow of the County.

This information is not static or audited, and should not be relied upon as indicative of future results.

NEITHER THE COUNTY'S INDEPENDENT AUDITORS NOR ANY OTHER INDEPENDENT ACCOUNTANTS HAVE COMPILED, EXAMINED OR PERFORMED ANY PROCEDURES WITH RESPECT TO THE PROSPECTIVE CASH FLOW INFORMATION CONTAINED HEREIN. IN ADDITION, THEY HAVE NOT EXPRESSED ANY OPINION OR ANY OTHER FORM OF ASSURANCE ON SUCH INFORMATION OR ITS ACHIEVABILITY, AND ASSUME NO RESPONSIBILITY FOR, AND DISCLAIM ANY ASSOCIATION WITH, THE PROSPECTIVE FINANCIAL INFORMATION.

COUNTY OF ERIE, NEW YORK

County Of Erie

Cash Flow Statement

January-September Actual, October-December Projected
2023

Description	Actual January	Actual February	Actual March	Actual April	Actual May
Opening Balance	\$ 310,125,726				
RECEIPTS:					
DSS	\$ 3,994,479	30,506,133	\$ 49,251,026	\$ 14,103,928	\$ 21,843,417
Sales Tax	55,332,706	73,789,845	65,871,786	73,216,515	65,198,322
Real Property Tax	14,150,573	62,029,244	267,267,027	27,173,215	18,779,365
Other	32,406,858	26,403,002	55,337,433	24,183,429	19,395,547
EFSCA Set Aside Release	242,875	109,875	3,106,500	-	16,798,597
Total Receipts	106,127,492	192,838,099	440,833,772	138,677,087	142,015,248
DISBURSEMENTS:					
DSH/IGT	-	-	52,046,839	-	1,513,350
DSS Expense	15,066,046	14,385,629.00	15,718,576	14,134,113	14,600,166
MMIS	16,708,205	13,366,564	13,366,564	13,366,564	16,708,205
Payroll	41,402,718	40,490,357	53,462,300	37,374,854	36,073,624
Vendor	32,130,132	57,880,828	130,937,115	56,163,305	26,778,979
Debt Service	18,503	540,203	4,998,590	2,288,620	740,700
Capital Subsidy	206,000	-	70,000	-	150,000
Sewer Property Tax	-	-	-	36,086,623	8,291,595
Stadium Set Asides	-	-	-	-	44,118,000
ECFSA Bond Set Asides	2,535,610	2,535,797	2,535,797	1,176,922	1,176,943
ECFSA Debt Service	242,875	109,875	3,106,500	-	16,798,597
Total Disbursements	108,310,090	129,309,253	276,242,281	160,591,001	166,950,159
Monthly Cash Flow	\$ (2,182,599)	\$ 63,528,846	\$ 164,591,490	\$ (21,913,915)	\$ (24,934,911)
Cumulative Cash Flow	\$ 307,943,127	\$ 371,471,973	\$ 536,063,463	\$ 514,149,549	\$ 489,214,638

(Continued)

COUNTY OF ERIE, NEW YORK

County Of Erie

Cash Flow Statement

January-September Actual, October-December Projected
2023

Description	Actual June	Actual July	Actual August	Actual September	Projected October
RECEIPTS:					
DSS	\$ 12,106,294	\$ 9,028,840	\$ 16,406,641	\$ 31,341,586	\$ 17,807,308
Sales Tax	95,806,883	54,258,169	73,048,904	70,652,594	87,102,053
Real Property Tax	11,115,423	11,804,129	5,579,338	5,711,369	2,795,612
Other	27,583,657	18,198,499	45,412,688	36,740,052	21,807,589
EFSCA Set Aside Release	2,847,625	2,000	4,504,875	77,625	-
Total Receipts	149,459,882	93,291,637	144,952,447	144,523,226	129,512,562
DISBURSEMENTS:					
DSH/IGT	-	1,597,425	-	-	5,911,209
DSS Expense	16,439,330	14,870,155	15,711,893	16,093,186	14,275,571
MMIS	13,366,564	14,818,552	18,523,190	14,818,552	20,030,730
Payroll	35,612,088	33,881,625	37,356,846	51,268,933	40,490,357
Vendor	108,849,988	30,438,457	38,728,882	105,834,253	27,553,265
Debt Service	2,390,976	535,180	120,123	23,199,495	505,303
Capital Subsidy	750,000	100,000	-	1,150,000	41,960
Sewer Property Tax	1,222,918	679,985	664,171	363,713	337,357
Stadium Set Asides	-	17,091,000	-	-	17,498,000
ECFSA Bond Set Asides	1,176,943	792,381	792,381	792,381	1,764,427
ECFSA Debt Service	2,847,625	2,000	4,504,875	77,625	-
Total Disbursements	182,656,432	114,806,759	116,402,361	213,598,137	128,408,177
Monthly Cash Flow	\$ (33,196,550)	\$ (21,515,124)	\$ 28,550,086	\$ (69,074,911)	\$ 1,104,385
Cumulative Cash Flow	\$ 456,018,088	\$ 434,502,964	\$ 463,053,050	\$ 393,978,139	\$ 395,082,524

(Continued)

County Of Erie

Cash Flow Statement

January-September Actual, October-December Projected
2023

Description	Projected November	Projected December	TOTAL
RECEIPTS:			
DSS	10,349,668.59	28,804,364.70	\$ 276,049,819
Sales Tax	65,280,004.21	92,687,730.27	946,035,356
Real Property Tax	4,194,544	8,158,043	500,787,126
Other	31,254,851	33,135,698	371,859,305
EFSCA Set Aside Release	684,409	2,387,750	30,762,131
Total Receipts	111,763,477	165,173,586	2,125,493,737
DISBURSEMENTS:			
DSH/IGT	-	50,041,686	111,110,509
DSS Expense	13,128,455	9,917,767	174,340,888
MMIS	16,024,584	16,024,584	187,122,858
Payroll / Pension	40,490,357	82,519,411	530,423,470
Vendor	30,017,207	101,928,875	747,241,286
Debt Service	633,295	784,639	36,755,627
Capital Subsidy	616,565	8,400,888	11,485,413
Sewer Property Tax	5,065,621	-	52,711,982
Stadium Set Asides	-	-	78,707,000
ECFSA Bond Set Asides	1,607,802	1,607,802	18,495,185
ECFSA Debt Service	684,409	2,387,750	30,762,131
Total Disbursements	108,268,295	273,613,401	1,979,156,349
Monthly Cash Flow	\$ 3,495,182	\$ (108,439,815)	\$ 146,337,388
Cumulative Cash Flow	\$ 398,577,706	\$ 290,137,891	

(Concluded)

PROPERTY AND SALES TAX SUMMARY

Property Tax Collections

Nine Months Ended September 30, 2023 and 2022

	<u>2023</u>	<u>2022</u>
Gross Levy	\$ 845,306,073	\$818,250,077
Less: Amount Retained by Towns	(427,733,110)	(415,677,429)
Net Collectible by County	417,572,963	402,572,648
Less: January - September Collections	(392,512,153)	(379,071,667)
Net Outstanding at September 30	<u>\$ 25,060,810</u>	<u>\$23,500,981</u>
Percentage Collected through September 30	<u>94.0%</u>	<u>94.2%</u>

Source: Erie County Govern Tax Collection System.

Sales Tax Revenue

Nine Months Ended September 30, 2023 and 2022

	<u>2023 Adopted Budget</u>	<u>September 2023 Y-T-D Revenue (1) (2)</u>	<u>% of Budget Realized</u>	<u>2022 Adopted Budget</u>	<u>September 2022 Y-T-D Revenue (1) (2)</u>	<u>% of Budget Realized</u>
Sales And Use Tax	\$ 220,020,488	\$ 172,488,025	78.4%	\$207,035,059	\$166,291,754	80.3%
1% Sales Tax - Erie County Purposes	207,730,136	162,844,352	78.4%	195,470,064	157,002,712	80.3%
0.25% Sales Tax	51,925,690	40,706,890	78.4%	48,967,342	39,244,914	80.1%
0.50% Sales Tax	103,851,380	81,413,780	78.4%	97,701,854	78,489,827	80.3%
Totals	<u>\$ 583,527,694</u>	<u>\$ 457,453,047</u>	78.4%	<u>\$549,174,319</u>	<u>\$441,029,207</u>	80.3%

Source: Erie County Comptroller's Office.

Notes:

(1) Through September 30, 2023 year to date, \$316,069,697 was recorded as both a revenue and an expenditure in the County's General Fund for sales tax shared with local municipalities. This revenue amount is excluded from the table above.

(2) Includes accrual estimate for portion to be received in November 2023.

DEBT SCHEDULES

Annual Debt Service Requirements for Long-Term Gen Obligation Indebtedness of the County (1)

As of September 30, 2023

Fiscal Year Ending December 31	Principal Payments	Interest Payments	Total Debt Service
2023	3,470,000.00	1,525,395.93	4,995,395.93
2024	34,248,781.00	13,966,970.82	48,215,751.82
2025	32,265,024.00	12,259,745.31	44,524,769.31
2026	31,332,267.00	10,770,716.36	42,102,983.36
2027	27,744,510.00	9,454,033.84	37,198,543.84
2028	29,010,752.00	8,110,509.42	37,121,261.42
2029	26,492,995.00	6,703,722.86	33,196,717.86
2030	23,415,238.00	5,428,892.74	28,844,130.74
2031	24,536,481.00	4,287,531.69	28,824,012.69
2032	17,606,336.00	3,181,030.32	20,787,366.32
2033	13,998,839.00	2,342,074.18	16,340,913.18
2034	10,623,839.00	1,702,884.84	12,326,723.84
2035	10,702,839.00	1,234,086.33	11,936,925.33
2036	4,432,839.00	757,891.23	5,190,730.23
2037	4,027,839.00	553,200.59	4,581,039.59
2038	1,462,839.00	362,931.18	1,825,770.18
2039	1,497,839.00	300,592.17	1,798,431.17
2040	1,272,839.00	237,115.97	1,509,954.97
2041	1,285,000.00	183,118.02	1,468,118.02
2042	760,000.00	140,783.35	900,783.35
2043	605,000.00	113,813.00	718,813.00
2044	615,000.00	89,559.40	704,559.40
2045	635,000.00	64,709.40	699,709.40
2046	645,000.00	39,263.00	684,263.00
2047	665,000.00	13,220.20	678,220.20
Totals	\$ 303,352,096.00	\$ 83,823,792.15	\$ 387,175,888.15

Source: Erie County Comptroller's Office

Note:

(1) Amount is net of debt service payments of \$63,259,455.90 made from January 1, 2023 to September 30, 2023.

Direct General Obligation Indebtedness Outstanding
As of September 30, 2023

Bonds:			
Highway Improvements	\$	107,396,320.93	
Buildings and other Improvements		82,114,359.61	
Sewer District Facilities		62,617,096.00	
Community College		20,338,995.54	
Highmark Stadium		9,916,801.73	
Computer System		6,830,061.86	
Court House Facilities		4,135,000.00	
Convention Center		3,751,161.11	
Key Bank Center		2,780,000.00	
Prison Facilities		2,716,109.97	
Buffalo Zoo		<u>756,189.25</u>	
Total Long-Term Debt			\$ 303,352,096.00 ^{(1) (2)}
Exclusions :			
Sewer District Debt		62,617,096.00	
Budgeted Appropriations		1,790,429.00	
Total Deductions			<u>64,407,525.00</u>
Net Direct Debt			<u><u>\$ 238,944,571.00</u></u>

Source: Erie County Comptroller's Office

Notes:

(1) Pursuant to the agreement governing the sale of the County hospital and nursing home to Erie County Medical Center Corporation, the County continues to be directly responsible for the payment of certain bonded debt for these facilities. Bonded debt, in the amount of \$61,135,000 of Erie County Medical Center Corporation for which the County has indirect responsibility as guarantor, is not included above.

(2) This schedule reflects remaining principal for bonds issued from 2001 to 2023 by the County.

Calculation of Constitutional Debt Limit

As of September 30, 2023

For Fiscal Year Ended December 31	Equalized Full Valuation of Taxable Real Property
2019	60,970,410,994.00
2020	64,771,315,474.00
2021	70,645,602,048.00
2022	74,148,294,674.00
2023	83,955,196,847.00
Total five year full valuation	\$ 354,490,820,037.00
5 Year Average full valuation	\$ 70,898,164,007.00
Debt limit - 7% of average full valuation	\$ 4,962,871,480.49

Source: NYS Office of the State Comptroller - Data Management Unit

Calculation of Total Net Indebtedness

As of September 30, 2023

Five year average full valuation (2019-2023)		<u>\$ 70,898,164,007.00</u>
Debt Limit - 7% of average full valuation		<u>\$ 4,962,871,480.49</u>
Outstanding Indebtedness:		
Bonds - General	\$ 240,735,000.00	
Bonds - Sewer	62,617,096.00	
Bond Guaranty - ECMCC (1)	61,135,000.00	
Total Indebtedness	<u>364,487,096.00</u>	
Less Exclusions:		
Sewer Exclusion	62,617,096.00	
Budgeted Appropriations	1,790,429.00	
Total Exclusions	<u>64,407,525.00</u>	
Total Net Indebtedness		<u>300,079,571.00</u>
Net Debt Contracting Margin		<u>\$ 4,662,791,909.49</u>
Percentage of Debt Contracting Power Exhausted		<u>6.05%</u>

Sources:

Property Value - NYS Office of the State Comptroller - Data Management Unit

Indebtedness and exclusions - Erie County Comptroller's Office

Note:

(1) Erie County Medical Center Corporation

MISCELLANEOUS FINANCIAL DATA

Property Tax Collection History

Last Ten Fiscal Years

Fiscal Year	County Property Taxes Levied (1)	All Other Property Taxes Levied (2)	Total Property Taxes Levied for the Fiscal Year	Collected within the Fiscal Year of the Levy	
				Amount	Percentage of Levy
2013	237,270,828	418,170,150	655,440,978	637,052,431	97.19%
2014	241,721,087	420,052,940	661,774,027	644,024,505	97.32%
2015	245,876,811	428,290,819	674,167,630	655,940,466	97.30%
2016	257,638,097	437,982,920	695,621,017	677,125,859	97.34%
2017	272,002,597	447,195,930	719,198,527	700,924,354	97.46%
2018	287,386,093	457,147,623	744,533,716	725,368,656	97.43%
2019	295,096,353	469,825,980	764,922,333	745,093,535	97.41%
2020	305,272,912	481,191,141	786,464,053	765,776,625	97.37%
2021	312,095,683	492,768,043	804,863,726	785,705,523	97.62%
2022	319,959,718	498,290,359	818,250,077	800,581,184	97.84%

Sources:

*Erie County Department of Real Property Tax Services
Erie County Govern Tax Collection System*

Notes:

(1) Totals shown exclude amounts levied in accordance with State law to recover election expenditures from the municipalities that were incurred by the County.

(2) Totals shown are primarily comprised of taxes levied for the benefit of County towns, re-levy of uncollected school and village taxes, and sewer district taxes and user charges.

Short-Term Borrowing History (1)

2002-2023

Year	Amount	Type	Issue Date	Maturity Date
2002	43,000,000	RAN (2)	09/18/02	09/17/03
2003	90,000,000	RAN	06/24/03	06/23/04
2004	82,500,000	RAN	07/14/04	07/13/05
2005	80,000,000	RAN	03/11/05	03/10/06
2005	80,000,000	RAN	07/14/05	07/13/06
2006	110,000,000	RAN	06/13/06	06/13/07
2007	75,000,000	RAN	06/27/07	06/27/08
2008	75,000,000	RAN	09/30/08	06/30/09
2009	103,534,867	BAN (3)	05/20/09	05/18/10
2009	65,000,000	RAN	10/27/09	06/30/10
2010	45,000,000	RAN	08/12/10	06/30/11
2010	20,000,000	RAN	12/14/10	04/14/11
2011	88,000,000	RAN	10/06/11	06/29/12
2012	75,000,000	RAN	10/11/12	06/28/13
2013	109,440,000	RAN	08/27/13	06/30/14
2014	110,000,000	RAN	09/18/14	06/30/15
2015	89,560,000	RAN	12/14/15	06/30/16
2016	89,580,000	RAN	12/07/16	06/30/17
2017	111,225,000	RAN	09/28/17	06/30/18
2018	79,255,000	RAN	09/26/18	06/30/19
2019	-	N/A	N/A	N/A
2020	125,000,000	RAN	06/25/20	06/24/21
2021	-	N/A	N/A	N/A
2022	-	N/A	N/A	N/A
2023	-	N/A	N/A	N/A

Source: Erie County Comptroller's Office

Notes:

(1) Excludes all Bond Anticipation Notes ("BANs") issued by the Environmental Facilities Corporation.

(2) Revenue Anticipation Notes ("RANs") may be issued in any fiscal year in anticipation of the collection or receipt of taxes (other than real property taxes) and certain other types of revenue which are due and payable in such fiscal year and moneys to be received from the State or Federal government which are due in such fiscal year. Pursuant to State law, such notes must mature within one year after the date of issuance, and may be renewed from time to time for periods of up to one year; however, the maturity of such notes, including renewals, may not extend beyond the end of the second fiscal year following the fiscal year in which such notes were originally issued.

The issuance of RANs has been necessitated, in part, by the State's practice of requiring local governments to pay 100% of the expenditures for various programs in advance, and then providing subsequent, often delayed, reimbursement for the non-local share.

(3) BANs may be issued in anticipation of bond proceeds to be received at a later date. On May 17, 2010, the BANs were paid by the issuance of long-term general obligation bonds by the ECFSA pursuant to an agreement entered into by the parties.

Outstanding Long-Term Direct Indebtedness (1)

Last Ten Fiscal Years

As of December 31

Fiscal Year	Amount (2)
2012	392,619,957 (3)
2013	412,285,000 (3)
2014	391,605,000 (3)
2015	368,175,000 (3)
2016	348,165,000 (3)
2017	327,405,000 (3)
2018	318,235,000 (3)
2019	310,830,000 (3)
2020	291,805,000 (3)
2021	257,477,929 (3)
2022	262,188,634 (3)

Source: Erie County Comptroller's Office

Notes:

(1) Excludes all sewer debt payable from special assessments.

(2) Excludes ECMCC bond guaranty of \$99,305,000 for 2009, \$97,150,000 for 2010, \$94,900,000 for 2011, \$92,550,000 for 2012, \$90,085,000 for 2013, \$87,500,000 for 2014, \$84,790,000 for 2015, \$81,930,000 for 2016, \$78,910,000 for 2017, \$72,365,000 for 2019, \$68,820,000 for 2020, \$65,080,000 for 2021, and \$61,135,000 for 2022.

Valuations, Tax Levies and Rates

Last Five Fiscal Years

	<u>2023</u>	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>
Assessed Valuation \$	54,700,637,199	\$ 53,820,516,518	\$ 50,811,242,811	\$ 43,964,519,282	\$ 43,811,239,534
Equalized Full Valuation	83,955,196,847	74,148,294,674	70,645,602,048	64,771,315,474	60,970,410,994
Levied for County Purposes ⁽¹⁾	329,709,718	319,959,718	312,095,683	305,272,912	295,096,353
Rates for \$1,000 of Equalized Full Valuation	\$3.93	\$4.32	\$4.42	\$4.71	\$4.84

Source: Division of Real Property Tax Annual Reports

Note:

(1) Includes County and Library property taxes.

Computation of Constitutional Taxing Power for 2023

Tax Year	Full Valuation
2019	60,970,410,994
2020	64,771,315,474
2021	70,645,602,048
2022	74,148,294,674
2023	83,955,196,847
Total	\$ 354,490,820,037
Five-Year Average Full Valuation	\$ 70,898,164,007
Tax Limit (1.5%) (1)	\$ 1,063,472,460
Total Exclusions	60,776,541
Total Taxing Power	1,124,249,001
Total Levy for 2022 (2)	367,397,108
Tax Margin (1)	\$ 756,851,893

Source: Data excerpted from the County's Constitutional Tax Limit Report, filed with the New York State Comptroller

Notes:

(1) New York State Constitutional Tax Limit equals 1.5% of Five-Year Average Full Valuation. By Amendment to the County Charter, the County has limited its annual property tax levy to one per centum (1.0%) of the five year average of full valuation. The County's 2022 total taxing power under this local law is \$769,758,181 leaving a tax margin of \$402,361,073

(2) Includes County and Library property taxes, taxes for election expenses and Community College chargebacks.

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

COMM. 21E-2

COMPTROLLER

Comptroller's Review of the Proposed 2024
EC Budget

Attachments

23COMM. 21E-2



ERIE COUNTY COMPTROLLER

KEVIN R. HARDWICK

November 9, 2023

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

Re: Comptroller's Review of the Proposed 2024 Erie County Budget

Dear Honorable Members:

My office has conducted a review of the County Executive's proposed 2024 Budget and Four-Year Financial Plan for 2024-2027. I am pleased to provide the attached analysis and comments and observations to your body for your consideration as you review the 2024 Budget and prepare for your November 14, 2023 budget hearings.

I feel that I need to highlight one observation that I have been warning about since I took office in 2022. Due to substantial increases in County spending over the past four years, as well as New York State actions to shift mandated spending onto county governments, the County faces budget gaps starting in 2025 that I believe must be addressed now. If the State transfers additional costs onto Erie County in mid-2024 as suspected, the gaps will grow even larger and the County may face issues in 2024. Future Intergovernmental Transfer (IGT) payments associated with Erie County Medical Center Corporation will also complicate the situation and increase the gaps. The years of the County experiencing budget surpluses totaling many tens of millions of dollars or over \$100 million will likely not continue.

While I sincerely hope that my gloomy forecast does not come to fruition, it is my responsibility as the chief financial officer and taxpayer watchdog for Erie County to act conservatively when predicting our financial outlook and to provide warnings to County management. I believe the administration understands the magnitude of the problem, as they have detailed new gap closing measures in their Four-Year Financial Plan which the Erie County Fiscal Stability preliminarily approved on October 12, 2023.

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

Sincerely,

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

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

Erie County Comptroller's Review of the Proposed 2024 Budget

This review does not cover every account or every category of spending in the County's eight (8) main operating funds (general, utility, road, E-911, debt service, library, sewer and sewer debt service) for 2024. This review highlights notable changes or key accounts along with expenditures and revenues.

The Proposed 2024 Budget for the eight main funds totals \$2,196,529,308, up from \$2,053,767,640 in the adopted 2023 Budget, \$1,917,154,950 in 2022, \$1,698,169,089 in 2021 and \$1,802,040,737 in 2020.

Legislature Adopted Budgets (Appropriations)					
2024	2023	2022	2021	2020	Fund
\$1,941,384,064	\$1,778,836,137	\$1,667,137,561	\$1,472,395,857	\$1,554,694,341	General
\$34,504,015	\$41,896,486	\$28,213,895	\$25,163,579	\$24,055,907	Utility
\$53,403,837	\$51,467,687	\$46,534,514	\$36,279,868	\$45,354,104	Road
\$12,595,665	\$11,247,596	\$9,537,116	\$8,457,595	\$8,642,216	E-911
\$38,737,012	\$60,249,585	\$60,706,358	\$52,384,077	\$66,133,636	Gen Debt Service
\$33,105,584	\$31,491,387	\$29,641,713	\$28,837,733	\$29,230,087	Library
\$75,236,122	\$70,472,910	\$67,423,001	\$66,500,461	\$66,032,442	Sewer
\$7,563,009	\$8,105,852	\$7,960,792	\$8,149,919	\$7,898,004	Sewer Debt Service
\$2,196,529,308	\$2,053,767,640	\$1,917,154,950	\$1,698,169,089	\$1,802,040,737	

For the County's main eight operating funds (not including the Grant, Community Development, Opioid and Library Grant Funds, as well as the CARES Act, American Rescue Plan, and two 2022 Storm Funds), County adopted budgets have grown by \$394.5 million since 2020 and \$498.4 million since 2021.

For all funds (including the grant, pharmaceutical settlement, community development and library grants, but not including the special CARES Act, American Rescue Plan and 2022 storm funds), the 2024 Budget totals \$2,257,208,679 – up from \$2,107,169,402 for 2023 proposed, \$1,740,587,809 for 2021 and \$1,843,605,080 for 2020. For all recurring funds, County proposed spending has increased by \$516.6 million since 2021 (of which only \$125.6 million consists of new shared sales tax with local governments).

Expenditures

1) Significant General Fund Salary and Personal Services Expense Increases

Driven in part by new union contracts and related cost of living adjustments (COLA) over the past 18 months, County salary costs (full time, regular part time, part time and seasonal wages) in the General Fund, our largest fund, have risen from \$202.4 million in 2021 (actual) to \$293.1 million in the proposed 2024 Budget. The Adopted 2023 Budget included \$271.8 million of General Fund salary expense.

When fringe benefits and overtime is factored in, personal services expense has increased from \$357.9 million in 2021 (actual) to \$493.8 million proposed for 2024. Some of this includes fringe benefits proposed spending which will likely become actuals in 2024, but must be monitored.

Growing mandated pension payments to the New York State Retirement System are another source of pressure for the County. The County's 2022 overall gross pension bill paid to New York State in December 2022 was \$35,790,881. The County's December 2023 pension bill has not been finalized by the Office of the State Comptroller. However, the current State Comptroller projection for the County's gross payment for all funds is \$45,427,479. The 2024 budget estimate for the December 2024 pension payment shows a net General Fund cost of \$41,400,666. The very preliminary projected gross cost for the County for the December 2024 payment is \$56,183,646. The projected-out year costs in the Four-Year Financial Plan for pension obligations appears low.

On October 31, 2023, the Sheriff and the County administration announced a new agreement to change Jail Management Teamsters and CSEA Corrections unit members to a 25-year pension plan. If approved by your Honorable Body (and New York State), this would purportedly require a \$12.7 million upfront retroactive County payment to the New York State Retirement System (to be paid via fund balance) and new recurring pension costs of \$1.9 million annually. The 2024 recurring costs are not currently funded in the proposed 2024 Budget nor planned in the Four-Year Financial Plan.

2) New Positions/Position Upgrades/Overtime

The overall 2024 Budget includes 64 new positions across the General, Road, E-911, Utilities and Grant Funds and 27 position upgrades. As the County Executive noted in his budget announcement, many of the position changes (whether new positions or upgrades) are in the Sheriff's Office.

These changes are highlighted in two attached spreadsheets for your review.

Sheriff's Office

In 2023, there were 56 new positions in the Sheriff's Office, between the Jail Management and Police Services Divisions and one new position was added to the Correctional Health Services Division. In 2024, 19 new positions are proposed to be added in the Police Services and Jail Management Divisions.

Full time salary expense for the Police Services Division continues to increase substantially from \$11.8 million in 2021 (actual), to \$14.2 million in 2022 (actual) to \$16.9 million (budgeted) for 2023, and a proposed 2024 Budget of \$19 million, based in part on new positions and contractual salary increases. For instance, budgeted overtime was \$4.2 million in 2021 and actual overtime was \$5.5 million. In 2022, budgeted overtime was \$4.7 million and actual overtime was \$7.5 million. Overtime was budgeted at \$4.8 million for 2023 and is budgeted at \$6 million for 2024. Both estimates may be unrealistic.

Full time salary expense for the Jail Management Division also continues to increase substantially from \$41.5 million in 2021 (actual), to \$45.6 million (actual) in 2022, to \$50.3 million budgeted for 2023 and \$55.8 million requested for 2024. Overtime (actual) was \$9.2 million in 2021, and \$11.2 million in 2022 against a 2022 budgeted overtime budget of \$7.5 million. The 2023 adopted budget included \$7.8 million for overtime and the 2024 proposed budget increases overtime to \$12 million.

In 2023, both divisions included a total of \$1 million in County savings from turnover accounts. Overtime in both divisions continues to exceed the annual budget. We recommend the Division of Budget and Management closely monitor these accounts.

Overtime for all Departments

Through August 2023, the County has exceeded the General Fund overtime budget for all departments. Budgeted total 2023 overtime is \$18.8 million and actual overtime for the first eight months of 2023 is \$21.3 million. On a period basis, the County has a projected \$9 million negative variance for overtime for 2023. The total overtime projected budget for the General Fund in 2024 is \$26 million, up from \$18.8 million budgeted for 2023.

3) Vacancy Control/Turnover Savings

The 2024 Budget includes \$2.0 million of projected savings from vacancy control and keeping budgeted positions vacant. Unlike 2023, no turnover savings is budgeted from the Sheriff's Office and all savings is estimated across all departments. This estimate is reasonable.

4) IGT Payments

The County Executive's 2024 Budget Message once again notes that IGT payments associated with indigent care at Erie County Medical Center Corporation is increasing substantially and a major cost driver of the County budget. Growing IGT payments have been a concern for many years. These costs are broken into three accounts: Disproportionate Share (DSH), Upper Payment Limits (UPL), and Indigent Care Adjustment DSH expenses. DSH is for healthcare provided at the hospital for "indigent" patients, while UPL is for indigent residents at the Terrace View long term care facility, and the Indigent Care Adjustment is an additional expense.

Actual 2021 expense was \$39,822,139. Budgeted 2022 IGT expense was \$59,218,724; due to a timing issue, the majority of the 2022 IGT payment (DSH) was actually paid in March 2023 (\$50.5 million). The 2023 Budget included \$62,855,364 and the 2024 proposed Budget totals \$71,690,378 for IGT obligations, dramatically reflecting the growing expense.

In 2022, the 2024-2026 out years of the Four-Year Financial Plan projected lower IGT payments to ECMCC of \$52.2 million, \$53.5 million and \$54.5 million. We stated in early November 2022 that these estimates were likely low.

The new 2025-2027 projected IGT costs are \$77.8 million, \$70.9 million and \$72.4 million. We believe these estimates are low. The administration has cited federal law, Section 203 of the Consolidated Appropriations Act of 2021, as a basis for potential lower future IGT costs of as much as \$20 million per year. However, the provisions of that law have not taken effect and based on our understanding, may not take effect any time soon, if at all.

IGT payments continue to be a concern for the County and recent State and federal actions (or, in the case of the federal government, inaction), lead us to conclude that these costs will increase with no end in sight or relief for the County.

5) Medicaid-MMIS Weekly Shares

Due to the State cap on Medicaid-MMIS spending that has been in place since the Pataki administration (2006), there has not been a major need to comment on this account in recent years.

There is reason to be concerned that the State may take actions in 2024, amidst their significant financial gaps, to try to shift Medicaid costs onto counties like they have done in prior decades. Actual 2022 Medicaid costs were \$176.3 million, and are budgeted at \$190.5 million in 2023.

The 2024 Budget estimate rises by \$24.2 million to \$214.65 million. The out years (2025-2027) estimates for Medicaid-MMIS are low, with estimates only between \$213.4 million to \$215.8 million. We don't fault the administration; it is hard to adequately gauge what the State will do. We do believe that the cost will continue rising beyond the estimates.

In June 2023, the State announced mid-year that they were retroactively increasing Medicaid-MMIS weekly share payments by counties. They suspended the Enhanced Federal Medical Assistance Percentage (eFMAP) benefit to the County in 2023. The County administration began warning about these issues in May 2023. The State directed two increases in costs in 2023 and communicated a new cost for 2024 that is hundreds of thousands of dollars per week higher than what Erie County was paying in January 2023. The ending of the County's eFMAP benefit meant that the County's weekly MMIS payment to NYS increased from \$3.34 million in early 2023 to \$3.70 million in July 2023 and then to \$4.15 million for 2024.

6) CWS - Foster Care

Child Welfare Services - Foster Care expense grew from \$51,086,348 actual spending in 2021 to \$64,170,714 in the Adopted 2022 Budget. Starting with the July 2022 Budget Monitoring Report (issued in early September 2022), the County Administration began warning of significant new costs for this account due to State actions. The 2023 Budget increased spending in this account to \$99,177,933, a \$35 million increase, which was only partially offset by a State Aid increase of \$5 million and a Federal Aid increase of \$8.3 million in the Foster Care/Adoption Subsidy accounts. For 2024, this is budgeted at the exact same dollar amount as 2023.

7) Child Care – CCBG

The County administration began warning about large increases in costs in this account in September 2023. The Adopted 2023 Budget included \$21.7 million and the proposed 2024 Budget includes \$46 million for these services. This is a growing expense, and reflects the State unilaterally imposing massive new costs on the County without our consent. This may be partially offset by the Federal Aid – Daycare Block Grant account which increases from \$19.3 million in 2023 to \$45 million for 2024. In 2023, through August, \$30.4 million of expense has been incurred against the annual budget allocation of \$21.7 million.

8) Health-Emergency Medical Services

The County created a new ambulance service in mid-2023, which accounts for the \$3.6 million increase in spending in this Division for 2024, with only \$250,000 budgeted as revenue to offset some of the new expense.

9) Health-Public Health Laboratory

This division's professional services account has grown from \$456,343 (actual) in 2022 to \$700,000 (budgeted) in 2023 and to \$1,336,100 for 2024. It is not clear why this has increased for 2024,

but it could be due to the State's new 2023 mandate for county health departments to inspect multi-family dwellings for lead paint every three years. The County administration began warning about this issue in spring 2023 and estimated it could cost \$5-\$10 million/year in new costs.

10) Services to Special Needs Children

Spending for this account in the Department of Health increased from \$51.9 million in 2021 (actual) to \$58.7 million in the 2022 budget to \$64.6 million for the 2023 Budget. In 2024, spending increases to \$70.4 million. An increase in State aid only offsets this nearly \$6 million spending increase by \$3.1 million.

11) County Share of Grants

This is the account in various departments that provides General Fund monies to support Grant Fund programs/grants. The County's share of money for these grants has been increasing in recent years. The most notable change is in the Department of Senior Services. Almost all staff in the Department of Senior Services are funded in the Grant Fund through federal or state funding for grants. However, continuing a trend, the County Share-Grants account continues to increase, with the General Fund absorbing a growing share of the costs of the department. 2023 funding in this account increases from \$3.9 million for 2023 to \$5.4 million for 2024. In Central Police Services, the account grows by \$500,000 in 2024, in Emergency Services by \$162,000, and \$145,000 in Environment and Planning.

12) County Attorney

The County Attorney's professional services account increased from \$602,381 (actual) in 2022 to \$800,000 (budgeted) for 2023 and 2024.

Due to the State-mandated changes requiring significantly higher fees to be paid to attorneys working as assigned counsel for indigent defendants, payments to the Legal Aid Bureau of Buffalo and Erie County Bar Association are increasing by \$11.6 million for 2024, and are only offset by \$1.4 million in State aid. This is a serious concern, and the Division of Budget and Management has been warning about this for months.

13) Risk Retention Fund

The Risk Retention Fund is allotted \$5 million for 2024, similar to 2022 and 2023. Based on our understanding of claims and lawsuits against the County, we believe this appropriation is reasonable, although we note that current litigation against the County, if successful and in the estimated range of liabilities, would surpass the amount of money in this account.

14) Office of the Sheriff

Since 2022, spending in all three divisions of the Sheriff's Office has grown by \$38.9 million. In 2022, actual spending was \$146.6 million and is budgeted for \$185.5 million in 2024. This includes significant new recurring charges for rent for the new leased offices for in the Waterfront Village in Buffalo and Centre Drive in Orchard Park (\$835,000 in new costs in 2024 compared to 2022). In addition, the professional services account increases from \$527,951 in 2023 to \$1,877,100 for 2024 in the Police Services Division. In the Jail Management Division, a new account for contractual payments

to non-profit vendors appears with a cost of \$1.1 million for 2024. In Correctional Health, presumably driven by the hiring of contract fee-for-service nurses, their professional services account increases from \$2.5 million in 2023 to \$4.2 million for 2024.

Following your Honorable Body's approval of an agreement between the Sheriff Office and the Buffalo Sabres, \$360,000 in new revenue is budgeted for 2024 in the Police Services Division.

15) Division of Information and Support Services

Maintenance contracts expense in DISS has increased from \$3.7 million in 2021 (actual) to \$4.7 million in 2022 (actual) and to \$6.1 million for 2024. The lab and technical equipment account increases from \$110,000 in 2023 to \$500,000 for 2024.

16) Central Police Services

Funding for the contractual payments to non-profit vendors account in CPS' Stop-DWI unit increases from \$17,798 in 2022 (actual) to \$300,000 in 2023 (budgeted) and \$400,000 for 2024.

17) E-911 Fund Interfund Revenue Subsidy

Continuing a worrisome trend, the County's General Fund subsidy to the E-911 Fund continues to grow, with a \$2.7 million increase in 2024 compared to 2023. There are no increases in E-911 surcharge and wireless surcharge revenue coming in for 2024. For some reason, the August 2023 Budget Monitoring Report shows no revenue in these accounts in 2023.

18) Probation

A new revenue account called State Aid-Probation Pretrial Services is included for 2024 with revenue of \$770,000.

19) Environment and Planning/Economic Development/Tourism Promotion

A new account called Community Climate Resilience Fund has a \$500,000 appropriation for 2024.

After not being funded in 2023, the Economic Development fund center includes \$3.4 million for the WDC (Workforce Development Consortium) Healthcare Careers Program.

Increased funding for the Convention Center Management Corporation and Visit Buffalo-Niagara totals \$1.25 million for 2024.

20) County Clerk

The County Clerk-Registrar Division has significantly reduced estimated revenues for 2024, with a \$2.9 million reduction in recording fees and no new revenue in any account for 2024 compared to 2023. In the Auto Bureau Division, there are no proposed changes to the vehicle use tax revenue for 2024 either. It appears as though that office did not make any changes in its 2024 budget submission for most revenue accounts except for recording fees, which are underperforming in 2023 also.

21) Public Works

The Commissioner's Office received a new appropriation in 2023 for professional services totaling \$751,643 (\$1,326,643 was requested). No funding for this account was appropriated in the past two years. In 2024, they have received \$1.6 million. You may wish to inquire about this request. Other expenses increase from \$879,000 in 2023 to \$990,000 for 2024.

The Division of Buildings and Grounds' professional services account has increased from \$346,202 in 2021 (actual) to \$545,297 in 2022 (actual), to \$654,000 (budgeted) for 2023 and \$780,500 for 2024. Its maintenance contracts account increases from \$712,414 (actual) in 2022 to \$990,675 for 2024.

The Division of Fleet rental charges account increases from \$2.8 million in 2021 (actual) and \$4.0 million (actual) in 2022 to \$5.8 million in 2023 (budgeted) and to \$6.6 million for 2024. Presumably, most of this is for the Enterprise fleet rental contract.

22) Public Works-Highways (Road Repair Reserve Fund)

The interfund revenue subsidy from the General Fund to the Road Fund (revenue in the Road Fund and expenditure in the General Fund) decreases from \$20,739,988 (actual) in 2022 to \$17,787,687 for 2023 and \$14,713,837 for 2024. Transfer Tax revenue in the Road Fund is budgeted to increase from \$12.5 million in 2023 to \$14.5 million in 2023. State aid (CHIPs) is budgeted to increase by \$3 million for 2024.

23) Utility Fund

The Utility Aggregate forecasts a decrease in its budget from \$23.5 million in 2021 (actual) and \$35.0 million in 2022 and 2023 budgeted appropriation of \$41.9 million to \$34.5 million for 2024. We assume this decrease may be due to lower natural gas and electricity costs. This spending is offset by revenues. Given inflation and costs for electricity and natural gas, we cannot state whether this estimate is reasonable.

24) Board of Elections

Lab and technical equipment spending are increasing from \$1,100 (actual) in 2022 to \$50,000 (budgeted) for 2023 and \$228,000 for 2024.

25) NFTA

For the second time in many years, the County is proposing a large *budgeted* increase in the County's subsidy to the NFTA via their share of sales tax. The 2024 budgeted share of sales tax payment to the NFTA is \$28,450,280, an increase from \$25,966,267 for 2023.

26) Cultural Agencies

The proposed 2024 Budget *decreases* funding for cultural agencies by \$170,469 compared to the 2023 Adopted Budget.

Recent reviews conducted by my office's Division of Audit and Control have indicated some of the organizations that receive County cultural funding are using the funds (and possibly other non-County funds) in ways that your Honorable Body and the taxpayers may find questionable or objectionable.

27) Erie Community College/Community College Chargebacks

ECC's operating subsidy from the County remains unchanged for 2024 at \$19,804,317. The Capital Budget includes \$8.5 million in County bonded funds in 2024 for ECC for four capital projects.

The 2024 Budget ends a multi-year decision to reduce the County's respread revenue from the community college chargeback, by absorbing \$4.4 million of this revenue and not charging it back to the towns and cities in Erie County. This means that the County now has \$4.4 million of revenue available to cover budget gaps.

Revenues

1) Property Tax Levy

Due to the understanding reached between your Honorable Body and the County Executive in summer 2023, the County share property tax levy *decreases* from \$301,424,356 in 2023 to \$299,034,343 in 2024. The Buffalo and Erie County Public Library's levy increases from \$28,285,362 to \$29,675,375, a \$1.4 million increase, and the second-largest property tax levy increase for the library system in a decade.

2) Sales Tax

Our office has previously commented on this revenue in our review of the 2024 Budget estimates. The 2024 estimate is reasonable at present, based on current trends. Sales tax is monitored closely due to the potential for a serious decline in this revenue due to factors such as a recession, unemployment and local or national economic trends. So far, the County is meeting our 2023 budget estimate for sales tax revenue.

3) State Aid

State aid in 2022 (actual) was \$188.1 million, budgeted at \$209.6 million for 2023, and budgeted for \$243 million in 2024. We would note that while caseloads drive most of the State aid reimbursements, certain State actions may occur in 2024 and the out years of the Four-Year Financial Plan that could cause new expense and State aid not matching expenses. For instance, State aid for indigent assigned counsel costs does not even come close to matching the State-mandated expenses.

4) Federal Aid

Federal aid in 2022 (actual) was \$176.9 million, budgeted at \$190.4 million for 2023, and budgeted for \$209.4 million for 2024. This revenue is predicated on caseloads and certain spending occurring in accounts such as Family Assistance (TANF); if the spending does not occur, federal reimbursement does not occur.

5) Fund Balance

No fund balance is appropriated in the General Fund in 2024 to balance the budget. However, the E-911 Fund and the Road Fund use appropriated fund balance for the first time in several years. The Road Fund utilizes \$9 million of appropriated fund balance for 2024 (as done in 2023). The E-911 fund uses \$332,280 of appropriated fund balance in 2024. (down from budgeted \$1,651,687 in 2023). The Debt Service Fund continues to utilize its fund balance as revenue in 2024.

6) Miscellaneous Revenues

There are several notable changes in some miscellaneous revenue accounts for 2024.

Projected hotel occupancy tax revenues increase from \$12 million (actual) in 2022 and \$11.2 million (budgeted) for 2023 to \$13 million for 2024. This estimate is attainable based on current trends and the work of my office in recovering owed revenue.

Projected revenue from Western Regional Off-Tracking Betting Corporation is budgeted at \$2.2 million for 2024. Based on 2022 actual revenue and 2023 actual revenue to date, this estimate is reasonable.

No revenue is budgeted from the Seneca Nation of Indians gaming compact. The existing State gaming compact ends in December 2023, and media reports indicate a new compact may be difficult to complete.

After closing dormant capital accounts in recent years and defeasing debt service to free up funds for use in the General Fund (or to reduce the interfund subsidy to the Debt Service Fund), the Administration stopped the practice in 2022 but resumed it in 2023. It has not been continued for 2024.

No revenue from recreational marijuana has been budgeted for 2024. The County just received a first such revenue payment from New York State, of which the County share is less than \$10,000.

A 2024 revenue – Interfund Revenue Non-Subsidy – appears in the Countywide Budget Accounts totaling \$9.8 million. This is revenue associated with a Book B Budget Resolution authorizing the closing of the November 2022 and December 2022 Storm Funds and transfer of unused funds back to the General Fund as a revenue.

In 2024 Budget Resolution # 59, the Department of Parks, Recreation and Forestry is seeking fee increases for rentals of buildings, shelters and campgrounds. However, unlike the past two years when they sought certain fee increases, they have not budgeted the revenue in their departmental budget.

2024 Capital Budget

In summer 2023, the County's Capital Projects Committee approved a proposed 2024 Capital Budget that includes \$56.2 million in bonded projects (up from \$43.5 million for 2023) and \$20.1 million in County share pay-as-you-go funding (up from \$18,264,277 for 2023). These projects include

buildings, highways, parks, technology, social services, economic development, Sheriff helicopter, ECC and \$2.5 million of pay-as-you-go County funds for four projects for non-profit organizations.

Debt Service Fund

The 2024 Debt Service fund has decreased from \$69.5 million in 2022 (actual) to \$60.2 million for 2023 (budgeted) and \$38.7 million for 2024. This includes an interfund revenue subsidy totaling (only) \$35.8 million, down from \$53 million (budgeted) in 2023 and 56.3 million in 2022 (actual). The 2023 general debt includes the use of appropriated fund balance totaling \$2.8 million, down from \$6.5 million in 2023. The administration has been publicly communicating a so-called 'debt cliff' in which the County has defeased bonded indebtedness and paying down debt.

This has the practical effect of reducing the General Fund interfund subsidy to the Debt Service Fund and freeing up General Fund monies for other purposes. The General Fund subsidy is \$31.8 million for 2024, down from \$52.3 million (actual) in 2022.

2024 Budget Resolutions

Comparing the proposed 2024 Budget Resolutions to 2023, there are a number of changes. Many are modest, such as changing names of contracted vendors in 2024, or changing the rate of pay for summer lifeguards, Civil Service exam monitors or personal services agreements with former County employees.

Below are noteworthy changes we believe you may find significant.

New 2024 Budget Resolutions or Substantially Changed or 2023 Deleted:

#10

"Subject to prior legislative approval" is deleted.

#12

The Deputy Commissioner of Personnel is designated to act in the absence of the Commissioner of Personnel (supplanting the Chief of Classification and Compensation).

#13

New resolution authorizing the Commissioner of Personnel to provide variable minimums for recruiting certain persons with licenses.

#16

New resolution concerning Personnel's professional services account balance.

#18

New resolution concerning contracting with First Vote, Inc. for high school female experiential learning.

#22

Amended to allow budget transfers of funds across DPW divisions in any dollar value (prior resolution allowed only for transfers over \$10,000).

#23

Amended to require Legislature approval on DPW fees.

#27

New resolution concerning purchase of software from South Central Planning and Development Commission.

#32

New resolution concerning 15 new intern positions for E&P for a clean energy program.

#41

New resolution authorizing hiring of consultant Michael Gould for \$18,000 in the Department of Health's Persons with Special Needs' Division.

#42

New resolution concerning fees for the Department of Health.

#43

New resolution concerning using opioid settlement funds to retain approximately 20 vendors.

#48

New resolution concerning paying Assistant District Attorneys for compensatory time and ending overtime or comp time after 12/31/23 for ADAs.

#54

New resolution concerning hiring a firearms examiner in Central Police Services for \$35,000.

#55

New resolution concerning CPS contracting with the City of Buffalo Police Department and Globalquest, EM Systems and Bergman Associates for law enforcement systems.

#56

Amending and increasing the 2024 hourly rates of seasonal park attendant, recreation attendant, lifeguard and other parks' staff.

#59

New resolution establishing increased rents for Parks' shelters.

#60

New resolution establishing new park shelter rental fees.

#61

New resolution establishing higher campground fees.

#62

New resolution establishing partnerships between Parks and various organizations.

#66

New resolution allowing the County Executive to enter into agreements with the State and Federal governments or other agencies to accept funding for mandated programs in Social Services.

#69

New resolution authorizing DSS to enter into contracts with vendors for residential domestic violence services.

#70

New resolution concerning DSS entering into agreements with NYS for mandated preventive service providers.

#73

Amended resolution removing Rural Outreach Center as a Code Blue shelter.

2023 #63 deleted.

#77

New resolution concerning hiring University Psychiatric Practice for services at the Secure Youth Detention Facility.

#92

New resolution hiring the Alzheimer's Association of WNY for Senior Services programs.

2023 #90 deleted.

#106

New resolution concerning Sewerage Management transferring funds across three accounts.

#107

New resolution authorizing Sewerage Management to amend contracts.

#109

New resolution authoring the transfer of November 2022 Storm Funds (\$1,565,653.98) to the General Fund as revenue.

#110

New resolution authoring the transfer of December 2022 Storm Funds (\$8,257,732.11) to the General Fund as revenue.

#111

New resolution memorializing the County's limit on sales taxes collected on motor fuels through March 1, 2024.

#112

New resolution hiring consultant Robert Keating at a cost of up to \$90,000 for Budget and Management.

#113

New resolution hiring consultants Cheryl Mekariski and John Solecki at a cost of up to \$35,000 each for the Comptroller's Office.

#114

New resolution authoring the County to provide probation officers at Walden Galleria mall and to be reimbursed for the costs of their overtime and fringe benefits.

2023 #101 deleted.

2024 Budget - New Positions

Department	Title	New JG	2024 Salary	Notes
Comptroller	Senior Auditor	13	\$84,486	
Comptroller	Intern (Seasonal)	1	\$13,841	
Real Property Tax Services	Supervising Accountant (PT)	11	\$37,616	
County Attorney	Accountant	9	\$57,309	
Personnel	Coordinator of Appointment Control	12	\$70,491	
Personnel	Personnel Clerk	6	\$47,961	
Personnel	Junior Personnel Clerk	5	\$45,259	
Information and Support Services	Senior Information Systems Specialist	13	\$76,311	
Social Services	Programmer Analyst	12	\$85,393	
Social Services	Programmer Analyst	12	\$85,393	
Social Services	Social Services Data Specialist	9	\$57,309	
Social Services	Social Services Technical Liaison	8	\$53,938	
Social Services	Supervising Child Support Investigator	10	\$73,316	
Social Services	Case Assistant (Social Services)	6	\$47,961	
Social Services	Case Assistant (Social Services)	6	\$47,961	
Youth Detention	Staff Development Coordinator	12	\$87,261	
Youth Detention	Chaplain (PT) NB	11	\$16,462	
Youth Detention	Detention Shift Supervisor	10	\$73,316	
Health	Public Health Nurse	9	\$66,514	
Health	Principal Clerk	6	\$47,961	
Health-Public Health Laboratory	Laboratory Technologist-Env Chem (PT)	11	\$42,416	
District Attorney	Administrative Coordinator (Dist Atty)	9	\$72,995	
District Attorney	Technical Specialist-Communications	7	\$59,564	
Sheriff	Public Information Officer (Sheriff)	13	\$83,148	
Sheriff-Police Services	Sergeant	9	\$76,835	
Sheriff-Police Services	Deputy Sheriff-Criminal	8	\$69,392	
Sheriff-Police Services	Deputy Sheriff-Criminal	8	\$69,392	
Sheriff-Police Services	Deputy Sheriff-Criminal	8	\$69,392	
Sheriff-Police Services	Deputy Sheriff-Criminal	8	\$69,392	
Sheriff-Police Services	Sergeant	9	\$92,209	
Sheriff-Police Services	Detective Deputy	9	\$76,835	
Sheriff-Police Services	Detective Deputy	9	\$76,835	
Sheriff-Police Services	Sergeant	9	\$76,835	
Sheriff-Jail Management	Junior Tech Support Svcs Spec (Sheriff)	10	\$63,083	
Sheriff-Jail Management	Lieutenant-Officer	11	\$86,533	
Sheriff-Jail Management	Lieutenant-Officer	11	\$86,533	
Sheriff-Jail Management	Correction Officer (PT) CF	11	\$27,466	
Sheriff-Jail Management	Correction Officer (PT) CF	11	\$27,466	
Sheriff-Jail Management	Correction Officer (PT) CF	11	\$27,466	
Sheriff-Jail Management	Correction Officer (PT) CF	11	\$27,466	
Sheriff-Jail Management	Correction Officer (PT) CF	11	\$27,466	
Central Police Services	Latent Fingerprint Examiner I (PT)	10	\$28,692	
Central Police Services (E-911 Fund)	Senior Police Complaint Writer	9	\$57,309	E-911 Fund
Central Police Services (E-911 Fund)	Police Complaint Writer	7	\$50,834	E-911 Fund
Probation	Principal Probation Officer	13	\$105,075	
Probation	Probation Supervisor 1	12	\$96,691	
Probation	Probation Supervisor 1	12	\$96,691	
Homeland Security and Emergency Services	Administrative Aide-Fire Safety	6	\$55,108	
Homeland Security and Emergency Services	Emergency Services Planner	10	\$60,868	
Environment and Planning	Administrative Assistant	9	\$68,728	
Environment and Planning	Project Coordinator (Environ and Plan)	13	\$76,311	
County Clerk-Registrar	Senior Accountant	10	\$60,868	
County Clerk-Registrar	Accountant	9	\$57,309	
Parks	Park Maintenance Worker II	5	\$44,481	
Public Works-Buildings and Grounds	Training Coordinator (Public Works)	11	\$66,353	
Public Works-Buildings and Grounds	Proj Eng Construction (Public Works)	13	\$76,311	
Public Works-Highways (Road Fund)	Crew Chief (Highway)	10	\$59,637	Road Fund
Public Works-Highways (Road Fund)	Crew Chief (Highway)	10	\$59,637	Road Fund
Public Works-Highways (Road Fund)	Crew Chief (Highway)	10	\$59,637	Road Fund
Public Works-Highways (Road Fund)	Crew Chief (Highway)	10	\$59,637	Road Fund
Public Works-Highways (Road Fund)	Crew Chief (Highway)	10	\$59,637	Road Fund
Utilities Fund	Senior Stores Clerk	5	\$59,564	Utilities Fund

2024 Budget - New Positions

Health	Senior Medical Care Administrator	14	\$116,594	Grant Fund
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2024 Budget - Position Upgrades

Department	Title	Existing JG	2023 Salary	New JG	2024 Salary	Notes
County Attorney	Assistant County Attorney VI	17	\$145,621	18	\$164,282	Title change
County Attorney	Assistant County Attorney VI	17	\$144,113	18	\$164,282	Title change
Personnel	Director of Payroll Services	13	\$92,313	15	\$119,520	Title change
Information and Support Services	Executive Assistant-County Executive Budget	13	\$81,399	15	\$107,978	
Social Services	Assistant Coordinator of Homeless Services	10	\$78,144	11	\$88,214	
Mental Health	Contracts Specialist	6	\$50,504	9	\$67,307	Title change
Health	Chief Accountant (Health)	11	\$63,929	12	\$96,691	Title change
Health-EMS	Deputy Commissioner-EMS	14	\$98,889	16	\$127,091	
Health-Public Health Laboratory	Laboratory Assistant	5	\$49,264	6	\$54,671	
Health-Public Health Laboratory	Laboratory Assistant	5	\$49,264	6	\$54,671	
Health-Public Health Laboratory	Senior Sanitary Chemist	12	\$69,709	13	\$82,452	
Health-Public Health Laboratory	Laboratory Technologist (Enviro Micro)	9	\$66,217	11	\$79,801	
Health-Public Health Laboratory	Laboratory Technologist Environmental Ch	9	\$57,972	11	\$73,092	
Health-Public Health Laboratory	Laboratory Assistant	5	\$54,190	6	\$61,381	
Health-Medical Examiner	Medical Investigator-Forensic	10	\$74,385	12	\$90,987	
District Attorney	Assistant Confidential Secy (Dist Atty)	9	\$70,336	11	\$86,115	
District Attorney	Assistant Confidential Secy (Dist Atty)	9	\$70,336	11	\$86,115	
Sheriff-Police Services	Lieutenant	9	\$87,194	10	\$96,282	Title change from Sergeant to Lieutenant
Sheriff (E-911 Fund)	Senior Dispatcher	8	\$68,465	9	\$79,883	Title change
Sheriff (E-911 Fund)	Senior Dispatcher	8	\$68,465	9	\$79,883	Title change
Central Police Services (E-911 Fund)	Programmer Analyst	11	\$78,516	12	\$88,193	Title change
Homeland Security and Emergency Services	Emergency Management Program Specialist	9	\$66,903	11	\$81,492	Title change
Homeland Security and Emergency Services	Deputy Fire Coordinator	9	\$59,347	11	\$74,777	Title change
Central Police Services (Grant Fund)	Firearms Examiner III	10	\$70,637	12	\$86,445	Title change
Homeland Security and Emergency Services (Grant Fund)	Accounting Analyst (Emergency Services)	9	\$66,217	11	\$81,181	Title change
Sewerage Management (Sewer Fund)	Senior Sanitary Chemist	12	\$93,157	13	\$105,075	
Sewerage Management (Sewer Fund)	Sanitary Chemist	10	\$78,144	12	\$95,712	

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

COMM. 21E-3

SHERIFF

Kitchen Year End Budget Adjustments

Attachments

23COMM. 21E-3

JOHN C. GARCIA
SHERIFF
WILLIAM J. COOLEY
UNDERSHERIFF



ADMINISTRATIVE OFFICES
10 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-3913
(716) 858-7618
FAX: (716)858-7882
WEBSITE: <http://www.erie.gov/sheriff>

SHERIFF OF ERIE COUNTY

EC LEG NOV 13 '23 PM 10:19

November 8, 2023

The Honorable
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: KITCHEN YEAR END BUDGET ADJUSTMENTS

Dear Honorable Members:

The Erie County Sheriff's Office, Jail Management Division is requesting year end budget adjustments to cover the unexpected cost increase of food for incarcerated individuals.

Should your Honorable Body require further information, please contact my office. Thank you for your consideration on this matter.

Very truly yours,

A handwritten signature in black ink that reads "John C. Garcia". The signature is written in a cursive style.

John C. Garcia
Sheriff of Erie County

Attachments

ACCOMPANYING MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Sheriff's Office
Re: Kitchen Year End Budget Adjustments
Date: November 8, 2023

Summary of Recommended Action

The Erie County Sheriff's Office is requesting authorization to transfer funds between accounts to cover the increased cost of food for incarcerated individuals. This shortage was the result of unprecedented inflation in staple food costs.

Fiscal Implications of the Proposal

The Erie County Sheriff has the necessary funds within its budget to cover these cost increases. Funds will be transferred from other areas of its budget to cover the shortfall.

Reasons for Recommendation

Nationwide inflationary pressures on staple food costs have been well documented in the media. These inflationary pressures have also impacted the ECSO. As a result, the ECSO is well short of the funds necessary to provide proper food and drink to our incarcerated population. The ECSO have identified other budgetary lines from which funds could be transferred to cover the unexpected costs.

Consequences of Negative Action

The Erie County Sheriff's Office will not have the necessary funds to adequately provide food and drinks for the incarcerated population.

Steps Following Approval of Measure

Certified copies shall be forwarded to the County Executive's Office, the Erie County Division of Budget and Management, the Office of the Comptroller, and the Office of the Sheriff for implementation.

**A RESOLUTION SUBMITTED BY:
ERIE COUNTY SHERIFF'S OFFICE**

Re: Kitchen Year End Budget Adjustments

WHEREAS, nationwide inflationary pressures on staple food costs have severely impacted the Erie County Sheriff's Office; and

WHEREAS, the Erie County Sheriff's Office is responsible to provide hundreds of thousands of meals to incarcerated individuals each year, and

WHEREAS, as 2023 progresses it has been determined that the Erie County Sheriff's Office will not have the necessary funds budgeted for kitchen operations and the provision of proper food and drinks for the incarcerated population, and

WHEREAS, after review of current budget lines within the Erie County Sheriff's Office it has been determined that transfers can be made to cover this budget shortfall, and

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature does hereby authorize the following budget adjustments within the Erie County Sheriff's Office Jail Management Division Fund 110, Fund Center 11610:

Decrease – 505200 Clothing	\$80,000
Decrease – 505600 Automotive Supplies	\$20,400
Decrease – 510100 Out of Area Travel	\$ 8,000
Decrease – 516020 Professional Services	\$ 120,000
Decrease – 530000 Other Expenses	\$ 20,000
Decrease - 561440 Motor Vehicles	\$ 34,270
Total	\$282,670
Increase – 505400 Kitchen	\$282,670.
Total	\$282,670

; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, Erie County Division of Budget and Management, Erie County Sheriff and Erie County Comptroller.

FISCAL IMPACT: Funds currently exist in the approved ECSO Budget.

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

COMM. 21E-4

SHERIFF

Tactical Flight Officer (TFO) Training

Attachments

23COMM. 21E-4

JOHN C. GARCIA
SHERIFF
WILLIAM J. COOLEY
UNDERSHERIFF



ADMINISTRATIVE OFFICES
10 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-3913
(716) 858-7618
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WEBSITE: <http://www.erie.gov/sheriff>

SHERIFF OF ERIE COUNTY

November 8, 2023

The Honorable
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

EC LEG NOV 13 '23 AM 10:19

Re: Tactical Flight Officer (TFO) Training

Dear Honorable Members:

Attached please find a proposed resolution and accompanying memorandum requesting authorization for the Erie County Sheriff's Office to engage Tactical Flight Operations, Inc. for highly specialized Tactical Flight Officer (TFO) training.

Should your Honorable Body require further information, please contact my office. Thank you for your consideration on this matter.

Very truly yours,

John C. Garcia
Sheriff of Erie County

Attachments

ACCOMPANYING MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Sheriff's Office
Re: Tactical Flight Officer (TFO) Training
Date: November 8, 2023

Summary of Recommended Action

This resolution requests authorization to engage Tactical Flight Operations, INC to provide highly specialized Tactical Flight Officer Training for Erie County Sheriff's Office Deputies. This engagement will provide for training of between 4 and 6 Deputies with the skill necessary to safely and professionally act as Tactical Flight Officers aboard Air One. The highly complex and specialized nature of this work requires specialized training that must be provided by appropriate training personnel.

Fiscal Implications of Proposal

Funds are currently available in the Erie County Sheriff's training budget. There are no additional new funds necessary for this engagement.

Reasons for Recommendation

The Erie County Sheriff's Office needs to continue to train new Tactical Flight Officers as utilization of Air One continues to increase as a regional law enforcement and rescue asset. Additionally, several previous Tactical Flight Officers have moved on to other positions or retired. Tactical Flight Officers are a required component for ECSO Pilots to safely and effectively operate Air One.

Consequences of Negative Action

The Erie County Sheriff's Office will not have sufficient properly trained Tactical Flight Officers to operate Air One.

Steps Following Approval of Measure

Certified copies shall be forwarded to the County Executive's Office, The Erie County Budget Department, the Erie County Purchasing Department, the Comptroller and the Office of the Sheriff for implementation.

**A RESOLUTION SUBMITTED BY:
ERIE COUNTY SHERIFF'S OFFICE**

Re: Tactical Flight Officer Training

WHEREAS, the Erie County Sheriff's Office needs to continue to train new Tactical Flight Officers as utilization of Air One continues to increase as a regional law enforcement and rescue asset, and

WHEREAS, Tactical Flight Officers are a required component for ECSO Pilots to safely and effectively operate Air One, and

WHEREAS, several previous Tactical Flight Officers have moved on to other positions or retired, and

WHEREAS, the Erie County Sheriff's Office has determined that Tactical Flight Operations, Inc, is the appropriate firm to engage with to provide these specialized training services, and

WHEREAS, funds necessary for this item are available in the Erie County Sheriff's Office budget Fund 110; Cost Center 11510; Account 516020 – Professional Services,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Sheriff's Office to engage Tactical Flight Operations, Inc in an amount not to exceed \$22,000, and be it further

RESOLVED, that the Erie County Legislature hereby waives the procedures, as impractical, provided for in Section 26.08 of the Erie County administrative code for the purposes of providing Tactical Flight Officer training, and be it

RESOLVED, that the Erie County Legislature does hereby authorize the Division of Purchase to process all necessary documents to engage Tactical Flight Operations, Inc, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Division of Budget and Management, the Erie County Comptroller and the Erie County Sheriff.

FISCAL IMPACT: Funds exist in 2023 ECSO budget.

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

COMM. 21E-5	COUNTY EXECUTIVE	Appointment to the Mental Hygiene Community Services Board
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Attachments

23COMM. 21E-5



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

November 13, 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, 2026.

Emma L. Fabian
14 Brayton Street
Buffalo, NY 14213

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

Emma L. Fabian (she/her)

14 Brayton Street, Buffalo, NY 14213

emma.lannan.fabian@gmail.com

716.435.0331

EDUCATION

Master of Social Work, University at Buffalo, Buffalo, New York (2014)

Bachelor of Arts in Sociology, Canisius College, Buffalo, New York (2010)

- Minors in Philosophy and Women's Studies

PROFESSIONAL EXPERIENCE

Evergreen Health, Associate Vice President of Harm Reduction Present

- Oversee organization's Harm Reduction Center including offices in Buffalo, Jamestown, and mobile units that provide syringe exchange, naloxone, buprenorphine, and drop-in services
- Monitor grant spending and revenue from billable services
- Conduct training internally and externally on areas of expertise
- Advocate for people who use drugs and sustain relationships with elected and appointed officials
- Design and implement WNY Harm Reduction Conferences in 2018, 2019, and 2022
- Grew organization's syringe exchange program of four staff to a Harm Reduction Center of 19

SUNY University at Buffalo School of Social Work, Part Time Faculty Present

- Develop and deliver course material on substance use and addiction
- Evaluate and grade student performance

Evergreen Health, Senior Director of Harm Reduction 2019-2020

- Expanded grant funding and billable services
- Developed consumer feedback and advocacy coalition of directly impacted people
- Hired and supervised managers, peers, and staff members

Evergreen Health, Director of Substance User Health Policy 2016-2019

- Designed and implemented capacity building activities regarding the Harm Reduction principles internally at the Evergreen and externally across WNY
- Led organizational planning regarding services for people who use drugs
- Created one of NYS's first Drug User Health Hubs
- Developed organization's relationships with VOCAL-NY, Drug Policy Alliance, and other advocacy groups

Evergreen Health Services, Syringe Exchange Program Manager, Buffalo, New York 2015-2016

- Expanded program with new site and mobile services
- Supervised workers and counselors across sites
- Conducted client enrollment sessions and opioid overdose training with clients and the public

The Family Justice Center of Erie County, Program Coordinator, Buffalo, New York 2014-2015

- Trained and supervised approximately seventy-five interns and volunteers
- Represented and promoted the agency at community events
- Coordinated services for survivors of domestic violence, including safety planning and court navigation

University at Buffalo School of Social Work Intern, Family Justice Center, Buffalo, New York 2013-2014

- Designed and completed evaluative research project in collaboration with UB's Institute on Trauma and Trauma-Informed Care
- Prepared Order of Protection petitions for Family Court
- Referred individuals to appropriate on and off-site partnering agencies
- Completed and implemented Seeking Safety training for treatment of posttraumatic stress disorder and substance use

Food and Beverage Server, Larkin Square, Buffalo, New York 2013-2015

University at Buffalo School of Social Work Intern, American Red Cross, Buffalo, New York 2012 - 2013

- Performed as a local and national disaster responder
- Instructed Psychological First Aid courses to individuals interested in becoming disaster responders
- Responded to local disasters to assess and meet client needs

Recruiter, Jesuit Volunteer Corps, Baltimore, Maryland 2011- 2012

- Designed promotion to recruit potential volunteers highlighting community and social justice
- Represented and promoted the Jesuit Volunteer Corps at over 30 colleges and universities
- Established relationships with university personnel and strengthened ties with former volunteers

Program Assistant, Witness to Innocence, Philadelphia, Pennsylvania 2010- 2011

- Led outreach efforts to exonerated death row prisoners across the country
- Designed and coordinated biannual gatherings and special events
- Served as member of the Jesuit Volunteer Corps

Community Organizer, Clean Air Coalition of Western New York, Buffalo, New York 2010

- Implemented canvassing campaign in collaboration with Executive Director
- Conducted in-depth interviews of community members for qualitative health study
- Served as member of AmeriCorps VISTA program

LEADERSHIP EXPERIENCE AND COMMUNITY SERVICE

- Executive Committee Member, New York State Harm Reduction Association Present
- Co-chair, Alcoholism and Substance Abuse Providers Harm Reduction Committee Present
- End Overdose New York Present
- Erie County Opioid Task Force Present
- New York State Buprenorphine Working Group Present
- Western New York Working Families Party Endorsement Committee Present
- Facilitator of Direct Action Team, Showing Up for Racial Justice Buffalo 2017-2021
- New York State Hepatitis C Elimination Task Force: Prevention Workgroup Chair 2019
- Midwest Academy: Organizing for Cultural Change 2019
- Advocacy Institute: Western New York Regional Training 2019
- University at Buffalo School of Social Work Volunteer and Mentor 2015-2018
- Ending the Epidemic: Drug User Health Advisory Group 2017
- BestSelf Behavioral Health Recovery Center Advisory Board 2016-2018
- American Red Cross Disaster Action Team 2012-2017
- American Red Cross Disaster Course Instructor 2012-2016

HONORS AND RECOGNITIONS

- Buffalo Niagara Partnership 360 Spotlight Professionals 2017-2018
- Buffalo Business First 30 Under 30 2017
- Buffalo Business First Focus 2016

AREAS OF PRESENTATION AND FACILITATION EXPERTISE

- Harm Reduction
- Harm Reduction interventions in clinical settings
- The Overdose Crisis
- Disease and overdose prevention for people who use drugs

REFERENCES

- Available upon request

10-3-23

Emma Fabian Bio

Emma holds a Master of Social Work degree from the University at Buffalo. In her current position at Evergreen Health, she oversees harm reduction and drug user health services, including syringe exchange, low-threshold buprenorphine, drop-in services, and more. She participates in several local and statewide workgroups that are addressing issues that impact people who use drugs. She is especially passionate about creating welcoming, nonjudgmental, and stigma free services for this community. Emma also currently serves as a part-time faculty member of the SUNY Buffalo School of Social Work and generally enjoys talking to all types of audiences about harm reduction, drug use, and related topics. She was born and raised in Buffalo, and now lives on the west side with her wife.

Emma Fabian

AVP of Harm Reduction

efabian@evergreenhs.org

716-847-2441

206 S. Elmwood Avenue, Buffalo, NY, 14201

Pronouns: She/Her/Hers



Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

COMM. 21E-6	COUNTY EXECUTIVE	Teamsters Local 264, International Brotherhood of Teamsters, Chauffeurs, Warehousemen, & Helpers of America - 2024- 26 CBA
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Attachments

23COMM. 21E-6



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE
November 13, 2023

2023 NOV 13 12:55

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

RE: Teamsters Local 264, International Brotherhood of Teamsters, Chauffeurs, Warehousemen, & Helpers of America, 2024-2026 Collective Bargaining Agreement (Captain and Lieutenant Unit)

Dear Honorable Members:

Please find enclosed for your consideration a memorandum and proposed resolution for approval expressing legislative assent and directing the implementation of a successor collective bargaining agreement between Erie County and the Erie County Sheriff's Office (collectively referred to as "Employer") and the Teamsters Local 264 ("Teamsters" or "Unit").

The proposed agreement covers the period between January 1, 2024 and December 31, 2026, and provides Unit members with wage increases and work rule changes that provide benefit to both parties regarding retention and recruitment. The proposed agreement for Teamsters includes raises that compete with inflation and are on par with wages of other similarly-situated employees. It also includes changes to the contract that will allow departments to better perform their operations by increasing work flexibility, hold underperforming employees accountable by extending the length of time prior bad acts may be used in discipline proceedings, and improve hiring and retention. This agreement also phases out all sick leave bonuses. Erie County and the Unit have negotiated in good faith and are pleased to have reached this accord.

Should your Honorable Body require further information, I encourage you to contact Commissioner Josh Pennel at the Department of Labor Relations.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/jp

cc: Commissioner Josh Pennel, Department of Labor Relations

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Departments of Labor Relations and Personnel
Re: Teamsters Local 264
Date: November 13, 2023

SUMMARY

The Departments of Labor Relations and Personnel request Legislative approval of a newly-created collective bargaining agreement between Erie County and the Erie County Sheriff's Office (collectively referred to as "Employer") and the Teamsters Local 264 ("Teamsters" or "Unit") representing the Capt. and Lt. employees at the Erie County Holding Center. The agreement will cover the period January 1, 2024 to December 31, 2026.

FISCAL IMPLICATIONS

Under the contract, employees covered by the agreement will receive a one-time \$3.25 increase in their hourly rate in October 2023. All employees will receive a 5% annual wage increase in 2024, and 4% annual wage increases in 2025 and 2026.

Additionally, members of the unit will receive additional benefits such as the addition of the Juneteenth holiday and an increase in shift differential.

There are other provisions contained in the contract, a copy of which is attached for your review.

The County will fund the estimated net 2023 local share costs associated with this agreement through vacancy savings. Any unbudgeted 2024 expenses will need to be address as part of 2023 budget balancing through the designation of with year-end surplus.

Projected net new expenses for the contract are as follows:

Year	Provision	Estimated Cost
2023	\$3.25 an hour retroactive to 10/24/2023	\$21,995
2024	5%	\$275,378
2025	4%	\$352,973
2026	4%	\$435,226

REASONS FOR RECOMMENDATION

The collective bargaining agreement between the county and Teamster will expire December 31, 2023.

The agreement provides Unit members with wage increases and work rule changes that provide benefit to both parties. Further, this agreement provides stability for both the County and members of the Unit. It will also allow for Erie County to staff promotional opportunities and retain employees at a greater rate.

CONSEQUENCES OF NEGATIVE ACTION

The proposed agreement would be deemed null and void and Erie County and the Unit would declare impasse and proceed to the Public Employment Relations Board for action.

STEPS FOLLOWING APPROVAL

Unit members will work under the new collective bargaining agreement in full beginning in January 2024 and the Division of Budget and Management will take the necessary budgetary actions to fund the agreement.

A RESOLUTION SUBMITTED BY:
DEPARTMENTS OF PERSONNEL AND LABOR RELATIONS

RE: Teamsters Local 264 (Capt. and Lt.), 2024-2026 Collective Bargaining Agreement

WHEREAS, Erie County is a municipal corporation and is bound by the New York State Taylor Law to negotiate terms and conditions of employment with duly-elected employee organizations; and

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

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

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

WHEREAS, Unit membership recently ratified the agreement; and

WHEREAS, unbudgeted 2024 expenses associated with this contract will need to be address as part of 2023 budget balancing through the designation of year-end surplus.

NOW, THEREFORE, BE IT

RESOLVED, the agreement between Employer and the Unit for the period January 1, 2024-December 31, 2026, is hereby approved; and be it further

RESOLVED, all terms and conditions of the successor agreement shall be implemented in full; and, be it further

RESOLVED, that the remaining additional costs associated with this contract for 2023 will be covered by vacancy savings within the Sheriff’s Office’s Division of Jail Management’s Operating Budget; and be it further

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

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



TEAMSTERS LOCAL UNION NO. 264

Affiliated with the International Brotherhood of Teamsters

35 Tyrol Drive

Cheektowaga, NY 14227

Phone: (716) 668-8007 Toll Free: (800) 773-9115 Fax: (716) 668-8122

**THE COUNTY OF ERIE AND
THE ERIE COUNTY SHERIFF'S DEPARTMENT
AND
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL #264
CAPTAINS/LIEUTENANT
TENTATIVE AGREEMENT
October 24, 2023**

1. Article 10.3 Overtime:
 - b. All overtime worked shall be paid promptly and no later than the next payroll check, except that employees wishing to receive compensatory time off in lieu of overtime shall be allowed to accrue and maintain a compensatory time bank, calculated at one (1) and one-half (1/2) times their regular rate of pay for each hour of overtime worked up to a maximum of three ~~two~~-hundred (300~~200~~) hours. This compensatory time benefit is to be in lieu of all other compensatory time benefits.

2. Article 10.4
 10. Employees required to seek medical treatment as a result of an injury while on the job, will be paid for the duration of time they seek initial, emergency care for their injury or they are admitted into the hospital, whichever is less. ~~up to a maximum of four (4) hours if said medical treatment goes beyond the completion of their tour of duty.~~

3. Article 12.1 Holidays
Holidays Recognized and Observed - The following days shall be recognized and observed as paid holidays:
 - New Year's Day
 - Martin Luther King Day
 - President's Day
 - Good Friday
 - Memorial Day
 - Juneteenth
 - Independence Day
 - Labor Day
 - Veteran's Day
 - Thanksgiving Day
 - Christmas Day



4. Article 13.8

An employee who fails to utilize vacation credits in the year he is eligible to take them, shall be permitted to accumulate all up to a maximum of thirty (30) vacation days in a vacation bank

5. Article 13.15 Vacation Buy-Back (Optional)

Commencing January 1, 2012 and annually on such date, thereafter, employees shall be permitted to sell back sixty (60) or up to eighty (80) one hundred (100) hours of accrued and unused vacation each year, in as little as one (1) hour blocks. Such employees must have the hours of vacation leave in their bank and notify their supervisor by March 1st and September 1st each year that they wish to sell vacation hours. Payment for such sell back shall be made in payroll period 5 and 24.

6. Article 14.1 Bereavement Pay

An employee who has a death in the immediate family (parent, spouse, domestic partner, brother, sister, step-sibling, children, grandparents, grandchildren, parent-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepchildren, foster child, stepparent, great grandparent -or other relative who is an actual member of the employee's household) shall be given time off without loss of pay up to a maximum of four five (45) consecutive calendar-scheduled consecutive working days commencing with from and including the date of death or date of the memorial service, at the option of the affected employee. However, if the death occurs after the employee reports to work, that day will not be counted as one of the four five (45) consecutive working calendar days and upon giving appropriate notice, such employee will be allowed to leave for the remainder of the shift without loss of pay. An employee may hold one day of bereavement to be used for a memorial or funeral service taking place within one year of the commencement of the bereavement leave. Proof of services being held at a later date may be required. New York State/City of Buffalo certificate must be submitted for domestic partners.

7a. Article 15: SUBJECT: LEAVE TIME DONATION FOR TEAMSTER MEMBERS AND MANAGERIAL/CONFIDENTIAL EMPLOYEES
EFFECTIVE DATE: JUNE 15, 2023

Policy:

Erie County recognizes the needs of employees and the ability of others to assist in meeting those needs during difficult times. In order to assist other employees suffering a serious medical condition or other emergency need, Erie County allows Teamster and Managerial/Confidential employees to directly donate accrued vacation time to assist a recipient employee. Both the donating employee and recipient employee must meet the criteria established by this policy. This policy applies to employees (both leave time donors and leave time recipients) who are covered by the Teamster collective bargaining agreement or are designated managerial/confidential.

Guidelines:

"Leave time" that is eligible to be donated is defined as accrued vacation time.

To be eligible to receive donated Leave Time, the employee must first use all his/her existing sick, vacation, personal, compensatory, and meal time hours, as applicable, and have a documented serious medical condition or other approved (FMLA or Leave Without Pay) emergency need for time off. The employee may already be qualified under Workers' Compensation, FMLA, or personal leave of absence.

Donated leave time hours shall be deducted in the increments needed by the receiving employee per payroll period. These leave time hours will be utilized according to a "first in/first out" tracking system, that is, they will be deducted in the order in which they were donated.

Employees may donate vacation time by providing Personnel with a signed donor form indicating who the hours are to be donated to, and how many hours are to be donated. The Personnel Department is responsible for coordinating donations between the donating individual, Personnel, and the receiving individual. Forms for this purpose may be obtained from the Personnel Department or the Erie County intranet ("Ernie") online site. Use the Leave Time Donation form.

In order to be eligible to donate vacation time, the donating employee must have accrued hours available. An employee who makes a donation to another employee may later make further donations to the same employee, however, the maximum individual donation from a qualified donor to a qualified recipient is 240 hours of vacation time.

Donated hours utilized will be at the receiving employee's current rate of pay. Employees receiving donated leave time will be paid only up to the maximum budgeted hours per pay period for that employee. Receiving employees will not be paid holiday pay or shift differential.

Teamster employee members and Managerial/Confidential employees may donate vacation time to other employees in their own or each other's groups (for example, a managerial/ confidential employee may donate vacation time to an employee belonging to the Teamster bargaining unit).

Leave time donated to an employee who is in Leave Without Pay status will be paid to that employee as described above, however, such donation of leave time will not constitute a restart of the maximum allowable time an employee may be in leave without pay status and/or receive employer-paid health and/or dental insurance benefits.

Leave time donated to the recipient will not be cashed out for the recipient upon the recipient's separation from employment for any reason. Unused leave time will revert to the donor.

Erie County provides this benefit as a courtesy for eligible employees and offers no legal or other advice or guidance as to tax implications to employees who donate and/or receive accrued leave time. Employees are encouraged to seek tax

implication advice prior to donating and/or accepting time.

7b Article 15.5: Sick Leave Bonus

c. Employees who retire from County service with 15 (fifteen) years of County service shall be eligible for the following:

4. The County will create a Retirement HRA identical in nature to the HRA provided to CSEA Corrections under the terms of the CSEA Corrections CBA. This HRA will commence for those employees covered by the agreement beginning January 1, 2025. This HRA will pay 50% of the sick time a retiring employee has at the time of their retirement. A minimum of 100 hours must be held at the time of retirement. No HRA will be created for employees who leave county service other than through retirement. Individual retirees who have multiple active disciplines in their file at the time of retirement for reporting to work while knowingly or clearly experiencing a severe contagious illness, may be ineligible for this benefit at the County's discretion. -Employees retiring on or after 1/1/2024 will not receive an HRA contribution until 1/1/2025.

8. Article 17.2 Wages:

Effective 10/24/2023: \$3.25 increase to the base pay for the rank of Captain and Lieutenant

Effective 10/24/2023: \$5.60 increase to the title of DON/ADON

1/1/2024 5%

1/1/2025 4%

1/1/2026 4%

9. Section 17.5: Shift Differential -

Shift differential shall be as follows:

\$2.50~~\$1.50~~ - 3:00pm to 11:00pm shift

\$2.50~~\$1.50~~ - 11:00pm to 7:00am shift

10. SECTION 17.6: Longevity Payments

a. All employees receiving the first longevity increment and who serve an additional period for three (3) years actual service ~~in the same job group~~ will receive a second longevity increment.

b. Again, on the completion of another three (3) years of actual service, ~~in the same job group~~, the employee will receive a third longevity increment.

c. Again, on the completion of another three (3) years of actual service, ~~in the same job group~~, the employee will receive a fourth longevity increment.

f. Effective January 1, 2024, the County shall create a sixth longevity step (Step F) for any employee who has 25 years of continuous service.

11. Section 19.3: Dental Coverage - The Employer shall provide the GHI Preferred Dental Plan with 100% orthodonture and 100% prosthetics coverage for each

employee covered under this contract in accordance with the type of coverage (single or family) desired by the employee. The employer shall pay the full cost of single coverage and 90% of the cost of family coverage. Any premium cost in this section shall be paid by the employee on a bi-weekly payroll deduction.
Switch to Teamsters Health and Welfare Fund. See Appendix A.

12. Article 19.4: Payment for Health Insurance (Sworn)

The following shall be the formula for the payment of Health Insurance Effective January 1, 2019 all sworn employees shall pay 15% of the Value Plan premium capped at:

The parties agree that in the event that the Erie County Fiscal Control Board suspends or nullifies pay increases, or step/increment increases contained in the Collective Bargaining Agreement the premium amounts employees contribute toward their Health Insurance shall immediately freeze at the amount in effect at the time of such action and remain frozen until such time that the pay increases, or step/increment increases have been restored.

- k. The employer will make available a health insurance plan that out-of-state retirees may obtain at an additional cost (PBA language)

13. Article 21: Grievances and Judicial Review

Step 3: b) The Arbitrator shall be selected as follows: A panel of permanent Arbitrators is hereby established in the following order:

1. Richard Chapman
2. Jacquelin Drucker
3. Howard Foster
4. Lise Gelernter
5. Ronald Kowalski
6. Michael Lewandowski
7. Jeffrey Selchick
8. Jay Siegel
9. Tim Taylor
10. John Trela

EMPLOYER PROPOSAL #1: ART 23.13(C)

Any material in the official personnel history folder of an adverse nature over three years eighteen months (~~183~~) old shall not be referred to in disciplinary proceedings.

EMPLOYER PROPOSAL #2: ART. 15.5

Eliminate all sick bonuses from the contract. This includes eliminating Art. 15.5 of the CBA

EMPLOYER PROPOSAL #3:

Employer will no longer provide health insurance for employees who have been terminated from employment. This includes employees who have outstanding grievances concerning their termination

EMPLOYER PROPOSAL # 4: HEALTH INSURANCE CAPS: ARTICLE 19.4

a. The following shall be the formula for the payment of Health Insurance. Effective upon the ratification of new CBA, all bargaining unit members shall pay 15% of the value Plan Premium, capped at:

	Single	Family
1/1/2024	\$1,680	\$4,525
1/1/2025	\$1,760	\$4,750
1/1/2026	\$1,840	\$4,975

- Agree to incorporate Teamsters Sworn Unit Body Cam Policy into the CBA.

 10-24-2023
For Teamsters Local #264
Brian Dickman President/PEO


For Teamsters Local #264
David Frankowiak, Captain Steward

 10-24-23
For Erie County
Jesutawa Adeniji
Erie County Deputy Commissioner
of Labor Relations.


For Sheriff's Office
John Greenan, Chief of Operations

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

COMM. 21E-7

COUNTY EXECUTIVE

SUNY ECC North Campus Bretschger Hall
Power and Mechanical Upgrades

Attachments

23COMM. 21E-7



COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

November 13, 2023

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

RE: SUNY Erie Community College North Campus Bretschger Hall Power and Mechanical Upgrades

Dear Honorable Members:

This resolution is requesting authorization for the County Executive to enter into an Agreement with the lowest responsible bidders for the SUNY Erie Community College North Campus Bretschger Hall Power and Mechanical Upgrades project. Bids were received by the Department of Public Works on Thursday, October 19, 2023 and a copy of the bid tabulations is attached for your reference. The County will receive 50% reimbursement from New York State for this project.

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/nt
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: SUNY Erie Community College North Campus Bretschger Hall Power and Mechanical Upgrades
Date: November 13, 2023

SUMMARY

The Department of Public Works is requesting authorization for the County Executive to enter into a contract with the lowest responsible bidders for the SUNY Erie Community College North Campus Bretschger Hall Power and Mechanical Upgrades project, located at 6205 Main Street, Williamsville, NY 14221. Bids were received by the department on October 19, 2023. A copy of the bid tabulations is attached for your reference project.

This project involves Bretschger Hall building-wide replacement of all existing classroom unit ventilators, building entry and hallway heating units, package boilers, pneumatic control system, general exhaust system, and removal of abandoned boiler equipment. Electrical scope includes replacement of the existing transformer and main switchboard and associated electrical work.

FISCAL IMPLICATIONS

Funds for the project are currently available from the approved and adopted Erie County Capital Budget, Fund 480, Funds Center 122 as follows:

E.17005	2017 ECC Code Compliance (Collegewide)	\$ 208.48
E.17006	2017 ECC MEP and Miscellaneous Improvements (Collegewide)	\$ 58,296.79
E.18006	2018 ECC MEP and Miscellaneous Improvements (Collegewide)	\$ 15,512.47
E.19001	2019 Collegewide Improvements and Renovations	\$ 118,388.97
E.20001	2020 Collegewide Improvements and Renovations	\$2,015,770.67
E.22001	2022 SUNY ECC Facility Master Plan – Phase 1	\$3,000,000.00
E.23050	2023 SUNY Erie Facility Master Plan – Phase 2	\$3,291,822.62
For a Total Amount Not to Exceed		\$8,500,000.00

The County will receive 50% reimbursement from New York State for this project.

REASONS FOR RECOMMENDATION

The power distribution, and wiring systems, and mechanical equipment at Bretschger Hall are original to the 1958 and 1968 buildings and have far exceeded their useful life. In order to reduce maintenance costs associated with temporary “stop-gap” measures to keep the heating equipment functioning, a full replacement is warranted. Significant energy savings will be achieved utilizing energy efficient upgraded mechanical heating systems with advance control operations like demand control ventilation, night setback and ventilation control strategies.

BACKGROUND INFORMATION

This project is part of a larger multi-phased Power Distribution/Wiring and Mechanical upgrade project as capital funds are secured and become available. Bretschger Hall has been identified as the most urgent need for power and mechanical upgrades at North Campus.

A large majority of classrooms are conditioned using wall steam heat unit ventilators that are original to the 1958 and 1968 buildings and are in poor condition nearing the end of their useful service life. The building uses low pressure steam as one of its heating sources from (4) TRIAD boilers that were installed in 2008. These boilers have a typical service life of between 15 to 20 years, however, have required a significant amount of maintenance in the last several years and are near the end of their useful life. The general exhaust system, building entry and hallway heating steam convector units, and pneumatic control systems are original to the buildings and have also reached the end of their useful service life. The original steam boiler plant consisting of (3) boilers have been abandoned in place, is consuming floor space in the mechanical room and should be removed so that the equipment does not become a risk to the environment.

The low-voltage panelboards, transformer and main switchboards, and feeders are original to the buildings and will not provide for safe modifications to support a renovation or large HVAC system replacements.

CONSEQUENCES OF NEGATIVE ACTION

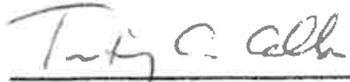
If this approval is not obtained, this project cannot be completed resulting in a deferred maintenance backlog for the County. The existing power distribution, and wiring systems, and mechanical systems at Bretschger will continue to deteriorate and lead to ultimate closure of the facilities because they will become unsafe to occupy.

STEPS FOLLOWING APPROVAL

Upon Legislative approval, the County Executive will enter into a contract with the lowest responsible bidders for the SUNY Erie Community College North Campus Bretschger Hall Power and Mechanical Upgrades project.

COMPTROLLER'S OFFICE REVIEW

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

 11/2/23

TIMOTHY C. CALLAN

Deputy Comptroller

Comptroller's Office

- E.17005 2017 ECC Code Compliance (Collegewide)
- E.17006 2017 ECC MEP and Miscellaneous Improvements (Collegewide)
- E.18006 2018 ECC MEP and Miscellaneous Improvements (Collegewide)
- E.19001 2019 Collegewide Improvements and Renovations
- E.20001 2020 Collegewide Improvements and Renovations
- E.22001 2022 SUNY ECC Facility Master Plan – Phase 1
- E.23050 2023 SUNY Erie Facility Master Plan – Phase 2

File Copy (DPW Resolution_BC ECCN Bretscgher Elec+Mech Upgrades_Constr Award.docx)

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS

RE: SUNY Erie Community College North Campus Bretschger Hall Power and Mechanical Upgrades

WHEREAS, this project is part of a larger multi-phased Power Distribution/Wiring and Mechanical upgrade project as capital funds are secured and become available, and is consistent with JMZ Architect's Masterplan; and

WHEREAS, Bretschger Hall has been identified as the most urgent need for power and mechanical upgrades at North Campus; and

WHEREAS, a large majority of classrooms are conditioned using wall steam heat unit ventilators and are original to the 1958 and 1968 buildings, at the end of their useful service life and in poor condition. The building uses low pressure steam as one of its heating sources from (4) TRIAD boilers that were installed in 2008. These boilers have a typical service life of between 15 to 20 years, however, have required a significant amount of maintenance in the last several years and are near the end of their useful life. The general exhaust system, building entry and hallway heating steam convector units, pneumatic control systems, are original to the buildings and have reached the end of their useful service life and in poor condition. The original steam boiler plant consisting of (3) boilers have been abandoned in place, is consuming floor space in the mechanical room and should be removed so that the equipment does not become a risk to the environment; and

WHEREAS, the low-voltage panelboards, transformer and main switchboards, and feeders are original to the buildings, and will not provide for safe modifications to support a renovation or large HVAC system replacements; and

WHEREAS, in order to reduce maintenance costs associated with temporary "stop-gap" measures to keep the heating equipment functioning, a full replacement is warranted. Significant energy savings will be achieved utilizing energy efficient upgraded mechanical heating systems with advance control operations like demand control ventilation, night setback and ventilation control strategies; and

WHEREAS, the project may be eligible for rebates and incentives from various agencies such as National Grid, NYSERDA and/or utility companies; and

WHEREAS, the County of Erie received bids for the SUNY Erie Community College North Campus Bretschger Hall Power and Mechanical Upgrades project on Thursday, October 19, 2023; and

WHEREAS, the lowest responsible bidder for the General Construction Work is Lake Side Contracting Co., Inc.; Mechanical/Plumbing Construction Work is MLP Plumbing & Mechanical, Inc.; and Electrical Construction Work is Weydman Electric Inc.; and

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

WHEREAS, the Department of Public Works and IBC Engineering PC are recommending award of the contract to the lowest responsible bidders for the SUNY Erie Community College North Campus Bretschger Hall Power and Mechanical Upgrades project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with the lowest responsible bidders for the SUNY Erie Community College North Campus Bretschger Hall Power and Mechanical Upgrades project for an amount not to exceed as follows:

<u>General Construction Work</u>		
Lake Side Contracting Co., Inc.	Base Bid:	\$ 1,558,000.00
	Add Alt G-05:	\$ 44,900.00
Total Award of General Construction Contract:		\$ 1,602,900.00
<u>Mechanical/Plumbing Construction Work</u>		
MLP Plumbing & Mechanical, Inc.	Base Bid:	\$ 4,532,000.00
	Add Alt MP-04:	\$ 299,000.00
Total Award of Mechanical/Plumbing Construction Contract:		\$ 4,831,000.00
<u>Electrical Construction Work</u>		
Weydman Electric Inc.	Base Bid:	\$ 1,497,000.00
	Add Alt E-04:	\$ 10,000.00
Total Award of Electrical Construction Contract:		\$ 1,507,000.00

and be it further

RESOLVED, that authorization is hereby given for the sum of \$559,100.00 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

RESOLVED that authorization is hereby provided to the Division of Budget and Management and the Comptroller's Office to accept any rebates and incentives and deposit it into E.23050 – 2023 SUNY Erie Facility Master Plan – Phase 2, Fund 480, Funds Center 122; and be it further

RESOLVED, that authorization is hereby given to the Comptroller's Office to make payment for all the above from the approved Capital Budgets, Fund 480, Funds Center 122, as follows:

E.17005	2017 ECC Code Compliance (Collegewide)	\$ 208.48
E.17006	2017 ECC MEP and Miscellaneous Improvements (Collegewide)	\$ 58,296.79
E.18006	2018 ECC MEP and Miscellaneous Improvements (Collegewide)	\$ 15,512.47
E.19001	2019 Collegewide Improvements and Renovations	\$ 118,388.97
E.20001	2020 Collegewide Improvements and Renovations	\$2,015,770.67
E.22001	2022 SUNY ECC Facility Master Plan – Phase 1	\$3,000,000.00
E.23050	2023 SUNY Erie Facility Master Plan – Phase 2	\$3,291,822.62
For a Total Amount Not to Exceed		\$8,500,000.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner’s Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, Erie Community College, Director of Finance, and the Office of the Comptroller.

TO: TIMOTHY C. CALLAN, COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

1. CONTRACTOR'S NAME

Construction Contingency
Lake Side Contracting
MLP Plumbing & Mechanical
Weydman Electric Inc

2. AMOUNT OF CONTRACT

Construction Contingency	\$	559,100
Lake Side Contracting	\$	1,602,900
MLP Plumbing & Mechanical	\$	4,831,000
Weydman Electric Inc	\$	1,507,000
TOTAL	\$	8,500,000

3. PROJECT NUMBER

E.17005	\$	208.48
E.17006	\$	58,296.79
E.18006	\$	15,512.47
E.19001	\$	118,388.97
E.20001	\$	2,015,770.67
E.22001	\$	3,000,000.00
E.23050	\$	3,291,822.62

4. PROJECT TITLE

SUNY Erie Community College Campus-wide
Bretschger Hall Power and Mechanical
Upgrades

5. DEPARTMENT CONTACT

Funding questions: Kristofer Straus, PE at
x7294
Letter pickup: Christy Weber at x8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS

\$ 10,714,388.02

7. PERFORMED BY



Date Sent to Comptroller's Office:

November 2, 2023

[55 compt_10]



DEPARTMENT OF PUBLIC WORKS
DIVISION OF BUILDINGS AND GROUNDS
Unofficial Bid Results

Bid Date: 10/19/2023

Bid Date:

**Project Name: SUNY Erie Community College North Campus Bretschger
Hall Power and Mechanical Upgrades**

Bid Time, Local: 10:30 A.M.

Project No.: 2020-956-04, General Construction

Bidder	Base Bid	Alt Bid G-01	Alt Bid G-02	Alt Bid G-03	Alt Bid G-04	Alt Bid G-05
Lake Side Contracting Co., Inc.	\$1,558,000	+ \$73,900	+ \$89,800	+ \$79,900	+ \$133,300	+ \$44,900



**DEPARTMENT OF PUBLIC WORKS
DIVISION OF BUILDINGS AND GROUNDS
Unofficial Bid Results**

Bid Date: 10/19/2023

**Project Name: SUNY Erie Community College North Campus Bretschger
Hall Power and Mechanical Upgrades**

Bid Time, Local: 10:30 A.M.

Project No.: 2020-956-04, Electrical Construction

Bidder	Base Bid	Alt Bid E-01	Alt Bid E-02	Alt Bid E-03	Alt Bid E-04
CIR Electrical Construction Corp.	\$ 1,494,760	+ \$18,875	+ \$24,700	+ \$40,500	+ \$15,000
Weydman Electric Inc.	\$ 1,497,000	+ \$18,300	+ \$30,500	+ \$36,000	+ \$10,000



DEPARTMENT OF PUBLIC WORKS
DIVISION OF BUILDINGS AND GROUNDS
 Unofficial Bid Results

Project Name: SUNY Erie Community College North Campus Bretschger Hall Power and Mechanical Upgrades
Bid Date: 10/19/2023

Project No.: 2020-956-04, Mechanical/Plumbing Construction
Bid Time, Local: 10:30 A.M.

Bidder	Base Bid	Alt Bid MP-01	Alt Bid MP-02	Alt Bid MP-03	Alt Bid MP-04
DV Brown & Associates	\$5,390,000	+ \$166,100	+ \$171,000	+ \$234,000	+ \$396,900
John W Danforth Company	\$4,674,000	+ \$170,000	+ \$160,000	+ \$198,000	+ \$325,000
MLP Plumbing & Mechanical, Inc.	\$4,532,000	+ \$144,000	+ \$150,000	+ \$181,000	+ \$299,000

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

COMM. 21E-8	COUNTY EXECUTIVE	Authorization to Accept MAT Program Funding and Enter into Interdepartmental Agreement to Transfer to Sheriff's Office
-------------	------------------	--

Attachments

23COMM. 21E-8



2023 NOV 13 12:55 PM

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

November 13, 2023

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

**RE: Authorization to Accept MAT Program Funding and Enter into
Interdepartmental Agreement to Transfer to Sheriff's Office**

Dear Honorable Members:

The attached proposed resolution requests authorization for the Department of Mental Health to accept and then transfer \$192,500 in OASAS funding to the Sheriff's Office's Division of Correctional Health for utilization in their Medication Assisted Therapy (MAT) program.

Should your Honorable Body require further information, I encourage you to contact Commissioner Mark O'Brien of the Department of Mental Health or Chief Thomas Diina of the Erie County Sheriff's Office. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mc
Enclosure

cc: Commissioner Mark O'Brien – Department of Mental Health
Chief Thomas Diina – Sheriff's Office

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Mental Health
Re: Authorization to Accept MAT Program Funding and Enter into Interdepartmental Agreement to Transfer to Sheriff's Office
Date: November 13, 2023

SUMMARY

Authorization is requested to transfer state funding from the Department of Mental Health to the Sheriff's Office for the purpose of providing enhanced support to the Medication Assisted Therapy (MAT) program that is already in place.

FISCAL IMPLICATIONS

The New York State Office for Addiction Services and Support (OASAS) has provided \$192,500 in funding specifically to be utilized as part of the MAT program within the Sheriff's Office's Division of Correctional Health. Funding will be recognized within the Department of Mental Health's 2023 & 2024 (upon Adoption) Operating Budgets and transferred to the Division of Correctional Health via interdepartmental billing.

Should OASAS, for whatever reason, no longer provide this funding, it would nullify the pre-existing agreement (ID Billing/MOU) between Correctional Health and Mental Health.

REASONS FOR RECOMMENDATION

This new funding will be utilized to provide approved MAT intervention planning and service delivery supported by the Erie County Legislature and through collaboration between ECDMH/FMH, ECSO administration, ECSO Correctional Health, and BestSelf Behavioral Health (BBH) – which is the provider agency helping to deliver the related services to the individuals in need. More specifically, the new funding will help to implement and sustain direct service and intervention within a MAT Unit established by the ECSO, as well as assist in interventions with co-occurring mental health and substance use concerns identified with individuals in custody on mental health and general population units.

CONSEQUENCES OF NEGATIVE ACTION

ECSO Correctional Health, in conjunction with ECFMH and BBH, would be unable to fully implement this MAT program and therefore fail to deliver the much-needed aforementioned services to some of Erie County's most vulnerable residents.

STEPS FOLLOWING APPROVAL

The Department of Mental Health will work with the Sheriff's Office and the Division of Budget and Management to establish the required ID Billing and related charges between departments.

**A RESOLUTION SUBMITTED BY
DEPARTMENT OF MENTAL HEALTH**

Re: Authorization to Accept MAT Program Funding and Enter into Interdepartmental Agreement to Transfer to Sheriff’s Office

WHEREAS, the Erie County Department of Mental Health (ECDMH), through its Forensic Mental Health Division (FMH) and sometimes in collaboration with the Erie County Sheriff’s Office (ECSO), is responsible for the delivery of a comprehensive range of mental and behavioral health services to the residents of Erie County; and

WHEREAS, the need to provide interventions for individuals in custody and housed within General Population Units of the ECSO/Correctional Facility in Alden, NY, and which may include Medication Assisted Therapy (MAT) program services, is vital to certain incarcerated individuals; and

WHEREAS, ECSO, in conjunction with ECDMH and BestSelf Behavioral Health, can enhance and maintain its current MAT program with this additional funding reallocated by ECDMH via an ID Billing.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Mental Health to take \$192,500 in funding from the New York State Office of Addiction Services and Supports (OASAS) and transfer it to the Sheriff’s Office Division of Correctional Health’s 2023 Operating Budget (Fund 110, Fund Center 11650) via interdepartmental billing to be used as part of the MAT program as follows:

Department of Mental Health
Division of Program Administration
Fund 110, Fund Center 12410

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
406860	State Aid - OASAS	<u>\$192,500</u>
	TOTAL	<u>\$192,500</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
911650	ID Correctional Health Services	<u>\$192,500</u>
	TOTAL	<u>\$192,500</u>

Sheriff's Office
 Division of Correctional Health
 Fund 110, Fund Center 11650

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516020	Professional Services, Contracts & Fees	\$ 192,500
911650	ID Correctional Health Services	<u>\$(192,500)</u>
	TOTAL	<u>\$ 0</u>

and be it further

RESOLVED, that authorization is hereby given to amend the Department of Mental Health's Division of Program Administration's (Fund 110, Fund Center 12410) and Sheriff's Office's Division of Correctional Health's 2024 Operating Budget upon adoption (Fund 110, Fund Center 11650) as follows:

Department of Mental Health
 Division of Program Administration
 Fund 110, Fund Center 12410

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
406860	State Aid - OASAS	<u>\$192,500</u>
	TOTAL	<u>\$192,500</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
912400	ID Mental Health Services	<u>\$192,500</u>
	TOTAL	<u>\$192,500</u>

Sheriff's Office
 Division of Correctional Health
 Fund 110, Fund Center 11650

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516020	Professional Services, Contracts & Fees	\$ 192,500
912400	ID Mental Health Services	<u>\$(192,500)</u>
	TOTAL	<u>\$ 0</u>

and be it further

RESOLVED, that authorization is hereby given to re-appropriate any remaining funds within the Division of Correctional Health (Fund 110, Fund Center 11650) Account #516020 – Professional Services, Contracts & Fees designated for the MAT program from 2023 as a funds reservation into 2024, no transfer required; and be it further

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

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

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

COMM. 21E-9 COUNTY EXECUTIVE ECSD Board of Managers Appointments

Attachments

23COMM. 21E-9



COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

EC LEG NOV 13 '23 PM 12:55

November 13, 2023

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

**RE: Open Item / Placeholder
Erie County Sewer District Board of Managers Appointments**

Dear Honorable Members:

The Department of Environment and Planning, Division of Sewerage Management, respectfully requests that an open item/placeholder be established on the agenda of the Legislature's Energy and Environment Committee, to wit:

- Erie County Sewer District Board of Managers Appointments

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

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

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

COMM. 21E-10	COUNTY EXECUTIVE	ECSD No 4 - Engineer Term Contract Agreement
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Attachments

23COMM. 21E-10



EC LEG NOV 13 '23 PM 12:55

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

November 13, 2023

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

RE: **Erie County Sewer District No. 4 Engineer Term Contract Agreement with GHD Consulting Services, Inc. Work Order: GHD-3**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, for the issuance of a work order as authorized by the resolution passed by the Erie County Legislature as Comm. 16E-11 (2022), related to 3-year Term Agreements.

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

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:ms
Enclosure

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

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 4 Engineer Term Contract Agreement with GHD Consulting Services, Inc. Work Order: GHD-3
Date: November 13, 2023

SUMMARY

The Erie County Legislature is requested to receive and file this communication pertaining to the Department of Environment and Planning's issuance of a work order with GHD Consulting Services, Inc. for Erie County Sewer District (ECSD) No. 4 in the amount not to exceed \$39,965.70.

FISCAL IMPLICATIONS

There will be no impact on to the County's General Fund. The cost of the engineering work related to this communication will be paid from ECSD No. 4 Capital Bond Account C.17401.

REASONS FOR RECOMMENDATION

The Division of Sewerage Management has issued work order GHD-3 to GHD Consulting Services, Inc. to provide 100% Design Plans and Specifications for additional work at the Depew Pumping Station Improvements Project in ECSD No. 4.

BACKGROUND INFORMATION

On November 17, 2022, the Erie County Legislature passed a resolution, Comm. 16E-11 (2022), authorizing a 3-year Term Agreement with GHD Consulting Services, Inc. for engineering services for small and/or time critical projects. At the time of the contract award, the Division of Sewerage Management committed to notifying the Honorable Legislature of each work order issued.

The Term Agreement was approved to provide the Division of Sewerage Management with engineering services required to complete various initiatives throughout the Erie County Sewer Districts. This work order will provide 100% design plans and specifications for the ventilation, wet well grating, and associated improvements as additional scope for the Depew Pumping Station Improvement project in ECSD No. 4. This work order is the last of a phased approach to bring this project to the bid phase.

CONSEQUENCES OF NEGATIVE ACTION

This is a receive and file item.

STEPS TO FOLLOW APPROVAL

This is a receive and file item.

COMPTROLLER'S OFFICE REVIEW

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

Signed Timothy C. Callan Date 11/2/23
Title Timothy C. Callan, Ph.D.
Deputy Comptroller

**Erie County Sewer District No. 4
Engineering Term Contract Agreement
Work Order: GHD-3
Capital Account No. C.17401**

**ERIE COUNTY SEWER DISTRICT NO. 4
WORK ORDER NO. GHD-3**

ENGINEER: GHD Consulting Services, Inc.

CONTRACT DATE: November 21, 2022

1. Title of Proposal:

ECSD #4 – Depew Pumping Station Improvements Design.

2. Name and Business Address of Proposer:

Chris Martin, P.E.
GHD Consulting Services, Inc.
285 Delaware Avenue
Suite 500
Buffalo, NY 14202

3. Effective Dates of Proposal:

October 31, 2023

4. Brief Description of Work for Which Proposal is Submitted:

The engineer will provide 100% Design Plans and Specifications for ventilation, grating and associated improvements as additional scope for the Depew Pumping Station Improvements project in ECSD No. 4.

5. Engineering Cost: \$39,965.70

Source of Funds: ECSD No. 4 - Capital Bond Account C.17401.

5. Project No: GHD-3

6. Attachments: GHD letter dated 10/27/23 (7 pages)

7. File: 0.3.2. GHD (23-25) Eng.

DATE: October 31, 2023

Accepted By: _____

Prepared By: _____
Matt A. Salah, P.E.

Authorized By: _____
Joseph Fiegl, P.E., BCEE
Deputy Commissioner

TO: COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

1. CONTRACTOR'S NAME GHD Consulting Services Inc

2. AMOUNT OF CONTRACT \$39,965.70

3. PROJECT NUMBER Capital Bond Acct C.17401

4. PROJECT TITLE Engineering Term Agreements
 Work Order GHD - 3

5. DEPARTMENT CONTACT Beth Pfalzer x6144

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS \$4,260,508.06

7. PERFORMED BY *[Signature]*

- Date Sent to Comptroller's Office: November 2, 2023

[55 compt_10]

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

COMM. 21E-11	COUNTY EXECUTIVE	ECSD No. 1 - Contract No. 45, Contract Close Out
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Attachments

23COMM. 21E-11



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

COLLEGE NOV 13 23 AM 12:55

November 13, 2023

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

**RE: Erie County Sewer District No. 1
Contract No. 45
Contract Close Out – CMH Company Inc.**

Dear Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning, Division of Sewerage Management, pertaining to the close out of Contract No. 45 with CMH Company Inc.

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

Sincerely yours,

A handwritten signature in cursive script that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP: nw

Enclosure

Cc: J. Fiegl – Environment and Planning

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 1
Contract No. 45
Contract Close Out – CMH Company Inc.
Date: November 13, 2023

SUMMARY

Acceptance and approval of Contract No. 45 in the final contract amount of \$421,082.14 together with Change Order No. 1 and Change Order No. 2 (final) as well as authorization to issue final payment to the contractor, CMH Company Inc. is requested.

FISCAL IMPLICATIONS

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

REASONS FOR RECOMMENDATION

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

BACKGROUND INFORMATION

Contract No. 45 was bid on February 23, 2022 and awarded by the Erie County Legislature on April 7, 2022 pursuant to Legislative Comm. 3E-20 (2022). This contract constructed the North Seine Drive Sanitary Sewer Replacement Project in Erie County Sewer District No. 1. Change Order No. 1 was issued by the Division of Sewerage Management (DSM) due to conditions discovered during construction that were not reflected on the contract plans and ultimately required a reduction of scope. These unforeseen conditions included an existing 12-inch diameter storm sewer encountered in a different alignment than expected, unstable soils conditions, and conflicts with underground concrete structures related to the lighting infrastructure on this street. Due to the need for field changes to account for these unknown issues, the pipe replacement work was reduced to prevent further loss of curb and roadway. Engineers from the DSM determined this change would not adversely impact the function of the overall system. These changes resulted in a net deduct of \$80,917.86. Parallel estimates completed by engineers from the DSM substantiated the deduct to the contract. Change Order No. 2 (final) is a no-cost time extension necessary to complete final restoration, punch list work, and to process the close-out paperwork.

CONSEQUENCES OF NEGATIVE ACTION

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

STEPS FOLLOWING APPROVAL

The County of Erie will execute the final change order and make a final payment to CMH Company 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 10/25/23
Title Timothy C. Callan
Deputy Comptroller

Erie County Sewer District No. 1
Contract No. 45
Contract Closeout – CMH Company Inc.
Capital Account No. C.21150 (American Rescue Plan)

)

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District No. 1
Contract No. 45
Contract Close Out – CMH Company, Inc.

WHEREAS, pursuant to Legislative Comm. 3E-20 (2022), Contract No. 45 was awarded to CMH Company, Inc. to construct the North Seine Drive Sanitary Sewer Replacement Project in Erie County Sewer District No. 1; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 45 in the final contract amount of \$421,082.14 which includes Change Order No. 1, a decrease of \$80,917.86, and Change Order No. 2 (final, no-cost time extension), and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby accepts Contract No. 45 between the County of Erie and CMH Company, Inc. (12750 North Road, Alden, NY 14004) in the final contract amount of \$421,082.14 which includes Change Order No. 1, a decrease of (\$80,917.86) and is allocated in Capital Account C.21150 (American Rescue Plan funds) and Change Order No. 2 (final), a no-cost time extension; and be it further

RESOLVED, that authorization is hereby given to the County Comptroller and Director of the Division of Budget and Management to implement any adjustments necessary to facilitate this funding; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 45 to CMH Company, Inc. for a total contract amount of \$421,082.14; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Budget and Management, Richard Stanton, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.

APPROVAL TO DISBURSE CAPITAL PROJECT CASH
(use a separate form for each capital project)

SEWER CAPITAL C. 21150 TITLE Erie County Sewer District No. 1

PROJECT PURPOSE: The construction of the North Seine Drive Sanitary Sewer Replacement Project.

PROJ.AUTHORIZATION: BUDGET YEAR _____ OR DATE OF LEGISLATION _____

BOND RESOLUTION(S) AUTHORIZING PROJECT: TOTAL \$ _____
 DATE(S) _____
 AMT(S) _____ \$ _____

CONTRACT PURPOSE: To replace approximately 899 linear feet of an existing 10-inch diameter sanitary sewer with 12-inch sewer including installation of manholes, house lateral connections related restoration activities in Erie County Sewer District No. 1.

<u>CONTRACTOR</u>	<u>\$ AMOUNT</u>	<u>W.B.S.#</u>	<u>TOTAL AVAILABLE APPROPRIATION</u>
CO#1 CMH Company	-\$80,917.86	C.21150	\$ 421,082.14
CO #2 CMH Company	\$0.00	C.21150	\$ 421,082.14
Total	-\$80,917.86		

CHANGE ORDERS: PROJECT LEGISLATIVE HISTORY FOR THIS CONTRACT

<u>DATE</u>	<u>DESCRIPTION (Orig. Enc. Inc., Dec)</u>	<u>Amount</u>	<u>SFG Doc#</u>
_____	Original Contract CMH Company	\$502,000.00	_____

REQUESTED BY: Nadine R. Wetzel, P.E.

	<u>Initials</u>	<u>Date</u>	
Amount Allocated	_____	_____	Deputy Commission
Amount Available	_____	_____	Accountant

TO: COMPTRROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

1. CONTRACTOR'S NAME CMH Company Inc
2. AMOUNT OF CONTRACT \$421,082.14
3. PROJECT NUMBER C.21150
4. PROJECT TITLE North Seine Dr Sanitary Sewer Replacement Proj
5. DEPARTMENT CONTACT Beth Pfalzer x6144

COMPTRROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS \$12,432,532.03
 7. PERFORMED BY *[Signature]*
- Date Sent to Comptroller's Office: October 24, 2023

[55 compt_10]

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

COMM. 21E-12	COUNTY EXECUTIVE	ECSD NYSDOT - Public Utility Work Agreements
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Attachments

23COMM. 21E-12



EC LEG NOV 13 '23 PM 12:55

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

November 13, 2023

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

RE: Erie County Sewer Districts
NYSDOT – Public Utility Work Agreements – 2024

Dear Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning, Division of Sewerage Management, pertaining to New York State Department of Transportation (NYSDOT) Public Utility Work Agreements for 2024.

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

Sincerely yours,

A handwritten signature in cursive script that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
County Executive

MCP:mas
Enclosure

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

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer Districts
NYSDOT – Public Utility Work Agreements – 2024
Date: November 13, 2023

SUMMARY

Approval to enter into a 2024 Public Utility Work Agreement for improvement of Erie County Sewer District assets during certain New York State Department of Transportation (NYSDOT) projects is requested.

FISCAL IMPLICATIONS

There will be no fiscal impact to the County's General Fund. Work performed on Erie County sewers and manholes during certain projects will be paid by the NYSDOT in accordance with Section 10, Subdivision 24, of the State Highway Law.

REASONS FOR RECOMMENDATION

Certain NYSDOT highway reconstruction projects may impact Erie County Sewer District assets, requiring the adjustment of Erie County sanitary sewerage facilities to meet the proposed highway alignment and elevations. In these instances, an agreement is necessary for this betterment work to occur at the NYSDOT's expense, as well as to memorialize that the Erie County Sewer Districts will maintain these improved facilities into the future.

BACKGROUND INFORMATION

The NYSDOT periodically schedules improvement of State highways and the design includes the adjustment of County sanitary sewerage facilities. An agreement with the NYSDOT is required so the NYSDOT will pay for these betterments to County sewer district assets.

Note: a separate agreement is required in instances where an Erie County Sewer District requests betterments be made on their behalf in NYSDOT projects – i.e. where adjustment of Erie County sanitary sewerage facilities is not necessarily required to complete the highway work.

CONSEQUENCES OF NEGATIVE ACTION

The NYSDOT will require Erie County to adjust its own sanitary sewer facilities, at the Erie County Sewer District's expense, in advance of the NYSDOT highway reconstruction projects.

STEPS TO FOLLOW APPROVAL

The County of Erie will execute a NYSDOT Public Utility Work Agreement, which will allow the NYSDOT to make adjustments to Erie County sanitary sewerage facilities at the NYSDOT expense during a State highway project.

RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

Re: Erie County Sewer Districts
NYSDOT – Public Utility Work Agreements – 2024

WHEREAS, the New York State Department of Transportation (NYSDOT) in the calendar year 2024 proposes the construction, reconstruction, or improvement capital projects of State highways within the boundaries of the Erie County Sewer Districts; and

WHEREAS, the State will include adjustment of sanitary sewer facilities as part of their capital projects pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on contract plans relating to the projects and satisfying the requirements of the Erie County Sewer Districts; and

WHEREAS, the service life of the adjusted utilities has not been extended; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management recommends that the County of Erie enter into NYSDOT Utility Work Agreements (HC-140) in the year 2024 to allow for adjustment of Erie County Sewer District assets required for NYSDOT capital projects at the NYSDOT's expense.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature approves the proposed adjustments for the County owned sanitary sewer facilities as shown on contract plans relating to NYSDOT capital projects, and completed at the NYSDOT's expense; and be it further

RESOLVED, that the affected Erie County Sewer District will maintain or cause to be maintained facilities adjusted by the NYSDOT as above stated; and it be further

RESOLVED, that the Commissioner of the Erie County Department of Environment and Planning or his/her designee is hereby authorized, on behalf of the County of Erie, to sign NYSDOT Utility Work Agreements; and be it further

RESOLVED, that the Commissioner of the Erie County Department of Environment and Planning or his/her designee is hereby authorized, on behalf of the County of Erie, to sign any additional documentation relating to a project to be completed under an aforementioned NYSDOT Utility Work Agreements; and it be further

RESOLVED, that the Clerk of the Legislature send one (1) certified copy of this resolution to the New York State Department of Transportation with each package of NYSDOT Utility Work Agreements for each NYSDOT capital project approved by Erie County Department of Environment and Planning, and one (1) certified copy each of this resolution to the County Executive, the County Comptroller, Richard Stanton, Assistant County Attorney, and Joseph Fiegl, P.E., Department of Environment and Planning.

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

COMM. 21E-13	COUNTY EXECUTIVE	RENEW Plan - Amendments to Existing Projects and New Project Authorizations - Phase 8
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Attachments

23COMM. 21E-13



EC LOG NOV 13 '23 PM 12:54

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

November 13, 2023

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

**RE: RENEW Plan - Amendments to Existing Projects and New Project
Authorizations – Phase 8**

Dear Honorable Members:

Please find enclosed a resolution from the Department of Environment and Planning amending the scope of three projects previously authorized in RENEW Phase 6 and 7 and authorizing the contracts necessary to implement the RENEW Plan Phase 8.

Should your Honorable Body require further information, I encourage you to contact Department of Environment and Planning Commissioner, Daniel Castle or my office directly.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/nb
Enclosure

cc: Daniel R. Castle A.I.C.P., Commissioner, Department of Environment and Planning

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: RENEW Plan- Amendments to Existing Projects
Date: November 13, 2023

SUMMARY

Erie County authorized three projects with specific scopes of services in RENEW Phase 6 COMM. 22E-13 (2022) and Phase 7 COMM. 11E-34 (2023). The scopes defined within the resolution were subsequently found to be unfeasible for a variety of reasons. The grantees have requested that the scope of services identified in the resolution be refined to accommodate slightly different projects for the previously approved projects.

Phase 8 reallocates the remaining funding from the deleted GBUAHN and Erie County Small Business Park projects towards The Jury Diversification Project and SUNY Erie South Campus Kitchen Equipment Project.

FISCAL IMPLICATIONS

There is no anticipated funding impact on the County. Projects were previously authorized, the proposed resolution alters the scope of services of the projects, funding remains unaltered.

For Phase 8 a total of \$141,934 is reallocated in previously approved funding.

REASONS FOR RECOMMENDATION

The following proposed projects as described are included in Phase 6 and 7:

Bellevue Fire District #9 – Funding was previously authorized in Phase 6 for the purchase of an ambulance. The Fire District now desires to utilize the funding for the purchase of two (2) Class A Pumpers.

Kenmore Volunteer Fire Department Floor Replacement – Funding was previously authorized in Phase 7 for the replacement of the floors. The Fire Department now would like to utilize the funding to update the Plymovent Exhaust Removal System.

Town of Tonawanda Pool Liner Replacement – Funding was previously authorized in Phase 7 for replacing and installing a new liner at Kenmore Pool. The Town would now like to utilize the funding to replace the roof at structures within the Kenmore Pool complex.

The following new projects will receive reallocated funding that were noted as part of INTRO. 10-1 (2023) and INTRO. 19-3 (2023).

\$15,000 – Jury Diversification Project

\$126,934 – South Campus Cafeteria Kitchen Equipment Project

CONSEQUENCES OF NEGATIVE ACTION

The Projects as currently authorized are not feasible for a variety of reasons. Absent the requested change, the improvements will not occur.

STEPS FOLLOWING APPROVAL

Upon approval of this resolution the Department of Environment and Planning will execute contracts with the revised scope of work.

**A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING**

RE: RENEW Plan- Amendments to Existing Projects

WHEREAS, Erie County previously authorized the following Projects RENEW Plan Phase 6, through Comm. 22-E-13 on December 1, 2022 and RENEW Plan Phase 7, through Comm.11E-34 on June 8, 2023:

Amount	Scope of Work	Contract Awardee
\$30,000	Kenmore Volunteer Fire Department Floor Replacement	Kenmore Volunteer Fire Department
\$17,000	Town of Tonawanda Pool Liner Replacement	Town of Tonawanda
\$50,000	Bellevue Fire District Ambulance	Bellevue Fire District #9

and

WHEREAS, the following organizations have requested project scopes of work and grantee be amended as follows:

Amount	Scope of Work	Contract Awardee
\$30,000	Capital Improvements to Kenmore Fire Department	Village of Kenmore
\$17,000	Capital Improvements to Kenmore Pool site	Town of Tonawanda
\$50,000	Capital Improvements to Bellevue Fire District #9	Bellevue Fire District #9

and

WHEREAS, the Legislature deleted the Small Business Park Project, as proposed and authorized in American Rescue Plan Omnibus Spending Package – the “RENEW Plan” Comm. 13E-15 (2021) with funding reallocated and any remainder held in reserve for future projects in RENEW Plan Contracts Authorizations – Phase 7 Comm. 11E-34 (2023); and

WHEREAS, the Legislature deleted the GBUAHN Health Home Project, as proposed and authorized in RENEW Plan Contracts Authorization – Phase 1 Comm. 18E-18 (2021) with funding reallocated and any remainder held in reserve for future projects in RENEW Plan Contracts Authorizations – Phase 6 Comm. 22E-13 (2022).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the following amendments:

Amount	Scope of Work	Contract Awardee
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\$30,000	Capital Improvements to Kenmore Fire Department	Village of Kenmore
\$17,000	Capital Improvements to Kenmore Pool site	Town of Tonawanda
\$50,000	Capital Improvements to Bellevue Fire District #9	Bellevue Fire District #9

and be it further

RESOLVED, that authorization is hereby given for the remaining \$65,000 of RENEW Plan funding originally reserved for the GBAUHN Health Home in Fund 110, Funds Center 16200, Account # 570050 – Interfund Transfer Capital to be reallocated as follows:

Amount	Funds Center	Account	Name
\$ 15,000	1332010	518118	Jury Diversification Project
\$ 50,000	14030	575000	Interfund Expenditure Non-Subsidy

and be it further

RESOLVED that authorization is hereby given for the remaining \$76,934 of RENEW Plan funding originally reserved for the Erie County Small Business Park Project in Fund 110, Funds Center 16200, Account # 570050 – Interfund Transfer Capital to be reallocated as follows:

Amount	Funds Center	Account	Name
\$ 76,934	14030	575000	Interfund Expenditure Non-Subsidy

and be it further

RESOLVED, that authorization is hereby given to the Director of the Division of Purchasing to create any necessary documents to facilitate the granting of \$15,000 in funding to the Jury Diversification Project; and be it further

RESOLVED, that authorization is hereby given for the County Executive to execute a contract with SUNY Erie Community College in the amount of \$126,934 for the South Campus Cafeteria Kitchen Equipment Project; and be it further

RESOLVED, that authorization is hereby given for the County Executive/Deputy County Executive to execute contracts, agreements, or inter-municipal agreement with the above noted contract awardees; and be it further

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

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

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

COMM. 21E-14	COUNTY EXECUTIVE	Agriculture & Farmland Protection Plan Update
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Attachments

23COMM. 21E-14



COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

ADLEG NOV13'23 12:54

November 13, 2023

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

**RE: Agriculture and Farmland Protection Plan Update - Authorization to Accept
NYS Agriculture and Markets Grant and Award Consultant Contract**

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Environment and Planning seeking authorization to accept a New York State Department of Agriculture and Markets County Agricultural and Farmland Protection Planning grant award and award a consultant contract to update the 2013 *Erie County Agricultural and Farmland Protection Plan*.

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

Sincerely yours,

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

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/nb
Enclosures

cc: Daniel R. Castle, AICP, Commissioner
Mark P. Rountree, Chief Planner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Agriculture and Farmland Protection Plan Update - Authorization to Accept NYS Agriculture and Markets Grant and Award Consultant Contract
Date: November 13, 2023

SUMMARY

It is recommended that the Erie County Legislature authorize the County Executive to accept New York State Department of Agriculture and Markets (“AGM”) County Agricultural and Farmland Protection Planning grant to update the 2012 Erie County Agricultural and Farmland Protection Plan. Additionally, authorization is requested to contract with LaBella Associates to update the Plan.

FISCAL IMPLICATIONS

The anticipated County fiscal impact is \$80,000. This resolution also authorizes the acceptance of an AGM grant in the amount of \$50,000 to offset the total project cost of \$130,000.

<u>Item</u>	<u>Amount</u>	<u>Use</u>
AGM Grant	\$50,000	Contract for Ag. Plan
County Funding	\$59,000	Contract for Ag. Plan
County Funding	\$21,000	Contingency
TOTAL	\$130,000	

REASONS FOR RECOMMENDATION

The existing Erie County Agricultural and Farmland Protection Plan, accepted by the Erie County Legislature in 2012 and certified by AGM in 2013, has reached its intended planning horizon of ten years.

Erie County applied and was awarded a \$50,000 AGM grant for the purpose of updating the Agricultural and Farmland Protection Plan. This resolution will authorize the County to accept funding and start updating the Plan.

The Department of Environment and Planning administered a consultant selection process consistent with the County Administrative Code 26.08. Labella provided the most comprehensive team with expertise in agricultural planning, farmland protection, and familiarity with the Erie County agricultural industry.

BACKGROUND INFORMATION

Erie County continues to lose farmland at an alarming rate with 22% of County farms lost between 2007-2017, representing a 4.2% loss in total agricultural land area. Additionally, the agricultural environment in Erie County has changed significantly, new issues have emerged

since the 2013 Plan including the increase of large-scale solar development, consolidation of farms and also the emergence of a vibrant urban agricultural industry.

Erie County's updated Agricultural and Farmland Protection Plan will inventory and assess the current state of the Erie County agricultural industry, providing policy guidance on land use planning, increasing the financial viability of agriculture and guidance on emerging issues impacting Erie County farms. The updated Agriculture and Farmland Protection Plan will address issues which have increased in importance in the intervening years or were not previously addressed including a focus on supporting and protecting urban farms in the City of Buffalo, addressing the siting of solar generation facilities on high quality agricultural soils, and the impacts/opportunities of climate change on agriculture and farming operations in Erie County.

CONSEQUENCES OF NEGATIVE ACTION

If a resolution authorizing the grant application is not approved, Erie County will be unable leverage New York State funding to update the 2013 Erie County Agricultural and Farmland Protection Plan and will be unable to address critical issues like solar facility siting and preservation of agricultural lands.

STEPS FOLLOWING APPROVAL

Upon approval of the resolution, Erie County will execute agreements with New York State Agricultural and markets to accept the \$50,000 grant and an agreement with Labella Associates to start the Plan.

A RESOLUTION TO BE SUBMITTED BY THE
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Agriculture and Farmland Protection Plan Update - Authorization to Accept
NYS Agriculture and Markets Grant and Award Consultant Contract

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

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

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

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

WHEREAS, the Erie County Agricultural and Farmland Protection Board, Erie County Department of Environment and Planning and Erie County Legislature desires to update the 2013 Erie County Agricultural and Farmland Protection Plan to address changes in the last ten years and address emerging issues impacting the agricultural industry; and

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

WHEREAS, AGM has released a Request for Applications for State Assistance Payments for County Agricultural and Farmland Protection Planning Grants; and

WHEREAS, Erie County applied and was awarded a \$50,000 grant from AGM; and

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

WHEREAS, the Department of Environment and Planning released a Request of Proposals for agricultural planning services in compliance with Section 26.08 of the Erie County Administrative Code; and

WHEREAS, Labella Associates was selected for the Update of the Erie County Farmland Protection Plan;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept the New York State Agricultural and Markets grant in the amount of \$50,000 from the AGM Farmland Protection Planning Grant program and amend the 2023 General Fund Budget (Fund 110 Fund Center 16200) as follows:

Department of Environment and Planning
Fund 110, Funds Center 16200

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
409000	State Aid Revenue	\$50,000
	TOTAL	<u>\$50,000</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516020	Professional Service Contracts & Fees	\$50,000
	TOTAL	<u>\$50,000</u>

and be it further

RESOLVED, that authorization is hereby given to provide the local match to the AGM grant in the amount of \$59,000 from the following source Fund 110, Funds Center 16200, GL 516020 (Professional Service Contracts & Fees); and be it further;

RESOLVED, that authorization is hereby provided for the County Executive to execute a contract for consulting services for the Agricultural and Farmland Protection Plan update in an amount not to exceed \$109,000 with LaBella Associates, D.P.C; and be it further

RESOLVED, that authorization is hereby given to the County Executive to approve contract amendments with Labella Associates, or other entities as necessary, not to exceed \$21,000 from Fund 110, Funds Center 16200, GL 516020 (Professional Service Contracts & Fees); and be it further

RESOLVED, that authorization is hereby given to the Division of Budget and Management to implement any necessary technical or budget adjustments as required to comply with funding requirements; and be it further

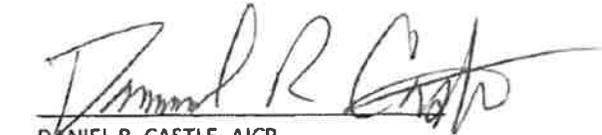
RESOLVED, that the Clerk of the Legislature is directed to send two certified copies of this resolution to the Department of Environment and Planning and one copy each to County Executive's Office, Comptroller's Office, and Division of Budget Management.

Attachment 1 – Consultant Selection Process

Consultant	Pricing	Reviewer 1	Reviewer 2	Reviewer 3	Reviewer 4	Ranking
LaBella	\$109,000	1	1	1	1	1
ACDC	\$100,383	2	2	2	2	2

Shortlisted and interview – ranking reflects post-interviewing scoring

Selected Firm



DANIEL R. CASTLE, AICP
Commissioner, DEP



LISA CHIMERA
Deputy County Executive

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

COMM. 21E-15	COUNTY EXECUTIVE	Authorization to Contract with Public Consulting Group
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Attachments

23COMM. 21E-15



EC LEG NOV 13 '23 PM 12:55

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

November 13, 2023

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

RE: Authorization to Contract with Public Consulting Group

Dear Honorable Members:

The Erie County Department of Health (ECDOH) is seeking authorization to enter into a contract with Public Consulting Group LLC to cover expenses related to the New York State Public Health Corps. (NYSPHC) Fellowship Program such as supplies, travel, per diems, and technology that are covered by a New York State grant.

Should your Honorable Body require further information, please contact Commissioner of Health Gale Burstein. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/jah
Enclosure

cc: Dr. Gale Burstein, Commissioner of Health

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Health
Re: Authorization to Contract with Public Consulting Group
Date: November 13, 2023

SUMMARY

ECDOH participates in the NYSPHC Fellowship Program, which is designed to build expertise for healthcare including community outbreak response and infection prevention and control among local health departments (LHD). Erie County currently has 91 fellows with the plan to add another 10 in the coming weeks to be placed both internally within Erie County and externally with community-based organization that are employed by a firm selected by New York State, Public Consulting Group LLC. The program is completely supported by NYS with additional funds for expenses related to the fellows to granted to Erie County.

FISCAL IMPLICATIONS

In 2021 Erie County received a \$12.4 million grant award setup in the Department of Health's Grant Fund (Fund 281, Funds Center 12700) as 127FELLOWSHIP2123. All expenses are covered by this grant specifically for the purpose outlined above for the NYSPHC Fellowship Program.

REASONS FOR RECOMMENDATION

Due to the fellows being employed by Public Consulting Group LLC, chosen by New York State, and funds are granted to Erie County by NYS for related expenses to the fellows, it is recommended to that this honorable body authorizes Erie County to contract directly with Public Consulting Group LLC to cover items like travel, supplies, and technology to use the funds as intended. Erie County's current purchasing and travel policies do not allow these items to be purchased directly by Erie County for non-employees.

CONSEQUENCES OF NEGATIVE ACTION

Erie County is unable to develop the fellows professionally as outlined by the agreement with NYS for the program because it is not allowed to purchase items directly for non-employees.

STEPS FOLLOWING APPROVAL

ECDOH will work with Budget and Management and County Attorney's Office on executing all terms of the contract.

RESOLUTION SUBMITTED BY:
DEPARTMENT OF HEALTH

Re: Authorization to Contract with Public Consulting Group

WHEREAS, the Erie County Department of Health (ECDOH) participates in the New York State Public Health Corps. (NYSPHC) Fellowship Program and currently has over 91 fellows with an additional 10 planned by end of 2023; and

WHEREAS, the NYSPHC Fellowship Program is designed to build expertise for healthcare including community outbreak response and infection prevention and control among local health departments; and

WHEREAS, the NYSPHC Fellowship Program assists ECDOH in direct health education services to inform and protect communities, improves outreach and assistance to vulnerable populations, and response to public health activities such as vaccination, prevention campaigns, testing, logistics, operations, and data collection; and

WHEREAS, Erie County was granted funds by NYS for the development of the public health fellows for all expenses related to the program for items such supplies, technology, and travel costs; and

WHEREAS, Erie County would cover these costs through Public Health Consulting LLC.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive is hereby authorized to enter into a contract with Public Consulting Group LLC, waiving the procedures in Section 26.08 of the Erie County Administrative Code; and be it further

RESOLVED, that sufficient funding exists within the Department of Health's "New York State Public Health Corps Fellowship Program" Grant, 127FELLOWSHIP2123 to cover all associated costs of the program; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes 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, the Office of the Comptroller, the Division of Budget and Management, Department of Law and the Department of Health.

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

COMM. 21E-16	COUNTY EXECUTIVE	Authorization to Contract with Hope Speech Pathology, PLLC
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Attachments

23COMM. 21E-16



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG NOV 13 '23 PM 12:55

November 13, 2023

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

RE: Authorization to Contract with Hope Speech Pathology, PLLC

Dear Honorable Members:

The Erie County Department of Health (ECDOH) is seeking authorization to enter into a contract with Hope Speech Pathology, PLLC to address current capacity issues in securing mandated related services for children in the New York State Special Education Preschool Services Program.

Should your Honorable Body require further information, please contact Commissioner of Health Gale Burstein. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/jah
Enclosure

cc: Dr. Gale Burstein, Commissioner of Health

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Health
Re: Authorization to Contract with Hope Speech Pathology, PLLC
Date: November 13, 2023

SUMMARY

ECDOH's Children with Special Needs Division contracts with many Preschool Special Education Programs to provide related services to children, but are currently experiencing capacity issues. Children are on waiting lists to receive mandated services listed in their Individualized Education Plans. New York State Education Department (NYSED) requires that if a school district within Erie County mandates therapy services for children, Erie County must contract with agencies to provide those services. ECDOH is looking to increase the number of contracted agencies available to meet these mandates. This resolution seeks waiver of the procedures in Section 26.08 of the Erie County Administrative Code because rates paid to providers are non-negotiable and are listed in the New York State Special Education Database.

FISCAL IMPLICATIONS

Funding was budgeted for and is currently available for the contract in account 528000 Services to Special Needs Children to cover the costs incurred. There is one rate listed in the New York State Special Education Database for all Related Services and providers are reimbursed per completed therapy session.

REASONS FOR RECOMMENDATION

NYSED Part 200 of the Regulations of the Commissioner of Education pursuant to special education programs and services for students with disabilities requires that counties contract with agencies to provide related services authorized by District Committee's on Special Education, funding is available, and Erie County is looking to increase the number of contracted agencies to address present capacity issues.

CONSEQUENCES OF NEGATIVE ACTION

Erie County would not be in compliance with NSYED part 200 and children will remain on waiting lists for mandated services.

STEPS FOLLOWING APPROVAL

ECDOH will work with Budget and Management and County Attorney's Office on executing all terms of the contract.

RESOLUTION SUBMITTED BY:
DEPARTMENT OF HEALTH

Re: Authorization to Contract with Hope Speech Pathology, PLLC

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

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

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

WHEREAS, Hope Speech Pathology, PLLC, is able to provide Related Services to some children on waiting lists.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the County Executive to enter into a contract with Hope Speech Pathology, PLLC, waiving the procedures in Section 26.08 of the Erie County Administrative Code; and be it further

RESOLVED, that sufficient funds to cover this contract exist within the Health Department's Division of 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 Division of Budget and Management to make any other technical adjustments necessary to properly execute the terms of the agreement; and be it further

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

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

COMM. 21E-17	COUNTY EXECUTIVE	Authorization to Contract with Impact Marketing & Communications, Inc.
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Attachments

23COMM. 21E-17



COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

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November 13, 2023

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

RE: Authorization to contract with Impact Marketing and Communications, Inc.

Dear Honorable Members:

The Erie County Department of Health (ECDOH) is seeking authorization to enter into a contract with Impact Marketing and Communications, Inc. to implement a harm reduction and treatment focused media, awareness, and educational campaign to address the escalating deaths due to the Opioid Epidemic as included in the 2022 opioid settlement plan.

Should your Honorable Body require further information, I encourage you to contact Gale Burstein, Commissioner of the Department of Health. Thank you for your consideration on this matter.

Sincerely yours,

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

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/jah
Enclosure

cc: Gale R. Burstein, MD, Commissioner of Health

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Health
Re: Authorization to contract with Impact Marketing and Communications, Inc.
Date: November 13, 2023

SUMMARY

Erie County Department of Health is seeking authorization to enter into contract with Impact Marketing and Communications, Inc. for the purpose of creating and executing an education and awareness campaign to combat the opioid crisis by promoting harm reduction messaging and treatment options available for substance use disorder. The RFP selection committee reviewed all 8 submissions received and interviewed the top 3. The committee deliberated and selected Impact Marketing and Communications, Inc., a New York State MWBE certified business.

FISCAL IMPLICATIONS

Erie County has budgeted approximately \$6 million annually in the Pharmaceutical Settlement Fund (Fund 295) between the departments of Health, Mental Health, Probation, Social Services and the Sheriff's Office. Sufficient funding exists in 2024 and will be budgeted for in 2025 to cover the \$1,000,000 expense of this RFP award over the 2-year period.

REASONS FOR RECOMMENDATION

Educating the community about the dangers of Opioids, access to harm reduction, and treatment opportunities with standard and consistent messaging will help to change the escalating death trend.

BACKGROUND INFORMATION

Erie County is expected to receive a total of \$56,174,033 between 2022 and 2038 as a result of a lawsuit against opioid drug manufacturers and distributors. Of the total distribution, \$34,335,446 will be restricted to spending on opioid-epidemic-related activities, including: treatment, prevention, and other epidemic-related strategies. The funding supports the county departments of Health, Mental Health, Probation, Sheriff, and Social Services which have identified viable initiatives to use these funds to help combat the opioid crisis. Part of the strategy included \$1,000,000 for an RFP to develop an awareness and education campaign to combat the opioid crisis.

CONSEQUENCES OF NEGATIVE ACTION

Erie County will not be implementing its strategy as approved by your honorable body and will be unable to combat the opioid crisis without an effective way to educate and generate awareness around substance use and treatments that are available.

STEPS FOLLOWING APPROVAL

ECDOH will work with the Division of Budget and Management and County Attorney's Office to execute all terms of the contract.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF HEALTH

RE: Authorization to contract with Impact Marketing and Communications, Inc.

WHEREAS, between 2012 and 2022, there were more than 2,000 opioid-related deaths in Erie County; and

WHEREAS, in 2016, County Executive Mark Poloncarz declared the opioid epidemic a public health crisis and created an Opioid Epidemic Task Force to coordinate a community-wide response to the crisis; and

WHEREAS, in 2022, Erie County, as part of multiple settlements with opioid manufacturers and distributors, was notified that it will receive tens of millions of dollars over a sixteen-year period; and

WHEREAS, Erie County is expected to receive a total of \$56,174,033 between 2022 and 2038 as a result of a lawsuit against opioid drug manufacturers and distributors. Of the total distribution, \$34,335,446 will be restricted to spending on opioid-epidemic-related activities, including: treatment, prevention, and other epidemic-related strategies; and

WHEREAS, in July of 2022, your Honorable Body passed resolution COMM. 13E-31 Opioid Settlement, which was a strategy developed by the Departments of Health, Mental Health, Probation, and Social Services with the Division of Budget and Management and County Attorney's Office; and

WHEREAS, the annual funding budgeted for in the County's Pharmaceutical Settlement Fund (Fund 295) will support the county departments of Health, Mental Health, Probation, Sheriff, and Social Services which have identified viable initiatives to use these funds to help combat the opioid crisis; and

WHEREAS, part of the strategy presented was to allocate \$1,000,000 for an opioid marketing and education services RFP; and

WHEREAS, a request for proposals review committee reviewed the 8 submissions, interviewed 3, and selected Impact Marketing and Communications Inc., a New York State MWBE company; and

WHEREAS, Impact will play a key role in the awareness, education, and communications around the opioid crisis that will save lives.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a 2-year contract with Impact Marketing and Communications, Inc. for opioid marketing and educational services in an amount not to exceed \$1,000,000; and that it be further

RESOLVED, that sufficient funding exists in the Department of Health's 2024 Pharmaceutical Settlement Budget (Fund 295, Funds Center 12700) Account 516020 – Professional Services, Contracts and Fees and will be budgeted for in 2025 to cover the \$1,000,000 expense of this RFP award over the 2-year period; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes 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, the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive, the Director of the Division of Budget and Management, the Office of the Comptroller, the County Attorney's Office, and the Commissioner of Health.

Media and Marketing Applications			
Applicant Organization	Raw Score	Total Score	Ranking
Purplegator, Inc	76	476.25	3
Impact Marketing and Communications, Inc	81.5	538.75	1
Luceo Images LLC, DBA: Luceo Creative Media Group	82	509.125	2
TuneWorks Media	2	13.75	8
Block Club, Inc	70.5	448.125	5
Crowley Webb	75.5	473.75	4
Tipping Point Communications	65.5	435.625	6
Effct.org	66	411.25	7

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

COMM. 21E-18	COUNTY EXECUTIVE	Authorization to Enter into an Agreement with a Consultant to Perform a Needs Assessment for the Holding Center and Correctional Facility
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Attachments

23COMM. 21E-18



11/13/23 12:54

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

November 13, 2023

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

RE: Authorization to Enter into an Agreement with a Consultant to Perform a Needs Assessment for the Holding Center and Correctional Facility

Dear Honorable Members:

Please find Enclosed a memorandum and proposed resolution seeking authorization to enter into an agreement with an architectural, engineering and planning consultant to perform a comprehensive facility and operational needs assessment of the Erie County Holding Center and Correctional Facility.

Should your Honorable Body require any further information, I encourage you to contact Commissioner Daniel R. Castle, AICP, at the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/nb
Enclosure

cc: Daniel R. Castle, AICP, Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Authorization to Enter into an Agreement with a Consultant to Perform a Needs Assessment for the Holding Center and Correctional Facility
Date: November 13, 2023

SUMMARY

The Department of Environment and Planning is seeking authorization to enter into a contract with the Foit-Albert Associates and DLR Group consultant team for the purpose of performing a comprehensive facility and operational needs assessment for the Erie County Holding Center and Correctional Facility.

The study will document existing conditions and future needs of the County's detention system, and will guide the County's decision-making as it seeks to create a modern facility and also at minimum: meets current best practices and standards in design and operations; creates a safe and productive work environment for employees; creates a safe environment for incarcerated individuals that provides access to effective resources and services focused on: mental health, substance abuse and addiction, education, job training and re-entry programs; and makes best use of staffing resources and taxpayer money. Two key components of this study will be an inclusive and transparent stakeholder engagement process that involves a broad group of both internal and external stakeholders using a variety of methods and activities, as well as the use of a racial equity lens in the Needs Assessment.

Given the above information and goals, the study will evaluate the feasibility and cost of several alternatives, including: renovating each of the existing facilities into either two separate improved facilities or one combined facility, or construction of a new combined facility, or some combination of the above. The study will be utilized by the County to guide future decisions regarding capital improvements and the appropriate facility or facilities that best meets Erie County's needs and goals.

FISCAL IMPLICATIONS

Funding for this project was previously allocated for this purpose in the 2022 Fiscal Year Budget Balancing Amendments and Designation resolution (Comm. 8E -1(2023)) in the Department of Environment and Planning's Budget (Fund 410, Funds Center 16200) Project A.23078 - 2023 Public Safety Needs Assessment. Funding shall be allocated as follows:

<u>Capital Account</u>	<u>Use</u>	<u>Amount</u>
A.23078	Contract	\$676,061
A.23078	Contingency	\$ 73,939
Total:		\$750,000

REASONS FOR RECOMMENDATION

The Selection Committee reviewed, scored, and ranked all proposals prior to opening pricing envelopes. When the prices were opened and assigned to the respective firms, the range was from \$342,500 – \$811,705.

The three firms whose proposals scored the highest based on experience, approach, and qualifications were selected for interviews. The selection committee focused primarily upon the firm's approach to stakeholder engagement, experience applying an equity lens in analysis, similar projects in New York State and in other comparable markets, professionals assigned to the project, and cost.

Through the interview process, the selection committee sought to determine which firm had the experience, skill set, and understanding of the County's needs and vision for a future detention facility in Erie County aligning with the County vision of a therapeutic environment which is conducive to programing and rehabilitation. This included the firm's overall approach to the study, the importance it placed on usage of a racial equity lens in its assessment, and its approach and experience with an inclusive and expansive stakeholder engagement process. This evaluation led to the selection of the Foit-Albert Associates and DLR Group consultant team as having the best quality and value for the project. Foit-Albert Associates is a Buffalo based and County certified MBE, and DLR Group is located in New York City and has relevant experience throughout New York State. The team met the County's M/WBE/ SDVOSB goals.

Among the consultant teams that submitted proposals, the selected team's capabilities were the most comprehensive and best tailored to meet the vision and needs of the County on this project. The consultant team includes individuals with expertise in: modern best practices in design of contemporary justice facilities; and developing and implementing programs focused on increasing diversion at key points within the justice system, and programs to rehabilitate incarcerated individuals and assist with re-entering the work force and community, reducing recidivism. Additionally, the team possesses expertise in employing therapeutic design elements conducive to programing and rehabilitation to create an environment that is an effective setting for both the treatment of an incarcerated population with increasing needs, programing and a safe and productive work environment for staff.

A spreadsheet showing the scores and shortlisted firms is attached to the memorandum for informational purposes.

BACKGROUND INFORMATION

Starting in the early 2000s, legislation at the federal and state level have reduced or eliminated bail requirements and reduced or eliminated sentencing of several crimes, which has led to an overall decline in the number of incarcerated individuals in general, and in both the Erie County Holding Center and Correctional Facility. Currently the population of incarcerated individuals is at roughly 50% occupancy, leading to a variety of inefficiencies associated with operating two facilities 20 miles apart at half occupancy.

There are significant issues with both facilities related to safety, cost, maintenance, and lack of suitability for carrying out programming. Both facilities need substantial renovations to improve functionality to the point of being compatible with modern best practices for incarceration.

While they were opened nearly 50 years apart, both facilities have inefficient and outdated layouts with poor sightlines that present significant safety concerns for both personnel and incarcerated individuals, and require significantly higher staffing levels than should be necessary. Both facilities have significant ongoing building maintenance needs related to security, HVAC, mechanical, electrical, and plumbing work, and insufficient utilities. Outdated housing areas and lack of space for programming do not meet modern needs. Contemporary incarceration facilities have the space and programming to focus on reducing recidivism among incarcerated individuals through education and training, mental health services, substance abuse counseling, and related support services.

On top of the above-listed issues, the Correctional Facility is located in the rural Town of Alden. This location is an inconvenient distance (about 30 minutes by vehicle) from medical facilities, legal services including the court system, the Erie County Holding Center, and the Sheriff's Office offices, all of which leads to substantial transportation costs. The location also lacks any public transportation options and is often difficult to access for family members of incarcerated individuals.

With both facilities requiring substantial capital improvements, the County desires to study the options available. The options will include one combined facility at an accessible location, or substantial renovation investment in each facility individually. Utilizing planning, engineering, operations and architectural expertise, the assessment will investigate the complexities of each scenario which will include the development of a complete project scope based on current and future needs, which will have implications on cost and schedule. The Assessment will provide a comprehensive cost estimate of each scenario to aid in understanding the implications of pursuing each option.

The County intends to utilize the document produced by the consultant to aid decision making for the future of both facilities' capital improvements.

CONSEQUENCES OF NEGATIVE ACTION

If authorization is not granted, the County will not be able to enter in a contract with the Foit-Albert Associates and DLR Group consultant team for the purpose of performing a needs assessment for the Erie County Holding Center and Correctional Facility system in Erie County. Erie County will be unable to make decisions on the future of the Erie County justice system and associated facilities capital needs. Both facilities will continue to operate with significant building maintenance needs related to security, HVAC, mechanical, electrical, and plumbing work, insufficient utilities, outdated housing areas, and lack of space for programming.

STEPS FOLLOWING APPROVAL

Upon approval of the resolution, an agreement with the Foit-Albert Associates and DLR Group consultant team will be executed.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient appropriations located in "A.23078- 2023 Public Safety Needs Assessment" for the action proposed.

Tim Coe 11/1/23

Comptroller's Office

A.23078

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Authorization to Enter into an Agreement with a Consultant to Perform a Needs Assessment for the Holding Center and Correctional Facility

WHEREAS, Erie County operates the Erie County Holding Center in Buffalo and Erie County Correctional Facility in Alden; and

WHEREAS, the Erie County Holding Center was constructed in the City of Buffalo in the 1930s with major additions in the 1980s; and

WHEREAS, the Erie County Correctional Facility was constructed in the Town of Alden in the 1980s; and

WHEREAS, the Erie County Holding Center and Correctional Facility are in need of major capital improvements to address building maintenance and operational needs of the incarcerated population; and

WHEREAS, in 2019, New York State passed the “Bail Elimination Act of 2019” which eliminated bail requirements for most non-violent crimes; and

WHEREAS, said bill resulted in a substantial decline in the population of incarcerated individuals in the Erie County Holding Center; and

WHEREAS, the repeal of mandatory minimum laws for a variety of offenses and the lessening of sentencing related to drug offenses resulted in a decline of the incarcerated population in the Erie County Correctional Facility; and

WHEREAS, both facilities are currently operating with a population occupancy of approximately half of occupancy limits; and

WHEREAS, Erie County desires to develop a comprehensive facility and operational needs assessment to assess the Erie County detention system as whole; and

WHEREAS, Erie County has solicited proposals from qualified firms for proposals to perform a comprehensive facility and operational needs assessment for the Erie County Holding Center and Correctional Facility system; and

WHEREAS, Erie County has conducted a consultant selection process in conformance with Section 26.08 of the Erie County Administrative Code; and

WHEREAS, Erie County desires to work with Foit–Albert Associates to perform a Comprehensive Facility and Operational Needs Assessment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute a Contract with Foit-Albert Associates in an amount not to exceed \$676,061 to perform a needs assessment for the Erie County Holding Center and Correctional Facility; and be it further

RESOLVED, that authorization is hereby given to allocate \$676,061 from Capital Project A.23078 and an additional amount of \$73,939 be allocated for a Department of Environment and Planning contingency fund with authorization for the County Executive to approve contract amendments with Foit-Albert Associates or DLR Group or other entities as necessary with the source of said funds also being allocated from Capital Project A.23078; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with funding requirements; and be it further

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

TO: COMPTRROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- | | |
|-------------------------|--|
| 1. CONTRACTOR'S NAME | <u>Foit-Albert Associates</u> |
| 2. AMOUNT OF CONTRACT | <u>\$750,000.00</u> |
| 3. PROJECT NUMBER | A.23078 Contract: \$676,061.
A.23078 Contingency: <u>\$ 73,939.</u>
Total: <u>\$750,000.</u> |
| 4. PROJECT TITLE | <u>Authorization to Enter into an Agreement with a
Consultant to Perform a Needs Assessment for the
Correctional Facility and Holding Center</u>

Funding questions: Mark Rountree |
| 5. DEPARTMENT CONTACT | <u>Letter pickup: Nancy Brown</u> |

COMPTRROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|------------------------------------|-------------------------|
| 6. AVAILABILITY OF FUNDS | <u>\$ 750,000.00</u> |
| 7. PERFORMED BY | <u><i>John/Tina</i></u> |
| Date Sent to Comptroller's Office: | <u>October 31, 2023</u> |

[55 compt_10]

Consultant	Pricing	Pre-Interview Reviewer Rankings							Ranking
		1	2	3	4	5	6	7	
CGL Companies	\$ 811,705.00	2	1	2	3	1	2	1	1
Foit-Albert Assoc.	\$ 734,339.00	1	3	1	1	2	1	2	2
LaBella Assoc.	\$ 551,837.37	5	2	3	2	3	3	4	3
Trautman Assoc.	\$ 495,000.00	4	4	4	4	4	5	5	4
DLZ National, Inc.	\$ 342,500.00	3	5	5	5	5	4	3	5

Consultant	Pricing	Post-Interview Reviewer Rankings							Ranking
		1	2	3	4	5	6	7	
*Foit-Albert Assoc.	\$ 676,061.00	1	1	1	1	1	1	1	1
LaBella Assoc.	\$ 551,837.37	2	2	2	2	2	2	2	2
CGL Companies	\$ 811,705.00	3	3	3	3	3	3	3	3

Selected firm

*Price was negotiated following interview



DANIEL CASTLE, AICP
Commissioner, DEP



LISA CHIMERA
Deputy County Executive

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

COMM. 21E-19	COUNTY EXECUTIVE	PILOT Agreement for Main Street Lofts, City of Buffalo - Affordable Housing Development
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Attachments

23COMM. 21E-19



COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

2023 NOV 13 '23 PM 12:54

November 13, 2023

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

RE: Payment in Lieu of Taxes (PILOT) Agreement for Main Street Lofts, City of Buffalo – Affordable Housing Development
IMMEDIATE CONSIDERATION REQUESTED

Dear Honorable Members:

Please find an enclosed resolution from the Department of Environment and Planning regarding a Payment in Lieu of Taxes (PILOT) Agreement for Main Street Lofts. The resolution authorizes the County Executive to execute an agreement with 1681-1689 Main Street LLC, East Side Housing Development Fund Company, and the City of Buffalo.

Should your Honorable Body require further information, I encourage you to contact Commissioner Daniel Castle. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Mark C. Poloncarz".

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 Main Street Lofts, City of Buffalo
– Affordable Housing Project
Date: November 13, 2023

SUMMARY

The resolution authorizes the County Executive to execute a PILOT Agreement with 1681-1689 Main Street LLC, East Side Housing Development Fund Company, Inc., and the City of Buffalo. The owner is seeking a PILOT from the City of Buffalo and Erie County consistent with the PILOT Policy adopted by the Erie County Legislature on December 16, 1999.

FISCAL IMPLICATIONS

In accordance with the PILOT policy, the proposed PILOT payment for Main Street Lofts shall be based on a payment of \$86,779 in year 1 and would escalate by 3% each year for an additional fifteen-year term. The County would receive twenty-five percent (25%) of each annual payment, and the City of Buffalo would receive seventy-five percent (75%) of each annual payment. The payment Schedule A lists the payments for the 15 years of the Agreement.

REASONS FOR RECOMMENDATION

The City of Buffalo supports the PILOT and on October 31, 2023, the Common Council approved the Main Street Lofts 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 demolition of two buildings with redevelopment and new construction on two vacant lots. The project consists of 147 units of affordable residential units located at 1681-1689 Main Street and 1703-1709 Main Street in the City of Buffalo. The project consists of 140 units in a five-story apartment building on Main Street and 7 units in townhomes. The project's unit mix is comprised of 88 one-bedroom, 52 two-bedroom, and 7 three-bedroom units in the townhomes. The project will provide affordable housing opportunities targeting those at or below 60% of the Area Median Income (AMI) for 132 units and 74 units at or below 50% AMI. The total development cost is projected to be \$63,188,911.

CONSEQUENCES OF NEGATIVE ACTION

Without the PILOT, it would not be economically feasible for 1681-1689 Main Street LLC and/or East Side Development Fund Company 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 Main Street Lofts, City of Buffalo – Affordable Housing Project

WHEREAS, Main Street Lofts Project consists of the redevelopment of 1681-1689 Main Street and 1703-1709 Main Street in the City of Buffalo that will comprise 147 units of affordable residential units; 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 1681-1689 Main Street LLC and East Side Housing Development Fund Company, Inc. to operate the housing project it is necessary to extend tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute a Payment in Lieu of Taxes (PILOT) Agreement with 1681-1689 Main Street LLC, East Side Housing Development Fund Company, Inc., and the City of Buffalo and any other organizations necessary to conclude this PILOT Agreement; and be it further

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

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

SCHEDULE A
PILOT Payments

PILOT Year	Total	City	County
1	\$ 86,779	\$ 65,084	\$ 21,695
2	\$ 89,382	\$ 67,037	\$ 22,346
3	\$ 92,064	\$ 69,048	\$ 23,016
4	\$ 94,826	\$ 71,119	\$ 23,706
5	\$ 97,671	\$ 73,253	\$ 24,418
6	\$ 100,601	\$ 75,451	\$ 25,150
7	\$ 103,619	\$ 77,714	\$ 25,905
8	\$ 106,727	\$ 80,045	\$ 26,682
9	\$ 109,929	\$ 82,447	\$ 27,482
10	\$ 113,227	\$ 84,920	\$ 28,307
11	\$ 116,624	\$ 87,468	\$ 29,156
12	\$ 120,123	\$ 90,092	\$ 30,031
13	\$ 123,726	\$ 92,795	\$ 30,932
14	\$ 127,438	\$ 95,579	\$ 31,860
15	\$ 131,261	\$ 98,446	\$ 32,815

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

COMM. 21D-1	DIRECTOR OF BUDGET & MANAGEMENT	November Capital Projects Update
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Attachments

23COMM. 21D-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	-	-	-	550,000	450,000	Work has started; Project authorized but not bonded for.	
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	-	-	-	90,000	610,000	Project authorized but not bonded for	
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	-	-	108,011	178,604	213,385	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	-	-	263,848	228,408	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	-	-	25,006	419,016	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	-	-	485,222	511,503	3,275	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	-	-	33,978	128,649	437,373	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	21,562	228,438	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	14,539	-	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	93,915	-	56,085	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	47,360	49,873	102,767	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	46,656	46,338	7,006	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	-	214,503	69,997	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	-	-	-	362,000	388,000		
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	-	-	436	895,920	203,644	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	Newly Created Legislature	
A.23082	Tonawanda Pool Liner Replacement	162	RENEW	17,000	-	-	17,000	-	-	17,000	Newly Created Legislature	
A.23083	Kaleidoscope of WNY Parking Lot	162	RENEW	10,000	-	-	10,000	-	-	10,000	Newly Created Legislature	
A.23084	Delta Development of WNY Housing	162	RENEW	100,000	-	-	100,000	-	-	100,000	Newly Created Legislature	
A.23085	T.O.P. Enterprises Mixed Use Project	162	RENEW	1,200,000	-	-	1,200,000	-	-	1,200,000	Newly Created Legislature	
A.23086	Erie County Cultural Plan	162	RENEW	147,000	-	-	147,000	-	-	147,000	Newly Created Legislature	
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	-	-	can be closed	completed
B.23001	Preservation Roads Construction Kenmore Avenue	123	23 CBR	865,000	865,000	-	-	133,335	229,081	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	6,554,379	193,713	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	5,170,519	4,774,624	6,539,857		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	268,755	78,495	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	129,258	1,555,742	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		2025
E.23051	SUNY Erie Community College Sports Field Relocation & Improvements	122	22 BB	5,000,000	-	500,000	500,000	-	-	1,000,000	Project needs to be reduced to recognize loss of \$4M due to Amherst's withdrawl	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	Project authorized but not bonded for	
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 \$ 16,202,510 \$ 158,230,877 \$ 69,029,432 \$ 21,919,661 \$ 255,916,464

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

COMM. 21M-1	ASSEMBLYMEMBER GIGLIO	Acknowledgment of Receipt of Certified Resolution
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Attachments

23COMM. 21M-1



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

RANKING MINORITY MEMBER
Committee on Standing Committees
Correction Committee
Ethics and Guidance Committee

COMMITTEES
Racing and Wagering
Rules

JOSEPH M. GIGLIO
Assemblyman 148th District
Allegany, Cattaraugus, and
Steuben Counties

EC LEG NOV 1 '23 AM 10:47

November 2, 2023

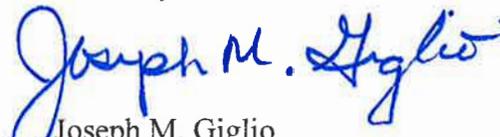
Ms. Olivia M. Owens, Clerk
Erie County Legislature
92 Franklin Street
Buffalo, NY 14202

Dear Ms. Owens:

Thank you for the copy of Resolution No.19-1(2023), passed by the Erie County Legislature at the meeting on October 19, 2023. I appreciate hearing from my constituents regarding the issues which are of concern to them. Please be assured that I will keep the Legislature's position stated in the Resolutions in mind as I continue to represent the 148th Assembly District.

Please let me know if I may be of additional assistance to the Association.

Sincerely,


Joseph M. Giglio
Member of Assembly

JMG/wb

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

COMM. 21M-2	GERALD E. PARADISE III	Resignation Letter - EC Salary Review Commission
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Attachments

23COMM. 21M-2

THE PARADISE LAW OFFICE

GERALD E. PARADISE, III
ATTORNEY & COUNSELOR AT LAW

Minority Leader John J. Mills
Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, New York 14202
November 2, 2023

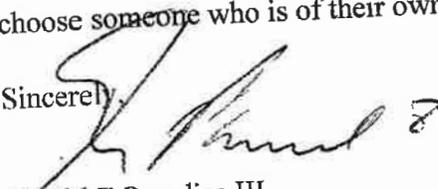
Re: Erie County Salary Review Commission

Leader Mills:

Please accept this letter as my formal resignation as the Minority Caucus representative on the Erie County Salary Review Commission.

Given that I am no longer a registered Republican, I feel it is best that the minority caucus choose someone who is of their own party to represent them on this commission.

Sincerely,


Gerald E Paradise III

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

COMM. 21M-3	ECIDA ACCOUNTING MANAGER	2024 Budgets for ECIDA, RDC & ILDC
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Attachments

23COMM. 21M-3



October 31, 2023

EC LEG NOV 3 '23 AM 11:55

Honorable April N. M. Baskin, Erie County Legislature
c/o Olivia M. Owens
Old Erie County Hall
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

As required under Section 2801 of the Public Authorities Law, we are enclosing a copy of a package which contains 2024 budgets for the following corporations:

- 1) Erie County Industrial Development Agency's ("ECIDA")
- 2) Buffalo and Erie County Regional Development Corporation ("RDC")
- 3) Buffalo and Erie County Industrial Land Development Corporation ("ILDC")

Please feel free to contact me if you have any questions or comments on the above. I can be reached at (716) 856-6525, ext. 122.

Regards,

A handwritten signature in blue ink that reads 'Atiq Abidi'.

Atiq Abidi
Accounting Manager

Erie County Industrial Development Agency
2024 Budget

Erie County Industrial Development Agency (ECIDA) **2024 Budget + 3 Year Forecast**

A. Overview of Changes in 2024 Budget

Presented herein is the projected operating budget for the Erie County Industrial Development Agency's ("ECIDA") year ending December 31, 2024 and a three-year forecast for 2025–2027.

The ECIDA is a not-for-profit, public benefit corporation that provides tax incentives, financing programs and economic development services to Buffalo and Erie County. In accomplishing its mission, ECIDA does not receive any operational funding from Federal, State, County or local sources. Instead, the key source of revenue for the ECIDA is the administrative fees charged to those companies that utilize its various products and services. The income that the ECIDA generates is utilized to provide salaries to its professional staff for managing various economic development programs, as well as payments for professional fees, general office expenses, public notices/marketing, building costs and other miscellaneous expenses.

For the year ending December 31, 2024, the Agency is projecting a net loss from operations of \$103,900. Depreciation and amortization, noncash expenses, are estimated at \$270,000 and brings the budgeted operating loss to \$373,900. There is also a net of \$25,000 budgeted for external projects, most of which will be funded with existing UDAG funds, rather than operating cash. After reserving \$1,000,000 for future projects the potential net loss for 2024 is \$1,398,900. Most of the budgeted loss would come from existing UDAG funds that have accumulated over several years.

The following significant risk factors may impact the 2024 results:

1. A significant portion of the ECIDA's administrative fee income is derived from a few large tax incentives and/or tax-exempt bond projects. The Agency does not collect a fee until the project (usually construction) is started, since many factors affect project timing. Depending on the timing of these projects, the Agency's fee income can fluctuate significantly from year to year.
2. Changes in the overall national and/or regional economy could result in a decrease in local investment projects that are assisted by the Agency, resulting in a corresponding decrease in administrative fee income.

The following information details the key changes in the 2024 budget compared to the 2023 projected revenues and expenses:

Erie County Industrial Development Agency (ECIDA) 2024 Budget + 3 Year Forecast

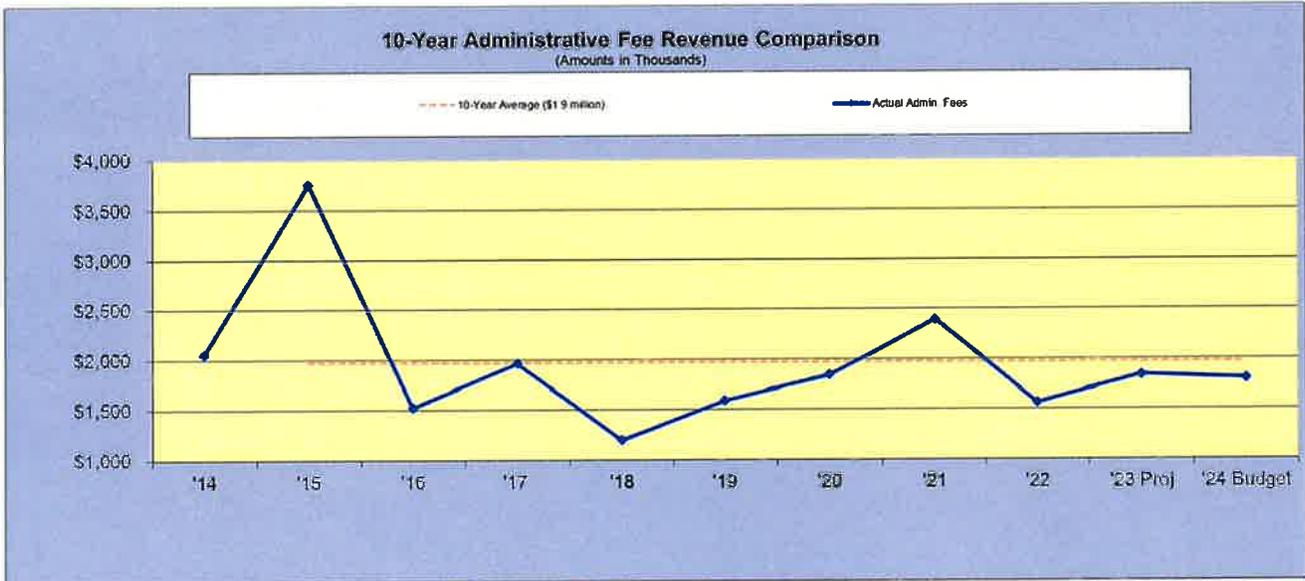
A. Overview of Changes in 2024 Budget (continued)

Revenues:

Administrative Fees (2024 Budget - \$1.8 million):

Administrative fees primarily consist of fees earned by the ECIDA through the provision of tax abatements. During 2023, administrative fees included projects such as Moog in Elma and Renaissance 6 LLC for the construction of industrial space at Renaissance Commerce Park in Lackawanna. Additionally, the Agency has closed on one bond issuance in 2023, which resulted in fees collected of \$330,000. Two additional bonds are expected to close before the end of 2023 with estimated fees totaling \$300,000. Since some fees are recognized over multiple years (in accordance with the terms of the related fee agreements), the Agency expects to recognize approximately \$840,000 of fees in 2024 related to prior year project approvals. The budgeted figure of \$1.8 million was derived using the 2014-2023 10-year average.

The following chart summarizes the actual administrative fee revenue over the past 10 years compared to the average administrative fee for the 10-year period from 2014-2023:



Erie County Industrial Development Agency (ECIDA) **2024 Budget + 3 Year Forecast**

A. Overview of Changes in 2024 Budget (continued)

Affiliate Management Fees (increasing 2.1% from \$334,700 to \$341,700):

Affiliate Management Fees represent salary, benefit, and facilities costs charged to ECIDA's affiliated companies (RDC & ILDC) for office space and services that ECIDA employees provide to these organizations, since they have no employees of their own. Charges to ILDC relate to the Erie County Business Development Fund (BDF) microloan fund only. Time related to land development is supported by ECIDA, although property is owned by ILDC. Affiliate management fees are expected to increase in 2024 due to increases in employee salaries and benefit costs.

Management Fees – BUDC (increasing 1.6% from \$128,000 to \$130,000):

Management Fees – BUDC are salaries and benefit costs charged to Buffalo Urban Development Corporation (“BUDC”) and its affiliates for services that ECIDA employees provide. ECIDA provides financial reporting, facilities management, and administrative services to BUDC as part of a shared services agreement. Management fees are expected to increase slightly in 2024 due to increased salaries and benefits costs for employees who charge hours to BUDC and its affiliates.

Rental Income (increasing 0.3% from \$327,300 to \$328,200):

Rental Income represents rent received by ECIDA from BUDC for office space, two facilities owned by ECIDA and other smaller agreements. Rent for leased space at 143 Genesee Street is recognized as a combination of rent revenue and interest income related to the lease, with the lease agreement in place through July 2027. Rent received from the Port Terminal management agreement of \$103,987 in 2023 is budgeted at \$107,000 in 2024 based on projections from the management company.

Expenses:

Salaries & Benefits (increasing 13.0% from \$2.06 million to \$2.33 million):

The increase in the 2024 budgeted salaries and benefits compared to the projected 2023 figures is due to several factors. ECIDA plans to hire an additional employee to assist with the compliance function. Salary increases and a potential performance incentive pool calculated at 4% of total salaries are also included in the budget. Compensation increases are based on an independent compensation study of ECIDA employees, comparing Agency employee salaries with other individuals in the local labor market who have similar titles and responsibilities. These adjustments, if any, will also be reviewed and approved by the ECIDA Board Compensation Committee for Executive Management and by the CEO for other staff. Annual rate increases for health care also contributes to higher employee benefit costs. Professional development and training costs are also included in this category. As an organization of specialized professionals, salaries and benefits account for 80% of 2024 budgeted operating expenses.

General Office Expenses (decreasing 13.4% from \$159,500 to \$138,100):

The decrease in 2024 budgeted general office expenses compared to the projected 2023 figures is due mainly to a decrease in budgeted telephone and internet costs. Telephone and internet expense for 2023 is projected to be \$57,370, while we are budgeting \$39,100 for 2024. This is due to a change in providers for both telephone and internet during 2023, resulting in a cost savings. Other expenses included in this line item are information technology expenses, membership dues and subscriptions, office supplies and copier expense.

Erie County Industrial Development Agency (ECIDA)
2024 Budget + 3 Year Forecast

A. Overview of Changes in 2024 Budget (continued)

Building Operating Costs (increasing 9.1% from \$63,600 to \$69,400):

Building operating costs include costs related to ECIDA’s office at 95 Perry Street (rent and interest expense associated with the lease, parking) and the ECIDA-owned building at 143 Genesee Street (property taxes, maintenance, etc.). Costs associated with ECIDA’s office lease are recognized as a liability and intangible right-to-use asset in accordance with GASB Statement No. 87, *Leases*. As a result, cash outflows will differ from expense recorded. ECIDA’s current office sublease expires in 2023, and management is budgeting for a higher per square foot cost.

Professional Services (increasing 6.6% from \$94,200 to \$100,400):

Professional Services consist of the following:

	2024 Budget	2023 Budget	2023 Projection
Legal	\$45,000	\$45,000	\$35,500
Consultants	\$25,000	\$25,000	\$29,700
Auditing	\$30,400	\$29,000	\$29,000
Total	\$100,400	\$99,000	\$94,200

In 2024, legal expenses are budgeted at \$45,000, consistent with the 2023 budget. Consultant expenses are budgeted at \$25,000. 2023 consultant costs are projected higher than budget due to services related to a railroad grant application that were unbudgeted. Audit costs are in accordance with current proposals.

Erie County Industrial Development Agency (ECIDA)
2024 Budget + 3 Year Forecast

B. External Special Projects & Reserves for Future Projects

The ECIDA’s 2024 budget currently includes \$175,000 for external projects and \$1 million allocated for potential future projects that are consistent with the ECIDA’s strategic plan and the restrictions on the UDAG and/or General Funds as follows:

Project	2024 Budget	2023 Budget	2023 Projection
External Special Projects	\$ 175,000	\$ 225,000	\$ 175,000
Industrial Land Park Grant	100,000	-	200,000
Angola Ag Park Grant	50,000	100,000	50,000
Other Special projects	-	671,319	69,500
Reserves for Future Projects:			
Venture Capital Co-Investment	-	1,000,000	-
Forgivable Attraction Loan	1,000,000	1,000,000	-
Total	\$ 1,325,000	\$ 2,946,319	\$ 494,500

External Special Project allocations of \$175,000 include organizations that have received funding in the past, such as Buffalo’s Race for Place spearheaded by BUDC (\$100,000) and the Agency’s annual membership expenditure with Invest Buffalo Niagara (\$75,000). These items will not require specific Board action to be expended.

\$100,000 is budgeted for Industrial Land Park, representing anticipated carrying costs related to Renaissance Commerce Park in 2024. \$50,000 is budgeted for Angola Ag Park, representing one-sixth of the estimated carrying costs approved by the Board. The Reserves for Future Projects of \$1 million are discussed on the following pages and would also require Board approval prior to funding.

Erie County Industrial Development Agency (ECIDA)
2024 Budget + 3 Year Forecast

B. Special Projects & ECIDA Program Allocations (continued)

Forgivable Attraction Loan(s) **\$1,000,000**

Qualification – Businesses must be relocating to a HUD-defined distressed area or meet other HUD qualifications and provide a significant regional impact in terms of investment and/or job creation.

The Issue – Currently a number of communities across the nation are aggressively pursuing businesses to entice them to their region. One vehicle that communities have used to tip the relocation decision in their favor is the use of a high-impact project expenditure fund. Until 2013, the Buffalo region did not have such a program, while neighboring states were offering these programs with positive results, to Erie County’s detriment.

The Proposal – The ECIDA would continue to fund a forgivable attraction loan fund that could aid in the attraction of key new businesses that would have a regional employment or investment impact. The attraction incentive would be structured in the form of a loan, with a portion or all of it forgiven if the company establishes their business in Erie County and meets specified investment and/or job goals. The ECIDA would work with Invest Buffalo Niagara to offer this incentive to those businesses that are the most promising and/or target the attraction loan to specific industries or regions (such as Southern Ontario). By providing this incentive, the Buffalo region would be perceived as demonstrating the community’s support for the business relocation and could be the tipping point that leads to the relocation of the business as well as related “follow on” investments.

Use of Funds – To make project expenditures to companies located outside of Western New York to offset a portion of their investment costs in relocating. Companies assisted would be in one of the regional targeted industry sectors and have a regional employment or investment impact. The program would have a targeted maximum incentive of \$25,000 per job created.

Partners – Invest Buffalo Niagara

Approval – The ECIDA Board would approve all awards under this program.

Consistency with Community Plans – This strategy is consistent with the County Executive’s “Initiatives for a Smart Economy 2.0” which states: *“Projects assisted by the ECIDA will be those that bring outside investment and self-sustaining jobs to Erie County while strengthening the regional economic base, helping to create a more inclusive economy and leading to population stabilization throughout the area”*.

**ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")
Budget for 2024**

	Budget 2024	Approved Budget 2023	Projected 2023	Actual 2022
REVENUES:				
Administrative Fees	\$ 1,800,000	\$ 1,800,000	\$ 1,840,000	\$ 1,656,279
Affiliate Management Fees	341,700	499,700	334,700	468,192
Management Fees - BUDC	130,000	105,000	128,000	98,018
Rental Income	328,200	365,100	327,254	308,450
Other Income	34,000	34,000	42,028	29,125
Interest Income - Cash & Investments	125,000	6,000	335,029	59,598
Interest Income - Leases	33,500	-	32,450	42,673
Total Revenues	2,792,400	2,809,800	3,039,461	2,662,335
EXPENSES:				
Salaries & Benefits	2,327,850	2,095,500	2,060,680	1,999,345
General Office Expenses	138,100	179,200	159,458	140,514
Insurance Expense	110,000	100,000	104,458	96,611
Building Operating Costs	69,400	254,045	63,627	68,826
Professional Services	100,400	99,000	94,193	166,759
Marketing, Promotion & Public Hearings	95,000	65,000	98,849	115,421
Travel, Mileage & Meeting Expenses	37,000	37,000	20,833	14,782
Website Compliance & Design	10,000	-	-	-
Other Expenses	16,750	8,750	189,262	99,984
Total Expenses	2,904,500	2,838,495	2,791,360	2,702,242
GRANT INCOME:				
Revenues	2,439,804	831,893	327,858	862,085
Expenses	(2,431,604)	(823,693)	(279,496)	(663,042)
	8,200	8,200	48,362	199,042
NET INCOME (LOSS) BEFORE DEPRECIATION, EXTERNAL SPECIAL PROJECTS AND OTHER RESERVES:	(103,900)	(20,495)	296,462	159,135
Depreciation and amortization	(270,000)	(120,000)	(267,482)	(258,776)
NET INCOME (LOSS) BEFORE EXTERNAL SPECIAL PROJECTS AND OTHER RESERVES:	(373,900)	(140,495)	28,981	(99,641)
External Special Projects:				
Buffalo Race for Place (BUDC)	100,000	100,000	100,000	100,000
Annual Membership (IBN)	75,000	75,000	75,000	75,000
Industrial Land Park grant paid	100,000	-	200,000	8,055
ILDC Land Sale Proceeds (reimbursement)	(300,000)	(150,000)	(276,250)	(103,625)
Angola Ag Park grant paid	50,000	100,000	50,000	49,183
Other Special Projects	-	671,319	69,500	-
Total Special Projects	25,000	796,319	218,250	128,613
NET INCOME (LOSS) BEFORE OTHER RESERVES:	(398,900)	(936,814)	(189,269)	(228,254)
Reserves for Future Projects:				
Venture Capital Co-Investment	-	1,000,000	-	-
Forgivable Attraction Loan(s)	1,000,000	1,000,000	-	-
Total Other Reserves	1,000,000	2,000,000	-	-
NET INCOME (LOSS):	\$ (1,398,900)	\$ (2,936,814)	\$ (189,269)	\$ (228,254)

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA")
Budget and Three Year Forecast 2025-2027

	Budget 2024	Forecast 2025	Forecast 2026	Forecast 2027
REVENUES:				
Administrative Fees	\$ 1,800,000	\$ 1,800,000	\$ 1,800,000	\$ 1,800,000
Affiliate Management Fees	341,700	352,000	363,000	374,000
Management Fees - BUDC	130,000	134,000	138,000	142,000
Rental Income	328,200	328,200	328,200	328,200
Other Income	34,000	40,000	40,000	40,000
Interest Income - Cash & Investments	125,000	129,000	133,000	137,000
Interest Income - Leases	33,500	35,000	36,000	37,000
Total Revenues	<u>2,792,400</u>	<u>2,818,200</u>	<u>2,838,200</u>	<u>2,858,200</u>
EXPENSES:				
Salaries & Benefits	2,327,850	2,374,000	2,421,000	2,494,000
General Office Expenses	138,100	142,000	146,000	150,000
Insurance Expense	110,000	113,000	116,000	119,000
Building Operating Costs	69,400	71,000	73,000	75,000
Professional Services	100,400	103,000	106,000	109,000
Marketing, Promotion & Public Hearings	95,000	98,000	101,000	104,000
Travel, Mileage & Meeting Expenses	37,000	38,000	39,000	40,000
Website Compliance & Design	10,000	-	-	-
Other Expenses	16,750	17,000	18,000	19,000
Total Expenses	<u>2,904,500</u>	<u>2,956,000</u>	<u>3,020,000</u>	<u>3,110,000</u>
GRANT INCOME:				
Revenues	2,439,804	250,000	250,000	250,000
Expenses	(2,431,604)	(250,000)	(250,000)	(250,000)
	<u>8,200</u>	<u>-</u>	<u>-</u>	<u>-</u>
NET INCOME (LOSS) BEFORE DEPRECIATION, EXTERNAL SPECIAL PROJECTS AND OTHER RESERVES:				
	(103,900)	(137,800)	(181,800)	(251,800)
Depreciation and amortization	(270,000)	(260,000)	(260,000)	(260,000)
NET INCOME (LOSS) BEFORE EXTERNAL SPECIAL PROJECTS AND OTHER RESERVES:				
	(373,900)	(397,800)	(441,800)	(511,800)
<u>External Special Projects and Strategic Initiatives:</u>				
Buffalo Race for Place (BUDC)	100,000	100,000	100,000	100,000
Annual Membership (IBN)	75,000	75,000	75,000	75,000
Industrial Land Park grant paid	100,000	100,000	100,000	100,000
ILDC Land Sale Proceeds (reimbursement)	(300,000)	(150,000)	(150,000)	(150,000)
Angola Ag Park grant paid	50,000	50,000	50,000	50,000
Total Special Projects	<u>25,000</u>	<u>175,000</u>	<u>175,000</u>	<u>175,000</u>
NET INCOME (LOSS) BEFORE OTHER RESERVES:				
	(398,900)	(572,800)	(616,800)	(686,800)
<u>Reserves for Future Projects:</u>				
Forgivable Attraction Loan(s)	1,000,000	-	-	-
Total Other Reserves	<u>1,000,000</u>	<u>-</u>	<u>-</u>	<u>-</u>
NET INCOME (LOSS):	\$ (1,398,900)	\$ (572,800)	\$ (616,800)	\$ (686,800)

Erie County Industrial Development Agency
Five Year Capital Budget 2024-2028

	2024	2025	2026	2027	2028	Total
Facilities:						
143 Genesee Street	\$ 20,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 80,000
95 Perry Street	180,000	5,000	5,000	5,000	5,000	200,000
Total Facilities	200,000	20,000	20,000	20,000	20,000	280,000
Information Technology:						
Servers	-	12,000	-	-	12,000	24,000
Infrastructure Upgrade	4,500	-	-	-	-	4,500
Misc.	3,000	3,000	3,000	3,000	3,000	15,000
Total Information Technology	7,500	15,000	3,000	3,000	15,000	43,500
GRAND TOTAL	\$ 207,500	\$ 35,000	\$ 23,000	\$ 23,000	\$ 35,000	\$ 323,500

**Buffalo & Erie County
Regional Development Corporation
2024 Budget**

Regional Development Corporation (RDC) **2024 Budget + 3 Year Forecast**

The Buffalo and Erie County Regional Development Corporation (“RDC”) operates two revolving loan funds (“RLF”) that provide loans to eligible businesses under each RLF’s lending parameters. One, the Coronavirus Aid, Release, and Economic Security (CARES) Act RLF, has federal restrictions.

A. Key Budget Assumptions:

In 2024, the RDC expects to fund new loans of around \$1.8 million. This is expected to be offset by approximately \$1.1 million in loan repayments to the RLFs. Interest income on loans is expected to be around \$720,000 for 2024, which represents a 17% increase from the \$616,000 projected for 2023. The main reason for the increase is an increase in the overall loans outstanding, particularly in the RDC’s legacy RLF. Remaining CARES Act grant income is forecasted to be used in 2023 for administrative costs related to that portfolio.

B. Overview of Changes in 2024 Budget:

Key changes between the 2024 budget and the projected 2023 results are:

- The ECIDA Management Fee represents a fee charged by the ECIDA for services that its employees provide to the revolving loan funds, since RDC has no employees of its own. The fee is expected to increase by \$7,000 or 2.5% in 2024 due to anticipated increases in ECIDA staff salaries and benefits.
- The budgeted amount for the provision for loan losses is \$550,000 for 2024. The provision represents approximately 2.7% of the estimated active loan portfolio balance. The mission of the RDC is to deal primarily with businesses unable to adequately finance operations through normal commercial banking channels. Historically, the loan fund has been a working capital lender, rather than a fixed asset lender, taking junior collateral positions. The CARES Act RLF operates with a higher risk tolerance than our legacy RLF, which will likely result in higher loan losses. The charge-off rate for loans issued over the past 10 years is about 5.2%, versus a historical portfolio charge-off rate of approximately 6%.

C. Summary of Risk Factors Impacting the 2024 Budget:

The following significant risk factors may influence the 2024 budget:

1. Due to the numerous uncertainties, value of collateral, guarantees, etc., RDC’s actual loan losses may vary significantly from the loan loss amount budgeted.
2. Interest income may vary from the budgeted amount as the budget is based on an estimate of active loans. Due to economic factors and the overall business climate, loans closed could vary significantly from estimates.

**BUFFALO & ERIE COUNTY REGIONAL DEVELOPMENT CORPORATION ("RDC")
Budget for 2024**

	Budget 2024	Approved Budget 2023	Projected 2023	Actual 2022
REVENUES:				
Interest Income - Loans	\$ 720,000	\$ 630,000	\$ 615,582	\$ 536,412
Interest Income - Cash & Investments	20,300	700	75,617	12,973
Administrative Fees	13,750	15,000	21,250	18,625
Grant Income	-	-	97,105	96,545
Other Income	2,500	5,000	625	2,478
Total Revenues	<u>756,550</u>	<u>\$ 650,700</u>	<u>810,180</u>	<u>667,033</u>
EXPENSES:				
ECIDA Management Fee*	\$ 288,000	\$ 286,000	\$ 281,000	\$ 261,664
Provision for Loan Losses	350,000	450,000	100,000	(86,017)
Rent & Facilities Expenses	27,200	25,000	27,200	26,804
Professional Services	51,900	56,000	32,798	31,819
General Office Expenses	3,500	3,500	577	2,729
Other Expenses	18,275	27,475	22,140	8,364
Total Expenses	<u>738,875</u>	<u>847,975</u>	<u>463,715</u>	<u>245,364</u>
NET INCOME/(LOSS):	<u>\$ 17,675</u>	<u>\$ (197,275)</u>	<u>\$ 346,465</u>	<u>\$ 421,670</u>

* Represents an allocation of salary and benefit costs from the ECIDA based on staff time charged to the RDC.

	<u>2024 Budget</u>	<u>2023 Budget</u>
Provision for Loan Losses		
Estimated Loan Balance	\$ 20,078,000	\$ 18,650,000
Provision for Loan Losses	\$ 350,000	\$ 450,000
Percentage of Loans	1.7%	2.4%

BUFFALO & ERIE COUNTY REGIONAL DEVELOPMENT CORPORATION ("RDC")
Budget and Three Year Forecast 2025-2027

	Budget 2024	Forecast 2025	Forecast 2026	Forecast 2027
REVENUES:				
Interest Income - Loans	\$ 720,000	\$ 725,000	\$ 730,000	\$ 735,000
Interest Income - Cash & Investments	20,300	1,000	1,000	1,000
Administrative Fees	13,750	15,000	15,000	15,000
Other Income	2,500	5,000	5,000	5,000
Total Revenues	<u>756,550</u>	<u>746,000</u>	<u>751,000</u>	<u>756,000</u>
EXPENSES:				
ECIDA Management Fee*	\$ 288,000	\$ 294,000	\$ 300,000	\$ 306,000
Provision for Loan Losses	350,000	400,000	400,000	400,000
Rent & Facilities Expenses	27,200	28,000	28,000	28,000
Professional Services	51,900	55,000	55,000	55,000
General Office Expenses	3,500	3,500	3,500	3,500
Marketing & Other Expenses	18,275	10,000	10,000	10,000
Total Expenses	<u>738,875</u>	<u>790,500</u>	<u>796,500</u>	<u>802,500</u>
NET INCOME/(LOSS):	<u>\$ 17,675</u>	<u>\$ (44,500)</u>	<u>\$ (45,500)</u>	<u>\$ (46,500)</u>

* Represents an allocation of salary and benefit costs from the ECIDA based on staff time charged to the RDC.

**Buffalo & Erie County
Industrial Land Development Corp
2024 Budget**

Industrial Land Development Corporation (ILDC) **2024 Budget + 3 Year Forecast**

The Industrial Land Development Corporation (“ILDC”) consists of two sub-funds (Erie County’s Business Development Fund (“BDF”) and a general fund. The ILDC administers the BDF microloan fund on behalf of Erie County for HUD-eligible small businesses that would not otherwise be able to obtain such financing from commercial sources. The ILDC also issues tax-exempt bonds on behalf of various not-for-profit organizations in Erie County.

A. Overview of Changes in 2024 Budget:

A summary of the key changes between the 2024 budget and the projected 2023 results:

- The Erie County BDF microloan fund is a loan/grant program. New loans are funded with grant income from Erie County passed through the ECIDA. The forgivable portion of the loan/grant is added to the provision for loan losses in the year of closing.
- The ECIDA Management Fee represents a fee charged by the ECIDA for services that its employees provide related to the Erie County BDF microloan fund. ECIDA staff time related to ILDC projects is not charged to the ILDC.
- Land owned by the ILDC at Renaissance Commerce Park is driving budgeted increases in proceeds from land sales. Professional services consist of legal, consulting, and auditing costs, and are budgeted to increase by about \$40,000 in 2024. This is due to the legal costs associated with land owned and environmental consulting costs anticipated in 2024.
- The Special Projects section of the budget relates to grants. ILDC expects to recognize \$2.9 million of grant revenue from Empire State Development and \$1.6 million of grant revenue from the Economic Development Administration in 2024 related to infrastructure and sewer work at Renaissance Commerce Park. A total of \$150,000 is budgeted to be used in 2024 for carrying costs related to owned properties, which will be granted by ECIDA’s UDAG fund. Other grant revenue consists of \$271,000 for master planning and infrastructure at the ILDC’s Evans property.

B. Summary of Risk Factors impacting the 2024 Budget:

The following significant risk factors may influence the 2024 budget:

1. Due to numerous uncertainties, the value of collateral, guarantees, etc., the ILDC may experience loan losses that are currently not included in the budget.
2. In the past, the ILDC has generated fee income from issuing tax-exempt debt. These monies are received directly by ILDC and then paid to ECIDA. However, due to the infrequent nature of these activities, and the uncertainty as to when such transactions will occur, ILDC has not included any bond closings in the 2024 budget. It is possible a tax-exempt bond is issued within the next year and both income and expenses will be recognized, accordingly.

BUFFALO & ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC")
Budget for 2024

	Budget 2024	Approved Budget 2023	Projected 2023	Actual 2022
REVENUES:				
Interest Income - Loans	\$ 17,000	\$ 13,000	\$ 20,842	\$ 11,630
Grant Income	164,000	140,000	129,000	463,352
Proceeds from Land Sales	600,000	300,000	552,500	207,250
Less: Cost of Land Sales	(849,574)	-	(510,600)	(388,574)
Other Income	-	-	11,200	190,700
Interest Income - Cash & Investments	2,000	200	4,034	629
Total Revenues	(66,574)	453,200	206,976	484,987
EXPENSES:				
ECIDA Management Fee*	24,000	\$ 190,000	24,000	\$ 282,224
Provision for Loan Losses	105,000	15,000	140,000	482,505
Professional Services	67,200	65,000	26,871	49,677
Development & Marketing Expenses	5,000	35,000	-	1,053
Other Expenses	10,075	8,175	2,424	23,651
Total Expenses	211,275	313,175	193,295	839,109
SPECIAL PROJECTS:				
Industrial Land Park - ESD Grant	2,898,646	2,612,350	1,500,000	1,358,875
Industrial Land Park - EDA Grant	1,590,483	-	1,000,000	89,517
Industrial Land Park - ECIDA Grant	100,000	70,000	200,651	19,775
Angola Ag Park - ECIDA Grant	50,000	100,000	29,680	37,462
Other grant revenue	270,763	283,304	163,285	68,963
Industrial Land Park grant reimbursement	(300,000)	(150,000)	(276,250)	(103,625)
Industrial Land Park grant costs	(4,589,130)	(2,682,350)	(2,582,658)	(1,548,031)
Angola Ag Park grant costs	(50,000)	(100,000)	(12,664)	(16,387)
Other grant expenses	(270,763)	(297,304)	(13,425)	(65,056)
	(300,000)	(164,000)	8,620	(158,505)
NET INCOME/(LOSS) BEFORE DEPRECIATION:	\$ (577,849)	\$ (23,975)	\$ 22,301	\$ (512,626)
Depreciation	4,500	650	2,300	650
NET INCOME/(LOSS):	\$ (582,349)	\$ (24,625)	\$ 20,001	\$ (513,277)

* Represents an allocation of salary and benefit costs from the ECIDA based on staff time charged to the ILDC.

BUFFALO & ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION ("ILDC")
Budget and Three Year Forecast 2025-2027

	Budget 2024	Forecast 2025	Forecast 2026	Forecast 2027
REVENUES:				
Interest Income - Loans	\$ 17,000	\$ 17,000	\$ 17,850	\$ 16,958
Grant Income	164,000	-	-	-
Proceeds from Land Sales	600,000	300,000	300,000	300,000
Less: Cost of Land Sales	(849,574)	(200,000)	(200,000)	(200,000)
Other Income	-	-	-	-
Interest Income - Cash & Investments	2,000	100	100	100
Total Revenues	(66,574)	117,100	117,950	117,058
EXPENSES:				
ECIDA Management Fee*	24,000	\$ 25,000	\$ 25,000	\$ 25,000
Provision for Loan Losses	105,000	70,000	70,000	70,000
Professional Services	67,200	50,000	50,000	50,000
Development & Marketing Expenses	5,000	5,000	5,000	5,000
Other Expenses	10,075	2,500	4,000	5,000
Total Expenses	211,275	152,500	154,000	155,000
SPECIAL PROJECTS:				
Industrial Land Park - ESD Grant	2,898,646	-	-	-
Industrial Land Park - EDA Grant	1,590,483	-	-	-
Industrial Land Park - ECIDA Grant	100,000	-	-	-
Angola Ag Park - ECIDA Grant	50,000	-	-	-
Other grant revenue	270,763	-	-	-
Industrial Land Park grant reimbursement	(300,000)	(150,000)	(150,000)	(150,000)
Industrial Land Park grant costs	(4,589,130)	-	-	-
Angola Ag Park grant costs	(50,000)	-	-	-
Other grant expenses	(270,763)	-	-	-
	(300,000)	(150,000)	(150,000)	(150,000)
NET INCOME/(LOSS) BEFORE DEPRECIATION:	\$ (577,849)	\$(185,400)	\$(186,050)	\$(187,943)
Depreciation	4,500	4,500	4,500	4,500
NET INCOME/(LOSS):	\$ (582,349)	\$(189,900)	\$(190,550)	\$(192,443)

* Represents an allocation of salary and benefit costs from the ECIDA based on staff time charged to the ILDC.

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

COMM. 21M-4	STADIUM INCLUSION COMMITTEE TASK FORCE	Stadium Inclusion Committee Task Force - Meeting Minutes, Meeting No. 1
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Attachments

23COMM. 21M-4

MEETING NO. 1

OCTOBER 23, 2023

ERIE COUNTY LEGISLATURE

EC LEG NOV 6 '23 PM3:16

**NEW STADIUM INCLUSION COMMITTEE TASK FORCE
MEETING NO. 1**

Meeting called to order at 5:36PM by Clerk Samir Spencer.

Members present: Richard A. Cummings, Larry Stitts, Elizabeth Vealey, Sydney Brown, Stephen Tucker, Frank Daniel, Pat Freeman, Richard C. Cummings

Members absent: Rev. Mark Blue, Tony Roman, Thomas Beauford

Ballots for election of chair were passed out by Clerk with all members abstaining.

ADJOURNMENT

The Clerk of the Committee made a motion to adjourn.

Seconded by Richard A. Cummings

Meeting was adjourned at 6:03PM

Erie County Legislature
Meeting Date: 11/16/2023

SUBJECT

COMM. 21M-5	ASSIGNED COUNSEL PROGRAM	Quarterly Report of the Assigned Counsel Program
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Attachments

23COMM. 21M-5



**Real Attorneys
Professional Defenders**

ASSIGNED COUNSEL PROGRAM

Michelle Parker, Executive Director/Chief Defender

The Brisbane Building
403 Main Street, Suite 215
Buffalo, NY 14203

Phone (716) 856-8804
Fax (716) 856-0424

EC LEG NOV 9 '23 AM 8:33

Officers 2023-2024

Peter P. Vasilion
President

Joseph Terranova
Vice President

Pamela Thibodeau
Secretary

Ayoka Tucker
Treasurer

Kevin Stadelmaier
First Deputy Defender
Criminal Division

Yvonne Vertlieb
Second Deputy Administrator
Family Division

Lori A. Hoffman
Deputy for Quality Assurance

David Heraty
Deputy for Litigation Support
And Appellate Bureau

Matthew Powers
Deputy for Legal Education
Director of the
John R. Nuchereno
Center for Legal Excellence

Kevin Condon
Deputy for Child Welfare

Mission Statement

We strive to help those who cannot help themselves; who face steep odds against the power of the State; and who struggle with poverty, mental issues, helplessness, and dread. We save lives and we save families. We are the first line of defense for the freedoms granted to us by the U.S. Constitution and the Bill of Rights.

October 30, 2023

Olivia M. Owens
Clerk of the Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

RE: Erie County Legislature Resolution of March 4, 2004
Comm. 5E-24 (2004)

Dear Ms. Owens,

Pursuant to the above-referenced Resolution and the related letter from the Erie County Attorney to the Chairman of the Legislature dated March 16, 2004, this letter with enclosure constitutes the Quarterly Report of the Assigned Counsel Program for the 3rd quarter of 2023. The figures below incorporates the 18b rate increase/First Amendment to Contract.

County funds appropriated for 2023 fiscal year: \$17,581,238

Portion of appropriation allocated to 3rd quarter: \$5,073,333

Portion of appropriation allocated for year to date: \$12,507,904

Funds disbursed by Erie County to Assigned Counsel Program in 3rd quarter: \$0

Funds disbursed by Erie County to Assigned Counsel Program, year to date: \$7,038,714

Administrative expenses in 3rd quarter: \$1,508,870

Administrative expenses, year to date: \$3,914,470

Payments made to attorneys for legal services in 3rd quarter: \$4,348,074

Payments made to attorneys for legal services, year to date: \$9,319,016

Payments made to investigators in 3rd quarter: \$4,478

Payments made to investigators, year to date: \$38,036

Payments made to experts in 3rd quarter: \$35,269

Payments made to experts, year to date: \$209,294

Payments made for transcripts in 3rd quarter: \$33,004

Page 2 of 2

Payments made for transcripts, year to date: \$54,477

Please note that the figures for payments made to attorneys, year to date, are payments actually made and do not include liability incurred for legal work performed but either not yet billed or billed and not actually paid as of the end of the quarter.

A list of all attorneys who have received payments during the 3rd quarter of this year for legal services rendered is enclosed with this letter.

Thank you.

Very truly yours,



Michelle Parker
Director/Chief Defender

MP:hpk

Enc.

cc: Jeremy C. Toth, Erie County Attorney
Robert W. Keating, Erie County Director of Budget & Management

ATTORNEYS RECEIVING ASSIGNED COUNSEL PAYMENTS
3rd Quarter 2023

Abate, Jeffrey	Dell, Paul	Jones, Deonna
Abbarno, Anthony	DeMatteo, James	Kane, Kevin
Adeniji, Jesutowo	Desiderio, Lawrence	Kapperman, Kelly
Alba, Samuel	Dinki, Edward	Karalus, Susan
Altshiler, Florina	Dolgoff, Barry	Kelly, Sean
Amendola, Francis	Domenico, Anthony	Kobiolka, Michael
Ancona, Elena	Donatelli, Alan	Kotnis, Mark
Anderson, Ryan	Dorliae, Cecile	Krajewski, Jeffrey
Anderson, Heather	Dougherty, Connor	Kullman, Paul
Anthis, Sara	Dubois, Daniel	Kulpit, Jessica
Auricchio, James	Duncan, TheArthur	Lenhardt, Clayton
Bauerle, Ariel	Evans, Jason	Lilac, Dean
Bedaska, John	Fabiatos, Lee	Longo, Frank
Bellrose Lloyd, Jacqueline	Farah, Elias	Loss, Katrina
Bender, Debra	Farrell, Bethany	MacDonald, Brian
Berchou, Catherine	Ferullo, Michael	Mackay, Parker
Bernard, Scott	Fina, Gregory	Maloney, James
Billanti, Catherine	Fiske, Andrew	Marranca, Mindy
Bogulski, Frank	Flynn, Robert	Marrero, Rachel
Bojak, Adam	Frank, Cortney	Martin, Alexander
Borowoski, Matthew	Gallagher, Timothy	Martnshin, Edward
Broderick, William	Garrity, Patrick	McCann, Stephen
Brooks, Matthew	Gartner, Peter	McIver, James
Brooks, Timothy	Genovese, Giovanni	McKeating, Michael
Buffamonte, Angelo	Gibbons, Kenneth	McLaughlin, Bonnie
Buscaglia, Kara	Gibbons, Kevin	McLaughlin, Patrick
Bryne, Mark	Gioia, Rebecca	Michalek, Jr., Paul
Caffrey, Daniel	Goldstein, Robert	Midlik, Tara
Candino, Dominic	Greenberg, Charles	Miserendino, Samuel
Canterbury, Ian	Greene, Alvin	Moncher, Michelle
Cardarelli, Anthony	Grennell, John	Muscato, Joseph
Carey, Catherine	Griebel, Daniel	Mussari, Louis
Carney, Ryan	Hajdu, Lyle	Newcomb, Terence
Chabala, Anthony	Harrington, Ian	O'Neill, Barbara
Chan, Mary	Harrington, Jeffrey	O'Neill, Tyler
Ciambrone, Elizabeth	Harris, Kevin	Osman, Mayada
Cimasi, Michael	Hennessy, Timothy	O'Sullivan, Evelyne
Ciminelli, James	Heubusch, Thomas	Pajak, David
Coad, Kevin	Hoerner, Kaitlyn	Parisi, Ryan
Cole, Richard	Hoffman, Alan	Parker, Brian
Connelly, Caitlin	Hughes, Stephen	Paul, Kim
Conroy, Michael	Ieraci, Frank	Pawarski, Timothy
Cooper, Cindy	Jablonski, Justin	Penberthy, Brittany
Creighton, Lauren	Jarzembek, Joseph	Penn, Mary
Curtin, William	Jay, Hope	Petersen, Frederick
Cutting, Robert	Johnson, Robert	Platzer, Kathleen

ATTORNEYS RECEIVING ASSIGNED COUNSEL PAYMENTS
3rd Quarter 2023

Popoola, Ifeoluwa	Turner, Joseph	
Poretta, Michael	Underwood, Stephen	
Potter, Todd	Vallone-Bacon, Gina	
Poulos, Amber	Varavenkataraman, Radhika	
Puleo, Dean	Vasilion, Peter	
Quinlivan, Patrick	Venzon, Catharine	
Radack, Andrew	Vesper, Jessica	
Repka, Crystal	Violanti, Louis	
Roberts, Jr., Linwood	Voelkl, Jeffrey	
Robshaw, Nora	Ward, Daniel	
Rosciglione, Maria	Weinrieb, Pieter	
Ruotolo, Lissette	Whorley, Daniel	
Ruffino, Brian	Wiens, Wallace	
Sacha, Mark	Wilson, David	
Salevsky, Brent	Wojtan, Thomas	
Sanfilippo, Salvatore	Worrell, Mark	
Santoro, Jeffrey	Zosh, Michael	
Sarkovics, David		
Schaus, Daniel		
Scherer, Jeffrey		
Schwegler, Lawrence		
Scinta, Joseph		
Seegert, Seth		
Shatkin, Marc		
Smith, Jennifer		
Smith, Victoria		
Stachowski, Michael		
Stadler, Joseph		
Starr, Suzanne		
Steinhaus, Andrew		
Steinhaus, Robert		
Stiller, Douglas		
Strand, Lisa		
Swerdlin, Matthew		
Szczur, Celia		
Tabashneck, Andrew		
Tarantino, Daniel		
Terranova, Joseph		
Tesseyman, Jr., Francis		
Texido, Nicholas		
Thibodeau, Pamela		
Tota-Neal, Delrease		
Towey, Brian		
Trott, Emily		
Tupchik, Lana		
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