



THE ERIE COUNTY LEGISLATURE

Session No. 23
DECEMBER 7, 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. Johnson

PLEDGE OF ALLEGIANCE: Ms. Vinal

TABLED ITEMS: [Report No. 1 - Finance & Management/Budget Committee 2024 Budget & Amendment Package](#)

ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING

MINUTES OF PREVIOUS MEETING: [Meeting No. 21](#)

PUBLIC HEARING

MISCELLANEOUS RESOLUTIONS:

BASKIN	In Remembrance of Paul Woods
BASKIN & VINAL	Honoring and Celebrating National Women Support Women Day
MAJORITY CAUCUS	Acknowledging and Honoring National Entrepreneur's Day
JOHNSON	Acknowledging and Honoring National Pearl Harbor Remembrance Day
KOOSHOIAN	Honoring and Recognizing Christopher Billoni
VINAL	Congratulating and Honoring Deputy Supervisor Deborah Bruch Bucki on Her Extraordinary Service in Erie County
KOOSHOIAN	Congratulating and Recognizing the Honorable Kevin J. Keane on His Extraordinary work as Buffalo City Court Judge
MALCZEWSKI	Honoring the East Aurora Girls Cross Country Team as the New York State Class C Champions
MALCZEWSKI	Honoring the East Aurora Boys Varsity Soccer Team as the New York State Class B Champions

MALCZEWSKI	Honoring the East Aurora Boys Cross Country Team as the New York State Class C Champions
GREENE	Recognizing Dante Marconi for 60 Years of Service with the Akron Lions Club
GREENE	Honoring Tanner Gurnett on Attaining Rank of Eagle Scout
MILLS	Honoring Steven Michael Blidy on Earning the Rank of Eagle Scout
MILLS	Honoring Jakob Johnathon Joy-Ford on Earning the Rank of Eagle Scout
MILLS	Recognizing Ava Mills and Ashley Rozic on Being Named ECIC Doubles All-Stars
GREENE	Congratulating Paul Burgio on Being Named 2023 All-Bee Football Coach of the Year
MILLS	Honoring Daniel R. Wright on Earning the Rank of Eagle Scout
TODARO	Congratulating Muscarella's Pizza Lancaster on Its One-Year Anniversary
MILLS	Honoring Patrick Joseph Blidy on Earning the Rank of Eagle Scout
KOOSHOIAN	In Remembrance of Gabe Michael
MILLS	Celebrating Frederick J. Shear on His 100th Birthday

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
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
LL INTRO. 9-1 (2023)	BASKIN, MEYERS, JOHNSON, VINAL & GILMOUR	The Erie County Language Access Act	

COMMITTEE REPORTS:

REPORT No. 11	Finance & Management Committee
REPORT No. 14	Energy & Environment Committee
REPORT No. 13	Health & Human Services Committee
REPORT No. 16	Economic Development Committee
REPORT No. 16	Public Safety Committee

LEGISLATOR RESOLUTIONS:

COMMUNICATIONS DISCHARGED FROM COMMITTEE:

COMM. 20M-4	From the Finance & Management Committee	From the Buffalo Place Executive Director: Buffalo Place - 2024 Budget
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SUSPENSION OF THE RULES:

COMM. 23D-3	COUNTY ATTORNEY	Opinion as to Form Local Law Intro. No 3-2 2023
COMM. 23E-20	BASKIN	Abstention from Comm. 20E-16 (2023)

COMMUNICATIONS FROM ELECTED OFFICIALS:

COMM. 23E-1	LEGISLATURE CLERK	Minutes - 2023 Assessment Rolls Public Hearing	Energy & Environment
COMM. 23E-2	COUNTY EXECUTIVE	EC Emergency Medical Services Advisory Board Appointment	Public Safety
COMM. 23E-3	COUNTY EXECUTIVE	EC Fisheries Advisory Board Appointments	Energy & Environment
COMM. 23E-4	COUNTY EXECUTIVE	Appointments to the Fire Advisory Board	Public Safety
COMM. 23E-5	COUNTY EXECUTIVE	Appointments to the Senior Services Advisory Board	Health & Human Services
COMM. 23E-6	COUNTY EXECUTIVE	Authorization to Enter Into Agreement with the EC Federation of Snowmobile Clubs, Inc.	Public Safety
COMM. 23E-7	COMPTROLLER	Department of Law Risk Retention Fund Spending - Sept. & Oct. 2023	Finance & Management
COMM. 23E-8	COUNTY EXECUTIVE	NYSDOT Supplemental Agreement for Construction & Design	Economic Development
COMM. 23E-9	COUNTY EXECUTIVE	Reconstruction of Maple Street - NYSDOT Agreement & Contract for Engineering Design Services	Economic Development
COMM. 23E-10	COUNTY EXECUTIVE	Rehab of Bullis Road - Contracts for Construction & Construction Inspection Services	Economic Development
COMM. 23E-11	COUNTY EXECUTIVE	Bridge Replacement of Four Rod Road	Economic Development
COMM. 23E-12	COUNTY EXECUTIVE	Contract with Cattaraugus County BOCES	Health & Human Services
COMM. 23E-13	COUNTY EXECUTIVE	Cultural Organization Capital Improvement Program - Phase 2. Authorization to Enter Into Contracts with Cultural Organizations	Economic Development
COMM. 23E-14	COUNTY EXECUTIVE	Authorization to Enter Into Inter- Municipal Agreements to Implement the Municipal Planning Grant Program	Economic Development

COMM. 23E-15	COUNTY EXECUTIVE	Notice of Adoption - ECSD 2023 Assessment Rolls (2024 Levy)	Energy & Environment
COMM. 23E-16	COUNTY EXECUTIVE	Extension of Contract with NYS Pollution Prevention Institute	Economic Development
COMM. 23E-17	COUNTY EXECUTIVE	PILOT Agreement for Westchester Park, Town of Tonawanda - Affordable Housing Development	Economic Development
COMM. 23E-18	COUNTY EXECUTIVE	Renaissance Commerce Park - Amendment to Contract for Design & Construction of Water and Sewer Utilities	Economic Development
COMM. 23E-19	COUNTY EXECUTIVE	Department of Social Services Lease Extension - 290 Main Street	Health & Human Services

COMMUNICATIONS FROM THE DEPARTMENTS:

COMM. 23D-1	DIRECTOR OF BUDGET & MANAGEMENT	Budget Monitoring Report for Period Ending September 2023	Finance & Management
COMM. 23D-2	BOARD OF ELECTIONS	Erie County Board of Elections Budget Revisions	Immediate Consideration Requested

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:

COMM. 23M-1	PRESIDENT & CEO OF VBN	VBN & Buffalo Convention Center - Third Quarter Reports	Finance & Management
COMM. 23M-2	TOWN OF MARILLA	Marilla Town Board - SEQR Lead Agency Designation	Energy & Environment
COMM. 23M-3	CLERK OF THE NEW STADIUM INCLUSION COMMUNITY TASK FORCE	New Stadium Inclusion Community Task Force Meeting Minutes	M/WBE

ANNOUNCEMENTS:

MEMORIAL RESOLUTIONS:

ADJOURNMENT:

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

BASKIN

In Remembrance of Paul Woods

Attachments

Paul Woods

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, NOVEMBER 27, 2023

EC LEG NOV 27 '23 RT:36

In Remembrance of Paul Woods

WHEREAS, Almighty God, in His infinite wisdom, on November 19, 2023, removed from our midst, *Paul Woods*, in whose death we have lost a loving father, grandfather, great-grandfather, valued and respected citizen, and whose family has lost a leader, and a kind and devoted member; and

WHEREAS, Paul Woods was born in Bazemore, Alabama on February 20, 1923 to Nora Fields Woods and Anderson Sherman Woods; and

WHEREAS, as a child, Paul walked ten miles to a one-room school to receive his education under an era of severe segregation amongst African Americans; and

WHEREAS, at the age of 17, Paul joined the United States Army and was immediately shipped to the Philippines to fight in World War II; and

WHEREAS, his Military Occupational Specialty (MOS) was truck driver who drove ammunition to the front line in Australia; and

WHEREAS, he fought in the Pacific Theater earning three Bronze Stars and a liberation of the Philippine's Medal; and

WHEREAS, Paul became employed at Bethlehem Steel Corporation in July of 1954 and continued to work there for the next 31 years until the plant closed; and

WHEREAS, Paul bestowed discipline, emphasized education and stated to his loved ones "When you're sitting at the table of knowledge, eat hearty"; and

WHEREAS, in 2012, Honor Flight honored Paul Woods and 30 other WWII veteran with a flight to see the WWII Memorial in Washington D.C; and

WHEREAS, in December 2017, Paul Woods returned to Australia where he served during and was honored by the U.S. Consulate General, Valerie Fowler; and

WHEREAS, Paul and his late wife were licensed as Foster Care Providers through Randolph Child and Adolescent Services and they received many awards and were honored as Foster Parents of the Year in 1997 for their love and care to troubled youth; and

WHEREAS, Paul's legacy will continue to live on throughout his loved ones on Earth including his children: Hilda Minter, Gwendolyn C. (Frederick) Eckles, Flora B. Woods, Rev. Paulette Woods, Theresa (Derrick) Woods-Powell, Darline Imes, Linnette Ingram, Duane, Vincent (Royda), Vendetter (Stan) Boddie, Raynard (Farrin) Woods; and

WHEREAS, Paul always beamed a warm smile to his 28 grandchildren: Fredrick II (an LPN); Lamont, Tiffany and Nicole Eckles; Lance Lionel Woods; Cherita Brice; Lillian, Randall and Paul Imes; Aaron Bailey; Thomas Neal; Cheron and Jennifer Woods; Jenell, Dominique, Shantell, and Joshua Woods; Philip, Jeremiah, Arrianna and Elizabeth Woods; Devon, Caila Choline, Michael Jr., Christa, Cheron II, and Carlee; and

WHEREAS, Paul was also a supportive great grandfather of 18 great-grandchildren: Lamaja, Fredrick III, Lamont Jr., Hallie, Branden, Deshanae', Aaron Paul, Yves, Yvette, Kimera, Xzavier, Bennett, Bethany, Kalyssa, Devon, Lennox, Roberta and Christian; and

WHEREAS, his charm, intelligence, kindness, fairness and understanding, his keen awareness of public events and politics, his love of sports and his hard work ethic made him special and a delight to all who know him; and

WHEREAS, it is the sense of this Legislative Body to honor and pay tribute to the life of **Paul Woods**, 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 **Paul Woods**, and pause in its deliberations to recognize his praiseworthy life, his love of family, his love for service, and for his commitment and devotion to the betterment of our community; and be it further

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

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

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

BASKIN & VINAL

Honoring and Celebrating National Women Support Women
Day

Attachments

National Women Support Women Day

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

EC LEG NOV 27 '23 PM 2:12

Honoring and Celebrating National Women Support Women Day

WHEREAS, *National Women Support Women Day* is celebrated annually on December 1st; and

WHEREAS, from historical icons such as Susan B. Anthony, Sojourner Truth to Rosa Parks, the timeline of women's history milestones stretches back to the founding of the United States; and

WHEREAS, this day allows us all to join together and build upon previous generations' hard work and determination; and

WHEREAS, Western New York is enriched with their own women's history; and

WHEREAS, today, women still march in cities worldwide each year to fight for equality, justice and peace for all people, regardless of race, ethnicity, religion or gender identity; and

WHEREAS, *National Women Support Women Day*, globally and locally in Western New York will forever remember the rich history and those individually who paved the way for so many individuals.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body hereby acknowledges December 1st as *National Women Support Women Day* and encourage all residents to honor phenomenal women's past history and present culture.

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

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

Olivia M. Owens
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

MAJORITY CAUCUS

Acknowledging and Honoring National Entrepreneur's Day

Attachments

National Entrepreneur's Day

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

Acknowledging and Honoring National Entrepreneur's Day

WHEREAS, *National Entrepreneur's Day* is an annual event occurring on the third Tuesday of November (November 21) that honors people who have built an empire from absolutely nothing; and

WHEREAS, entrepreneurship sparks creative innovations to improve the quality of an existing service or product, or invent something entirely new and either way, the result serves the greater good of consumers and the marketplace; and

WHEREAS, in 2010, then-President Barack Obama issued a proclamation commemorating the first National Entrepreneurs' Day, thanks in part to a social media campaign started by two young entrepreneurs; and

WHEREAS, during National Entrepreneur's Day, we revisit our roots as a country of dreamers and doers, and we celebrate and support the next generation of American entrepreneurs; and

WHEREAS, supporting local markets (via online or socially distanced) , pop-up shops, or industry events are other great ways to get in touch to support entrepreneurs and have a better idea in understanding what's developing in your city as well as creating a fun and productive way to network; and

WHEREAS, this honorable body will forever remember and respect our local businessmen and businesswomen as we appreciate their perseverance, the lessons learned along the way, the challenges they've faced and overcame, and most of all, the blessings and success received.

NOW, THEREFORE, BE IT

WHEREAS, that the Erie County Legislature expresses our thanks and sincere and heart-felt appreciation and blessings to all entrepreneurs for the hard work and care they provide to their clientele in our community; and be it further;

WHEREAS, that the Erie County Legislature hereby recognizes *National Entrepreneur's Day* and much love and support business owners in our community.

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: 12/07/2023

SUBJECT

JOHNSON

Acknowledging and Honoring National Pearl Harbor
Remembrance Day

Attachments

National Pearl Harbor Remembrance Day

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, DECEMBER 7, 2023

Acknowledging and Honoring National Pearl Harbor Remembrance Day

WHEREAS, on Sunday morning, December 7, 1941, the Imperial Japanese Navy Air Service attacked the neutral United States at Naval Station Pearl Harbor near Honolulu, Hawaii, killing 2,403 Americans and injuring 1,178 others; and

WHEREAS, each year in the United States, *National Pearl Harbor Remembrance Day* honors all those who lost their lives when Japan attacked Pearl Harbor on December 7, 1941; and

WHEREAS, more than 3,500 Americans lost their lives or were wounded on that solemn day; and

WHEREAS, the Pearl Harbor National Memorial dedicates sites in memory of the crews lost on December 7th, 1941 and many of the crew of the USS Utah, USS Arizona, and USS Oklahoma, Pearl Harbor is their final resting place; and

WHEREAS, forever enshrined in our history, the attack on Pearl Harbor shocked all Americans and galvanized our Nation to fight and defeat the Axis powers of Japan, Germany, and Italy; and

WHEREAS, this Honorable Body will forever remember Pearl Harbor and respect World War II veterans who defended our nation and sacrificed their lives to protect ours.

NOW, THEREFORE, BE IT

WHEREAS, that the Erie County Legislature hereby recognizes *National Pearl Harbor Remembrance Day* and much love and honor to all those service members lost during the attack and acknowledge those currently still serving our country proudly.

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

Olivia M. Owens
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

KOOSHOIAN

Honoring and Recognizing Christopher Billoni

Attachments

Christopher Billoni

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

EC LEG NOV 30 '23 AM 10:25

Honoring and Recognizing Christopher Billoni

WHEREAS, Christopher Billoni, a Western New York resident (Kenmore) and graduate of St. Joseph's Collegiate Institute, currently serves as Vice President at Colvin Cleaners; and

WHEREAS, Billoni has been instrumental in keeping one of the region's pre-eminent dry cleaners going strong into a third generation; and

WHEREAS, he joined the company's leadership team in 2009 after a stint as an analyst at M&T Bank and has helped elevate the business, wrangling a sponsorship to become the official dry cleaner and tailor of the Buffalo Bills; and

WHEREAS, he also helps Colvin with Coats for Kids and Gowns for Prom and works with Out of the Blue, an organization that looks to improve the lives of people with disabilities; and

WHEREAS, during the COVID pandemic, Billoni organized the "Get a Mask, Give a Mask" program, a program where Colvin Cleaners provided washable, reusable face masks for free to their customers, essential workers, and non-profit agencies throughout Erie County; and

WHEREAS, outside of his hard work at Colvin Cleaners, Mr. Billoni values being a supportive husband to the love of his life, Kristina, and a devoted father of his two kids, Luca and Ella; and

WHEREAS, this Honorable Body acknowledges and thanks *Christopher Billoni* for his leadership, dedication to serve, and their commitment to the community through his work and selfless efforts to service those in need.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby honor *Christopher Billoni* as a recipient of the Buffalo Business First, 40 Under 40 and for his exceptional dedication and unselfish service to Kenmore and all of Erie County.

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

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

VINAL

Congratulating and Honoring Deputy Supervisor Deborah
Bruch Bucki on Her Extraordinary Service in Erie County

Attachments

Deborah Bruch Bucki

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

*Congratulating and Honoring
Deputy Supervisor Deborah Bruch Bucki
On her Extraordinary Service in Erie County*

WHEREAS, *Deborah Bruch Bucki*, a Western New York native, has diligently and went above and beyond to serve our residents throughout Erie County, in particular, the Town of Amherst; and

WHEREAS, Deborah earned her Regents Diploma from Villa Maria Academy and went on to achieve a bachelor's degree in Nursing in 1975(cum laude), a Master's Degree in Community-Psychiatric Nursing in 1978 and a Ph.D. in Medical Sociology, in 1998, both from the State University of New York at Buffalo; and

WHEREAS, Deborah is the proud wife of her husband, Carl Bucki and the devoted mother of her son Craig Bucki; and

WHEREAS, early on, she was a stay-at-home mom when her child Craig was young and her husband Carl became a successful lawyer at a large firm in Buffalo; and

WHEREAS, Craig graduated with his Bachelor's Degree at Yale and achieved his J.D at the Columbia University School of Law; and

WHEREAS, throughout her tenure as a councilmember in the Town of Amherst, Deborah established herself as a watch dog for the public and for the taxpayers and made herself available to community and is well loved by citizens throughout Erie County because of her fairmindedness and proactive approach; and

WHEREAS, prior to her tenure as Deputy Supervisor, Bucki was elected town clerk and served several additional years on the Town Board; and

WHEREAS, Deborah also spent time as an Assistant Professor of Nursing at D'Youville College (now named D'Youville University), a Licensed Practical Nurse at Sisters Hospital and still serves as a Notary Public; and

WHEREAS, because of her phenomenal work excellence and leadership, Deputy Supervisor Bucki became the first elected official in Erie County to achieve the honor of "Certified Town Official", a distinction in recognition of her completion of a demanding course of continuing education; and

WHEREAS, Deborah received many other awards being such as being honored this past August by Assemblywoman Karen McMahon with the 2023 Woman of Distinction award, Alumni Service Award (D'Youville University), Amherst Democratic Committee Woman of the Year Award, Am-Pol Eagle Citizen of the Year in Politics, Polish Solidarity Association of Western New York (Distinguished Leadership Award), and many other accolades; and

WHEREAS, outside of her extensive work resume, Deborah has served on notable community and ethnic organizations such as The Town of Amherst 9/11 Commemoration Ceremony, The Amherst Democratic Committee, and the Amherst Symphony Orchestra; and

WHEREAS, Deborahs distinguished career, background and years of service as a public servant has made her a formidable icon in local government; and

WHEREAS, she has always been so understanding and compassionate on the side of people who are going through hardships of any kind; and

WHEREAS, this Honorable Body desires to acknowledge and recognize individuals such as *Deborah Bruch Bucki* who enhance, represent, and change our community by way of action.

NOW, THEREFORE, BE IT

RESOLVED, it is with great honor that this this Legislative Body hereby applauds and recognizes *Deborah Bruch Bucki* for her exceptional accomplishments through his career in public service, nursing, and her superior spirit in leading and serving the Town of Amherst, Erie County and New York State; and be it further

RESOLVED, that the Erie County Legislature congratulates *Deborah Bruch Bucki* on a phenomenal career and commends her on her dedication to our state as well as former colleagues and the countless number of families Deborah has touched.

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

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

KOOSHOIAN

Congratulating and Recognizing the Honorable Kevin J. Keane
on His Extraordinary work as Buffalo City Court Judge

Attachments

Honorable Kevin J. Keane

EC LEG DEC 4 '23 PM 4:42

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, DECEMBER 7, 2023

Congratulating and Recognizing
The Honorable Kevin J. Keane
On his extraordinary work as Buffalo City Court Judge

WHEREAS, The *Honorable Kevin J. Keane* was born in Buffalo, New York on December 11th, 1966 to the late Richard J. Keane and Mary M. Keane; and

WHEREAS, from an early age, Kevin's parents taught him the values of public service and the importance of giving back to one's community; and

WHEREAS, Kevin excelled academically and became a graduate of Canisius High School; and

WHEREAS, Judge Keane attended Canisius High School and was chosen All-Catholic for cross-country and track and captain of the team

WHEREAS, after graduating from Canisius in 1984, he attended Fredonia College receiving a Bachelor of Science in Business Administration in 1988; and

WHEREAS, Judge Keane attend Queens College of Law, graduating in 1995; and

WHEREAS, during law school Judge Keane worked in the NYS Assembly for Assemblywoman Eileen Dugan out of Brooklyn, New York; and

WHEREAS, Judge Keane's legal career began as a law clerk to Court of Claims Judge Edgar NeMoyer; and

WHEREAS, Judge Keane went on to work for the City of Buffalo Corporation Counsel in 1996 and remained there until he was appointed as a judge to Buffalo City Court in September of 2003 by the Honorable Anthony Masiello; and

WHEREAS, Judge Keane was elected to the Buffalo City Court in 2003 and was reelected in 2013; and

WHEREAS, during his tenure working with the corporation counsel's office, Judge Keane represented the city in hundreds of Housing Court cases and has dealt with the state and municipal governments; and

WHEREAS, Judge Keane married the former Dorothy Milligan in 1999 at St. Teresa's on Seneca Street and from their union in marriage, they have 2 wonderful boys, Kevin and Sean; and

WHEREAS, Judge Keane's distinguished career, background, and years of service on the bench made him a formidable member of Buffalo City Court; and

WHEREAS, during his tenure as a City Court Judge, Judge Keane remained committed to the City of Buffalo and used his experience and passion to better this community; and

WHEREAS, Judge Keane will officially retire this year; and

WHEREAS, this Honorable Body desires to acknowledge and recognize individuals such as the *Honorable Kevin J. Keane* who enhance, represent, and change our community by way of action.

NOW, THEREFORE, BE IT

RESOLVED, it is with great honor that this this Legislative Body hereby applauds and recognizes *Honorable Kevin J. Keane* for his exceptional accomplishments through his career in law along with his superior spirit in leading and serving the City of Buffalo; and

RESOLVED, in devoting his time to defend and serve his community through his work as a judge, and through his community service, we commend and honor Judge Keane; and be it further

RESOLVED, that the Erie County Legislature congratulates *Honorable Kevin J. Keane* on a phenomenal career and commends him on his dedication to our state as well as former colleagues and the countless number of families Kevin has touched.

Hon. Michael Kooshoian
Erie County Legislator, 3rd District

Olivia M. Owens
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

MALCZEWSKI

Honoring the East Aurora Girls Cross Country Team as the
New York State Class C Champions

Attachments

East Aurora Girls Cross Country Team

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

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

***Honoring the East Aurora Girls Cross Country Team
as the New York State Class C Champions***

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

WHEREAS, the **East Aurora Girls Cross Country Team** is an exceptional team at East Aurora High School; and

WHEREAS, under the strong leadership of Coach Walt McLaughlin, the team knew it had the ability and skill to compete for the New York State Athletic Association Class C Championship; and

WHEREAS, led by first place overall finisher Emilia O'Leary, with a time of 18:42, the **East Aurora Girls Cross Country Team** had seven participants complete the race, including four who finished in the top seven; and

WHEREAS, as a result of this outstanding team effort, the **East Aurora Girls Cross Country Team** finished with twenty-two points, beating the next second-place team by over fifty points and earning them the Class C State title; and

WHEREAS, following their success in the New York State championships, the **East Aurora Girls Cross Country Team** competed in the Nike National Qualifier at Bowdoin Park, outside of Poughkeepsie, New York.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor the **East Aurora Girls Cross Country Team** for winning the **New York State Public High School Athletic Association Class C Championship** and wishes the students continued success in their future endeavors.

HON. JAMES MALCZEWSKI
Erie County Legislator, District 10

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

MALCZEWSKI

Honoring the East Aurora Boys Varsity Soccer Team as the
New York State Class B Champions

Attachments

East Aurora Boys Varsity Soccer Team

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

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

***Honoring the East Aurora Boys Varsity Soccer Team
as the New York State Class B Champions***

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

WHEREAS, the **East Aurora Boys Varsity Soccer Team** is an exceptional team at East Aurora High School; and

WHEREAS, during their outstanding season the **East Aurora Boys Varsity Soccer Team** scored 106 goals and only allowed 15 goals over 23 games to be scored on them; and

WHEREAS, under the strong leadership of Coach Kevin Beale, the team knew it had the ability and skill to compete for the New York State Public High School Athletic Association Class B Championship; and

WHEREAS, as a result of this outstanding team effort, the **East Aurora Boys Varsity Soccer Team** finished the season 22-0-1, and outscored their opponents 36-6 in their playoff run; and

WHEREAS, led by the teams three senior co-captains goalkeeper Rhett Krieger, defenseman Charlie Meyer, and forward Sam Evans the team was able to make the necessary stops in the defensive zone while also putting balls in the back of the opponent's net to finish the season by bringing home the State Championship to East Aurora.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor the **East Aurora Boys Varsity Soccer Team** for winning the **New York State Public High School Athletic Association Class B Championship** and wishes the students continued success in their future endeavors.

HON. JAMES MALCZEWSKI
Erie County Legislator, District 10

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

MALCZEWSKI

Honoring the East Aurora Boys Cross Country Team as the
New York State Class C Champions

Attachments

East Aurora Boys Cross Country Team

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

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

***Honoring the East Aurora Boys Cross Country Team
as the New York State Class C Champions***

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

WHEREAS, the **East Aurora Boys Cross Country Team** is an exceptional team at East Aurora High School; and

WHEREAS, under the strong leadership of Coach Walt McLaughlin, the team knew it had the ability and skill to compete for the New York State Athletic Association Class C Championship; and

WHEREAS, led by second place overall finisher Owen Rung, with a time of 16:26, the **East Aurora Boys Cross Country Team** had seven participants complete the race, including three who finished in the top twenty; and

WHEREAS, as a result of this outstanding team effort, the **East Aurora Boys Cross Country Team** finished with forty-nine points, beating the next second-place team by nearly forty points and earning them the Class C State title; and

WHEREAS, following their success in the New York State championships, the **East Aurora Boys Cross Country Team** competed in the Nike National Qualifier at Bowdoin Park, outside of Poughkeepsie, New York.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor the **East Aurora Boys Cross Country Team** for winning the **New York State Public High School Athletic Association Class C Championship** and wishes the students continued success in their future endeavors.

HON. JAMES MALCZEWSKI
Erie County Legislator, District 10

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

GREENE

Recognizing Dante Marconi for 60 Years of Service with the
Akron Lions Club

Attachments

Dante Marconi

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

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

**Recognizing Dante Marconi for 60 Years of
Service with the Akron Lions Club**

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, Lions International, and their 1.4 million members worldwide, pride themselves on being a global network of volunteers who work together to make a difference in their communities; and

WHEREAS, the Akron Lions Club was established in 1938 and has been serving the Akron-Newstead area by supporting a variety of charities, youth organizations and service projects in the community; and

WHEREAS, **Dante Marconi**, a lifelong Akron resident, joined the Akron Lions Club in October of 1963 and has been an active member for the last sixty years; and

WHEREAS, **Dante Marconi** is a past president of Akron Lions Club (1988-1989) and was instrumental in several big projects, including the installation of the fence around the cemetery; and.

WHEREAS, **Dante Marconi** is also credited with introducing the community to “Dante’s famous potatoes,” which are still served today at the Akron Lion Club Steak Dinner; and

WHEREAS, **Dantes Marconi’s** commitment to giving back to his community and his dedication to service is an example that all current and future members of the Akron Lions Club can be proud of.

BE IT FURTHER RESOLVED, the Erie County Legislature pauses in its deliberations to recognize and thank **Dante Marconi** for his 60 years of service the community with the Akron Lions Club.

HON. CHRISTOPHER GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

GREENE

Honoring Tanner Gurnett on Attaining Rank of Eagle Scout

Attachments

Tanner Gurnett

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

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

Honoring Tanner Gurnett on Attaining Rank of Eagle Scout

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

WHEREAS, **Tanner Gurnett** of Troop 82, Greater Niagara Frontier Council, Boy Scouts of America, has attained the coveted rank of Eagle Scout, Boy Scouting's highest honor, and was celebrated at his Court of Honor on December 2, 2023, at Wolcottsville Fire Hall; and

WHEREAS, **Tanner Gurnett** began his scouting career when he was in kindergarten as a Tiger Cub with Pack 3071 in 2013; and

WHEREAS, **Tanner Gurnett's** Eagle Scout Project was repairing and improving the Fireman's Memorial at Wolcottsville Fire Hall by replacing the flagpole and flag while adding new landscaping stones, mulch, plants, and bushes; and

WHEREAS, **Tanner Gurnett** earned 30 merit badges and oversaw eleven volunteers for twenty hours as they worked to restore the Fireman's Memorial; and

WHEREAS, as a Lockport High School student **Tanner Gurnett** retains a 98% average, is a member of the National Junior Honor Society, and the Spanish Honor Society, is enrolled in all AP and SUNY college classes while participating with the Varsity Cross Country, Indoor Track, and Track teams; and

WHEREAS, after graduation from Lockport High School in 2025, **Tanner Gurnett** goal is to attend college to study Criminal Justice.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor **Tanner Gurnett** for achieving the rank of Eagle Scout.

CHRISTOPHER D. GREENE
Erie County Legislature, District 6

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

MILLS

Honoring Steven Michael Blidy on Earning the Rank of Eagle Scout

Attachments

Steven Michael Blidy

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

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

Honoring Steven Michael Blidy on Earning the Rank of Eagle Scout

WHEREAS, **Boy Scout Steven Michael Blidy** of Troop 285, Greater Niagara Frontier Council, Boy Scouts of America, has attained the coveted rank of Eagle Scout, Boy Scouting's highest honor, and will be celebrated at his Court of Honor on December 16, 2023; and

WHEREAS, **Steven Michael Blidy** earned twenty-seven merit badges and received special recognition for his achievements, including membership in the Order of the Arrow, the National Outdoor Award, and the Camping Gold Award; and

WHEREAS, **Steven Michael Blidy's** Eagle Scout Project involved crafting cravats, leg splints, and half boards, as well as staining eight huts for the Holiday Valley Ski Patrol; and

WHEREAS, **Steven Michael Blidy** dedicated one hundred and thirty-nine hours to this project, leading a team of twenty volunteers who generously contributed time and effort to the completion of this project; and

WHEREAS, **Steven Michael Blidy**, a senior at Orchard Park High School, exemplifies academic excellence as a member of the National Honor Society, consistently achieving Honor Roll status and distinguishing himself as a Scholar Athlete; and

WHEREAS, **Steven Michael Blidy** actively engages in extracurricular pursuits, excelling in baseball and DECA, showcasing his dedication to both sports and business; and

WHEREAS, **Steven Michael Blidy** aspires to study business administration at Erie Community College, with dreams of owning his own business.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to acknowledge and commend the outstanding achievement of **Steven Michael Blidy** in completing all requirements to attain the rank of Eagle Scout.

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

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

MILLS

Honoring Jakob Johnathon Joy-Ford on Earning the Rank of
Eagle Scout

Attachments

Jakob Johnathon Joy-Ford

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

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

Honoring Jakob Johnathon Joy-Ford on Earning the Rank of Eagle Scout

WHEREAS, Boy Scout Jakob Johnathon Joy-Ford of Troop 285, Greater Niagara Frontier Council, Boy Scouts of America, has attained the coveted rank of Eagle Scout, Boy Scouting's highest honor, and will be celebrated at his Court of Honor on December 16, 2023; and

WHEREAS, Jakob Johnathon Joy-Ford has earned twenty-eight merit badges, received the Camping Gold Award, and devoted ninety-two hours alongside nine volunteers to his Eagle Scout Project, which involved painting the basement of Grace Gospel Church to create a more welcoming space for its members; and

WHEREAS, Jakob Johnathon Joy-Ford, a student at Western New York Maritime Charter School, serves as the President of the Spanish Honor Society and has been honored with the Leadership Award; and

WHEREAS, Jakob Johnathon Joy's extracurricular activities include active participation in scouts, where he has demonstrated his commitment to community service, as well as employment at Rite Aid and the Orchard Park Country Club; and

WHEREAS, Jakob Johnathon Joy-Ford plans to pursue communication studies at D'Youville University, with future endeavors as a public speaker, having co-authored a fifty-plus page website; and

WHEREAS, Jakob Johnathon Joy-Ford serves as an example to the youth of our community through his high level of personal achievement, leadership, and community service.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to acknowledge and commend the outstanding achievement of **Jakob Johnathon Joy-Ford** in completing all requirements to attain the rank of Eagle Scout.

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

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

MILLS

Recognizing Ava Mills and Ashley Rozic on Being Named
ECIC Doubles All-Stars

Attachments

Ava Mills and Ashley Rozic

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

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

**Recognizing Ava Mills and Ashley Rozic
on Being Named ECIC Doubles All-Stars**

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

WHEREAS, the Orchard Park High School Girls Tennis Team, led by senior **Ava Mills** and junior **Ashley Rozic**, who serve as captains and leaders of the team, has exhibited exceptional dedication, sportsmanship, and skill throughout the 2023 season; and

WHEREAS, under the guidance of their esteemed head coach, Chris Horgan, the Orchard Park Lady Quakers have consistently strived for excellence, achieving outstanding results; and

WHEREAS, **Ava Mills and Ashley Rozic**, the dynamic first doubles team have showcased remarkable skills and have been integral to the team's success; and

WHEREAS, the Orchard Park Girls Tennis Team qualified two doubles teams for the highly competitive Sectional Tournament, a testament to their relentless dedication and hard work; and

WHEREAS, the team's achievements include titles of league champions and division champions, highlighting their exceptional teamwork and determination; and

WHEREAS, in addition to their contributions to the team's success, **Ava Mills and Ashley Rozic**, were recognized as ECIC Doubles All-Stars, for their outstanding individual efforts.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor **Ava Mills and Ashley Rozic** and recognize them for their dedication and remarkable achievements both on and off the court.

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

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

GREENE

Congratulating Paul Burgio on Being Named 2023 All-Bee
Football Coach of the Year

Attachments

Paul Burgio

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

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

**Congratulating Paul Burgio on Being Named
2023 All-Bee Football 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 players 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, **Paul Burgio** exemplifies everything it means to be a successful coach; and

WHEREAS, after leading the team to its first eleven win season in history and first Section VI Class A title since 2010, Clarence Football Coach **Paul Burgio** is the **2023 All-Bee Football Coach of the Year**; and

WHEREAS, **Paul Burgio** started coaching for Clarence in 1991 and is in his seventh year as Head Coach; and

WHEREAS, together with assistant coaches **Chris Dickson** and **Tim Myslinski** and volunteer assistants **Tom Goddard** and **Mark Kensity**, **Paul Burgio** has developed a reputation for focusing on the fundamentals and being very detailed in his preparation while developing players who execute at a high level; 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 **Paul Burgio** on being named the **2023 All-Bee Football Coach of the Year** and wish him continued success for many years.

HON. CHRISTOPHER GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

MILLS

Honoring Daniel R. Wright on Earning the Rank of Eagle
Scout

Attachments

Daniel R. Wright

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

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

Honoring Daniel R. Wright on Earning the Rank of Eagle Scout

WHEREAS, **Boy Scout Daniel R. Wright** of Troop 285, Greater Niagara Frontier Council, Boy Scouts of America, has attained the coveted rank of Eagle Scout, Boy Scouting's highest honor, and will be celebrated at his Court of Honor on December 16, 2023; and

WHEREAS, **Daniel R. Wright** earned twenty-seven merit badges in his quest to become an Eagle Scout and received the Philmont Expedition Arrowhead award, showcasing his skills and achievements in leadership and outdoor activities; and

WHEREAS, **Daniel R. Wright** invested an impressive 208.66 hours, leading a team of eighteen volunteers in a transformative Eagle Scout Project for the American Legion Post 567 involving cleaning, patching, painting, removal of signage, drywall repairs, and the installation of cabinets, all aimed at enhancing the Legion's facilities appearance; and

WHEREAS, **Daniel R. Wright**, a graduate of Saint Francis High School, has excelled academically, participating in a gifted math program at the University of Buffalo; and

WHEREAS, **Daniel R. Wright** currently attends Clarkson University, contributing to the university's academic and extracurricular community through involvement in the Clarkson University Formula SAE Speed Team and a member of the University Emergency Services; and

WHEREAS, **Daniel R. Wright's** high level of personal achievement, leadership, and community service serves as an example to the youth of our community.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to acknowledge and commend the outstanding achievement of **Daniel R. Wright** in completing all requirements to attain the rank of Eagle Scout.

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

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

TODARO

Congratulating Muscarella's Pizza Lancaster on Its One-Year Anniversary

Attachments

Muscarella's Pizza Lancaster

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

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

**Congratulating Muscarella's Pizza Lancaster on its
One-Year Anniversary**

WHEREAS, The Erie County Legislature seeks to recognize small businesses and their owners, who invest in our communities and make up the backbone of our local economy; and

WHEREAS, **Muscarella's Pizza** was founded by Charlie Muscarella and his wife Maria, one year after the couple was married and Maria recognized Charlie's passion, work ethic, and talents that would make him an excellent small business owner; and

WHEREAS, **Muscarella's Pizza** first opened seventeen years ago on Main Street in the Village of Williamsville where they continue to operate to this day; and

WHEREAS, **Muscarella's Pizza** is a family business where many of Charlie and Maria's family members work including their children, nieces, nephews, and family friends, among other dedicated and hardworking employees; and

WHEREAS, after sixteen years of success in Williamsville, the Muscarella's decided to open up a brand-new location on Aurora Street in Lancaster on November 21, 2022; and

WHEREAS, after a very successful first year, **Muscarella's Pizza Lancaster** celebrated its first anniversary on November 21, 2023, thanks to its popular and high-quality menu choices, friendly staff, and excellent service which will lead to many more years of success and delicious pizza.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to celebrate the **first anniversary of Muscarella's Pizza's Lancaster location** and wishes them many more years of success.

FRANK J. TODARO

Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

MILLS

Honoring Patrick Joseph Blidy on Earning the Rank of Eagle Scout

Attachments

Patrick Joseph Blidy

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

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

Honoring Patrick Joseph Blidy on Earning the Rank of Eagle Scout

WHEREAS, Boy Scout Patrick Joseph Blidy of Troop 285, Greater Niagara Frontier Council, Boy Scouts of America, has attained the coveted rank of Eagle Scout, Boy Scouting's highest honor, and will be celebrated at his Court of Honor on December 16, 2023; and

WHEREAS, Patrick Joseph Blidy earned twenty-three merit badges and received special recognition for his achievements, including membership in the Order of the Arrow and the Camping Gold Award; and

WHEREAS, Patrick Joseph Blidy's Eagle Scout Project involved designing and building a portable gaga pit for the Boys and Girls Club of Orchard Park, alongside painting a sign and refurbishing a garden; and

WHEREAS, Patrick Joseph Blidy devoted one hundred and seven hours to this project, leading a team of twenty volunteers who generously contributed time and effort to the successful completion of this project; and

WHEREAS, Patrick Joseph Blidy, a senior at Orchard Park High School, exemplifies academic excellence as a member of the National Honor Society, consistently achieving Honor Roll status and distinguishing himself as a Scholar Athlete; and

WHEREAS, Patrick Joseph Blidy actively engages in the sport of baseball, expressing a genuine love for the game, and serves as a positive role model through his dedication to community service via volunteering; and

WHEREAS, Patrick Joseph Blidy aspires to study business administration at Erie Community College, with dreams of owning his own business.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to acknowledge and commend the outstanding achievement of **Patrick Joseph Blidy** in completing all requirements to attain the rank of Eagle Scout.

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

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

KOOSHOIAN

In Remembrance of Gabe Michael

Attachments

Gabe Michael

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

In Remembrance of Gabe Michael

WHEREAS, Almighty God, in His infinite wisdom, on November 21, 2023, removed from our midst *Gabe Michael* in whose death we have lost a valued and respected citizen, prominent coach, and whose family has lost a leader, kind and devoted member; and

WHEREAS, *Gabe Michael* went gone above and beyond to provide our community with years of dedication in serving as an role of the St Joes Basketball program; and

WHEREAS, Michael graduated of Canisius High School in 1998, and became interested in coaching while at Xavier University, where he served as a team manager; and

WHEREAS, he started his coaching career as an assistant at Division I and III college programs from 2005-12, which included stops at Canisius and Medaille, and also worked as a realtor; and

WHEREAS, to go along with an extensive and profound career in coaching, Gabe will also be remembered as an awesome coach and was well-known as a wonderful person with a great sense of humor; and

WHEREAS, accomplished in his field, endorsed by his colleagues, and invited to inspire many in various parts of the world, Coach Gabe has harnessed his passion into education and inspired many to unleash their powerful possibilities and create transformational enterprises which revigorated the St. Joes basketball program during his tenure; and

WHEREAS, Coach Gabe was a committed coach and educator for many people, but he was also without a doubt a better father-figure, brother, friend, and person in general; and

WHEREAS, Gabe was more than just a coach; he was an older brother to our athletes and would do anything to ensure their success as players and as men; and

WHEREAS, before St. Joseph's, Michael coached at Williamsville South for six seasons, leading them to win the overall Section VI Class A championship in 2015 and 2016 and reaching the Class A state semifinals in 2016; and

WHEREAS, Gabe's legacy will live on through his family members on Earth including his parents, Joseph and Anne Michael; cherished fiancée, Jillian Bromley; his siblings, Katie (Kevin) Stoltman, nephews, niece, aunts, uncles, cousins and friends; and

WHEREAS, Gabe worked effortlessly to not only celebrate and uplift students within the St. Joes community, but to embrace, drive & give hope to his students in becoming an inspiration outside of the classroom.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby mourn the passing of ***Gabe Michael*** and pause in its deliberations to recognize his praiseworthy life, his love of family and for his commitment to the betterment of our community and our education departments; and be it further

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

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

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

MILLS

Celebrating Frederick J. Shear on His 100th Birthday

Attachments

Frederick J. Shear

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

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

Celebrating Frederick J. Shear on his 100th Birthday

WHEREAS, the Erie County Legislature commemorates and recognizes certain milestones celebrated by citizens of this great country; and

WHEREAS, the longevity of life is a blessing for an individual and for a community that benefits from the wisdom, knowledge, creativity, and experiences of its members; and

WHEREAS, **Frederick J. Shear** was born to J. Raymond Shear and Florence (Hoehn) Shear on December 3, 1923, the eldest among five siblings, raised in Buffalo, graduated from Riverside High School; and

WHEREAS, during World War II, **Frederick J. Shear** served in the U.S. Navy from 1943-1946, specializing in communications and stationed in Cherbourg, France, contributing to the Allied efforts with dedication and valor; and

WHEREAS, **Frederick J. Shear** married Phyllis J. Mesmer, the love of his life, on January 22, 1949, and in 1954, the couple moved to the town of Boston where they raised their two children, Mark J. and Kyle J., and were blessed with four grandchildren, and six great-grandchildren; and

WHEREAS, **Frederick J. Shear's** commitment to community service is evident by his active membership in the North Boston Fire Company since 1956, serving over fifty years and holding the position of Chief from 1971 to 1973; and

WHEREAS, **Frederick J. Shear** has generously donated 23 and a half gallons of blood, demonstrating his commitment to the well-being of others, and is a respected member of the Faith United Church of Christ.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and celebrate **Frederick J. Shear** on his 100th birthday and wishes him many more happy, productive years.

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

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

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

LL INTRO. 1-1 (2022)

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

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

SECTION 1. Legislative Intent

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

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

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

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

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

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

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

SECTION 2. Pilot Program Authorization

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

SECTION 3. State Requirements to Adhere Once Authorized

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

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

SECTION 4. Effective Date

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

SECTION 5. Severability

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

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



Department of
Environmental
Conservation

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

A Report to the New York State Senate and Assembly

February 22, 2022



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

www.dec.ny.gov

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

- Prepared by -

Jeremy Hurst, NYSDEC Big Game Unit Leader

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

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

Preliminary Results from the 2021-22 Deer Hunting Seasons

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

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

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

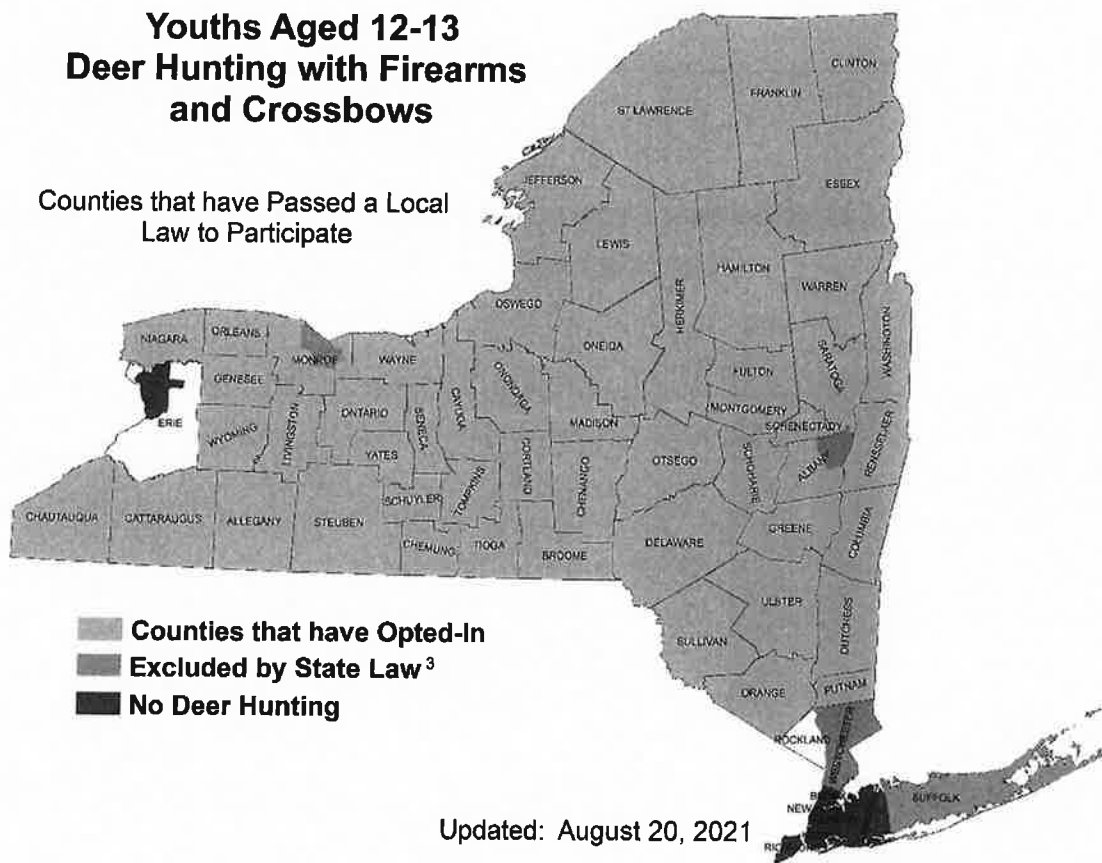
² Reported take value represents raw harvest reports with date of harvest between September 12, 2021 and January 1, 2022. This includes 173 deer reported taken with a bow. Calculated deer harvest was not available at the time of this report, as deer hunting seasons continued in portions of New York until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

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

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

County Participation

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



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

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

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

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

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

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

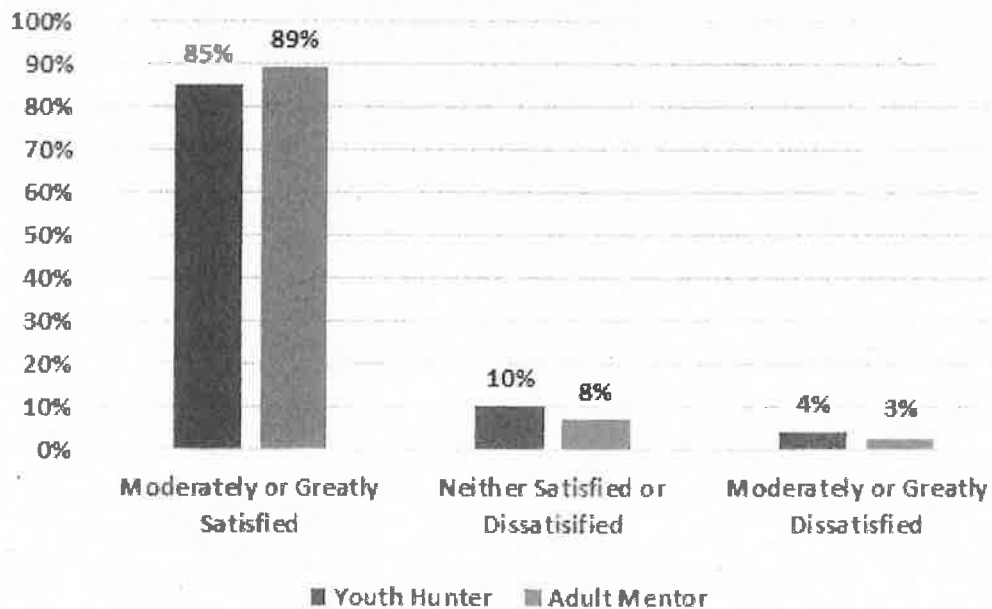
"The youth hunt is great...I think it builds a great trust and cooperation between DEC officers, young hunters and their parents, that extends well beyond the weekend. Great experience."

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



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

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



Recommendations

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

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

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

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

LL INTRO. 3-1 (2022)

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 3-1 -2022

LOCAL LAW NO. _____-2022

THE ERIE COUNTY LANGUAGE ACCESS ACT

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

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

Section 1. Legislative Intent and Findings

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

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

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

Section 2. Definitions

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

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

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

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

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

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

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

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

Section 3. Language Access Requirements

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

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

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

Section 4. Language Access Plans

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

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

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

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

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

Section 5. Amending Article 17 of the Erie County Charter

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

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

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

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

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

The Board shall:

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

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

Section 6. Right to Privacy

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

Section 7. Effective Date

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

Section 8. Severability

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

Sponsors:

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

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

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

LL INTRO. 3-1 (2023)

COUNTY OF ERIE

LOCAL LAW INTRO NO. 3-1-2023

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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: 12/07/2023

SUBJECT

LL INTRO. 3-2
(2023)

JOHNSON

The Occupancy Tax Modernization Act

Attachments

LL INTRO. 3-2 (2023)

COUNTY OF ERIE

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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: 12/07/2023

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: 12/07/2023

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: 12/07/2023

SUBJECT

LL INTRO. 9-1 (2023)	BASKIN, MEYERS, JOHNSON, VINAL & GILMOUR	The Erie County Language Access Act
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Attachments

LL INTRO. 9-1

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 9-1 -2023

LOCAL LAW NO. _____ -2023

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:

A. 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.

B. 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:

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

2. 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.

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

D. 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.

E. Online applications or machine interpretation software shall only be used after a County Agency has attempted to secure qualified on-site interpreters or live interpreters, via telephone or video call service.

F. 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.

G. 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.

H. 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.

I. 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:

A. 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.

B. 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;

C. 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;

D. 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.

E. 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. If Section 3(E) of this law is utilized, the County Agency should document its attempts to secure a qualified interpreter and incorporate that data into its report to the Language Access Advisory Board, as per Section 5(E) of this law.

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

1. the number or proportion of LEP persons in the eligible service population;
2. 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;
3. 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
4. the resources available to the agency and the costs of providing various types of language services

G. 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:

- A. 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.
- B. Advise County Agencies in developing and implementing their Language Access Plan.
 - C. Review Agency Language Access Plans and evaluate the implementation of those plans.
 - D. Create a mechanism to interact with public regarding proper language access plan implementation.
 - E. 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.
 - F. 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: 12/07/2023

SUBJECT

REPORT No. 11 Finance & Management Committee

Attachments

REPORT NO. 11

November 30, 2023

FINANCE & MANAGEMENT COMMITTEE
REPORT NO. 11

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 20M-4 (2023)
BUFFALO PLACE EXECUTIVE DIRECTOR: “Buffalo Place - 2024 Budget”
(Chair’s Ruling)
 - b. COMM. 21E-1 (2023)
COMPTROLLER: “Interim Financial Report - 3rd Quarter 2023”
(Chair’s Ruling)
 - c. COMM. 21D-1 (2023)
DIRECTOR OF BUDGET & MANAGEMENT: “November Capital Projects Update”
(Chair’s Ruling)
 - d. COMM. 21M-3 (2023)
ECIDA ACCOUNTING MANAGER: “2024 Budgers for ECIDA, RDC & ILDC”
(Chair’s Ruling)
 - e. COMM. 21M-5 (2023)
ASSIGNED COUNSEL PROGRAM: “Quarterly Report of the Assigned Counsel Program”
(Chair’s Ruling)
2. COMM. 21E-6 (2023)
COUNTY EXECUTIVE

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

WHEREAS, the Teamsters Local 264 (“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.
(5-0)

TIMOTHY J. MEYERS
CHAIR

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

REPORT No. 14 Energy & Environment Committee

Attachments

REPORT NO. 14

November 30, 2023

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 14

ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 21E-10 (2023)
COUNTY EXECUTIVE: “ECSD No 4 - Engineer Term Contract Agreement”
(Chair’s Ruling)

2. COMM. 21E-11 (2023)
COUNTY EXECUTIVE
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.
(5-0)

3. COMM. 21E-12 (2023)
COUNTY EXECUTIVE

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. (5-0)

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

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

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

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

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

WHEREAS, the Erie County Agricultural and Farmland Protection Board, 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	<u>\$50,000</u>
	TOTAL	<u>\$50,000</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516020	Professional Service Contracts & Fees	<u>\$50,000</u>
	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.

(5-0)

TIMOTHY J. MEYERS
CHAIR

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

REPORT No. 13 Health & Human Services Committee

Attachments

REPORT NO. 13

November 30, 2023

HEALTH & HUMAN SERVICES
COMMITTEE
REPORT NO. 13

ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received, filed and printed:
 - a. COMM. 21E-5 (2023)
COUNTY EXECUTIVE: “Appointment to the Mental Hygiene Community Services Board”
(Chair’s Ruling)

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

2. COMM. 21E-15 (2023)
COUNTY EXECUTIVE
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.
(5-0)

3. COMM. 21E-16 (2023)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Health’s Children with Special Needs Division currently contracts with many Special Education programs providing Related Services; and

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

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

WHEREAS, 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.
(5-0)

4. COMM. 21E-17 (2023)
COUNTY EXECUTIVE

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 be it 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.
(5-0)

JOHN J. GILMOUR
CHAIR

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

REPORT No. 16 Economic Development Committee

Attachments

REPORT NO. 16

November 30, 2023

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 16

ALL MEMBERS PRESENT.

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

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, NYSEERDA 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
<u>E.23050 2023 SUNY Erie Facility Master Plan – Phase 2</u>	<u>\$3,291,822.62</u>
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.
(5-0)

2. **COMM. 21E-13 (2023)**
COUNTY EXECUTIVE

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:

<u>Amount</u>	<u>Scope of Work</u>	<u>Contract Awardee</u>
\$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:

<u>Amount</u>	<u>Scope of Work</u>	<u>Contract Awardee</u>
\$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 GBAUHN 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:

<u>Amount</u>	<u>Scope of Work</u>	<u>Contract Awardee</u>
\$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:

<u>Amount</u>	<u>Funds Center</u>	<u>Account</u>	<u>Name</u>
\$ 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.

(5-0)

HOWARD J. JOHNSON, JR.
CHAIR

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

REPORT No. 16 Public Safety Committee

Attachments

REPORT NO. 16

November 30, 2023

PUBLIC SAFETY COMMITTEE
REPORT NO. 16

ALL MEMBERS PRESENT.

1. COMM. 21E-3 (2023)
SHERIFF

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.

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.
(5-0)

2. COMM. 21E-4 (2023)
SHERIFF

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 further

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.
(5-0)

3. COMM. 21E-8 (2023)
COUNTY EXECUTIVE

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.

(5-0)

HOWARD J. JOHNSON, JR.
CHAIR

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 20M-4	From the Finance & Management Committee	From the Buffalo Place Executive Director: Buffalo Place - 2024 Budget
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Attachments

23COMM. 20M-4



October 25, 2023

Honorable Members
Erie County Legislature
92 Franklin Street, 4th floor
Buffalo, NY 14202

Dear Legislators:

As the not-for-profit corporation designated by Erie County to perform Downtown Special District services, Buffalo Place Inc. presents its 2024 budget to the Erie County Legislature with our advice that \$1,886,886 be raised by mall district special charges and payments in lieu of special charges in 2024.

Buffalo Place Inc. held a public hearing on the 2024 budget on October 24, 2023 at 4:00 p.m. Notice of the hearing was sent to all property owners in the Special Charge District. Enclosed are the minutes of the public hearing. The Board of Directors of Buffalo Place Inc. and Buffalo Place Foundation approved the 2024 budget at its meeting on October 25, 2023 by a vote of 10 to 0.

We request that the Legislature adopt, on or before November 17, 2023, the attached resolution that approves the \$1,832,457 Special Charge Levy. As required by Section 4 of Erie County Local Law No. 8-1984, this amount does not exceed 80% of the aggregated service charges which could be assessed and levied. Additional payments in lieu of special charge are included in the budget in the amount of \$54,429.

Thank you for your consideration. Buffalo Place representatives welcome the opportunity to answer any questions the Legislature may have at the appropriate committee meeting.

Sincerely,

Michael T. Schmand
Executive Director

Enc.

cc: Hon. April N.M. Baskin
Robert M. Graber

Hon. Howard Johnson Jr.
Scott A. Bylewski, Esq.

Proposed Resolution

WHEREAS, the Erie County Legislature approved Local Law No. 8-1984, establishing a downtown pedestrian/transit mall special district; and

WHEREAS, the Erie County Legislature approved on December 19, 1985, a resolution authorizing the County Executive to enter into agreement with Downtown Buffalo Management Corporation, now known as Buffalo Place Inc., designating Buffalo Place Inc. as the not-for-profit corporation with which Erie County shall contract for the performance of mall special district services, for which annual contracts were executed in 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023 and

WHEREAS, the said Local Law requires that the mall corporation present an annual budget to the Legislature regarding the amount to be raised by mall district special charges; and

WHEREAS, pursuant to the said Local Law, Buffalo Place Inc. held a public hearing, on due notice to property owners within the district, regarding the proposed 2024 annual budget on October 24, 2023; and

WHEREAS, on October 30, 2013 the Board of Directors of Buffalo Place Inc. approved a resolution approving a payment in lieu of service charges for the HSBC Atrium Building and have included the same as part of its proposed 2024 budget.

NOW THEREFORE BE IT

RESOLVED, that the Erie County Legislature does hereby determine that the total amount to be raised by mall district service charges in 2024 shall be the sum of \$1,832,457 as contained in the attached budget which shall be a part of this Resolution, which amount does not exceed 80% of the service charges that could be assessed or levied against properties in the district; and be it further

RESOLVED, that the County of Erie be and hereby is authorized to enter into agreement with Buffalo Place Inc., the not-for-profit corporation described in Section 9 of Erie County Local Law No. 8-1984, providing for the performance by Buffalo Place Inc. of the mall special services set forth in Section 8 of said Local Law; the payment to Buffalo Place Inc. of the proceeds of the mall special district charges, less administrative costs, to be used by Buffalo Place Inc. in providing mall special district services; and such other terms and conditions as to the County Attorney appear necessary or appropriate for the implementation of Erie County Local Law No. 8-1984 and Chapter 673 of the Laws of 1982; and be it further

RESOLVED, that the Buffalo Place Inc. revenues, in addition to the special charges assessed as above set forth, include for the year 2024, \$18,000 in payment in lieu of service charges for KeyBank Center (1 Seymour H. Knox III Plaza, Buffalo, NY) and \$36,429 for HSBC Atrium Building (95 Washington Street, Buffalo, NY) totaling \$54,429 as set forth in said budget, and be it further

RESOLVED, that the Erie County Commissioner of Finance shall, not later than November 17, 2023, cause to be established a Mall District Special Charge Roll apportioning the amount herein above determined to be raised by mall district special charges and payment in lieu of special charges for 2024 in conformance with the formula set forth in Section 7 of Erie County Local Law N. 8-1984 using the latest available final general or special assessment roll prepared by The City of Buffalo; and be it further

RESOLVED, that certified copies of this resolution in its final form be forwarded to the Erie County Executive, the Mayor of the City of Buffalo, the Chairman and the Executive Director of Buffalo Place Inc., and the Erie County Commissioner of Budget and Management.



Memorandum

TO: Members of the Erie County Legislature

FROM: Keith M. Belanger, Chairman 
Michael T. Schmand, Executive Director 

DATE: October 25, 2023

SUBJECT: Buffalo Place 2024 Budget

Enclosed please find the 2024 budget for Buffalo Place Inc. and Buffalo Place Foundation as approved by the Buffalo Place Board of Directors at its meeting on October 25, 2023.

Highlights of the new budget include:

- The Special Charge Levy is set at \$1,832,457 with an additional \$54,429 in payments in lieu of special charges. This represents a 2% increase in the Special Charge Levy and the payment in lieu for the HSBC Atrium. The payment in lieu for KeyBank Center is unchanged.
- The 26th year of winter operation of Rotary Rink by Buffalo Place under supplementary contract with the City is also included.

We will be pleased to answer any questions you may have concerning this matter.



Secretary's Certificate

Downtown Mall Special District
Public Hearing

I, W. Morgan Smith, Deputy Executive Director and Assistant Secretary of Buffalo Place Inc. and Buffalo Place Foundation, certify that on October 24, 2023 at 4:00 p.m., a public hearing was held at 671 Main Street pursuant to Erie County Local Law No. 8 – 1984, Section 7, paragraph B, at which time the combined 2024 Buffalo Place Inc. and Buffalo Place Foundation budget was presented, and that the attached minutes are a true and accurate copy of the minutes of such meeting.

I further certify that notice of the public hearing was sent to all owners of property in the downtown mall special district by first class mail, postage paid, on October 13, 2023.

W. Morgan Smith
Deputy Executive Director and Assistant Secretary
Buffalo Place Inc. and Buffalo Place Foundation

October 25, 2023

Minutes of the Public Hearing
on the Buffalo Place Inc. and Buffalo Place Foundation
Proposed 2024 Budget

Tuesday, October 24, 2023 4:00 p.m.
671 Main Street, Buffalo, NY

Present were:

Michael T. Schmand, Executive Director
W. Morgan Smith, Deputy Executive Director
Stephen Fitzmaurice, Brisbane Building
Dan Castle, Erie Country

Mr. Schmand called the hearing to order at 4:07 PM.

Mr. Schmand discussed the increase in the overall special charge levy by 2%, noting that individual properties would likely not see that specific increase (or decrease) in their special charges.

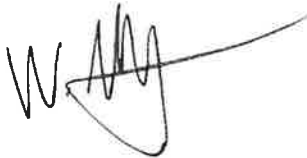
Mr. Schmand noted that the City agreement has been renewed for one year at the previous level, but that a longer-term contract at a higher rate was under discussion with the City.

Mr. Schmand then ran through the budgets for each department, noting that the additional funds generated by the special charge increase had been allocated to the Operations and Security departments.

Mr. Fitzmaurice inquired about the estimate impact on the Brisbane Building's special charge, and was satisfied with the answer he received from Mr. Schmand.

The hearing concluded at 4:30 PM.

Respectfully submitted,



W. Morgan Smith
Deputy Executive Director

Proposed Resolution

WHEREAS, the Erie County Legislature approved Local Law No. 8-1984, establishing a downtown pedestrian/transit mall special district; and

WHEREAS, the Erie County Legislature approved on December 19, 1985, a resolution authorizing the County Executive to enter into agreement with Downtown Buffalo Management Corporation, now known as Buffalo Place Inc., designating Buffalo Place Inc. as the not-for-profit corporation with which Erie County shall contract for the performance of mall special district services, for which annual contracts were executed in 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023 and

WHEREAS, the said Local Law requires that the mall corporation present an annual budget to the Legislature regarding the amount to be raised by mall district special charges; and

WHEREAS, pursuant to the said Local Law, Buffalo Place Inc. held a public hearing, on due notice to property owners within the district, regarding the proposed 2024 annual budget on October 24, 2023; and

WHEREAS, on October 30, 2013 the Board of Directors of Buffalo Place Inc. approved a resolution approving a payment in lieu of service charges for the HSBC Atrium Building and have included the same as part of its proposed 2024 budget.

NOW THEREFORE BE IT

RESOLVED, that the Erie County Legislature does hereby determine that the total amount to be raised by mall district service charges in 2024 shall be the sum of \$1,832,457 as contained in the attached budget which shall be a part of this Resolution, which amount does not exceed 80% of the service charges that could be assessed or levied against properties in the district; and be it further

RESOLVED, that the County of Erie be and hereby is authorized to enter into agreement with Buffalo Place Inc., the not-for-profit corporation described in Section 9 of Erie County Local Law No. 8-1984, providing for the performance by Buffalo Place Inc. of the mall special services set forth in Section 8 of said Local Law; the payment to Buffalo Place Inc. of the proceeds of the mall special district charges, less administrative costs, to be used by Buffalo Place Inc. in providing mall special district services; and such other terms and conditions as to the County Attorney appear necessary or appropriate for the implementation of Erie County Local Law No. 8-1984 and Chapter 673 of the Laws of 1982; and be it further

RESOLVED, that the Buffalo Place Inc. revenues, in addition to the special charges assessed as above set forth, include for the year 2024, \$18,000 in payment in lieu of service charges for KeyBank Center (1 Seymour H. Knox III Plaza, Buffalo, NY) and \$36,429 for HSBC Atrium Building (95 Washington Street, Buffalo, NY) totaling \$54,429 as set forth in said budget, and be it further

RESOLVED, that the Erie County Commissioner of Finance shall, not later than November 17, 2023, cause to be established a Mall District Special Charge Roll apportioning the amount herein above determined to be raised by mall district special charges and payment in lieu of special charges for 2024 in conformance with the formula set forth in Section 7 of Erie County Local Law N. 8-1984 using the latest available final general or special assessment roll prepared by The City of Buffalo; and be it further

RESOLVED, that certified copies of this resolution in its final form be forwarded to the Erie County Executive, the Mayor of the City of Buffalo, the Chairman and the Executive Director of Buffalo Place Inc., and the Erie County Commissioner of Budget and Management.

**BUFFALO PLACE INC.
BUFFALO PLACE FOUNDATION**

**2024
BUDGET**

*Approved
October 25, 2023*

SUMMARY OF REVENUES AND EXPENSES

REVENUES

Administration	326,215	
Operations	1,430,908	
Marketing	498,751	
Ranger Escort Program	426,461	
	TOTAL REVENUES	2,682,335

EXPENSES

Administration	326,215	
Operations	1,430,908	
Marketing	498,751	
Ranger Escort Program	426,461	
	TOTAL EXPENSES	2,682,335

EXCESS OF REVENUE OVER EXPENSE (0)

REVENUES

Special charge assessment @ \$1,886,886		1,832,457
Payment-in lieu		54,429
City contract/Fountain Plaza		201,000
BCAR grant/Ranger Escort Program		104,949
NYMS Grant Revenue		12,000
Special event revenue		79,000
Country Market (one day per week)	4,000	
Tree lighting	20,000	
Rotary Rink concessions	20,000	
Thursday & Main	35,000	
M&T Grant/Sponsorship		100,000
Additional Sponsorship		103,500
Canalside/Operations fees		195,000
TOTAL REVENUE		2,682,335

ADMINISTRATIVE DEPARTMENT**REVENUES**

Special charge revenue (17.15%)	314,215	
NYMS Grant Revenue	12,000	
TOTAL ADMINISTRATIVE REVENUE		326,215

EXPENSES*Operating Expense*

Payroll	404,829	
Payroll tax & benefits	60,819	
Workers' compensation	436	
Telephone	16,000	
Postage/mailing services	2,000	
Insurance	19,091	
Dues & subscriptions	7,000	
Business expense & travel	2,000	
Printing & copying	1,500	
Office supplies/rental of off. equipt.	20,000	
Legal services	0	
Payroll services	5,000	
Annual audit/cpa services	13,000	
Miscellaneous	5,166	
Meetings	2,000	
Insurance finance charges	90	
Loan interest	0	
Utilities	15,000	
Rent	78,578	
Taxes	10,500	
Special charge	1,200	
County administrative fee	7,800	
	205,925	
Total Operating Expense		672,009
Non-Cash expense: depreciation		60,000
Less Administrative allocation		(405,794)
NET ADMINISTRATIVE EXPENSE		326,215

OPERATIONS DEPARTMENT

REVENUES

Special charge revenue (53.51%)	980,479	
Payment-in-lieu/HSBC Arena	54,429	
City contract/Fountain Plaza	201,000	
Canalside/Operations fees	195,000	
TOTAL OPERATIONS REVENUE		1,430,908

EXPENSES

Operating Expense

Payroll	714,493	
Payroll tax & benefits	129,445	
Workers' compensation	17,958	
Uniforms	4,000	
Maintenance supplies	12,000	
Insurance	142,920	
Miscellaneous	500	
Sand/salt	15,000	
Small tools	1,250	
Vehicle Expenses	25,000	
Equipment maintenance & repair	8,000	
Shop supplies	4,000	
Equipment rental	17,250	
Holiday lights and Decorations	4,000	
Warehouse rental&Parking	14,000	
Mall Expenses	7,201	
Landscaping/tree replacement	25,000	
Banners/Signage/Flags	10,000	
Fountain Plaza operations	26,000	
Administrative allocation	252,891	
	569,012	
TOTAL OPERATIONS EXPENSE		1,430,908

MARKETING DEPARTMENT

REVENUE

Special Charge (13.17%)		241,251	
Special event revenue		79,000	
Country Market (1 days per week)	4,000		
Tree lighting sponsorship	20,000		
Rotary Rink concessions	20,000		
Thursday & Main	35,000		
Marketing Sponsorships		178,500	
TOTAL MARKETING REVENUE			498,751

EXPENSE

Payroll		109,926	
Payroll tax & benefits		21,712	
Workers' compensation		270	
Business expense & travel		500	
Special Events:		210,000	
Country Market (one day per week)	4,000		
Tree lighting	10,000		
Thursday & Main	140,000		
Rotary Rink Mkt Expenses	6,000		
Buffalo Ball Drop	50,000		
Insurance		35,000	
Banner Program/Design Update		2,500	
Design Updates	2,500		
Communications:		10,000	
Website Maintenance	10,000		
Dine and shop small holiday promotion	0		
Business retention		500	
Administrative allocation		108,343	
TOTAL MARKETING EXPENSE			498,751

SECURITY/RANGER ESCORT PROGRAM

REVENUE

Special Charge (16.18%)	296,512	
M&T Grant revenue	25,000	
BCAR grant/Ranger Escort Program	104,949	
TOTAL RANGER ESCORT PROGRAM REVENUE		426,461

EXPENSE

Payroll	290,203	
Payroll tax & benefits	62,580	
Workers' compensation	3,118	
Insurance	18,000	
Uniforms	2,000	
Auto gas & lube	5,000	
Security Guard Licenses & Employment Testing	1,000	
Administrative allocation	44,560	
TOTAL RANGER ESCORT PROGRAM EXPENSE		426,461

PROPOSED CAPITAL EXPENDITURES 2023

ADMINISTRATION

Office equipment and computers		0
Office furniture		0

OPERATIONS

Equipment		11,000
Street furniture	1,000	
Major vehicle repair contingency	10,000	
Vehicle trade-in/replacement		70,000
Pick-Up Truck & Plow	35,000	
Gators (2)	10,000	
Bobcat	25,000	
TOTAL CAPITAL EXPENDITURES		81,000

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 23D-3	COUNTY ATTORNEY	Opinion as to Form Local Law Intro. No 3-2 2023
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Attachments

LL INTRO. 3-2 (2023)

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

September 6, 2023

Via Email Only

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

Re: Opinion as to Form Local Law Intro No 3-2 2023

Dear Chairwoman Baskin:

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

Preemption

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

Here, New York State Law provides specific authority which authorizes the governing board of a county to adopt a local law imposing occupancy tax. Since the State Legislature has granted county governing boards this specific authority, 3-2 does not present a preemption issue of concern.

Grammar

The stated purpose of 3-2 is to clarify the reach of occupancy tax to include non-traditional short-term and vacation rentals within Erie County. We find the grammar and usage of 3-2 to be sufficient in order to achieve the stated purpose.

Ambiguities

Section 1 subparagraph (a) erroneously references Chapter “664” of New York Sessions Laws of 1974. The correct Chapter reference is “614”. This is a technical correction which does not require a new Local Law to be introduced or a new public hearing to be held. Otherwise, although every hypothetical circumstance or eventuality cannot be addressed in the scope of this opinion, 3-2 does not present any facial ambiguities that would frustrate its implementation and enforcement.

Conclusion

We find that Local Law Intro. 3-2 2023 is sufficient as to form.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

By: _____
Gregory P. Kammer
Assistant County Attorney

GPK/lda

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 23E-20

BASKIN

Abstention from Comm. 20E-16 (2023)

Attachments

ABSTENTIONLETTER

ERIE COUNTY LEGISLATURE

HON. APRIL N.M. BASKIN

CHAIR OF THE LEGISLATURE

2ND DISTRICT LEGISLATOR



92 Franklin St., 4th Fl.
Buffalo, NY 14202
716/858-8869
FAX: 716/858-8895

December 5, 2023

Hon. Olivia M. Owens
Clerk of the Legislature
92 Franklin Street
Buffalo, NY 14202

Re: Abstention from Comm. 20E-16 (2023)

Dear Clerk Owens:

At Session 21 of the Erie County Legislature, I abstained from voting on Comm. 20E-16 to award additional funds to GHD, Inc for the design and engineering work on the Lackawanna WRRF & ORF Disinfection Systems Improvements Project. I am an employee of GHD, Inc. and desire to avoid the perception of any conflicts of interests.

Thank you for your attention to this letter.

Respectfully,

A handwritten signature in blue ink that reads "April Baskin". The signature is written in a cursive style.

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 23E-1	LEGISLATURE CLERK	Minutes - 2023 Assessment Rolls Public Hearing
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Attachments

23COMM. 23E-1

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Assessment Rolls for 2023 (2024 Levy) have been completed for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8 and will be on file in the Office of the Division of Sewerage Management, Department of Environment & Planning, 95 Franklin Street, Buffalo, NY 14202, and open for public inspection during business hours on and after the first of October, 2023.

The County Legislature will hold a Public Hearing on the Assessment Rolls at 2:00 p.m., local time, on November 1, 2023, in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, New York, to hear all persons interested in the subject, including any objections concerning the same.

DATED: October 16, 2023

Buffalo, New York

Robert M. Graber
CLERK
Erie County Legislature

MINUTES
2023 ASSESSMENT ROLLS (2024 Budget)
ERIE COUNTY SEWER DISTRICT NOS. 1-6 & 8
NOVEMBER 01, 2023

PRESENT: Charles Katra, Assistant Deputy Commissioner for the Erie County Department of Environment and Planning, Division of Sewerage Management; and the undersigned, Olivia Owens, Clerk of the Legislature of Erie County.

Ms. Owens opened the hearing at 2:00 p.m. She stated the hearing is being held to discuss the Sewer District Nos. 1-6 & 8 Assessment Rolls for 2023 prior to adoption by Erie County Legislature. Ms. Owens read the Legal Notice as published in the official County newspapers and the Buffalo News, a copy of which is attached, and then asked if anyone was present to speak for or against the adoption of the 2023 Assessment Rolls.

Mr. Katra, Assistant Deputy Commissioner – SMA of the Division of Sewerage Management, Department of Environment and Planning stated he was present at the hearing to represent the Board of Managers for each of the Erie County Sewer Districts, as well as the Erie County Department of Environment and Planning. He also said the hearing is required to be held as stipulated under Article 5A, Sections 266, 270 and 271 of the County Law and is part of the budget process.

Mr. Katra explained the purpose of the Public Hearing is to allow the public an opportunity to voice their opinions and/or objections, if any, in the manner in which various lots and parcels have been assessed. Then, once the Public Hearing has been held, the Legislature may adopt and affirm the Assessment Rolls, or they can request the Assessment Rolls be revised.

Mr. Katra said the Assessment Rolls are available, as noted in the Legal Notice, if anyone desires to review them and note their concerns regarding the method of sewer assessments for the following (2024) budget year.

Ms. Owens asked if anyone else was present to speak for or against adoption of said Assessment Rolls. There being none, Ms. Owens closed the hearing at 2:05 p.m.

Respectfully submitted,

Olivia Owens
Clerk of the Legislature
of Erie County

CK:slf

cc: Daniel Castle, Commissioner
Board of Managers Nos. 1-6 & 8
J. Fiegl / 0.4.2.Tax Rolls
D. Millar /0.8.0.PH

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 23E-2	COUNTY EXECUTIVE	EC Emergency Medical Services Advisory Board Appointment
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Attachments

23COMM. 23E-2



COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

November 20, 2023

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

Re: Erie County Emergency Medical Services Advisory Board

Dear Honorable Members:

Pursuant to the power vested in me by Article 14, Section 1403 of the Erie County Charter, I hereby appoint the following individual to the Erie County Emergency Medical Services Advisory Board:

Lori Dufresne
5957 Lakecrest Drive
Lake View, NY 14085
Term Expiration: December 31, 2025

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

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/nn

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

EXPERIENCE:

Catholic Health Buffalo, New York 6/2022-present
System Director of Emergency and Neuroscience Services

- Coordinated a successful Joint Commission Comprehensive Stroke Accreditation survey.
- Awarded the Erie and Wyoming County Emergency Services Nurse of Distinction

System Director of Emergency Services 2019-present

- Responsible for improving the quality of care and operational efficiencies including, direct oversight of the contractual relationship with the Emergency Room providers at all 6 Emergency Departments.
- Developed strong working relationships at both the local and regional level with our EMS providers and EMS leadership to improve market share within the community.
- Lead of a multidisciplinary team to improve metrics within Catholic Health Emergency Departments and coordinate standardized practices utilizing the DMAIC process.

Sisters of Charity, Buffalo New York 2017- 2019
Director of Emergency Services/Critical Care/Dialysis/Medical Surgical Nursing

- In collaboration with the Chief Nursing Officer, accountable for the 24 hour management of clinical operations and patient care delivery at both Main Street Campus and St. Joseph Campus.
- Responsible for the oversight and management of human and fiscal resources, the development of personnel, compliance with regulatory and professional standards, and strategic/operational planning.

Catholic Health Buffalo, New York 2014-2017
System Director of Patient Safety

- Responsible for the overall management of the CH patient safety program focused on the prevention and elimination of preventable medical error.
- Collaborated with all CH ministries ensuring the clinical safety of all CH patients, residents and clients.
- Assured plans were implemented within CH that facilitates compliance with all relevant State and National standards.
- Developed and implemented the Great Catch Near Miss program for Catholic Health

Catholic Health Buffalo, New York 2009-2014
Significant Event Manager

- Responsible for the overall management of the Significant Event Department including Catholic Health's Acute Care, Homecare and Community Based Ministries.
- Coordinated investigations and completions of Root Cause Analysis (RCA) across CH ministries.
- Facilitated system wide improvement strategies identified through the RCA process.
- Responsible for follow-up and assures timely completion of identified corrective actions associated with NYPORTS, CMS and the DOH.
- Assisted QPS leadership with the development and execution of measures of performance associated with Joint Commission, OPMC, and IPRO.

St. Joseph Hospital, Buffalo, New York

2008-2009

Performance Improvement Nurse Reviewer

- Worked cooperatively with hospital administration, Medical Staff, Patient Care Services, and ancillary departments to identify opportunities for improvement to facilitate a safe patient environment.
- Performed chart abstraction under CMS guidelines assisting to identify areas of quality improvement and best practice in patient care.
- Worked with Medical Staff Department Chairs to conduct a constructive and educational peer review process.

St. Joseph Hospital, Buffalo, New York

1995-2009

Charge nurse, Critical care

- Fulfilled the role as charge nurse, with supervisory responsibility of the emergency room (2001-2009), the ICU/CCU (1997-2001) and the telemetry unit (1996).
- Evaluated staffing requirements with regards to nursing unit patient assignments and job duties.
- Fulfilled the role as staff nurse on the telemetry unit (1995-1996) and Med/Surg (1996-1997).
- Managed and implemented patient care, providing clinical skills including emergency care, triage, IV infusions, injections, phlebotomy, respiratory treatments, cardiac monitoring, and facilitated patient teaching.

Mercy Ambulatory Care Center, O.P., New York

2005-2008

Staff Nurse, Emergency Room

- Fulfilled the roll as staff nurse in the emergency room setting.

EDUCATION:

Masters of Science, Adult Nurse Practitioner

Daemen College, Amherst, NY

May 2008

Summa Cum Laude

Bachelor of Science, Nursing

Daemen College, Amherst NY

January 2014

Cum Laude

ANP Clinical Experience:

- Millard Fillmore Suburban ICU, Jackie Gallagher, ANP
- CCS Oncology/Century Medical Associates, Dr. Roslyn Romanowski
- Adult Medical Services, Hassan Fares, ANP.

CERTIFICATIONS:

- New York State Licensed Professional Nurse and Adult Nurse Practitioner
- American Nurses Credentialing Center (ANCC) – ANP-BC , NEA-BC
- Emergency Management Institute FEMA Certification 100, 200, 700 and 800
- Lean Six-Sigma Green Belt

AFFILIATIONS:

- Mercy Flight Executive Board of Directors
- Catholic Health Institutional Review Board

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 23E-3 COUNTY EXECUTIVE EC Fisheries Advisory Board Appointments

Attachments

23COMM. 23E-3



ED LEG NOV 22 '23 01:18:49

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

November 20, 2023

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

Dear Honorable Members,

Pursuant to Local Law No. 2 of 1997, Section 9.07, I hereby appoint and submit for your confirmation the following individuals to the Erie County Fisheries Advisory Board with terms expiring December 31, 2025:

Thomas R. Hearsey, Jr.
17 Fallwood Court
Tonawanda, NY 14223

Tracey Mikolajek
6243 Wildwood Drive
Hamburg, NY 14075

Michael Grisanti
75 Niagara Shore Drive
Tonawanda, NY 14150

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

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/nn

cc: Tyler Hamilton, Department of Environment & Planning
Appointee

Michael A. Grisanti

75 Niagara Shore Dr.

Tonawanda, NY 14150

716-570-4451

grisantim@yahoo.com

Qualifications for considerations to serve on the Fishing Advisory Board are as follows:

1. Avid local fisherman for over 40 years and well versed all types of sport fishing i.e. water craft, cast and fly fishing.
2. Consistent attendance in seminars and workshops available for all aspects of fishing, conservation, regulations, techniques, and equipment used in fishing.
3. Certified and current Captain's license obtained in 2015. Master license issued by The United States Coast Guard Maritime Center.
4. Lake Ontario Trout & Salmon Association member in good standing
5. Former multiple local business owner in the Western New York area and lifelong resident.
6. Volunteer in multiple local community organizations such as, The Elmwood Avenue Festival of the Arts, Community Canvases, Community Swing, Trash Mob, Peacemakers, the Westside Taxpayers and Business Association and the Taste of Diversity.

I, Michael Grisanti, would be honored to serve as an active member of the Fishing Advisory Board and would like to thank you for your consideration. The opportunity to give back to the sport that has given me such great pleasure is a goal that I have wanted to achieve at this time in my life. I feel that my fishing knowledge and interest in our Great Lakes' fishery can be used to foster the interest of others, both young and old, and continuing the stewardship of our area's magnificent natural resources.

Nitsche, Natalie

From: Hamilton, Tyler
Sent: Wednesday, September 13, 2023 1:02 PM
To: Nitsche, Natalie
Cc: Zyglis, Jordan; Lawrence, Bonnie Lange
Subject: RE: Fisheries Advisory Board Resumes

Hello again Natalie,

I forgot to mention that there are also 2 Legislative appointed vacancies on the board. One is to be appointed by the Legislature Majority and the other is to be appointed by the Chairperson of the Erie County Legislature's Energy & Environment Committee.

Tyler

--
Tyler Hamilton | Environmental Compliance Specialist
Erie County | Environment & Planning
95 Franklin St., 1079 | Buffalo, NY 14202
P:+1(716)858-4813 | F:+1(716)858-4622
Tyler.Hamilton@erie.gov | <http://www.erie.gov>

From: Hamilton, Tyler
Sent: Wednesday, September 13, 2023 12:53 PM
To: Nitsche, Natalie <Natalie.Nitsche@erie.gov>
Cc: Zyglis, Jordan <Jordan.Zyglis@erie.gov>; Lawrence, Bonnie Lange <Bonnie.Lawrence@erie.gov>
Subject: Fisheries Advisory Board Resumes

Hello Natalie,

It has been awhile since we have spoken about the Fisheries Advisory Board vacancies. Here is an update. We reached out to all of the potential candidates to make sure they are still interested in being board members. Attached please find resumes for all the interested parties. There are currently 3 County Executive appointed positions to be filled.

Best,
Tyler

--
Tyler Hamilton | Environmental Compliance Specialist
Erie County | Environment & Planning
95 Franklin St., 1079 | Buffalo, NY 14202
P:+1(716)858-4813 | F:+1(716)858-4622
Tyler.Hamilton@erie.gov | <http://www.erie.gov>

THOMAS R. HERSEY, JR.
17 Fallwood Court
Tonawanda, New York 14223
(H) (716) 873-7631 (W) (716) 858-7674
E-mail: tdhersey@verizon.net

EXPERIENCE:

- 5/2016 - 6/2021
Planning** **Commissioner, Erie County Department of Environment and Buffalo, New York**
Lead, direct and manage the County's economic development efforts, environmental compliance and conservation initiatives, local and regional planning responsibilities, digital mapping applications and wastewater treatment services in seven districts across the county.
- 4/2012 - 5/2016** **Deputy Commissioner, Environmental Compliance
Erie County Department of Environment and Planning
Buffalo, New York**
Manage, administer and direct the development and implementation of County environmental programs and services small businesses, municipal governments, and the general public. Advise and assist the County Executive and department heads with environmental issues impacting county facilities and natural assets.
- 5/1990 – 4/2012** **Coordinator, Pollution Prevention Program
Erie County Division of Environmental Compliance
Buffalo, New York**
Develop, manage and administer County technical assistance and education programs and services to assist small businesses, municipal governments, and the general public in understanding and implementing environmental initiatives. Secured millions in State and federal grants to support programs which focus on addressing priority environmental needs of the community.
- 10/1985 - 5/1990** **Assistant Environmental Quality Engineer
Erie County Division of Environmental Compliance
Buffalo, New York**
Involved in the analysis and solution of environmental issues affecting Erie County

FISHING EXPERIENCE

- 2/2012 – 5/2021** **Coordinator, Erie County Fisheries Advisory Board**
Managed the County Executive board of fishing experts responsible for the promotion of fishing and fishing related businesses in Erie County as well as the protection of our Great Lakes and other local Fishing resources.
- Lifelong** **Erie County and Western New York Fisherman**
Fished streams, lakes, rivers and ponds in the region employing a variety of techniques and strategies for species of fish that include: trout and steelhead, walleye, bass, muskellunge and assorted panfish.

TRACEY MIKOLAJEK

6243 WILDWOOD DRIVE HAMBURG, NY 14075 · 716-880-6825
TRACEYMIKOLAJEK@GMAIL.COM

Outdoor interests include: Hunting (Deer & Turkey), • Fishing on Lake Erie, Lake Ontario and lower river for smallmouth bass, steelhead, lake trout, brown trout. Recently learned and started fly fishing in local streams for steelhead and smallmouth • Archery recreational and deer hunting • Hiking • Shed Hunting • Kayaking • Camping

EXPERIENCE

MARCH 2022- CURRENT

CERTIFIED SURGICAL TECHNICIAN, ATLAS SURGERY CENTER

Setup and maintain the sterile field, verify correct patient and surgery sight prior to and during the timeout, assist surgeon-anticipating their needs during the case, make sure the instrumentation or anything that is needed during the case is working correctly, breakdown of field/prepare for SPD.

JANUARY 2018- CURRENT

CERTIFIED SURGICAL TECHNICIAN, ECMC

Setup and maintain the sterile field, assist the surgeon-anticipating their needs during the case, verify correct patient and surgery sight prior to and during the timeout, make sure the instrumentation or anything that is needed during the case is working correctly, breakdown of field/prepare for SPD.

FEBRUARY 2017 - JULY 2017

SURGICAL TECHNICIAN, WALTER REED NATIONAL MILITARY MEDICAL CENTER

(Student U.S. Army) -Prepare/Maintain sterile field, assist surgeon in surgery as well as before and after, Breakdown field/Prepare for SPD *1 week spent in SPD-Decontamination, Assembly, Sterilize

EDUCATION

JULY 2017

CERTIFIED SURGICAL TECHNOLOGIST, U.S. ARMY MEDICAL DEPT CENTER & SCHOOL-AMEDD (SAN ANTONIO, TX FT SAM HOUSTON/ BETHESDA, MD WRNMMC)

Deans list

MAY 2015

A.A.S. IN MEDICAL ASSISTING, ERIE COMMUNITY COLLEGE

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 23E-4 COUNTY EXECUTIVE Appointments to the Fire Advisory Board

Attachments

23COMM. 23E-4



LOG NOV 22 '23 11:08:49

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

November 20, 2023

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

Re: Appointments to the Fire Advisory Board

Dear Honorable Members:

Pursuant to the powers vested in me by Section 1403 of the Erie County Charter, I hereby appoint the following persons to the Fire Advisory Board for a term ending December 31, 2024.

Donald K. Roth
32 Shepard Avenue
Akron, NY 14001
New Appointment

Roger A. Brennan
81 Cascade Drive
Amherst, NY 14228
New Appointment

Eric Tuburdyke
221 E Main Street
Springville, NY 14141
New Appointment

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

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/nn

cc: Daniel Neaverth, Jr., Commissioner
Chris Couell, Deputy Fire Coordinator
Appointees

Eric Tuberdyke

Communications Director

Springville, NY
erictuberdyke@gmail.com
(716) 430-6737

Communications director and content writer with over 20 years of experience in an agency setting. Daily tasks include working with multiple clients and management of staff to ensure proper procedure and rollout of client communication needs.

I am adept at creating a welcoming rapport with partners and work well with others. I believe in workplace/fire ground integrity, accountability, and organization.

A firefighter since 2008, I understand the need for empathy, understanding and respect, when working with the public, as well as fellow firefighters.

My personal goal in petitioning the Erie County Fire Advisory Board is continued learning and to bring useful information to Springville Fire Dept. and our mutual aid connections. In turn, offer the ECFAB a south towns perspective.

Work Experience

Visual Communications Director

Manzella Marketing / PSG360, Bowmansville - November 2014 to Present

Creative Director

Vertasource, Buffalo - March 2012 to November 2014

East Aurora - Graphic Design Lead

Aurora Consulting Group - March 2004 to March 2012

Education

Applied Science/multimedia design

ITT Technical Institute
2005

Additional:

- Firefighter, EMT and Fire police captain with Springville Volunteer Fire Department
- Vice President / Executive Board, Springville Volunteer Fire Company
- Member of the Springville Historic Preservation Commission/board
- Multiple certifications from Homeland Security and NYS in Firefighting and EMS

Reference: Marc Gentner, Chief, Springville Volunteer Fire Dept. 716-8072119 / sfdchief@villageofspringvilleny.com

Documentation and additional references available upon request.



DONALD K. ROTH

32 Shepard Ave. Akron, NY 14001
716-523-2307
donroth9@gmail.com

I am an experienced Volunteer Firefighter looking to become involved at the County level.

WORK EXPERIENCE

Firefighter

06/1989 to Present
Akron Fire Co., Inc.
1 Main St. Akron, NY 14001
Not for Profit Fire Co. contracting with the Village of Akron, NY
Held all operational positions including Chief of Dept (2010)
Administrative experience as Director/Member at Large

Respiratory Therapist

01/2016 to Present
Kaleida Health
Buffalo General Hospital, HighPointe on Michigan LTC
Staff RRT

Paramedic

08/1989 to 11/2012
Town's Ambulance Service/ Rural Metro Medical Services
City of Buffalo, Town of Cheektowaga
Staff Paramedic with experience in Communications and Operations Supervision

SKILLS

Firefighting - 10+ years

Fire Dept Administration and Management - 10+ years

EDUCATION

Western New York Emergency Medical Services Training Institute

Paramedic Training

Buffalo General Hospital

09/1990 to 06/1991

Genesee Community College

Associate

Respiratory Care

08/2013 to 05/2015

Roger A. Brennan

October 26, 2023



81 Cascade Dr; Amherst, NY 14228
716-525-6617
FireSafetyGuy72@gmail.com

OBJECTIVE

To further my Fire Service Career through training and the passing of knowledge to future fire service members. To help make effective and positive changes for the Fire Service.

EDUCATION

John F Kennedy Jr-Sr HS

June 1990
Regents Diploma

Erie Community Collage

June 2008
Associates Degree

EXPERIENCE

Firematic Officer | Ellicott Creek Vol Fire Company

June 2010 – Present

2011- Safety Officer- Responsible for safety trainings and topics at weekly drills and annual safety training.

2013- 2017-Lieutenant- Responsible for weekly training drills as secondary or lead instructor, documentation of drill lesson plans. Responsible for Fire Prevention and public relations teams and events.

2018-2022-Captain- Responsible for updating probationary training and BEFO/IFO preparation training. Responsible for Fire Prevention and public relations teams and events.

2021- Jail Management Division- Fire/Safety Officer- Erie County Sheriff's Office-Erie County Holding Center- Responsible for Weekly Fire Safety Inspections, annual fire extinguisher inspections, various annual Fire related inspections.

2023- Dive Lieutenant- Responsible for Equipment maintenance, drill preparation, documentation and implementation. Currently developing Dive Tender and Boat operations certification training programs.

SKILLS & ABILITIES

- 2015- Current: EMT-B
- 2017- NAT'L CERT FIRE INSTRUCTOR I
- 2019-Live Fire Training (NFPA 1403-2018 edition)
- 2018- Stop the Bleed Instructor
- 2019- Erie County Sheriff's Office Instructor Development Course- General Topics Certification
- 2022- AHA/ ASHI First Aid & CPR Instructor
- 2023- NAT'L CERT Fire and Life Safety Educator I
- 2023- NAT'L CERT FIRE AND EMERGENCY SERVICES INSTR II (ED 2019)
- Pending Code Enforcement Official or Building Safety Inspector: (Class begins October 23, 2023 final Class February 2024)

PRACTICAL APPLICATIONS

Due to my responsibilities with new firefighters I often attended and helped with various hands on skills and evolutions in BEFO/IPO classes when allowed.

LEADERSHIP

- Currently serve as the Sgt-At-Arms for the Erie County Fireman's Association
- Current Health & Safety Director for the 716 Patriot's Travel Baseball Organization
- Former Health & Safety Director -Mel Ott Little League

REFERENCES

Paul Dusal, Ellicott Creek Vol. Fire Company

Current President, Past Chief
716-818-6176

Jim Zymanek, Williamsville Vol. Fire Company; Amherst Emergency Services

Past Chief, NYS OFPC
716-208-8774

Dave Mastrella, Eggertsville Fire Company, Amherst Fire Inspectors Office

716-310-4881

Jeff Hartman, Erie County Sheriff's Office,

Chief of Operations
W:716-858-7809 C:716-870-9192

Mike Zekas, Erie County HazMat Team

Chief
716-984-3606

Further References can be provided.

SUMMARY

I strongly feel I am qualified and would be an impactful addition to the Fire Advisory Board.

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 23E-5	COUNTY EXECUTIVE	Appointments to the Senior Services Advisory Board
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Attachments

23COMM. 23E-5



COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

November 20, 2023

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

Re: Appointments to the Senior Services Advisory Board

Dear Honorable Members,

Please be advised that, pursuant to Article 16, Section 1603 of the County Charter, I hereby submit for your confirmation the following individuals to be appointed as members of the Senior Services Advisory Board. Their terms shall expire December 31, 2025.

Susan M. Frawley
320 Westfield Road North
Amherst, NY 14226

Amanda Nobrega
158 Fancher Avenue
Buffalo, NY 14223

Steven Ford
44 Creekwood Drive
Lancaster, NY 14086

Diane Jordan
1250 Bailey Avenue
Apartment 204
Buffalo, NY 14206

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

Sincerely yours,

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

Mark C. Poloncarz, Esq.
Erie County Executive

cc: Angela Marinucci, Commissioner of Senior Services
Appointees

REV. SUSAN M. FRAWLEY

Amherst, New York

716-432-6467

revsusanfrawley@gmail.com

[linkedin.com/in/rev-Susan-frawley](https://www.linkedin.com/in/rev-Susan-frawley)

CORE COMPETENCIES

**Outreach - Leadership - Community Building - Administration/Supervision
Diversity, Equity & Inclusion - Issues Surrounding LGBTQ
Training and Teaching - LGBTQ+ Advocacy - Cultivating Youth/Parent Connections**

PROFESSIONAL EXPERIENCE

Center for Elder Law and Justice Buffalo, New York June 2022- present.
Legal Assistant/ Project Coordinator

- Coordinate Department of Justice grant focusing on Elder Abuse and Maltreatment in Niagara County.
- Engage in community building with service providers from judicial, law enforcement, education, medical and social services.
- Provide training on topic of Elder Abuse and Maltreatment
- Develop community connections with elder centers and meal programs
- Focus on specific needs and providers in rural county area.
- Participate in tabling, outreach, media communications and presentations on Elder Abuse and Maltreatment.

GLYS of WNY - Buffalo, New York August 2020-May
2022.

Coordinator

- Facilitate support groups for parents of transgender and LGBTQ+ youth
- Develop training curriculum for Education, Medical, Social Services and Business
- Provide direct resource and aid to schools, services and medical providers by creating gender neutral forms, inclusive environments, planned narratives for affirmation
- Facilitate Restorative Justice programs with LGBTQ+ focus in WNY
- Build alliances and cooperative ventures with historically underserved populations
- Participate on local and state committees and action groups

Hamburg UU Church - Hamburg, New York
Minister

September 2017-present

- Provide Pastoral Care, Direction and Guidance for Congregation
- Created and ran first ever Pride in the Park in Hamburg, New York
- Work with Board of Directors to create focus and mission for church
- Direct worship service in conjunction with Music and RE Director
- Outreach to local community agencies and other religious organizations

D'Youville College - Buffalo, New York

August 2017-January 2019

Adjunct Professor - Sociology/Campus Ministry Volunteer

- Taught Introduction to Sociology Course
- Designed curriculum and syllabus for Course
- Provided Academic Advisement and career counseling for students
- Connected students with social justice, community agencies and programs
- Worked with staff and college admin on projects and programs
- Worked with Campus Ministry team on special events

Advocacy for Parents and Children - Buffalo, New York

September 2015-September 2017

Owner

- Counseled services for children and families
- Trained for HIPPA, FERPA, DASA, Student Disciplinary Procedures
- Consultation for Behavioral Issues in classroom management
- Connected with Mental Health providers in WNY

Buffalo Public School - Buffalo, New York

September 1991-September 2015

School Counselor/ School Administrator

- Provided counseling services to Special Ed students via IEP
- Crisis Intervention team member and director
- Hearing Officer for Student Disciplinary Charges
- Involved in District Pupil Personnel & services committees
- Participated on school PTAs, Student Intervention and Special Education Committees
- NYS School Counselor of the Year, 2000

ORDAINED

Ordained by Pullman Memorial Universalist Church of Albion, New York

September 2018

EDUCATION

Masters of Divinity - Meadville Lombard/LSI

Buffalo State College - Buffalo, New York

Certificate of Advanced Study - Educational Administration

University at Buffalo - Buffalo, New York

Certificate of Advanced Study - Counseling Education

Brockport State College - Brockport, New York
Masters of Education - Counseling Education

St. John Fisher College - Rochester, New York
Bachelor of Arts - Psychology, Sociology

Hilbert College - Hamburg, New York
Associate of Arts - Human Services

COMMUNITY INVOLVEMENT

Niagara Pride Non Profit LGBTQ advocacy and education organization **Board member/ Trainer**

Hamburg Pride celebration of LGBTQIAA Pride in Hamburg, NY **Founder and Leader**

NYS PTA – NYS Pride PTA, **Co President of initial organizing board**

Region 9 **Advocacy Chairperson**

Windermere Blvd School Chapter - **President, chairperson of committees**

- Humanitarian of the Year Award

Restorative Justice - **community training participant and workshop attendee**

Tigers Den of Amherst - **Food drive, donations, media enhancement**

ABC Bel Canto choir - **parent volunteer**

AMANDA R. NOBREGA, LMSW

158 Fancher Avenue • Buffalo, NY 14223 • (585) 451-7443 • anobrega@alz.org

EXPERIENCE *Alzheimer's Association, Western New York Chapter* **Amherst, NY**
Senior Director of Programs.....08/2021-Present

- Lead the Chapter's strategic initiatives to increase timely diagnoses, enhance quality dementia care and expand the reach of care and support programs in pursuit of health equity. Grew program utilization by 32% within the first year and a half of serving in this role.
- Provide direct oversight and guidance to a team of 11 care and support professionals, more than 65 volunteers and several subcontracting organizations to ensure the successful delivery of care consultations, support groups, education programs, social engagement activities, respite and safety services across the eight-county region of Western New York.
- Increase access to and utilization of vital care and support services for individuals and families who are underrepresented, historically underserved and/or disproportionately affected by dementia through the creation and implementation of a comprehensive, data-informed community engagement strategy.
- Mobilize a cadre of high-quality volunteers to help deliver Alzheimer's Association programs in their communities.
- Develop appropriate volunteer recruitment, engagement and impact measures to ensure programmatic needs are met.
- Utilizing a relationship sales approach, cultivate relationships with corporations, health systems, long-term care providers, faith-based organizations, community-based organizations and other priority partners to advance full-mission activities.
- Serve as the relationship manager for high-impact portfolio accounts.
- Oversee the successful stewardship of New York State Department of Health, New York State Office for the Aging, and various foundation grants totaling over \$2.3 million annually.
- Identify and secure new funding streams to support program priorities and better position the Chapter for enhanced revenue growth.
- Participate in media interviews to increase awareness of Alzheimer's Association programs, advancements in research and upcoming fundraising opportunities.
- In collaboration with public policy staff, engage local volunteer advocates to support priorities on the state and federal level.

Interim Executive Director.....08/2022-05/2023

- Assumed overall strategic and operational responsibility for eight counties across the Western New York region. Oversaw community engagement, volunteerism, staffing, program delivery, media relations and revenue generation of nearly \$4 million annually.
- Retained a diverse, highly qualified staff of 17 and more than 300 volunteers by fostering a culture of transparency, accountability and appreciation.
- Provided stability and change management during a period of significant transition.
- Built high-impact relationships with corporations, philanthropic organizations, government agencies and community-based organizations resulting in greater brand awareness, volunteer engagement, program utilization and revenue growth.
- Led the Chapter's fundraising events and strategies to ensure achievement of financial goals. This included corporate initiatives, foundation relations, grants, major gifts, relationship events and the Walk to End Alzheimer's – the Chapter's largest mass market, peer-to-peer fundraising event that generated \$790,284 during the 2022 season (10% YoY growth).
- Identified, recruited, onboarded and guided the work of well-connected, mission-driven volunteer leaders and executives including the Board of Directors.
- Facilitated monthly budget reviews and financial forecasts with fiscal and senior leadership.
- Monitored, evaluated and reported on progress and outcomes against goals. Promoted and implemented continuous improvement practices.

EXPERIENCE Programs and Services Grants Manager.....01/2018-08/2021

CONTINUED

- Grew foundation revenue by 780% and secured \$8.25 million in government grant funds.
- Identified, developed and managed a portfolio of potential funders and community partners.
- Maintained a master calendar of grant application and reporting due dates.
- Prepared letters of intent/grant proposals and submitted applications to expand awareness, improve access and increase utilization of the Chapter’s programs and services, especially within historically underserved and underrepresented communities.
- Ensured compliance and adherence to government and foundation grant terms and conditions.
- Developed grant management resources and created a workflow for timely and accurate qualitative and quantitative data collection.
- Drafted compelling progress reports that highlighted community impact and successes.
- Worked in close collaboration with financial and senior leadership to ensure appropriate spending and prepared expenditure reports.
- Convened regular meetings with Association program, fiscal, and executive personnel as well as subcontractors to communicate rules and regulations pertaining to awarded grants; share best practices; monitor progress; celebrate accomplishments; identify challenges and engage in creative problem solving to determine solutions.
- Facilitated site visits and periodic meetings with funders.
- Assembled and co-led a state-wide task force of donor advisors, grant writers, executive personnel and program leadership to urgently identify, solicit and steward COVID-19 relief funds ensuring the viability of New York State Chapters during the global pandemic.
- Provided ongoing supervision to a team of direct reports and volunteers.

Director of Outreach Initiatives.....04/2014-12/2017

- Oversaw the Chapter’s outreach initiatives, diversity and inclusion strategy, safety services, clinical trial recruitment, volunteer infrastructure and information and referral system.
- Led a dynamic team of community outreach staff and volunteers; encouraged self-development, inspired growth, and ensured productivity and achievement of goals.
- Engaged community members, constituents, and professional stakeholders in discussions about key community issues related to Alzheimer’s and other dementia. Worked collaboratively to identify and implement solutions.
- Created and enhanced referral partnerships with healthcare systems, HMOs, community clinics, service providers, physicians, social workers, case managers and ancillary healthcare.
- Facilitated caregiver support groups; provided a safe space for individuals to share their feelings, thoughts and experiences in effort to better cope with caregiving challenges.
- Delivered community education programs and presented at various conferences.
- Utilizing Solution-Focused Brief Therapy, provided constituents with disease education, problem solving counsel, crisis assistance and referrals to local services.

Center on Knowledge Translation for Technology Transfer Amherst, NY

Research Coordinator & Consultant05/2010-04/2014

- Collaborated with principal investigators to evaluate the effectiveness of interventions designed to promote the use of evidence-based practices, devices and services in the field of disability and rehabilitation.
- Assisted throughout all phases of the federally funded randomized controlled trial including recruitment; eligibility screening; survey creation and administration; intervention development and implementation; participant tracking; data collection and analysis.
- Oversaw daily operations and prioritized research activities to ensure that protocols were followed and deadlines were met.
- Handled and protected confidential data in accordance with the Social and Behavioral Sciences Institutional Review Board and government standards.
- Traveled to healthcare exhibitions across the United States to network with professional stakeholders and recruit study participants.
- Compiled study results, co-authored manuscripts and prepared articles for submission to academic journals.

EXPERIENCE CONTINUED *Heritage Christian Services* **Rochester, NY and Grand Island, NY**
Resident Counselor.....06/2008-08/2010

- Supported individuals with developmental and intellectual disabilities in a residential setting to promote independence and to ensure quality of life.
- Engaged residents using a client-centered and strengths-based approach; adjusted communication style to meet individual developmental needs.
- Ensured that needs were met by assisting with daily living activities such as meal preparation, personal care, physical fitness, housekeeping and budgeting.

EDUCATION *University at Buffalo, The State University of New York*
Master of Social Work.....06/2011

State University of New York at Fredonia
Bachelor of Arts in Psychology, Sociology Minor.....12/2008

CERTIFICATES & LICENCES *Licensed Master Social Worker*
NYS Department of Education, Office of the Professions.....11/2011-Present

Second Degree Reiki Practitioner
Usui Shiki Ryoho.....5/2014-Present

HONORS & AWARDS Phi Alpha National Social Work Honor Society: Rho Kappa Chapter (03/2011), School of Social Work Scholarship (08/2009), State University of New York's Chancellor's Award for Student Excellence (04/2009), Marion Sonnenfeld Scholarship (08/2008), Kurt and Sibylla Sonnenfeld Scholarship (08/2008), Golden Key International Honour Society (10/2007), Psi Chi International Honor Society (05/2007), Keeper of the Dream Scholarship (08/2005-12/2008), Dean's List (08/2005-12/2008)

COMMUNITY SERVICE Compeer of Greater Buffalo Phone Buddy Volunteer (2020-2021), Buffalo State College Field Instructor (2016-2017), Friends of Night People Volunteer (2014-2015), Alzheimer's Association, Western New York Chapter Volunteer (2014), Trauma-Informed Community Initiative of Western New York Coalition Member (2009-2012), Niagara Lutheran Home and Rehabilitation Center Activities Volunteer (2010-2011), American Foundation for Suicide Prevention Out of the Darkness Community Walk Organizer (2006-2008)

PUBLICATIONS

Stone, V.I., Lane, J.P., Tomita, M.R., **Nobrega, A.R.**, Flagg, J.L., Leahy, J.A., Lockett, M.M., Oddo, C., & Usiak, D.J. (2015). Effectively communicating knowledge to assistive technology stakeholders: Three randomized controlled case studies. *Assistive Technology Outcomes and Benefits*, 9(1), 98-125.

Nobrega, A.R., Lane, J.P., Flagg, J.L., Stone, V.I., Lockett, M.M., Oddo, C., Leahy, J.A., & Usiak, D.J. (2015). Assessing the roles of national organizations in research-based knowledge creation, engagement, and translation: Comparative results across three assistive technology application areas. *Assistive Technology Outcomes and Benefits*, 9(1), 54-86.

Stone, V.I., **Nobrega, A.R.**, Lane, J.P., Tomita, M.R., Usiak, D.J., & Lockett, M.M. (2014). Development of a measure of knowledge use by stakeholders in rehabilitation technology. *Sage Open Medicine*, 2, 1-19.

ERIE COUNTY SENIOR SERVICES ADVISORY BOARD
MEMBER APPLICATION

Name: Diane Jordan Gender: F Date of Birth: 6/20/1944

Which of the following best describes you: (circle as many as applicable)

Asian or Pacific Islander Hispanic/Latino Native American or Alaskan Native
Black/African American White/Caucasian A race/ethnicity not listed here

Mailing Address: 1250 Bailey Ave Apt. 204 14206

Contact Information:

Phone 716 895 3311 E-mail Diajordan12@icloud.com

Current/ Past Employer: retired - 2005

Work Experience: (circle and describe below)

Business Education Government Clergy
Social Services Health Care Nonprofit Other

EC Social Services

Volunteer Experience: (circle and describe below) if any

Direct Service Board/Advisory Council Special Events Fundraising Other
Catholic Charities - Thrift Store National Federation for the Blind
AB NFTA meetings paratransit

Special Skills: (circle and describe below)

Administration Budget/Finance Marketing
Public Relations Legal Fundraising
Program Development Evaluation Recognition Events
Volunteer Recruitment/Mgmt Event Planning Other

interviewing

MEMBER APPLICATION (CONT'D)

Hobbies/ Special Interests:

Blane is
listen to books (reading) - Blind
community based organizations

Civic Involvements/ Professional Organization Membership:

National Federation of the Blind

What do you hope to contribute as an Advisory Board member?

bring the needs of people who are retired
and income is not enough when health declines
Transportations. problem solving large issues
regarding.

What do you wish to gain because of your work with the Advisory Board?

Solutions for large problems

What is one change/improvement/direction that you would like to see in the services currently offered to Older Adults?

transportation issues
& housing

Please attach a current resume!

**ERIE COUNTY SENIOR SERVICES ADVISORY BOARD
MEMBER APPLICATION**

Name: Steven R Ford Gender: M Date of Birth: 6/3/1951

Which of the following best describes you: (circle as many as applicable)

Asian or Pacific Islander Hispanic/Latino Native American or Alaskan Native
Black/African American **White/Caucasian** A race/ethnicity not listed here

Mailing Address: 44 Creekwood Dr Lancaster NY
14086

Contact Information:

Phone 716-473-0069 E-mail fordstv02@aol.com

Current/ Past Employer:

GM/Delphi/Contract

Work Experience: (circle and describe below)

Business	Education	Government	Clergy
Social Services	Health Care	Nonprofit	Other

Volunteer Experience: (circle and describe below) if any

Direct Service Board/Advisory Council Special Events Fundraising Other

Special Skills: (circle and describe below)

Administration	Budget/Finance	Marketing
Public Relations	Legal	Fundraising
Program Development	Evaluation	Recognition Events
Volunteer Recruitment/Mgmt	Event Planning	Other
Master Lean Six Sigma Black Belt		

MEMBER APPLICATION (CONT'D)

Hobbies/ Special Interests:

Golf, Table Tennis, Movies, Sports

Civic Involvements/ Professional Organization Membership:

G9

What do you hope to contribute as an Advisory Board member?

One: Improved communications as regards all special events between the seniors and the people running the event.

Two: Review and suggest improvements to the actual physical buildings. Also review and suggest basic structural changes to buildings for improved function, flow and reduced overall operating costs.

What do you wish to gain because of your work with the Advisory Board?

Nothing

What is one change/improvement/direction that you would like to see in the services currently offered to Older Adults?

My Lancaster facility does not have a very high percentage of the senior population participating. I would like to see that number doubled or tripled!

Please attach a current resume!

Steven R. Ford

44 Creekwood Dr.
Lancaster, New

York 14086

(716) 601-7122 (H)
(716) 473-0069 (C)

Fordstv02@aol.com

SUMMARY OF QUALIFICATIONS

Highly skilled Quality Engineer and Continuous Improvement Consultant with 30 + years of experience in the Automotive Manufacturing Industry. Certified Red X Master and Lean Six

Sigma Master Black Belt. Proficient in SPC, GR&R, GD&T, DOE, Microsoft Word, Excel, PowerPoint, Outlook, Minitab and Weibul++7.

EDUCATION - ADDITIONAL TRAINING AND CERTIFICATIONS

- Associates of Science in Quality, Rochester Institute of Technology, Rochester, NY
- Lean Six Sigma Master Black Belt - ASI
- Advanced Quality - RIT
- Basic Quality Cert. - RIT
- Six Sigma Black Belt - AIT
- Robust Engineering - ASI
- Lean Manufacturing - AIT
- Design for Six Sigma (DFSS) - ASI
- DOE - GD&T (1-4) - RIT
- Ergonomics - Delphi
- Minitab 15 (1-5) - Minitab
- Metristat, Visual SPC, Lighthouse SPC
- Photoshop 5.0
- Word, Excel, Power Point
- Weibull ++ 7
- **Shainin Red X Master**
- **Shainin Green Y Master**
- **Rolling Top 5 Coach**
- LEO Master
- Theory of Constraints

WORK EXPERIENCE

Tremec

Senior Consultant & Master Black Belt

October 2017 – April 2018

- Worked with a major Automotive Transmission Company at their World Headquarters in Belgium. Teaching, Training and Coaching Shainin Red X, Lean, Six Sigma and Theory of Constraints (TOC).
- Assigned to the Engineering Departments during my time at the Belgium World Headquarters. Direct report to the Department Heads, responsible for identifying projects, coaching assigned Project Leaders and their team to the successful completion of their projects. Insuring that project learnings were captured and embedded into the companies DNA.
- Completed a major DOE to improve product performance by 18% and eliminate a serious leaking issue.
- Relocated to their Michigan facility for the next 4 months working on establishing a fast response process with their final customer GM to address Engineering and Quality issues.
- Closed over forty open issues and finalized a process that was robust and sustainable by Tremec.
- Improved the supplier/customer relationship establishing open dialogue and transparency in the process.

ASI Consulting Group, LLC

September 2014 - April 2016

Senior Consultant & Master Black Belt

- Worked with a major Automotive Company at their World Headquarters Teaching, Training and Coaching LEO, Lean, Six Sigma and Theory of Constraints (TOC).
- Assigned to the Manufacturing and Engineering Departments. Direct report to the Department Heads, responsible for identifying projects, coaching assigned Project Leaders and their team to the successful completion of their projects. Insuring that project learnings were captured and embedded into the companies DNA.
- Achieved over 150 Million in actual savings for the company.
- Taught classes (LEO - Lean Six Sigma and TOC) as needed to cross functional groups.
- Developed Lesson Plans for various modules of the LEO class. Transformed the training material to be pertinent to a new customer.

The Bartech Group Privately Held

February 2011 - June 2013

Arnprior, Rochester, NY

July 2011 – July 2013

Quality and Manufacturing Manager / Continuous Improvement

- Brought from Leer to Arnprior to transition the Gdi fuel injector seat business away from Leer.
- Quality and Manufacturing Manager for the Gdi fuel injector seat business at Arnprior.
- Implemented all Quality Systems for this Machining process. (PCP, PFD, PPAP, JI, PM & Data Collection)
- Developed, designed, staffed and trained the PC&L area for this process.
- Managed the Arnprior team to achieve required Throughput, Quality, Safety and Housekeeping standards.
- Helped transition from a mechanical process to the **first high volume laser drilled Gdi fuel injector seats.**
- **Reduced the overall piece cost by over 60% and increased throughput by 31%.**

Leer Industries - Hudson, NY

February 2011 – July 2011

Quality Engineer / Continuous Improvement

- Saved the Gdi fuel injector program for Delphi.
- Developed a Measurement System capable to measure this product. (Previous MSA 182%)
- Increased production (Quadrupled) in a job shop machining environment.
- Completed Gage R&R's and PPAP on all GDi products and processes.
- Led significant Scrap and FTQ reduction initiatives. (Scrap from over 18% to under 3%)
- Developed, Taught, Trained, Coached and Implemented the Quality Systems in a job shop environment. Implemented data collection and then initiated a CI process.

ASI Consulting Group, LLC

November 2008 - August 2010

Senior Consultant & Master Black Belt

- Worked with a major Food Industry Company Teaching, Training and Coaching LEO, Lean, Six Sigma and Theory of Constraints (TOC).
- Led Kaizen Events at several sites completely re-organizing their shipping/receiving departments using 5S and VSM (Value Stream Mapping) to reduce overall departmental costs by 38%.
- On the road every week to a different plant, supporting multiple product lines; Exceeded 2009 Cost Savings Metrics with Total Cost Savings in excess of \$5,000,000 and another \$2,000,000 in Cost Avoidance Savings.
- Improved Plant Managers, CI Managers and Project Leaders problem solving skills set using Excel, Word, PowerPoint and Minitab. Implemented an extremely successful problem solving culture at all plants.
- Taught and coached a very diverse hourly workforce in these methodologies with successful buy in from the hourly workforce and the Union - both as Team Members and as Project Leaders.
- Developed Lesson Plans for (7) modules of the LEO class including Multi-Vari and Pareto Stacking.

GM / Delphi Powertrain – Buffalo/Rochester, NY

January 1971 - June 2008

Innovation and Continuous Improvement (I&CIM) Master/Manager

- Led and coached (3) Executives, (7) Managers and over (100) Project Leaders to certification.
- Over (100) Projects completed in Injectors, Die Cast, Machining, Assembly, Screw Machines, Punch Press, and Plastic Injection Molding in conjunction with Customers and Suppliers.
- Discolored Fuel Rails - Problem existed for over (9) months and engineering was focused on Boron Nitrate as the cause.
 - **Project resolution in (3) months with a \$450,000 savings using Shainin Red X Strategies.**
 - Problem was furnace baffle cracks allowing excess oxygen into the brazing area (bubble) of the furnace.
- M3.5/GDi Injector Tip Leak - Project turned into a measurement system problem.
 - Used Measurement System Evaluation (MSE) developed by Craig Smith and myself to solve this project.

- The existing measurement system was barely capable for measuring tip leak. In order to see whether a change was effective we had to develop a new measurement system utilizing Helium Mass Spec (HMS).
- The new system is capable with a Gage R & R value of 8.56 at 25% of the actual injector leak callout.
- Allowed a number of teams to move forward on projects that previously were either at a standstill or actually headed in the wrong direction due to a poor measurement system.
- Isuzu Plated Fuel Rail - Injectors Will Not Insert - Fuel Rail Department was having difficulties inserting injectors into plated Fuel Rails.
 - Manufacturing added a third shift, Saturday's/Sunday's and then added (2) extra people per shift to put injectors in by hand. Used the Instron to measure the insertion force curves and used the SEM to evaluate the plated surface of BOB and WOW Fuel Rails and found a surface condition on the WOW Fuel Rails that created a "Velcro" like surface to a rubber 'O' Ring.
 - Developed a portable measurement system and delivered it to the company doing the plating with directions that no product could be shipped to us that did not meet the expected force requirement we identified. Cost avoidance identified as \$1,750,000.
- **Two time recipient of the Powertrain Leadership Recognition Award for contributions to the success of our I&CIM Program for exceeding goals for projects completed, people certified and dollars savings.**
- **Site Coach for the Rolling Top 5 (RT5) - Innovation and Continuous Improvement (I&CIM) Initiative.**

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 23E-6

COUNTY EXECUTIVE

Authorization to Enter Into Agreement with
the EC Federation of Snowmobile Clubs, Inc.

Attachments

23COMM. 23E-6



COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

November 29, 2023

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

RE: Authorization to enter into agreement with the Erie County Federation of Snowmobile Clubs, Inc.

Dear Honorable Members:

Please find enclosed a memorandum and proposed resolution which authorizes the County Executive to enter into agreement with the Erie County Federation of Snowmobile Clubs, Inc. and its member clubs individually for the provision of equipment and operators upon request of Erie County during a snow event.

Should your Honorable Body require further information, I encourage you to contact Commissioner Daniel J. Neaverth Jr., Erie County Homeland Security and Emergency Services. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/bs
Enclosure

cc: Daniel J. Neaverth Jr., Commissioner Homeland Security and Emergency Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Homeland Security and Emergency Services
Re: Authorization to enter into agreement with the Erie County Federation of Snowmobile Clubs, Inc.
Date: November 29, 2023

SUMMARY

It is recommended that the Erie County Legislature authorize the County Executive to enter into agreement with the Erie County Federation of Snowmobile Clubs, Inc. and its member clubs individually for the provision of equipment and operators upon request of Erie County during a snow event.

FISCAL IMPLICATIONS

Erie County may reimburse the Federation member clubs for fuel, miscellaneous supplies, operation, maintenance and minor repair costs of equipment in connection with asset deployment during the response to a snow event.

REASONS FOR RECOMMENDATION

Specialized equipment and trained operators are needed to respond to snow events in Erie County. The individual member clubs of the Erie County Federation of Snowmobile Clubs, Inc are willing to volunteer their time and equipment in order to aid in the response to winter storms in Erie County.

CONSEQUENCES OF NEGATIVE ACTION

The equipment and trained operators available through the Erie County Federation of Snowmobile Clubs, Inc will not be activated and utilized during a snow event therefore reducing the overall response capabilities of Erie County.

STEPS FOLLOWING APPROVAL

Upon approval of the resolution, an agreement between Erie County and the Erie County Federation of Snowmobile Clubs, Inc and its member clubs will be executed which details the process for asset activation and reimbursement guidelines.

A RESOLUTION TO BE SUBMITTED BY:
DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY SERVICES

RE: Authorization to enter into agreement with the Erie County Federation of Snowmobile Clubs, Inc.

WHEREAS, specialized equipment and operators are necessary to adequately respond to winter storms in Erie County; and

WHEREAS, the Erie County Federation of Snowmobile Clubs, Inc. is comprised of ten member-clubs which are willing and able to provide equipment and operators for deployment by Erie County during snow events; and

WHEREAS, the ability to mobilize this additional equipment and manpower will strengthen the snow emergency response capabilities of Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute an agreement with the Erie County Federation of Snowmobile Clubs, Inc. and its member clubs individually for the provision of equipment and operators upon request of Erie County during a snow event; and be it further

RESOLVED, that the Erie County Program of Risk Management Self-Insurance is hereby extended for the benefit of the Erie County Federation of Snowmobile Clubs, its member clubs individually, and any individual machine operators while acting within the scope of services contemplated by the agreement authorized above. Such self-insurance extension shall be afforded on a claim-by-claim basis as determined by the County Attorney. Any self-insurance extended under these terms shall be considered secondary insurance to any applicable insurance policy held by or for the benefit of the Erie County Federation of Snowmobile Clubs, its member clubs individually, or any individual machine operators; and be it further

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

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 23E-7

COMPTROLLER

Department of Law Risk Retention Fund
Spending - Sept. & Oct. 2023

Attachments

23COMM. 23E-7



EC LEG NOV 29 '23 PM 2:25

ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

November 29, 2023

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

Re: Department of Law Risk Retention Fund Spending – September and October 2023

Dear Honorable Members:

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

Sincerely,

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

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

Attachment

County of Erie
Law Department Spending
Risk Retention
September, 2023

Run Date: 11/29/2023

<u>Vendor Number</u>	<u>Vendor Name</u>	<u>Expenditures</u>
1	Ryan Lamar and David W. Wilson,	60,000.00
101109	BOND, SCHOENECK & KING, PLLC	1,999.00
102816	Feldman Kieffer LLP	2,102.00
103442	Hodgson Russ	8,729.63
104457	LAWLEY SERVICE INSURANCE GROUP	29,196.00
104733	MAGAVERN MAGAVERN & GRIMM	496.40
106065	PHILLIPS LYTTLE HITCHCOCK	10,000.00
1100055	M & T BANK PURCHASING CARD	1,511.99
118314	JEREMY C TOTH AS CUSTODIAN	10,570.49
120447	LIPPES MATHIAS WEXLER FRIEDMAN LLP	53,442.01
135888	PERSONIUS MELBER LLP	347.10
148572	ALISA LUKASIEWICZ, PLLC	5,380.00
171983	ANTHONY CALLISTO, JR	12,022.82
6	Wilber and Associates, PC	4,396.58
		<u>200,194.02</u>

**County of Erie
 Law Department Spending
 Risk Retention
 October, 2023**

Run Date: 11/29/2023

<u>Vendor Number</u>	<u>Vendor Name</u>	<u>Expenditures</u>
1	Jacqueline Abate, Indiv & as Admin	400,000.00
1	Meyers Buth Law Group, PPC, Tilman	3,500.00
1	Progressive Casualty Insurance Co.	8,020.78
103442	Hodgson Russ	58,356.25
104457	LAWLEY SERVICE INSURANCE GROUP	86,152.97
106065	PHILLIPS LYTL HITCHCOCK	29,245.50
1100055	M & T BANK PURCHASING CARD	1,025.00
118314	JEREMY C TOTH AS CUSTODIAN	10,528.14
119796	RUPP, PFALZGRAF LLC	10,951.50
135888	PERSONIUS MELBER LLP	4,624.70
143279	BENGART & DEMARCO LLP	9,832.54
143544	THOMAS E WEBB JR ESQ	2,535.00
		<hr/>
		624,772.38
		<hr/> <hr/>

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 23E-8

COUNTY EXECUTIVE

NYSDOT Supplemental Agreement for
Construction & Design

Attachments

23COMM. 23E-8



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

December 1, 2023

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

**RE: Bridge Replacements of North French Road (CR 299) over Gott Creek, BIN 3326760 and County Road (CR 282) over Beeman Creek, BIN 3326680
NYS DOT Supplemental Agreement for Construction and Design Phases
Towns of Amherst and Clarence
PIN 5763.34**

Dear Honorable Members:

The Department of Public Works, Division of Highways is requesting authorization for the County Executive to execute a supplemental agreement with the New York State Department of Transportation (NYS DOT). This agreement will provide Federal and New York State funds for the construction of the above project and finalize funds for the design phase of the 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,

A handwritten signature in cursive script that reads "Mark C. Poloncarz".

Mark C. Poloncarz
Erie County Executive

MCP/jtd
Enclosure

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

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works/Division of Highways
Re: Bridge Replacements of North French Road (CR 299) over Gott Creek, BIN 3326760 and County Road (CR 282) over Beeman Creek, BIN 3326680
NYSDOT Supplemental Agreement for Design and Construction Phases.
Towns of Amherst and Clarence
PIN 5763.34
Date: December 1, 2023

SUMMARY

The Department of Public Works is seeking authorization to execute a supplemental agreement with the New York State Department of Transportation (NYSDOT). This supplemental agreement provides federal and state funds for the construction phase and adjusts the revenue for the design phase of the project.

FISCAL IMPLICATIONS

The NYSDOT supplemental agreement includes an adjustment in the New York State reimbursement in the Design phase and the addition of the construction phase tasks and revenue allocations. The allocation of the funding is as follows.

B.19011 – 2019 Federal Aid Bridge Preservation – Construction

Federal Aid revenue	\$ 2,336,000
State Aid Revenue	\$ 438,000
Local Share	<u>\$ 726,000</u>
	\$ 3,500,000

B.21152 – 2021 Fed Aid Bridge Preservation – Design

State Aid Revenue	\$57,000
-------------------	----------

REASONS FOR RECOMMENDATION

The Erie County Department of Public Works is recommending the execution of the supplemental agreement and the acceptance of these funds from this agreement. These actions enable the Department to undertake the reconstruction of the two bridges. In addition to receiving additional state aid for the design phase of this project.

BACKGROUND INFORMATION

Participation in this project was approved by your honorable body in COMM 8E-15 (2021) on April 29, 2021. The Project is approved by the NYSDOT in their current Capital Program to be funded with Federal Aid.

CONSEQUENCES OF NEGATIVE ACTION

This action is required to ensure project advancement and financing through the Locally Administered Federal Aid Program. Negative action would halt the bid, award, and the

reconstruction of the two bridges. The bridges will continue deteriorate and the R-posting will remain in place. Negative action may jeopardize existing and future reimbursement funding available through this program.

STEPS FOLLOWING APPROVAL

The County Executive will execute the agreement, Highway Division will proceed with execution of the Project in accordance with the Federal and NYSDOT guidelines. Budget department will adjust budgets and funding in accordance with the agreement.

COMPTROLLER'S OFFICE REVIEW

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



Timothy C. Callan
Director of Accounting Services
Comptroller's Office

B.19011
B.21152
PIN 5763.34

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

RE: Bridge Replacements of North French Road (CR 299) over Gott Creek, BIN 3326760 and County Road (CR 282) over Beeman Creek, BIN 3326680
NYSDOT Supplemental Agreement for Design and Construction Phases, Towns of Amherst and Clarence
PIN 5763.34

WHEREAS, the participation in the Locally Administered Federal Aid project PIN 5763.34, Replacement of North French Road Bridge (CR 299) over Gott Creek, BIN 3326760 and County Road Bridge (CR 282) over Beeman Creek, BIN 3326680 was approved by your honorable body on April 29, 2021 in COMM 8E-15 (2021); and

WHEREAS, the Highways Division requests the project progress to the construction phase, and

WHEREAS, this progression requires the County Executive to sign and execute the Locally Administered Federal Aid Project Supplemental Agreement between New York State and Erie County; and

WHEREAS, this agreement provides for federal funds in the amount of \$2,336,000, state funds of \$438,000, and a local share of \$726,000, totaling \$3,500,000 for the construction phase of the project, B.19011, 2019 Federal Aid Bridge Preservation Construction; and

WHEREAS, the agreement also provides additional state funds in the amount of \$57,000 for the design phase of the project, which is present in B.21152, 2021 Federal Aid Bridge Preservation Design.

NOW, THEREFORE, BE IT

RESOLVED that the Erie County Legislature hereby authorizes the County Executive to execute the Locally Administered Federal Aid Project Supplemental Agreement between NYSDOT and the County of Erie for capital project, B.19011, 2019 Federal Aid Bridge Preservation Construction; and be it further

RESOLVED, that authorization is hereby given to provide the necessary local share required and accept the federal and non-federal revenue that are being provided for this project; and be it further

RESOLVED, that authorization is hereby given to pay, in the first instance, 100% of the Federal and Non-Federal shares of the cost of the of the Project; and be it further

RESOLVED, that authorization is hereby given to the Department of Public Works, Division of Highways and the Division of Budget and Management to adjust the budgets of B.21152, 2021 Federal Aid Bridge Preservation Design, and B.19011, 2019 Federal Aid Bridge Preservation Construction, in Fund 420, Funds Center 123 as follows:

B.21152 - 2021 Federal Aid Bridge Preservation Design

REVENUES Account	Description	CURRENT BUDGET	INCREASE/ (DECREASE)	REVISED BUDGET
405160	State Funds	\$ 0	\$ 57,000	\$ 57,000
414000	Federal Aid	\$490,000	(\$186,000)	\$304,000
486000	Interfund Rev Subsidy	\$135,000	\$ 0	\$135,000
TOTAL REVENUES		<u>\$625,000</u>	<u>(\$129,000)</u>	<u>\$496,000</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	\$625,000	(\$129,000)	\$496,000
UNALLOCATED	Unallocated Capital	\$ 0	\$ 0	\$ 0
TOTAL APPROPRIATIONS		<u>\$625,000</u>	<u>(\$129,000)</u>	<u>\$496,000</u>

B.19011 – 2019 Federal Aid Bridge Preservation Construction

REVENUES Account	Description	CURRENT BUDGET	INCREASE/ (DECREASE)	REVISED BUDGET
405160	State Aid	\$2,000,000	(\$1,562,000)	\$ 438,000
414000	Federal Aid	\$4,000,000	(\$1,664,000)	\$2,336,000
475000	Gen Oblig Bond Proc	\$1,500,000	\$ 0	\$1,500,000
TOTAL REVENUES		<u>\$7,500,000</u>	<u>(\$3,226,000)</u>	<u>\$4,274,000</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	\$1,500,000	\$2,774,000	\$4,274,000
UNALLOCATED	Unallocated Capital	\$6,000,000	(\$6,000,000)	\$ 0
TOTAL APPROPRIATIONS		<u>\$7,500,000</u>	<u>(\$3,226,000)</u>	<u>\$4,274,000</u>

and be it further

RESOLVED, that should the Agreement receive additional federal or non-federal reimbursement in the future, the project revenue will be accepted by Erie County and the budget adjusted to reflect the receipt of the additional funds; and be it further

RESOLVED, that in the event the amount required to pay, in the first instance, 100% of the Federal and non-Federal shares of the costs of the exceeds the amount appropriated, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that authorization is hereby given for the County Executive to execute all necessary Agreements, certifications or reimbursement requests for Federal, Non-Federal aid and

any other funding source on behalf of the County of Erie; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner; and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

TO: TIMOTHY C. CALLAN, COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT


COMPLETE ITEMS 1 THROUGH 5

- | | |
|-----------------------|---|
| 1. CONTRACTOR'S NAME | New York State Department of Transportation;
_____ |
| 2. AMOUNT OF CONTRACT | B.21152 - \$ 57,000
B.19011 - \$ 3,500,000

Total - \$ 3,557,000 |
| 3. PROJECT NUMBER | B.19011 & B.21152
_____ |
| 4. PROJECT TITLE | Federal Aid Bridge Preservation - Construction
Federal Aid Bridge Project - Design
PIN 5763.34 N French and County Rd BR
_____ |
| 5. DEPARTMENT CONTACT | Funding questions: William E. Geary, Jr. at
8301
Letter pickup: Christy Weber at 8301
_____ |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|------------------------------------|---|
| 6. AVAILABILITY OF FUNDS | \$7,745,000.00
_____ |
| 7. PERFORMED BY | 
_____ |
| Date Sent to Comptroller's Office: | November 6, 2023
_____ |

[55 compt_10]

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 23E-9	COUNTY EXECUTIVE	Reconstruction of Maple Street - NYSDOT Agreement & Contract for Engineering Design Services
-------------	------------------	--

Attachments

23COMM. 23E-9



2023 DEC 1 12:51 PM

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

December 1, 2023

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

**RE: Reconstruction of Maple Street (CR 241)
from Main Street (NYS 16/78 / US 20A) to the Village Line
NYSDOT Agreement and Contract for Engineering Design Services
PIN 5764.22
Village of East Aurora, Erie County**

Dear Honorable Members:

The Department of Public Works, Division of Highways is requesting authorization for the County Executive enter into an agreement with New York State Department of Transportation (NYSDOT) for the above referenced project. The Department is also requesting authorization for the County Executive to execute an amendment to the design contract with C&S Engineers for engineering services 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
Erie County Executive

MCP/gmw
Enclosure

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

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works/Division of Highways
Re: Reconstruction of Maple Street (CR 241)
from Main Street (NYS 16/78 / US 20A) to the Village Line
NYSDOT Agreement and Contract for Engineering Design Services
PIN 5764.22
Village of East Aurora, Erie County
Date: December 1, 2023

SUMMARY

The Department of Public Works is seeking authorization to enter into an agreement with the New York State Department of Transportation (NYSDOT) for the engineering design phases of the above-mentioned Locally Administered Federal Aid Project (“the Project”) in the amount of \$200,000.

Additionally, the Department is requesting authorization to execute an amendment to the agreement between the County of Erie and the design firm of C&S Engineers in the amount of \$150,000 for final engineering design services and to establish a project contingency of \$50,000, for a total project final design cost not to exceed \$200,000 for the Project.

C&S Engineers was selected for the preliminary design of this project in COMM. 12E-17 (2022), using the Procedures for Locally Administered Federal Aid Projects (PLAFAP) guidelines. This agreement will progress the Maple Street design through the construction phase.

FISCAL IMPLICATIONS

The NYSDOT Agreement is in the amount of \$200,000 and funding is available in B.23005 – 2023 Federal Aid – Road Design. The budget needs to be adjusted for federal and non-federal monies and allocation of local share monies in the amounts listed below;

B.23005 – 2023 Federal Aid Road Design

Federal Aid Revenue	\$160,000
Marchiselli Revenue	\$ 30,000
Local Share	<u>\$ 10,000</u>
	\$200,000

The negotiated agreement between Erie County and C&S Engineers, as project design engineer, for final engineering design services and project contingency will not exceed a total budget of \$200,000. Should the agreement receive any additional federal or non-federal reimbursements in the future, the capital project budget would be adjusted to reflect that increase/decrease.

REASONS FOR RECOMMENDATION

Maple Street is a road which is eligible for Surface Transportation Program (STP) funding, this allows the County of Erie to utilize available county funds to leverage Federal and New York

State funds towards the improvement of its infrastructure. C&S Engineers was previously approved as the project design engineers because of their expertise, experience, and manpower to provide the County with the necessary services. Erie County is eligible for reimbursement, from Federal funds and NYS Marchiselli funds, under this Agreement with NYSDOT.

BACKGROUND INFORMATION

The existing Maple Street pavement section is in poor condition, with the pavement showing signs of distress. The existing drainage system is not functioning properly, resulting in large puddles after storm events and further deterioration of the pavement. The road has received numerous patches due to pavement failures. The project objectives are to replace the existing roadway pavement, improve stormwater drainage to reduce ponding, and address the needs of the residential and commercial development in the area. The Project will utilize prioritized pavement preservation to correct deficiencies in the road surface to extend the useful life of the pavement.

The preliminary engineering design of this project is on-going, using capital funds. Federal and state Aid has been received for the final design of this project. Project final design engineering services will commence upon approval of this resolution.

CONSEQUENCES OF NEGATIVE ACTION

This action is required to ensure project advancement and financing through the Locally Administered Federal Aid Program using STP funds to pay for the design costs of the road reconstruction. Negative action would halt design and result in continued deterioration of the road surface, decreased rideability, increased maintenance responsibilities and cost, as well as jeopardize existing and future reimbursement funding available through this program.

STEPS FOLLOWING APPROVAL

The Highway Division will proceed with execution of agreements in accordance with the Federal and NYSDOT guidelines. Upon the Erie County Legislature's approval, the County Executive will execute agreements between C&S Engineers and the County and the State and Local Agreement between Erie County and New York State. Once the agreements are executed, final design work will begin immediately thereafter.

COMPTROLLER'S OFFICE REVIEW

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


~~Timothy C. Callan~~
Deputy Comptroller
Comptroller's Office

B.23005 – Fed Aid Road Design
Fed Aid Reconstruction of Maple Street
PIN 5764.22

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

RE: Reconstruction of Maple Street (CR 241)
from Main Street (NYS 16/78 / US 20A) to the Village Line
NYSDOT Agreement and Contract for Engineering Design Services
PIN 5764.22
Village of East Aurora, Erie County

WHEREAS, the Reconstruction of Maple Street (CR 241) from Main Street (NYS 16/78 / US 20A) to the Village Line, Village of East Aurora, PIN 5764.22 (the “Project”) is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of Federal funds and a local share; and

WHEREAS, Public Works Dept. (DPW) wishes to continue the Reconstruction of Maple Street project and C&S Engineers contract which was originally approved by the Legislature in COMM 12E-17 (2022); and

WHEREAS, the County of Erie desires to execute an Agreement with the New York State Department of Transportation (NYSDOT) to obtain Federal and non-Federal reimbursement funds, for the Project; and

WHEREAS, this agreement, is in the amount of \$200,000, which provides for the County of Erie’s required local share commitment of \$10,000 and acceptance of federal revenue in the amount of \$160,000 and State Marchiselli revenue in the amount of \$30,000 for the final design phase of the Project, and

WHEREAS, DPW desires to amend the engineering design services agreement with C&S Engineers by the amount of \$150,000 and establish a project contingency of \$50,000 with the project total not to exceed \$200,000, and

WHEREAS, there are sufficient funds for the project in Fund 420, Funds Center 123, B.23005 – 2023 Federal Aid – Road Design,

NOW, THEREFORE, BE IT

RESOLVED that the Erie County Legislature hereby authorizes the County Executive to execute the Locally Administered Federal Aid Project 5764.22 Maple Street Agreement in the amount of \$200,000, between NYSDOT and the County of Erie for the above referenced Project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the of the Project; and be it further

RESOLVED, that authorization is hereby given to the Department of Public Works, Division of Highways with the Division of Budget and Management to adjust the budgets of

B.23005, 2023 Federal Aid Road Design, in Fund 420, Funds Center 123 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
405160	NYS Marchiselli	\$ 150,000	\$30,000	\$ 180,000
414000	Federal Aid	\$3,850,000	(\$30,000)	\$3,820,000
475000	Gen. Oblig. Bond	<u>\$1,750,000</u>	<u>\$ 0</u>	<u>\$1,750,000</u>
TOTAL REVENUES		<u><u>\$5,750,000</u></u>	<u><u>\$ 0</u></u>	<u><u>\$5,750,000</u></u>
 APPROPRIATIONS				
	Capital Project Exp	\$1,000,000	\$200,000	\$1,200,000
	Unallocated Capital	<u>\$4,750,000</u>	<u>(\$200,000)</u>	<u>\$4,550,000</u>
TOTAL APPROPRIATIONS		<u><u>\$5,750,000</u></u>	<u><u>\$ 0</u></u>	<u><u>\$5,750,000</u></u>

and be it further

RESOLVED, that authorization is hereby given to the County Executive to execute an amendment to C&S Companies design agreement, for final design services in the amount of \$150,000; and be it further

RESOLVED, that authorization is hereby given to the County Executive to establish a Project contingency in the amount of \$50,000 with a total Project cost not to exceed \$200,000; and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to adjust the Project budget for any and all increases or reductions in Federal and/or State revenue that are made available for this Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Project's Design Engineering phases exceeds the amount appropriated above, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that authorization is hereby given to the County Executive to execute all necessary Agreements, certifications or reimbursement requests for Federal and non-federal aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, and one (1) copy each to the County Executive's Office, Comptroller's Office, Department of Law and Division of Budget and Management.

TO: TIMOTHY C. CALLAN, COMPTROLLER'S OFFICE

RE: PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS


REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- | | |
|-----------------------|--|
| 1. CONTRACTOR'S NAME | New York State Department of Transportation
C&S Engineers |
| 2. AMOUNT OF CONTRACT | \$150,000 C&S Engineers
\$ 50,000 Contingency
\$200,000 Total |
| 3. PROJECT NUMBER | B.23005 |
| 4. PROJECT TITLE | 2023 Fed Aid Road Design
PIN 5764.22 Reconstruction of Maple St |
| 5. DEPARTMENT CONTACT | Funding questions: William E. Geary, Jr. at 8301
Letter pickup: Christy Weber at 8301 |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|------------------------------------|---|
| 6. AVAILABILITY OF FUNDS | \$ 5,167,000.00 |
| 7. PERFORMED BY |  |
| Date Sent to Comptroller's Office: | 11/17/2023 |

[55 compt_10]

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 23E-10	COUNTY EXECUTIVE	Rehab of Bullis Road - Contracts for Construction & Construction Inspection Services
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Attachments

23COMM. 23E-10



2023 DEC 1 1:51 PM

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

December 1, 2023

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

**RE: Rehabilitation of Bullis Road (CR 330) from Two Rod Road (NYS Route 954G)
to Little Buffalo Creek
Contracts for Construction and Construction Inspection Services
Town of Marilla
CAP-330-23**

Dear Honorable Members:

The Department of Public Works, Division of Highways is requesting authorization for the County Executive to execute a construction contract with the lowest responsible bidder and a construction inspection and administration contract with CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. for the Bullis Road rehabilitation 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,

A handwritten signature in cursive script that reads "Mark C. Poloncarz".

Mark C. Poloncarz
Erie County Executive

MCP/
Enclosure

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

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works/Division of Highways
Re: Rehabilitation of Bullis Road (CR 330) from Two Rod Road (NYS Route 954G) to Little Buffalo Creek
Contracts for Construction and Construction Inspection Services
Town of Marilla, Erie County
CAP-330-23
Date: December 1, 2023

SUMMARY

The Department of Public Works, via Comm. 5E-14 on March 23, 2023, received authorization for participation in the subject project. The department is seeking authorization to execute a construction contract with the lowest responsible bidder, in the amount not to exceed \$2,740,000, a construction inspection services contract with CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. in the amount of \$327,617, and establish a project contingency of \$163,194 for a total project cost not to exceed \$ 3,230,811.

FISCAL IMPLICATIONS

The total cost for the Construction and Construction Inspection phases and project contingency for this project are currently estimated at \$3,230,811. Funding for this project is available in Fund 420, Fund Center 123, in the following Capital Projects:

B.20003	2020 Alden Crittenden	\$ 825,482
B.21154	CAP-001.330-21 Alden	<u>\$ 2,405,329</u>
		\$ 3,230,811

REASONS FOR RECOMMENDATION

Award to the lowest responsible bidder for construction is recommended to allow a timely start to construction and project completion within the 2024 construction season. CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C., the project design engineer, is recommended for Project Construction Administration and Inspection services.

BACKGROUND INFORMATION

Bullis Road, between Two Rod Road and the Little Buffalo Creek Bridge, is showing significant signs of pavement distress and drainage issues. Significant cracking of the concrete gutter and ponding within the gutter indicate the need to reconstruct/replace the drainage system in this area. This portion of Bullis Road has a Road Score (2021) of 6 out of 10, along with a daily traffic count of 2,236 vehicles. The project objectives are to rehabilitate the pavement and replace the stormwater drainage in the area.

The Project was initiated in 2023 to proactively address road conditions.

CONSEQUENCES OF NEGATIVE ACTION

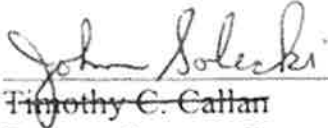
If the proposed resolution is not approved, this negative action would halt construction and result in continued deterioration of the road surface, decreased rideability, increased maintenance responsibilities, and cost.

STEPS FOLLOWING APPROVAL

Upon the Erie County Legislature's approval, the County Executive will execute Agreements with CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C., and the lowest responsible bidder, for a successful and timely implementation of this project.

COMPTROLLER'S OFFICE REVIEW

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



~~Timothy C. Callan~~

~~Deputy Comptroller~~

~~Comptroller's Office~~

~~Division of Administration
Under Secretary for State and Local Government~~

B.20003 - 2020 Alden Crittenden
B.21154 - CAP-001.330-21 Alden

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

RE: Rehabilitation of Bullis Road (CR 330) from Two Rod Road (NYS Route 954G) to Little Buffalo Creek
Contracts for Construction and Construction Inspection Services
Town of Marilla, Erie County
CAP-330-23

WHEREAS, it is desired to rehabilitate Bullis Road (CR 330) from Two Rod Road (NYS Route 954G) to Little Buffalo Creek, including a mill and overlay of the pavement and replacement of the drainage; and

WHEREAS, the Legislature previously approved participation in the Project via Communication Comm. 5E-14 dated March 23, 2023; and

WHEREAS, the Department of Public Works wishes to award the construction contract to the lowest responsible bidder, in the amount not to exceed \$2,740,000, enter into a construction period services agreement with CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. for \$327,617 and establish a project contingency of \$163,194 with the project total not to exceed \$3,230,811; and

WHEREAS, the estimated total cost of the Project is \$3,230,811, and is available in Fund 420, Funds Center 123, Capital Projects B.20003 - 2020 Alden Crittenden and B.21154 - CAP-001.330-21 Alden; and

WHEREAS, the Department of Public Works wishes to implement the project in a timely manner for construction.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to award and execute an agreement between the County of Erie and CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. for construction administration and inspection services in the amount of \$327,617 for the rehabilitation of Bullis Road from Two Rod Road to Little Buffalo Creek; and be it further

RESOLVED, that authorization is hereby given to the County Executive to award and execute a construction contract between the County of Erie and the lowest responsible bidder for construction services in an amount not to exceed \$2,740,000; and be it further

RESOLVED, that authorization is hereby given for a project contingency be established in the amount of \$163,194 with a project total not to exceed \$3,230,811; and be it further

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

B.20003	2020 Alden Crittenden	\$ 825,482
<u>B.21154</u>	<u>CAP-001.330-21 Alden</u>	<u>\$ 2,405,329</u>
Total Not to Exceed		\$ 3,230,811

and be it further

RESOLVED, that authorization is hereby given to the the County Executive to execute any necessary change orders, amendments and agreements; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) certified copy of this Resolution to the Department of Public Works, Division of Highways, and one copy each to the County Executive's Office, Comptroller's Office, Department of Law and Division of Budget and Management.

TO: TIMOTHY C. CALLAN, COMPTROLLER'S OFFICE

RE: PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS


REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- | | |
|-----------------------|---|
| 1. CONTRACTOR'S NAME | Lowest responsible bidder
CPL Architects, Engineers, Landscape Architect and
Surveyor, D.P.C.
<hr/> |
| 2. AMOUNT OF CONTRACT | \$ 2,740,000 Lowest responsible bidder
\$ 327,617 CPL Architects, Engineers, Landscape
Architect and Surveyor, D.P.C.
\$ 163,194 Contingency
\$ 3,230,811 Total (construction phase)
<hr/> |
| 3. PROJECT NUMBER | B.20003 - \$ 825,482
B.21154 - \$ 2,405,329
<hr/> |
| 4. PROJECT TITLE | Rehabilitation of Bullis Road (CR 330)
<hr/> |
| 5. DEPARTMENT CONTACT | Funding questions: William Geary at 7555
Letter pickup: Christy Weber at 8301
<hr/> |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|------------------------------------|---|
| 6. AVAILABILITY OF FUNDS | <u>\$ 3, 211, 111.37</u> |
| 7. PERFORMED BY | <u></u> |
| Date Sent to Comptroller's Office: | <u>11/17/23</u> |

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 23E-11 COUNTY EXECUTIVE Bridge Replacement of Four Rod Road

Attachments

23COMM. 23E-11



65 106 DEC 1 '23 PM 1:51

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

December 1, 2023

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

**RE: Right-of-Way (ROW) Acquisition for PIN 5763.37
Bridge Replacement of Four Rod Road (CR 356) over Little Buffalo Creek,
BIN 3328050,
Town of Marilla, Erie County**

Dear Honorable Members:

We are forwarding for your approval a proposed resolution authorizing the County of Erie to allocate monies to acquire Right of Way (ROW). This ROW will facilitate construction of the above noted 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,

A handwritten signature in cursive script that reads "Mark C. Poloncarz".

Mark C. Poloncarz
Erie County Executive

MCP/jtd
Enclosure

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

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works/Division of Highways
Re: Right-of-Way (ROW) Acquisition for PIN 5763.37
Bridge Replacement of Four Rod Road (CR 356) over Little Buffalo Creek,
BIN 3328050,
Town of Marilla, Erie County
Date: December 1, 2023

SUMMARY

A project to design the replacement of the Four Rod Road (CR 356) Bridge over Little Buffalo Creek, BIN 3328050, in the Town of Marilla, was authorized by your honorable body via Communication 11E-19 (2021). This project is a Federally Aided Project, benefiting from both Federal and State Funding. The purpose of this resolution is to allocate funding and authorize the County of Erie to acquire the necessary Right-of-Way for replacement of the bridge. The right-of-way required is comprised of a total of three takings, one for each of the three different properties. Two (2) fee takings are needed and one Temporary Easement is needed.

FISCAL IMPLICATIONS

Funds for these ROW acquisitions are available SAP B.17006, Capital Right-of-Way, Fund 420, BA 123.

PROPERTY SBL NUMBERS

SBL 148.00-6-4.112
SBL 148.00-5-21
SBL 148.00-6-10

TOWNSHIP

Marilla
Marilla
Marilla

REASONS FOR RECOMMENDATION

Allow the County to acquire necessary Right-of-Way for the replacement of the subject bridge.

BACKGROUND INFORMATION

This Project has funding in SAP account B.17006, Capital Right-of-Way. Acquisition of the Right-of-Way is necessary prior to the construction phase of the project.

CONSEQUENCES OF NEGATIVE ACTION


If Right-of-Way is not acquired, the project cannot be constructed, and the bridge will continue to deteriorate and hinder travel for the general public.

STEPS FOLLOWING APPROVAL


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

COMPTROLLER'S OFFICE REVIEW

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



Timothy C. Callan
Deputy Comptroller
Comptroller's Office


John Solecki
Director of Accounting Services & Cash Management

B.17006

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

RE: Right-of-Way (ROW) Acquisition for PIN 5763.37
Bridge Replacement of Four Rod Road (CR 356) over Little Buffalo Creek,
BIN 3328050,
Town of Marilla, County of Erie

WHEREAS, a design project for replacement of the Four Rod Road (CR 356) Bridge over Little Buffalo Creek, BIN 3328050, in the Town of Marilla, (the "Project") was authorized by your honorable body via Communication 11E-19 (2021); and

WHEREAS, to facilitate the replacement of this bridges, it is necessary for the County to acquire by fee and/or easement portions of real property in the vicinity of the bridge including:

<u>PROPERTY TAX MAP SBL NUMBERS</u>	<u>TOWNSHIP</u>
SBL 148.00-6-4.112	Marilla
SBL 148.00-5-21	Marilla
SBL 148.00-6-10	Marilla

and

WHEREAS, such properties to be acquired by the County are herein referred to as the "Subject Properties"; and

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the acquisition of the ROW required for replacement project of the Four Rod Road (CR 356) Bridge over Little Buffalo Creek, BIN 3328050, in the Town of Marilla; and be it further

RESOLVED, that authorization is hereby given for a sum not to exceed \$15,000 in SAP B.17006 Capital Right of Way be made available to cover the cost of all Right-of-Way acquisitions; and be it further

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

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

RESOLVED, that authorization is hereby given for the Commissioner of Public Works, or his authorized representatives, including Greenman-Pedersen, Inc., to establish the amounts representing just compensation for the real property to be acquired; and be it further

RESOLVED, that authorization is hereby given for the Commissioner of Public Works, or his authorized representatives, including Greenman-Pedersen, Inc., to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring interests in portions of their respective parcels of real property by fee and/or easement, which acquisitions are necessary for the Project; and be it further

RESOLVED, that authorization is hereby given for the Commissioner of Public Works, or his authorized representatives, including Greenman-Pedersen, Inc., to act on behalf of the County of Erie in connection with the acquisition of the required ROW from the owners of the Subject Property; and be it further

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

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

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

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

TO: TIMOTHY C. CALLAN, COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

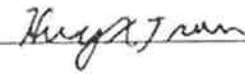
REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- | | |
|-----------------------|--|
| 1. CONTRACTOR'S NAME | Greenman-Pedersen, Inc.,
Landowners
_____ |
| 2. AMOUNT OF CONTRACT | Combined not to exceed \$15,000
_____ |
| 3. PROJECT NUMBER | B.17006 - \$15,000
_____ |
| 4. PROJECT TITLE | Four Rod Road (CR 356) over Little Buffalo
Creek, PIN 5763.37
_____ |
| 5. DEPARTMENT CONTACT | Funding questions: William E. Geary, Jr. at
7555
Letter pickup: Christy Weber at 8301
_____ |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|------------------------------------|---|
| 6. AVAILABILITY OF FUNDS | \$ 73,000.00
_____ |
| 7. PERFORMED BY | 
_____ |
| Date Sent to Comptroller's Office: | November 17, 2023
_____ |

[55 compt_10]

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 23E-12 COUNTY EXECUTIVE Contract with Cattaraugus County BOCES

Attachments

23COMM. 23E-12



EC LEG DEC 1 '23 PM 1:51

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

December 1, 2023

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

RE: Contract with Cattaraugus County BOCES

Dear Honorable Members:

The Erie County Department of Health (ECDOH) is seeking authorization to enter into contract, as required by New York State Education Department (NYSED), with the Cattaraugus County BOCES to place a Springville student in a Preschool Special Education program due to the unavailability of classroom placements in any Erie County Special Education programs.

Should your Honorable Body require further information, please contact Commissioner of Health Gale Burstein. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/jah
Enclosure

cc: Dr. Gale Burstein, Commissioner of Health

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Health
Re: Contract with Cattaraugus County BOCES
Date: December 1, 2023

SUMMARY

ECDOH's Children with Special Needs Division contracts with many Preschool Special Education Programs to provide classroom-based services to children, but currently all classrooms are full. New York State Education Department requires that if a school district within Erie County places a student in a NYSED approved special needs program, Erie County must contract with that program. In this case, a Springville resident is being placed in a program at the Cattaraugus County BOCES.

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 and the tuition rates for Special Needs Programs are set by NYSED.

REASONS FOR RECOMMENDATION

The contract is required by NYSED Part 200 of the Regulations of the Commissioner of Education pursuant to special education programs and services for students with disabilities, funding is available, and ensures an Erie County resident is able to attend a classroom-based service for Preschool Special Education.

CONSEQUENCES OF NEGATIVE ACTION

Erie County would not be in compliance with NSYED part 200 and could jeopardize the resident's access to a classroom-based Preschool Special Education program.

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: Contract with Cattaraugus County BOCES

WHEREAS, the Erie County Department of Health's Children with Special Needs Division currently contracts with several tuition based programs; and

WHEREAS, according to the New York State Education Department (NYSED), if a Committee on Preschool Special Education places a child in a NYSED approved program, the county must contract with that program at rates fixed by NYSED; and

WHEREAS, the Springville Griffith School District Committee on Preschool Special Education has placed a preschool student from Erie County with Cattaraugus County BOCES program; and

WHEREAS, Cattaraugus County BOCES program is an approved NYS Education Department Preschool Special Education Program; and

WHEREAS, funds are available in Account 528000 Services to Special Needs Children to cover the costs incurred.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with Cattaraugus County BOCES to place a student within its NYSED Preschool Education Program; and be it further

RESOLVED, sufficient funding exists within the Department of Health's Division of Children with Special Needs' General Fund Budget (Fund 110, Funds Center 12750) Account 528000 – Services to Special Needs Children; 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: 12/07/2023

SUBJECT

COMM. 23E-13	COUNTY EXECUTIVE	Cultural Organization Capital Improvement Program - Phase 2. Authorization to Enter Into Contracts with Cultural Organizations
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Attachments

23COMM. 23E-13



DEC 1 2023 10:51

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

December 1, 2023

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

Re: Cultural Organization Capital Improvement Program – Phase 2- Authorization to Enter into Contracts with Cultural Organizations

Dear Honorable Members:

Please find the enclosed amended memorandum and proposed resolution seeking authorization to enter into contracts with 21 arts and cultural organizations for various capital improvements. This resolution will authorize Phase 2 of the Cultural Capital Improvement Program, funded through 2021 Budget Balancing resolution, COMM. 8E-1 (2022) authorized by your Honorable Body.

Should your Honorable Body require further information, I encourage you to contact Daniel R. Castle, Commissioner, 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:/nb
Enclosure

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: Cultural Organization Capital Improvement Program – Phase 2 - Authorization to Enter into Contracts with Cultural Organizations
Date: December 1, 2023

SUMMARY

This resolution implements Phase 2 of the Cultural Organization Improvement Program as recommended by the Erie County Capital Projects Committee. Funding will enable capital improvements at 21 arts and cultural organizations.

FISCAL IMPLICATIONS

The expenditures associated with this resolution total: \$3,186,667.

The funding for this program was previously authorized in the 2021 Budget Balancing resolution, Comm. 8E-1 (2022). The funding is located in A.22095.

REASONS FOR RECOMMENDATION

The following proposed projects as described are included:

Aurora Historical Society –Repairs to the porch at the Elbert Hubbard Roycroft Museum at 363 Oakwood Avenue in East Auora, as well as porch repairs and electrical upgrades at the Millard Fillmore Museum at 24 Shearer Avenue in East Aurora.

Lackawanna Historical Association – The Organization will purchase a new microfilm reader.

Western New York Artist’s Group, Inc. – Purchase and installation of new window shades and backlit window signage to improve gallery function and recognition.

Buffalo Art Studio – The Organization will purchase and install UV reducing window treatments in its space within the Tri-Main Center in the City of Buffalo.

Orchard Park Historical Society – Repairs to the Front and back porches of the Jolls House at 4287 South Buffalo Street in Orchard Park.

Jewish Repertory Theater – Purchase of new audience seating, risers, curtains, and lighting components for the Organization’s location in the Town of Amherst.

Friends of Limerick School/Hall – Installation of new septic system, restroom addition, and miscellaneous improvements to the historic school house known as Limerick Hall at 6074 Cummings Road in the Town of Newstead.

Niagara Frontier Radio Reading Service – Completion of the ongoing office and studio renovation at 1199 Harlem Road in Cheektowaga.

Buffalo Media Resources, Inc. – Audio/visual and classroom equipment purchase and installation, electrical upgrades and general construction for the Organization’s space within the Tri-Main Center in the City of Buffalo.

Michigan Street Preservation Corporation – First floor renovation, exhibit installation, fabrication and installation of four new storm windows and one storm door at the historic Nash House at 36 Nash Street in the City of Buffalo.

Lipsey/Richardson Architecture Center – Fabrication, restoration, and installation of 23 historic windows and restoration of three doors in Building 12 at the Richardson Olmsted Campus in the City of Buffalo.

North Park Theatre of Buffalo, Inc. – Interior and exterior improvements including seating, lighting, masonry, plaster, and marquee.

West Falls Center for the Arts – Kitchen renovation and parking lot paving at 1863 Davis Road in the Town of Aurora.

Explore & More Children’s Museum – Interior construction to improve visitor traffic flow and security.

Hamburg Natural History Society, Inc. – Restroom construction at Penn Dixie Fossil Park and Nature Reserve in the Town of Hamburg.

Sardinia Historical Society – Roof replacement for the Sardinia Historical Society Museum at 12070 Savage Road in the Town of Sardinia.

Colored Musicians Club – Additional funds for the ongoing restoration of the second-floor performance space.

Road Less Traveled Productions, Ltd. – Purchase of new audience seating, construction of new stage, and purchase of new lighting equipment.

Lancaster, NY Opera House Inc. – HVAC and general construction at the historic Dom Polski building at 570 Gould Avenue in the Village of Depew.

Hull House Foundation – Continued reconstruction of an historic threshing barn at the Hull Family Home & Farmstead at 5976 Genesee Street in the Town of Lancaster.

Ukrainian American Freedom Foundation, Inc. – Construction of a children’s activity room, façade masonry repairs, construction of a multi-purpose rear entry enclosure, installation of a stair platform lift at the Ukrainian Cultural Center Dnipro at 561 Genesee Street in the City of Buffalo.

CONSEQUENCES OF NEGATIVE ACTION

If a resolution to authorize the funding contracts is not approved, the organizations will not be able to complete this work. The needed improvements will be delayed until additional funding is secured, and project timelines will be extended until such time that additional funds can be raised.


STEPS FOLLOWING APPROVAL

Upon approval of this resolution the Department of Environment and Planning will commence the contracting process.

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 the following accounts:

Organization	Amount	Capital Account # / WBS Element
Aurora Historical Society, Inc.	\$7,975	A.22095.1.37
Lackawanna Historical Association	\$8,177	A.22095.1.38
Western New York Artists Group, Inc.	\$14,045	A.22095.1.39
Buffalo Arts Studio	\$31,860	A.22095.1.40
Orchard Park Historical Society	\$34,000	A.22095.1.41
Jewish Community Center of Greater Buffalo	\$68,000	A.22095.1.42
Friends of Limerick Inc.	\$86,100	A.22095.1.43
Niagara Frontier Radio Reading Service	\$53,500	A.22095.1.44
Buffalo Media Resources, Inc.	\$125,000	A.22095.1.45
Michigan Street Preservation Corp.	\$134,377	A.22095.1.46
Richardson Architecture Center	\$187,950	A.22095.1.47
North Park Theatre of Buffalo, Inc.	\$130,000	A.22095.1.48
West Falls Center for the Arts	\$241,293	A.22095.1.49
Explore & More...A Children's Museum	\$362,000	A.22095.1.50
Hamburg Natural History Society, Inc.	\$827,000	A.22095.1.51
Sardinia Historical Society	\$24,089	A.22095.1.52
Colored Musicians Club	\$100,000	A.22095.1.53
Road Less Traveled Productions, Ltd.	\$89,739	A.22095.1.54
Lancaster, NY Opera House, Inc.	\$299,931	A.22095.1.55
Hull House Foundation	\$100,001	A.22095.1.56
Ukrainian American Freedom Foundation, Inc.	\$261,630	A.22095.1.57


Comptroller's Office

Erie County Department of Environment and Planning

Cultural Organization Capital Improvement Program - Phase 2

Capital Account No. A.22095

**A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING**

RE: Cultural Organization Capital Improvement Program - Phase 2 - Authorization to Enter into Contracts with Cultural Organizations

WHEREAS, the County of Erie is interested in the fostering of tourism and supporting arts and cultural organizations; and

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

WHEREAS, the 2021 Fiscal Year Budget Balancing Resolution, Comm.8E-1 (2022) approved by the Erie County Legislature on May 12, 2022 allocated \$25,000,000 towards a “Cultural Agency Capital Fund;” and

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

WHEREAS, a competitive application process was facilitated by the Department of Environment and Planning; and

WHEREAS, the Erie County Capital Projects Committee reviewed applications and selected a list of awardees representing arts and cultural organizations throughout the County; and

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

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

WHEREAS, the Department of Environment and Planning reviewed the proposed cultural capital projects and determined that certain projects are considered Type II actions pursuant to SEQR; and

WHEREAS, the following Organization’s applications were selected to complete the following projects;

Organization Legal Name	Project Description
Aurora Historical Society, Inc.	Porch repairs and electrical upgrades
Lackawanna Historical Association	Purchase of new microfilm reader

Western New York Artists Group, Inc.	Install window shades and window sign
Buffalo Arts Studio	Install UV reducing window treatments
Orchard Park Historical Society	Porch repairs
Jewish Community Center of Greater Buffalo	Theater equipment purchase
Friends of Limerick Inc.	Septic system installation and restroom addition
Niagara Frontier Radio Reading Service	Office building renovations
Buffalo Media Resources, Inc.	Audio/visual equipment, general construction
Michigan Street Preservation Corp.	New storm windows, exhibit installation
Richardson Architecture Center	Historic window & door restoration
North Park Theatre of Buffalo, Inc.	Seating, masonry, plaster, marquee
West Falls Center for the Arts	Parking lot paving & kitchen renovation
Explore & More...A Children's Museum	Visitor traffic flow & security improvements
Hamburg Natural History Society, Inc.	Restroom building construction
Sardinia Historical Society	Roof replacement
Colored Musicians Club	Second story performance space restoration
Road Less Traveled Productions, Ltd.	Theater equipment purchase
Lancaster, NY Opera House, Inc.	HVAC installation & general construction
Hull House Foundation	Historic threshing barn reconstruction
Ukrainian American Freedom Foundation, Inc.	Basement construction, masonry, rear entry enclosure, stair platform lift

NOW, THEREFORE, BE IT

RESOLVED, the County Legislature concurs with the Department of Environment and Planning's determination of significance set forth in 6 N.Y.C.R.R. § 617.7(c) and considers the aforementioned actions to be consider Type II action denoting a de minimis environmental impact; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute contracts with the following entities in the amounts indicated, from the noted capital accounts:

Organization Legal Name	Project	Amount	Capital Account # / WBS Element
Aurora Historical Society, Inc.	Building Improvements	\$7,975	A.22095.1.37
Lackawanna Historical Association	Microfilm Reader	\$8,177	A.22095.1.38
Western New York Artists Group, Inc.	Suite Improvements	\$14,045	A.22095.1.39
Buffalo Arts Studio	Suite Improvements	\$31,860	A.22095.1.40
Orchard Park Historical Society	Porch Repair	\$34,000	A.22095.1.41

Jewish Community Center of Greater Buffalo	Equipment Purchase	\$68,000	A.22095.1.42
Friends of Limerick Inc.	Site Improvements	\$86,100	A.22095.1.43
Niagara Frontier Radio Reading Service	Office Renovation	\$53,500	A.22095.1.44
Buffalo Media Resources, Inc.	Suite Improvements	\$125,000	A.22095.1.45
Michigan Street Preservation Corp.	Site Improvements	\$134,377	A.22095.1.46
Richardson Architecture Center	Building Restoration	\$187,950	A.22095.1.47
North Park Theatre of Buffalo, Inc.	Building Restoration	\$130,000	A.22095.1.48
West Falls Center for the Arts	Parking Lot Paving	\$241,293	A.22095.1.49
Explore & More...A Children's Museum	Building Improvements	\$362,000	A.22095.1.50
Hamburg Natural History Society, Inc.	Restroom Construction	\$827,000	A.22095.1.51
Sardinia Historical Society	Roof Replacement	\$24,089	A.22095.1.52
Colored Musicians Club	Building Restoration	\$100,000	A.22095.1.53
Road Less Traveled Productions, Ltd.	Equipment Purchase	\$89,739	A.22095.1.54
Lancaster, NY Opera House, Inc.	Building Improvements	\$299,931	A.22095.1.55
Hull House Foundation	Barn Reconstruction	\$100,001	A.22095.1.56
Ukrainian American Freedom Foundation, Inc.	Building Improvements	\$261,630	A.22095.1.57

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; and be it further

RESOLVED, that authorization is hereby given to the Comptroller's Office, following necessary approvals of the Budget Office to make payments up to the contractual limits indicated above, with a total not to exceed \$3,186,667, the source shall be Capital Project A.22095, Capital Agency Capital Fund, Fund 410, Funds Center 162; and be it further

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

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the Office of the County Executive, Comptroller's Office, the Division of Budget and Management, the Department of Law, and the Department of Environment and Planning.

OFFICE OF THE COMPTROLLER REVIEW

DATE: 11/16/2023

PROJECT TITLE: A.22095 2022 Cultural Agency Capital Fund

1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE OF THE PROJECT: YES X NO

IF NO, RETURN THIS REQUEST TO THE DEPARTMENT
IF YES, COMPLETE THE FOLLOWING VERIFICATION

2) PROJECT AVAILABLE APPROPRIATION

Total Project Revenues	\$ <u>25,000,000.00</u>
Total Project Appropriations	\$ <u>25,000,000.00</u>
Less: Total Expenditure To Date	\$ <u>482,761.00</u>
Less: Total Commitments	\$ <u>441,204.00</u>
Available Appropriations As Of Date Of Request	\$ <u>24,076,035.00</u>
Less: Contract Amount	\$ <u>3,186,667.00</u>
Net Available Appropriations	\$ <u><u>20,889,368.00</u></u>

Comments: There is \$24,534,069.41 cash in project. This project is funded as a PAY-AS-YOU-GO

Request Approved: 

Request Denied: _____

Date: 11/17/23

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 23E-14	COUNTY EXECUTIVE	Authorization to Enter Into Inter-Municipal Agreements to Implement the Municipal Planning Grant Program
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Attachments

23COMM. 23E-14



30 DEC 1 2023 PM 1:51

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

December 1, 2023

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

**RE: Authorization to Enter into Inter-municipal Agreements to Implement the
Municipal Planning Grant Program**

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Environment and Planning authorizing the execution of agreements with the Town of Hamburg and the Villages of Akron, Alden, Springville, Williamsville, Lancaster and Depew to update comprehensive plans, zoning codes and other planning documents to assist communities with land use planning.

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,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/nb
Enclosure

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: Authorization to Enter into Inter-municipal Agreements to Implement the Municipal Planning Grant Program
Date: December 1, 2023

SUMMARY

It is recommended that the Erie County Legislature authorize the County Executive to enter into inter-municipal agreements with the Town of Hamburg and Villages of Akron, Alden, Springville, Williamsville and Lancaster and Depew to provide funding to facilitate the updating of comprehensive plans, zoning codes and related planning documents. Erie County desires to assist municipalities with providing relevant planning documents to guide development within municipalities and Erie County.

FISCAL IMPLICATIONS

The County fiscal impact of the proposed resolution is \$182,500. Funding was allocated for this purpose in the following capital accounts and accounts:

<u>Capital Account/ Account</u>	<u>Amount</u>
A.20064	\$ 18,500
<u>Fund 110, funds center 16200, GL 516020 (Professional Services & Fees)</u>	<u>164,000</u>
Total	\$182,500

REASONS FOR RECOMMENDATION

Multiple Erie County municipal comprehensive plans, zoning codes, and planning studies have exceeded their intended planning horizon, and need updates to reflect the current conditions of the community and also to address existing and emerging issues impacting communities.

A competitive application and selection process was administered by the Department of Environment and Planning. The following Town and Village projects were selected:

- Town of Hamburg – Complete Streets Corridor Plan – The Town will prepare a Complete Streets Corridor Plan for Lake Avenue. The Plan will identify objectives and outline intervention methods for the portion of Lake Avenue from South Park Avenue to the Hamburg-Blasdell town line.
- Village of Akron – Zoning Code update – The Village will update its 2017 Zoning Code to be consistent with the Town of Newstead and Village of Akron Joint Comprehensive Plan. The Code will be updated to eliminate irrelevant language, to assess current administration procedures, and to address emerging land use issues.

- Village of Alden – Comprehensive Plan update – the Village will update its 2014 Comprehensive Plan. The updated Plan will reflect existing Village conditions and demographics and will identify a future land use vision for the Village.
- Village of Springville – Comprehensive Plan and Subdivision regulations update – The Village will update its 2015 Comprehensive Plan and Sub-division regulations. The updated Plan will reflect changes in the community, including protecting farmland, an increase in those working remotely, and older residents wishing to age in place, and will also evaluate housing, recreation, and transportation needs.
- Village of Williamsville – Comprehensive Plan and Zoning Code update – The Village will update its 2015 Comprehensive Plan and its 2022 Zoning Code. The updated Plan will reflect evolving needs, challenges, and opportunities such as affordable housing, climate change resilience, historic preservation, transportation, and economic development. Once updated, the Village will amend the Code to align with the Plan, clarify restrictions, design guidelines, and development standards.
- Village of Lancaster – Comprehensive Plan update – The Village of Lancaster will partner with the Village of Depew to update their 2018 joint Comprehensive Plan to focus on issues impacting the Village of Lancaster and Depew.

BACKGROUND INFORMATION

Municipal comprehensive plans establish the official land use policies of the municipality. New York State’s zoning enabling laws require a municipality’s zoning laws to be in accordance with a comprehensive plan. Every City, Town and Village in Erie County possesses a zoning code and comprehensive plan.

Pursuant to Article IX of the New York State Constitution, local governments generally may exercise “Home Rule” authority over land use development decisions. Many Erie County communities currently possess planning documents which have exceeded the intended planning timeframe and do not adequately address current land uses or existing conditions.

The Erie County Municipal Planning Grant Program was recently created to assist municipalities with updating or creating new comprehensive plans and zoning codes to reflect existing conditions and comprehensively plan for the future of a community. Funding from the Agricultural Planning Grant Program is also being utilized to fund comprehensive plans in rural villages to better address planning for agriculture.

CONSEQUENCES OF NEGATIVE ACTION

If a resolution to enter into a contract is not approved, the aforementioned communities will be unable to update their planning documents to address critical issues.


STEPS FOLLOWING APPROVAL

Upon approval of the resolution, inter-municipal agreements with the Town of Hamburg and Villages of Akron, Alden, Springville, Williamsville and Lancaster will be executed.

COMPTROLLER'S OFFICE

The proposed item has been reviewed by the Comptroller's Office and is related to an authorized capital projects for which there are sufficient appropriations for the action requested. The accounts include the following:

<u>Capital Account</u>	<u>Amount</u>
A.20064	\$18,500
Total	\$18,500


Comptroller's Office

File:
A.20064

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Authorization to Enter into Inter-municipal Agreements to Implement the Municipal Planning Grant Program

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

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

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

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

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

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

WHEREAS, Erie County desires to aid the Town of Hamburg, and Villages of Akron, Alden, Springville, Williamsville and Lancaster and Depew, and in the updating of municipal planning documents;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into intermunicipal agreements, contracts, agreements as necessary with the Town of Hamburg in the amount of \$20,000, for the purpose of administration of planning document updates; and be it further

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

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

RESOLVED, that authorization is hereby given to the County Executive to enter into intermunicipal agreements, contracts, agreements as necessary with the Village of Springville in the amount of \$50,000, for the purpose of administration of planning document updates; and be it further

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

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

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

Municipality	Amount	Source of Funds
Town of Hamburg	\$20,000	Fund 110, funds center 16200, GL 516020
Village of Akron	\$22,500	Fund 110, funds center 16200, GL 516020
Village of Alden	\$30,000	Fund 110, funds center 16200, GL 516020
Village of Springville	\$50,000	A.20064 (\$18,500) and Fund 110, funds center 16200, GL 516020 (\$31,500)
Village of Williamsville	\$30,000	Fund 110, funds center 16200, GL 516020
Village of Lancaster	\$30,000	Fund 110, funds center 16200, GL 516020

and be it further

RESOLVED, that authorization is hereby given to the Director of the Division of Budget and Management to implement any budget adjustments as required to comply with funding requirements; and be it further

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

TO: COMPTRROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

<u>REQUESTING DEPARTMENT</u>	<u>COMPLETE ITEMS 1 THROUGH 5</u>
1. CONTRACTOR'S NAME	<u>Village of Springville</u>
2. AMOUNT OF CONTRACT	<u>\$ 18,500.00</u>
3. PROJECT NUMBER	<u>A.20064</u>
4. PROJECT TITLE	<u>Comprehensive Plan and Subdivision regulations update</u>
	<u>Funding questions: Mark Rountree</u>
5. DEPARTMENT CONTACT	<u>Letter pickup: Nancy Brown</u>

<u>COMPTRROLLER'S OFFICE</u>	<u>COMPLETE ITEMS 6 AND 7</u>
6. AVAILABILITY OF FUNDS	<u>\$ 100,000.00</u>
7. PERFORMED BY	<u><i>Mark Rountree</i></u>
Date Sent to Comptroller's Office:	<u>November 16, 2023</u>

[55 compt_10]

OFFICE OF THE COMPTROLLER REVIEW

DATE: 11/16/2023

PROJECT TITLE: A.20064 - 2020 Office of Agriculture - Farmland Protection Planning Program - Environment and Planning

1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE OF THE PROJECT: YES X NO

IF NO, RETURN THIS REQUEST TO THE DEPARTMENT
IF YES, COMPLETE THE FOLLOWING VERIFICATION

2) PROJECT AVAILABLE APPROPRIATION

Total Project Revenues	\$ <u>100,000.00</u>
Total Project Appropriations	\$ <u>100,000.00</u>
Less: Total Expenditure To Date	\$ <u> -</u>
Less: Total Commitments	\$ <u> -</u>
Available Appropriations As Of Date Of Request	\$ <u>100,000.00</u>
Less: Contract Amount	\$ <u>18,500.00</u>
Net Available Appropriations	\$ <u><u>81,500.00</u></u>

Comments: There is currently \$100,000.00 cash within the project. This project is funded as a PAY-AS-YOU-GO

Request Approved: *John Salehi*

Request Denied: _____

Date: 11/17/23

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 23E-15	COUNTY EXECUTIVE	Notice of Adoption - ECSD 2023 Assessment Rolls (2024 Levy)
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Attachments

23COMM. 23E-15



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

December 1, 2023

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

**RE: Notice of Adoption
Erie County Sewer Districts
2023 Assessment Rolls (2024 Levy)**

Dear Honorable Members:

Enclosed please find an accompanying memorandum from the Department of Environment and Planning pertaining to the Notice of Adoption for the 2023 Erie County Sewer Districts Assessment Rolls.

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

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:ck
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: Notice of Adoption
Erie County Sewer Districts
2023 Assessment Rolls (2024 Levy)
Date: December 1, 2023

SUMMARY

The Erie County Legislature is requested to affirm and adopt the 2023 Assessment Rolls for the Erie County Sewer Districts.

FISCAL IMPLICATIONS

If the Assessment Rolls are not affirmed and adopted, the Sewer Districts will not have the legal authority to raise sewer district levies for 2024.

REASON FOR RECOMMENDATION

Pursuant to Article 5A of New York State County Law, the Legislature is required to adopt and affirm the Assessment Rolls.

BACKGROUND INFORMATION

The Sewer District levies are raised from the various lots and parcels of land within the Erie County Sewer Districts.

In order to legally raise said levies, Article 5A of New York State County Law requires a Public Hearing be held prior to the Legislature adopting and affirming the Assessment Rolls. The Erie County Legislature held a Public Hearing for the Assessment Rolls on November 1, 2023. Once the Public Hearing has been held and the Legislature has heard any objections to the Assessment Rolls, they are free to consider changes to the Assessment Rolls or adopt and affirm the Assessment Rolls.

The minutes from the public hearing and associated documentation have been provided to your Honorable Body under separate cover.

CONSEQUENCES OF NEGATIVE ACTION

Failure to adopt and affirm the Assessment Rolls will result in the Sewer Districts not having the financial resources to carry out sewer district operations in the next budget year. In addition, there would be insufficient funds to pay annual principal and interest costs which will come due on the bonds issued for the Sewer Districts.

STEPS FOLLOWING APPROVAL

1. Sewer District budgets must be adopted in conjunction with the Erie County Budget.
2. The Sewer District levies must be approved in conjunction with the Erie County Budget.
3. After approval of the Budget, the Director of Budget and Management must raise the Sewer District levies from the various lots and parcels of land within the Erie County Sewer Districts.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT & PLANNING

RE: Notice of Adoption
Erie County Sewer Districts
2023 Assessment Rolls (2024 Levy)

WHEREAS, the 2023 Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8 describing each lot or parcel of land have been prepared by the Division of Sewerage Management; and

WHEREAS, the Division of Sewerage Management has also assessed the estimate of expenditures and proportioned them to the lots and parcels of land as nearly as may be to the benefit which each lot or parcel will derive therefrom; and

WHEREAS, the Clerk of the Legislature had a Notice of Public Hearing published in the official County newspapers prior to the date of the Public Hearing which informed the public that the Assessment Rolls would be open for public inspection; and

WHEREAS, said Public Hearing was held in the Chamber of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, New York, at 2:00 p.m., local time on November 1, 2023 and that all persons desiring to be heard were duly heard and that all objections have been heard and considered; and

WHEREAS, said Assessment Rolls, estimate of expenditures, and Public Hearing were carried out in accordance with Article 5A of New York State County Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby affirm and adopt the 2023 Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

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

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 23E-16	COUNTY EXECUTIVE	Extension of Contract with NYS Pollution Prevention Institute
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Attachments

23COMM. 23E-16



EC LEG DEC 1 '23 PM 1:51

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

December 1, 2023

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

**RE: Extension of Contract with New York State Pollution Prevention Institute to
Conduct a Waste Reduction Study for Meal Delivery Programs in Erie County**

Dear Honorable Members:

Please find enclosed a memorandum and proposed resolution from the Erie County Department of Environment and Planning authorizing the County Executive or Deputy County Executive to execute the extension of a no-cost contract with the Rochester Institute of Technology (RIT) New York State Pollution Prevention Institute (NYSP2I).

Should your Honorable Body require further information, I encourage you to contact Bonnie Lawrence, Deputy Commissioner of 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/nb
Enclosure

Cc: Daniel R. Castle., Commissioner, Environment and Planning
Bonnie Lawrence, Deputy Commissioner, Environment and Planning

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Extension of Contract with New York State Pollution Prevention Institute to Conduct a Waste Reduction Study for Meal Delivery Programs in Erie County
Date: December 1, 2023

SUMMARY

It is recommended that the Legislature approve the attached resolution prepared by the Erie County Department of Environment and Planning (ECDEP) authorizing the County Executive or Deputy County Executive to execute a no-cost extension with the Rochester Institute of Technology (RIT) New York State Pollution Prevention Institute (NYP2I) to complete a study to review procedures and identify opportunities to reduce waste associated with Erie County's Nutrition Program(s) including Home Delivered Meals and dining site until June 30, 2024.

As described when the contract was originally authorized for this project (COMM. 20E-6 (2022)), RIT-NYSP2I will establish a baseline of current practices within Erie County's Nutrition Program(s), benchmark existing programs that utilize alternatives to single use plastics, analyze and compare options suitable for Erie County, and identify additional tasks to reduce waste and increase recycling, including composting. This project will conclude with the delivery of a final report to Erie County, along with a presentation of project findings. The total estimated value of this project is \$29,666.

A grant to RIT-NYP2I from the Environmental Protection Fund administered by the New York State Department of Environmental Conservation (NYSDEC) is providing the full funding for this project.

This project was delayed due to construction of a new facility for the FeedMore WNY organization that provides meals through Erie County's senior services program.

FISCAL IMPLICATIONS

There is no direct fiscal impact for the County. The project will be directed by a staff member from ECDEP working in conjunction the Department of Senior Services.

REASONS FOR RECOMMENDATION

Erie County's Climate Action and Sustainability Plan for Internal Operations (CASP) outlines and prioritizes ways the County can further reduce GHG emissions from its internal operations through action items specific to each chapter. Reducing waste is one of those strategies and there are opportunities to reduce both food waste and plastic waste in these programs.

CONSEQUENCES OF NEGATIVE ACTION

This study will provide strategies which the County can implement to reduce waste, increase

recycling/composting, and reduce greenhouses gases. If the contract is not extended, a significant part of the information needed to complete this assessment will not be available.

STEPS FOLLOWING APPROVAL

The no-cost contract extension with RIT-NYP2I will be executed by the County Executive or Deputy County Executive.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Extension of the Contract with Rochester Institute of Technology - New York State Pollution Prevention Institute for a Waste Reduction Study for Meal Delivery Programs in Erie County

WHEREAS, Erie County Senior Services contracts with service providers that deliver 450,000 home delivered meals and 380,000 dining site meals per year; and

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) works to reduce waste and decrease greenhouse gasses generated in the County; and

WHEREAS, the Rochester Institute of Technology - New York Pollution Prevention Institute has a grant to from the Environmental Protection Fund administered by the New York State Department of Environmental Conservation (NYSDEC) which has fully funded a study focused on reducing waste and a report which will offer a comparison between alternatives related to program expenses, environmental impacts, and program growth potential; and

WHEREAS, all decisions regarding selection and implementation of alternatives will be evaluated based on the full program of services offered by the nutrition programs of the Department of Senior Services; and

WHEREAS, the original no-cost contract for this study was approved (COMM. 20E-6 (2022)) and more time is needed to complete the assessment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute the necessary agreements to extend the current no-cost contract and Statement of Work from RIT-NYSP2I through June 30, 2024; and be it further

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

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 23E-17	COUNTY EXECUTIVE	PILOT Agreement for Westchester Park, Town of Tonawanda - Affordable Housing Development
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Attachments

23COMM. 23E-17



COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

CC LEG DEC 1 '23 PM 1:51

December 1, 2023

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

RE: Payment in Lieu of Taxes (PILOT) Agreement for Westchester Park, Town of Tonawanda – Affordable Housing Development

Dear Honorable Members:

Please find an enclosed resolution from the Department of Environment and Planning regarding a Payment in Lieu of Taxes (PILOT) Agreement for Westchester Park. The resolution authorizes the County Executive to execute an agreement with Westchester Park Preservation, L.P., Westchester Park Preservation Housing Development Fund Company, Inc., and the Town of Tonawanda.

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 Westchester Park, Town of Tonawanda – Affordable Housing Project
Date: December 1, 2023

SUMMARY

The resolution authorizes the County Executive to execute a PILOT Agreement with Westchester Park Preservation, L.P., Westchester Park Preservation Housing Development Fund Company, Inc., and the Town of Tonawanda.

The owner is seeking a PILOT from the Town of Tonawanda 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 Westchester Park shall be based on a payment of \$199,084 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 the Net Effective Income amount annually, the Town of Tonawanda and Kenmore-Town of Tonawanda School District would receive seventy-five percent (75%) of each annual payment. The payment Schedule A lists the payments for the 15 years of the Agreement.

REASONS FOR RECOMMENDATION

The Town of Tonawanda supports the PILOT and on November 20, 2023 the Town Board approved the Westchester Park PILOT Agreement. The project conforms to the provisions of Article XI of the New York Private Housing Finance Law.

BACKGROUND INFORMATION

The project involves 201 affordable residential apartments for seniors located in the Town of Tonawanda at 55 Ralston Avenue. This will include the acquisition and renovation of two existing buildings at 55 Ralston Avenue in the Town of Tonawanda. This project will comprise 9 studio apartments, 184 one-bedroom units, and 8 two-bedroom units. The project will provide affordable housing opportunities to households with incomes at or below 60% of the Area Median Income and 40% of new residents will be at 30% of AMI. The total development cost is projected to be \$37,900,000.

CONSEQUENCES OF NEGATIVE ACTION

Without the PILOT, it would not be economically feasible for Westchester Park Preservation, L.P., and/or Westchester Park Preservation Housing Development Fund Corporation to complete the project as it is currently structured.

STEPS FOLLOWING APPROVAL

The County Executive will enter into a PILOT Agreement with the noted parties.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Payment in Lieu of Taxes (PILOT) Agreement for Westchester Park, Town of Tonawanda – Affordable Housing Project

WHEREAS, Westchester Park Project consists of the acquisition and renovation of two existing buildings containing a total of 201 units of affordable housing for seniors located at 55 Ralston Avenue in the Town of Tonawanda; 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 Westchester Park Preservation, L.P. and Westchester Park Preservation Housing Development Fund Corporation to operate the housing project it is necessary to extend tax relief from the County of Erie and the Town of Tonawanda.

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 Westchester Park Preservation, L.P., Westchester Park Preservation Housing Development Fund Corporation, and the Town of Tonawanda and any other organizations necessary to conclude this PILOT Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto; and be it further

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

**SCHEDULE A
PILOT Payments**

Tax Year	Total PILOT	County	Town	School
1	199,084	35,551	91,010	72,523
2	205,057	36,617	93,740	74,699
3	211,208	37,716	96,552	76,940
4	217,545	38,847	99,449	79,248
5	224,071	40,013	102,432	81,626
6	230,793	41,213	105,505	84,075
7	237,717	42,449	108,671	86,597
8	244,848	43,723	111,931	89,195
9	252,194	45,035	115,289	91,871
10	259,760	46,386	118,747	94,627
11	267,552	47,777	122,310	97,466
12	275,579	49,211	125,979	100,389
13	283,846	50,687	129,758	103,401
14	292,362	52,207	133,651	106,503
15	301,133	53,774	137,661	109,698
Total	3,702,748	661,206	1,692,685	1,348,858

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 23E-18	COUNTY EXECUTIVE	Renaissance Commerce Park - Amendment to Contract for Design & Construction of Water and Sewer Utilities
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Attachments

23COMM. 23E-18



EC LEG DEC 1 '23 PM 1:51

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

December 1, 2023

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

RE: Renaissance Commerce Park - Amendment to Contract for Design and Construction of Water and Sewer Utilities

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Environment and Planning authorizing the execution of an amendment to a contract with the Erie County Industrial Development Agency for the design and construction of water and sewer infrastructure at the former Bethlehem Steel site, now known as Renaissance Commerce Park.

Should your Honorable Body require 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,

A handwritten signature in cursive script that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/nb
Enclosure

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: Renaissance Commerce Park - Amendment to Contract for Design and Construction of Water and Sewer Utilities
Date: December 1, 2023

SUMMARY

The Department of Environment and Planning is seeking authorization to enter into a First Amendment to an agreement with the Erie County Industrial Development Agency (ECIDA) for the purpose of increasing the original contract amount by \$50,000.00 to a new total of \$650,000.00. The County entered into an agreement with the ECIDA to contract with consultants and contractors specializing in the design and construction of utility infrastructure for the purpose of developing water and sewer infrastructure at the future Odell Street on the former Bethlehem Steel site. The additional \$50,000.00 will account for unforeseen obstructions and groundwater encountered during construction, and the resultant testing and treatment required by NYSDEC.

FISCAL IMPLICATIONS

The proposed additional funding of \$50,000.00 is in A.19025

REASONS FOR RECOMMENDATION

The amount of shovel ready industrial land available for new construction is at historic lows in the WNY region. Erie County, through the redevelopment of Renaissance Commerce Park, is addressing this need and ensuring that the County is able to successfully attract and retain businesses to the area. The addition of water and sewer infrastructure along with the future roads is the next step in progressing the redevelopment of the northern portion of the former Bethlehem Steel site. It will continue the recent momentum occurring at the southern portion of the site near Dona Street, which has recently seen the addition of several employers and new construction of industrial and warehouse space.

BACKGROUND INFORMATION

The ILDC, a subsidiary of the ECIDA, is the property owner of the site. During construction of the water and sewer infrastructure, the contractor encountered an unexpected amount of ground water during excavation of the trenches. The site is part of the NYSDEC Brownfield Cleanup Program, therefore the groundwater encountered is required be directed through a settling tank and tested to confirm the absence of hazardous materials prior to the groundwater being released. Additionally, several foundations and underground pipes were encountered during the excavation which required additional testing, removal, and disposal. The presence of obstructions and groundwater encountered during excavation and construction resulted in additional costs to the contractor.

CONSEQUENCES OF NEGATIVE ACTION

If a resolution to amend the original contract is not approved, Erie County and the ECIDA will not be able to complete this work. The installation of new infrastructure to open up the northern portion of the former Bethlehem Steel site will not be completed.

STEPS FOLLOWING APPROVAL

Upon approval of the resolution, the First Amendment to Agreement will be executed with the ECIDA and the construction of water and sewer infrastructure will be completed.

COMPTROLLER'S OFFICE REVIEW

The proposed item has been reviewed by the Comptroller's Office and is related to an authorized capital project (A.19025) for which there are sufficient appropriations for the action requested.

Thay C. Allen 11/3/23

Comptroller's Office

A.19025

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Renaissance Commerce Park - Amendment to Contract for Design and Construction of Water and Sewer Utilities

WHEREAS, The County of Erie is interested in the fostering of business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the sound reuse of urban brownfields for productive use, be it industrial, commercial, or recreational; and

WHEREAS, County of Erie, City of Lackawanna, Erie County Industrial Development Agency, continue to work cooperatively toward achieving the redevelopment of the former Bethlehem Steel site; and

WHEREAS, the development of water and sewer infrastructure on the on the former Bethlehem Steel site is necessary to market the site as shovel ready; and

WHEREAS, the County and the Erie County Industrial Development Agency entered into an Agreement (“Agreement”) dated August 7th, 2020, whereby the Erie County Industrial Development Agency shall contract with consultants and contractors specializing in the design of utility infrastructure for the purpose of developing water and sewer infrastructure at the future Odell Street on the former Bethlehem Steel site; and

WHEREAS, the parties desire to amend the Agreement to reflect additional costs incurred as a result of unforeseen obstructions and groundwater encountered during construction and resultant testing and treatment required by NYSDEC;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a First Amendment to Agreement with the Erie County Industrial Development Agency increasing the original contract amount of \$600,000 by \$50,000 to a new total of \$650,000, for the purpose of completing the construction of utilities at the former Bethlehem Steel site in the City of Lackawanna; and be it further

RESOLVED, that the source of the additional funds shall be in SAP accounts A.19025 in the amount of \$50,000; and be it further

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

TO: COMPTRROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS


REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- | | | |
|----|--------------------|---|
| 1. | CONTRACTOR'S NAME | <u>ECIDA</u> |
| 2. | AMOUNT OF CONTRACT | <u>\$ 50,000.00</u> |
| 3. | PROJECT NUMBER | <u>A.19025</u> |
| 4. | PROJECT TITLE | <u>Renaissance Commerce Park - Amendment to
Contract for Design and Construction of
Water and Sewer Utilities</u> |
| 5. | DEPARTMENT CONTACT | <u>Funding questions: Mark Rountree
Letter pickup: Nancy Brown</u> |

COMPTRROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | | |
|----|------------------------------------|--|
| 6. | AVAILABILITY OF FUNDS | <u>\$1,000,000.00</u> |
| 7. | PERFORMED BY | <u></u> |
| | Date Sent to Comptroller's Office: | <u>November 3, 2023</u> |

[55 compt_10]

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 23E-19	COUNTY EXECUTIVE	Department of Social Services Lease Extension - 290 Main Street
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Attachments

23COMM. 23E-19



EC LEG DEC 4 '23 PM 12:09

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

December 4, 2023

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

Re: Department of Social Services Lease Extension – 290 Main Street

Dear Honorable Members:

The Department of Social Services is requesting authorization to extend a lease at 290 Main Street with Swan Group, LP for the purpose of housing Social Services programs at that site. Funds for this lease were anticipated and are included in the 2024 Proposed Budget; therefore, there is no 2024 fiscal impact.

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

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mmk
Enclosure

cc: Commissioner of Social Services Marie Cannon

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Social Services
Re: Lease Extension – 290 Main Street
Date: December 1, 2023

SUMMARY

The Department of Social Services is requesting authorization to extend the lease at 290 Main Street with Swan Group, LP for the purpose of housing Social Services administered programs and Employment Division at that site. This resolution waives section 26.08 of the County Code requirement for a Request for Proposals.

This extension is for January 1, 2024, through December 31, 2028 at a charge of \$14.44 per square foot for an annual base rental amount of \$622,896.

FISCAL IMPLICATIONS

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

REASONS FOR RECOMMENDATION

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

CONSEQUENCES OF NEGATIVE ACTION

Rental payments would be delayed.

STEPS FOLLOWING APPROVAL

A lease extension will be executed.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SOCIAL SERVICES

Re: Lease Extension – 290 Main Street

WHEREAS, the Erie County Department of Social Services is requesting authorization to extend a lease at 290 Main Street with Swan Group, LP for the purpose of housing Social Services programs at this site; and

WHEREAS, the lease extension for the period January 1, 2024 through December 31, 2028 at an annual base rental amount of \$14.44 per square feet for an annual base rental amount of \$622,896 for Years 1 through 5; and

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

WHEREAS, the Department of Social Services has leased space at 290 Main Street since 2003, and the facility currently houses its Employment Division; and

WHEREAS, the Department of Social Services waives section 26.08 of the County Code requirement for a Request for Proposals; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive and the Department of Social Services to extend the lease at 290 Main Street with Swan Group, LP at the rental amount of \$14.44 per square feet for an annual base rental amount of \$622,896 for Years 1 through 5 under the rental terms herein presented for the purpose of housing Social Services programs at this site; and be it further

RESOLVED, that sufficient funds to cover the cost of this contract already exist within the Department of Social Services (Fund 110, Funds Center 1202020) 2024 General Fund Budget in Account 545000 – Rental Charges; and be it further

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

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 23D-1	DIRECTOR OF BUDGET & MANAGEMENT	Budget Monitoring Report for Period Ending September 2023
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Attachments

23COMM. 23D-1



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

November 30, 2023

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

Re: Budget Monitoring Report for Period Ending September 2023

Dear Honorable Legislators:

Please find attached the Budget Monitoring Report ("BMR") for the period ending September 30, 2023, as well as a vacancy report from the County's SAP system also as of September 30, 2023.

The BMR shows that for the first nine months of 2023 the County has a \$32,730,603 positive variance. This variance is largely related to the impact from three positive factors and one negative factor.

First, for the positive factors, is continued growth in interest earnings revenue which is now \$18.3 million ahead of budget. Second, the County has seen significant "vacancy" savings, which is now favorable by \$9.1 million. Third, is sales tax, which has a net \$9.2 million positive variance (after factoring out \$463,141 in payments to the NFTA) and has growth of 2.88% for 2023-related payments received to-date as compared to 2022. Sales tax growth has reduced by 1.73% (from 4.61% growth) since July due, predominately, from several negative prior-period adjustments by New York State. This decline in growth is a concern going forward because the 2024 Proposed Budget projections expect 2023 sales tax growth to continue at 4.61%. This reduction in base expectation would now require 3.71% sales tax growth in 2024 to meet the proposed budget (1.71% increase over the 2% growth projection included).

The major negative factor relates to overtime costs, predominantly within the Sheriff's Office, which is now grown to \$10.5 million over budget. All other items through September have generated a net \$5,844,485 positive variance.

The BMR also includes an initial projection for year-end 2023. It shows a projected year-end 2023 positive budgetary variance of \$20,679,215. This is a projection, subject to change due to sales tax receipts, New York State or Federal actions, the timing of IGT payments or the impact to other key accounts.

I am available to attend a meeting of your Honorable Body's Finance and Management Committee to discuss this report and other fiscal matters.

Sincerely yours,

A handwritten signature in cursive script that reads "Robert W. Keating".

Robert W. Keating
Director of Budget and Management

Attachment

cc: Erie County Executive Mark C. Poloncarz
Erie County Fiscal Stability Authority

January-September 2023 Budget Monitoring Report (BMR) Summary by Account Type

Account Type	Annual Budget		Period Budget January-September		Actuals January-September		Period Available Budget		% of Period Budget Consumed		Annual Available Budget		% of Annual Budget Consumed	
Revenue														
** Property Tax	(301,424,356)	(301,424,356)	(301,424,356)	(301,424,356)	(301,424,356)	(0)	(0)	(0)	100%		(0)	100%		
** Property Tax Related	(15,978,966)	(6,702,142)	(6,455,776)	(246,366)	(9,523,190)				96%		(9,523,190)	40%		
** Sales Tax	(583,527,694)	(447,758,173)	(457,453,047)	9,694,874	(126,074,647)				102%		(126,074,647)	78%		
** Sales Tax to Local Govt.	(403,187,071)	(308,559,261)	(316,069,697)	7,510,436	(87,117,374)				102%		(87,117,374)	78%		
** Other Sources	(41,061,207)	(32,462,757)	(58,553,633)	26,090,876	17,492,426				180%		17,492,426	143%		
** Fees, Fines or Charges	(35,403,927)	(28,617,118)	(27,552,056)	(1,065,062)	(7,851,872)				96%		(7,851,872)	78%		
*** Local Source Revenue	(1,380,583,221)	(1,125,523,807)	(1,167,508,565)	41,984,758	(213,074,656)				104%		(213,074,656)	85%		
*** Federal Revenue	(190,733,341)	(152,569,378)	(154,270,257)	1,700,879	(36,463,084)				101%		(36,463,084)	81%		
*** State Revenue	(221,108,349)	(163,114,567)	(152,557,846)	(10,556,721)	(68,550,503)				94%		(68,550,503)	69%		
*** Interfund Revenue	(729,966)	(729,966)	(959,766)	229,800	229,800				131%		229,800	131%		
**** County Revenue	(1,793,154,877)	(1,441,937,719)	(1,475,296,435)	33,358,716	(317,858,441)				102%		(317,858,441)	82%		
Expense														
** Salaries	272,559,283	199,509,805	186,298,018	13,211,787	86,261,265				93%		86,261,265	68%		
** Non-Salaries	30,126,185	21,375,376	31,707,478	(10,332,102)	(1,581,293)				148%		(1,581,293)	105%		
** Countywide Adjustments	(146,563)	(477,216)	0	(477,216)	(146,563)				0%		(146,563)	0%		
*** Personnel Related Expense	302,538,905	220,407,965	218,005,496	2,402,469	84,533,409				99%		84,533,409	72%		
*** Fringe Benefit Total	145,835,309	106,274,592	102,426,139	3,848,452	43,409,170				96%		43,409,170	70%		
** Supplies and Repairs	12,879,860	7,947,794	6,696,568	1,251,226	6,183,291				84%		6,183,291	52%		
** Other	39,648,762	24,745,260	23,199,124	1,546,137	16,449,639				94%		16,449,639	59%		
** Contractual	687,552,730	502,095,230	509,205,562	(7,110,333)	178,347,167				101%		178,347,167	74%		
** Equipment	12,079,502	3,880,882	3,537,567	343,315	8,541,936				91%		8,541,936	29%		
** Allocations	215,685,632	102,098,631	102,484,602	(385,971)	113,201,030				100%		113,201,030	48%		
** Program Specific	575,008,133	383,874,412	386,397,821	(2,523,409)	188,610,312				101%		188,610,312	67%		
** Debt Services	62,414,953	52,814,991	52,814,991	0	9,599,962				100%		9,599,962	85%		
**** All Other Operating Expense	1,605,269,572	1,077,457,201	1,084,336,235	(6,879,034)	520,933,337				101%		520,933,337	68%		
**** County Expense	2,053,643,786	1,404,139,758	1,404,767,871	(628,113)	648,875,916				100%		648,875,916	68%		
***** Net	260,488,910	(37,797,961)	(70,528,565)	32,730,603	331,017,474						331,017,474			

Note on the BMR:

The BMR helps the Budget Office identify, understand and resolve financial issues that may emerge during the year. The positive period variance indicated should not be

January-September 2023 Budget Monitoring Report (BMR) Detail by Account

Account Type	Annual Budget	Period Budget		Actuals January-September	Period Available Budget	% of Period Budget Consumed	Annual Available Budget	% of Annual Budget Consumed	Comments/Key Items
		January-September	January-September						
Revenue									
400000 Real Property Taxes	(301,424,356)	(301,424,356)	(301,424,356)	(0)	(0)	100%	(0)	100%	
** Property Tax	(301,424,356)	(301,424,356)	(301,424,356)	(0)	(0)	100%	(0)	100%	
400010 Exemption Removal	(935,212)	(935,212)	(980,630)	45,419	45,419	105%	45,419	105%	
400030 GnlSale-Tax Acq Prop	(5,000)	0	0	0	0	0%	(5,000)	0%	
400040 Other Pay/Lieu-Tax	(5,100,000)	(5,020,000)	(4,730,067)	(289,933)	(289,933)	94%	(369,933)	93%	
400050 Int&Pen on R P Taxes	(13,485,555)	(928,677)	(928,677)	0	0	100%	(12,556,878)	7%	
400060 Omitted Taxes	(6,000)	(6,000)	(4,148)	(1,852)	(1,852)	69%	(1,852)	69%	
466060 Prop Tax Rev Adjust	3,552,801	187,746	187,746	0	0	100%	3,365,055	5%	
** Property Tax Related	(15,978,566)	(6,702,142)	(6,455,776)	(246,366)	(246,366)	98%	(9,523,190)	40%	
402000 Sales Tax EC Purp	(20,020,488)	(168,563,374)	(172,488,025)	3,924,651	3,924,651	102%	(47,532,463)	78%	The net County Share (factoring out
402100 1% Sales Tax-EC Purp	(207,730,136)	(159,141,411)	(162,844,352)	3,702,940	3,702,940	102%	(44,885,784)	78%	NFTA) is showing a \$9.2 Million positive
402120 .25% Sales Tax	(51,925,690)	(39,780,500)	(40,706,890)	926,390	926,390	102%	(11,218,900)	78%	variance after 75% of the year. The 2023
402130 .5% Sales Tax	(103,851,380)	(80,272,867)	(81,413,780)	1,140,893	1,140,893	101%	(22,437,600)	78%	growth rate is 2.88%.
** Sales Tax	(583,527,694)	(447,758,173)	(457,453,047)	9,694,874	9,694,874	102%	(126,074,647)	78%	
402140 Sales Tax to Loc Gov	(403,187,071)	(308,559,261)	(316,089,697)	7,510,436	7,510,436	102%	(87,117,374)	78%	
** Sales Tax to Local Govt.	(403,187,071)	(308,559,261)	(316,089,697)	7,510,436	7,510,436	102%	(87,117,374)	78%	
402300 Hotel Occupancy Tax	(11,200,000)	(9,051,033)	(11,171,527)	2,120,494	2,120,494	123%	(28,473)	100%	
402500 OTB Betting & Gaming	(2,140,000)	(1,604,504)	(1,759,292)	194,788	194,788	112%	(340,708)	84%	
402510 Video Lottery Aid	(288,560)	(288,560)	(288,560)	0	0	100%	0	100%	
402520 Gaming Facilities Aid	(786,001)	(786,001)	(1,676,987)	890,986	890,986	213%	890,986	213%	
402610 Medical Mari Exc Tax	(280,000)	0	(125,639)	(84,361)	(84,361)	60%	(154,361)	45%	
402620 Tax-Cannabis	0	0	9,844	9,844	9,844	0%	9,844	0%	
415010 Post Mortem Toxicol	(72,932)	(54,699)	(70,368)	15,669	15,669	129%	(2,564)	96%	
415100 Real Property Trans	(228,045)	(171,034)	(140,364)	(30,670)	(30,670)	82%	(87,681)	62%	
415160 Mortgage Tax	(589,268)	(441,951)	(461,498)	19,547	19,547	104%	(127,770)	78%	
415360 Legal Settlements	(27,414)	(27,414)	(27,748)	334	334	101%	334	101%	
415500 Prisoner Transport	(21,000)	(15,750)	(21,484)	5,734	5,734	136%	484	102%	
415620 Commissary Reimb	(172,933)	(129,700)	(129,700)	0	0	100%	(43,233)	75%	
415622 Jail Phone Revenue	(361,389)	(361,389)	(361,389)	0	0	100%	0	100%	
416570 Post Exposure Rabies	(133,048)	(99,786)	(140,152)	40,366	40,366	140%	7,104	105%	
416920 Medic-Early Interv	(180,000)	(135,000)	(165,663)	30,663	30,663	123%	(14,337)	92%	
417200 Day Care Repay/Recov	(55,234)	(41,426)	(78,091)	36,665	36,665	189%	22,857	141%	
417500 Repay Em Ast/Adults	(175,668)	(131,751)	(197,377)	65,626	65,626	150%	21,709	112%	
417510 Repay Medical Asst	(2,715,828)	(2,036,871)	(1,156,373)	(878,498)	(878,498)	57%	(1,557,455)	43%	
417550 Repay-Family Assist	(244,932)	(183,699)	(249,780)	66,081	66,081	136%	4,848	102%	
417550 Repay-Foster Care/Ad	(1,089,910)	(824,933)	(943,206)	118,274	118,274	114%	(156,704)	86%	
417550 Repay-SafetyNet/Asst	(3,241,416)	(2,431,062)	(3,095,079)	665,017	665,017	127%	(145,337)	96%	
417560 Repay-Serv For Recip	(3,173)	(2,380)	(25,483)	23,103	23,103	1071%	22,310	803%	
417570 SNAP Fraud Incentives	(57,233)	(42,925)	(37,465)	(5,459)	(5,459)	87%	(19,768)	65%	
417580 Repaymnts-Handt Child	(336,885)	(252,664)	(82,535)	(170,129)	(170,129)	33%	(254,350)	24%	
418025 Recov-SafetyNet Bur	0	0	(46,167)	46,167	46,167	0%	46,167	0%	
418030 Repayments-IV D Adm	(4,423,828)	(3,017,871)	(2,941,659)	(376,212)	(376,212)	89%	(1,482,169)	66%	
418110 Comm Coll Respdads	(8,017,437)	(8,017,437)	(3,617,437)	4,400,000	4,400,000	45%	(4,400,000)	45%	
418110 Comm Coll Resp. Adj.	4,400,000	4,400,000	0	4,400,000	4,400,000	0%	4,400,000	0%	
418130 Comm Coll Reimb	(66,750)	(50,063)	(45,343)	(4,720)	(4,720)	91%	(21,407)	68%	
418410 OCSE Medical Payments	(1,253,652)	(940,239)	(850,974)	(89,265)	(89,265)	91%	(402,678)	68%	
418430 Donated Funds	(628,275)	(471,206)	(55,000)	(416,206)	(416,206)	12%	(573,275)	9%	
420020 ECC Cap Cons-Olr Gvt	(134,494)	(70,871)	(47,247)	(23,624)	(23,624)	67%	0	100%	
420498 OthLocal Source Rev	(44,285)	(33,214)	(45,806)	12,382	12,382	137%	1,321	103%	
420500 Rent-RI Prop-Concess	(2,500)	(1,875)	(2,500)	887	887	147%	262	110%	
420520 Rent-RI Prop-Rtw-Eas	(14,292)	(10,719)	(10,719)	0	0	100%	(3,573)	75%	
420550 Rent-663 Kensington	(258,936)	(194,202)	(194,083)	(119)	(119)	100%	(64,853)	75%	
421550 Fort Crime Proceed	(105,453)	(15,000)	(66,305)	53,305	53,305	455%	(37,148)	65%	
421560 Shared Revenue (ICE)	(520,000)	(50,000)	0	(50,000)	(50,000)	0%	(520,000)	0%	

January-September 2023 Budget Monitoring Report (BMR)
Detail by Account

Account Type	Annual Budget		Period Budget		Actuals		Period Available		% of Period		Annual Available		% of Annual		Comments/Key Items
	January-September	January-September	January-September	Available Budget	January-September	September	Available Budget	Consumed	Consumed	Consumed	Consumed	Annual Available Budget	Consumed	Consumed	
422000 Copies	(4,500)	(3,375)	(6,800)	3,425	(6,800)	(500)	3,425	201%	44%	33%	2,300	151%			
422040 Gas Well Drill Rents	(1,500)	(1,125)	(500)	(625)	(500)		(625)	44%	44%	33%	(1,000)	151%			
422050 E-Payable Rebates	(150,000)	(112,500)	31,768	(144,268)	31,768		(144,268)	-28%	-28%	-21%	(181,768)	-21%			
423000 Refunds PY Expend	(1,000)	(750)	63,709	(64,459)	(64,459)		(64,459)	-9494%	-9494%	-6371%	(64,709)	-6371%			
445000 Recovery Int - SID	(302,126)	(226,595)	(179,384)	(47,211)	(179,384)		(47,211)	79%	79%	59%	(122,742)	59%			
445030 Int & Earn - Gen Inv	(1,200,400)	(900,300)	(16,790,257)	15,889,957	(16,790,257)		15,889,957	1865%	1865%	1399%	15,889,957	1399%			
445040 Int & Earn-3rd Party	(175,000)	(131,250)	(2,452,442)	2,452,192	(2,583,442)		2,452,192	1968%	1968%	1476%	2,408,442	1476%			
466000 Misc Receipts	(388,240)	(211,180)	(256,001)	44,821	(256,001)		44,821	121%	121%	66%	(132,239)	66%			
466020 Minor Sale - Other	(26,500)	(19,875)	(14,484)	(5,381)	(19,875)		(5,381)	73%	73%	55%	(12,016)	55%			
466070 Refunds PY Expenses	(980,000)	(735,000)	(6,269,326)	5,534,326	(6,269,326)		5,534,326	853%	853%	640%	5,289,326	640%			
466090 Misc Trust Fd Rev	(865,329)	(865,329)	(865,329)	0	(865,329)		0	100%	100%	100%	0	100%			
466120 Other Misc DISS Rev	(3,400)	(2,550)	(2,714)	164	(2,714)		164	106%	106%	80%	(686)	80%			
466130 Oth Unclass Rev	0	0	(15,451)	15,451	(15,451)		15,451	0%	0%	0%	15,451	0%			
466150 Chlamydia Study Forms	(8,000)	(6,000)	(3,574)	(2,426)	(3,574)		(2,426)	60%	60%	45%	(4,426)	45%			
466180 Unanticip PY Rev	0	0	(290,938)	290,938	(290,938)		290,938	0%	0%	0%	290,938	0%			
466260 Intercept-LocalShare	(78,378)	(58,784)	(109,889)	51,106	(109,889)		51,106	187%	187%	140%	31,511	140%			
466280 Local Srce - ECMCC	(20,000)	(15,000)	(20,072)	5,072	(20,072)		5,072	134%	134%	100%	72	100%			
466360 Stadium Reimbursement	(790,000)	(592,500)	(120,098)	(382,402)	(120,098)		(382,402)	35%	35%	27%	(579,902)	27%			
466370 Key Bnk Ctr Reimb	0	0	(120,000)	120,000	(120,000)		120,000	0%	0%	0%	120,000	0%			
467000 Misc Depart Income	(8,503)	(6,377)	(1,791)	(4,586)	(1,791)		(4,586)	28%	28%	21%	(6,712)	21%			
479100 Other Contributions	(61,510)	(36,255)	(69,349)	33,094	(69,349)		33,094	191%	191%	113%	7,839	113%			
480020 Sale-Excess Material	(387,000)	(320,250)	(321,530)	1,280	(321,530)		1,280	100%	100%	83%	(65,470)	83%			
480030 Recycling Revenue	(34,050)	(25,538)	(39,273)	13,736	(39,273)		13,736	154%	154%	115%	5,223	115%			
** Other Sources	(41,061,207)	(32,462,757)	(58,553,633)	26,090,876	(58,553,633)		26,090,876	180%	180%	143%	17,492,426	143%			
406610 STD Clinic Fees	(222,470)	(166,853)	(233,803)	66,951	(233,803)		66,951	140%	140%	105%	11,333	105%			
415000 Medical Exam Fees	(779,750)	(594,813)	(989,353)	14,540	(989,353)		14,540	102%	102%	77%	(180,397)	77%			
415050 Treasurer Fees	(125,000)	(93,750)	(208,151)	114,401	(208,151)		114,401	222%	222%	167%	83,151	167%			
415105 Passport Fees	(27,625)	(20,719)	(47,670)	26,951	(47,670)		26,951	230%	230%	173%	20,045	173%			
415110 Court Fees	(368,755)	(278,566)	(285,325)	(11,241)	(285,325)		(11,241)	96%	96%	72%	(103,430)	72%			
415120 Small Claims AR Fees	(600)	(450)	(465)	15	(465)		15	103%	103%	78%	(135)	78%			
415130 Auto Fees	(4,005,783)	(3,004,337)	(3,352,585)	348,248	(3,352,585)		348,248	112%	112%	84%	(653,198)	84%			
415140 Comm of Educ Fees	(129,463)	(97,097)	(73,302)	(23,795)	(97,097)		(23,795)	75%	75%	57%	(56,161)	57%			
415150 Recording Fees	(7,365,400)	(5,524,050)	(3,914,630)	(1,609,420)	(5,524,050)		(1,609,420)	71%	71%	53%	(3,450,770)	53%			
415180 Vehicle Use Tax	(5,995,431)	(4,496,573)	(4,632,663)	136,090	(4,632,663)		136,090	103%	103%	77%	(1,362,768)	77%			
415185 E-Z Pass Tag Sales	(8,750)	(6,563)	(4,650)	(1,913)	(6,563)		(1,913)	71%	71%	53%	(4,100)	53%			
415200 Civil Serv Exam Fees	(55,000)	0	0	0	0		0	0%	0%	0%	(55,000)	0%			
415210 3rd Party Deduct Fee	(17,000)	(12,750)	(2,500)	(10,250)	(2,500)		(10,250)	20%	20%	15%	(14,500)	15%			
415510 Civil Proc Fees-Sher	(1,020,000)	(765,000)	(848,688)	83,688	(848,688)		83,688	111%	111%	83%	(171,312)	83%			
415520 Sheriff Fees	(45,000)	(33,750)	(31,610)	(2,140)	(31,610)		(2,140)	94%	94%	70%	(13,390)	70%			
415600 Inmate Discip Surch	(15,000)	(11,250)	(14,744)	3,494	(14,744)		3,494	131%	131%	98%	(256)	98%			
415605 Drug Testing Charge	(35,000)	(26,250)	(19,129)	(7,121)	(19,129)		(7,121)	73%	73%	55%	(15,871)	55%			
415610 Restitution Surcharge	(20,000)	(15,000)	(9,077)	(5,923)	(15,000)		(5,923)	61%	61%	45%	(10,923)	45%			
415630 Bail Fee-Alt / Incar	(3,000)	(2,250)	(3,987)	1,737	(3,987)		1,737	177%	177%	133%	987	133%			
415640 Probation Fees	(475,000)	(356,250)	(269,401)	(86,849)	(356,250)		(86,849)	76%	76%	57%	(205,599)	57%			
415650 DWI Program	(624,742)	(450,000)	(561,866)	111,866	(561,866)		111,866	0%	0%	0%	(624,742)	0%			
415670 Elec Monitoring Ch	(6,000)	(4,500)	(6,312)	1,812	(6,312)		1,812	140%	140%	105%	312	105%			
415680 Pmt-Home Care Review	(10,000)	(7,500)	(217)	(7,283)	(217)		(7,283)	3%	3%	2%	(9,763)	2%			
416020 Comm Sanitat & Food	(1,175,000)	(881,250)	(889,324)	8,074	(889,324)		8,074	101%	101%	76%	(285,677)	76%			
416030 Realty Subdivisions	(12,000)	(9,000)	(3,839)	(5,161)	(9,000)		(5,161)	43%	43%	32%	(8,161)	32%			
416040 Individ Sewr Sys Opt	(425,000)	(318,750)	(322,946)	4,196	(322,946)		4,196	101%	101%	76%	(102,054)	76%			
416080 Pen & Fines-Health	(20,000)	(15,000)	(7,470)	(7,530)	(15,000)		(7,530)	50%	50%	37%	(12,530)	37%			
416150 PPD Tests	(8,560)	(6,435)	(50)	(6,385)	(6,435)		(6,385)	1%	1%	1%	(8,530)	1%			
416160 TB Outreach	(47,380)	(35,535)	(26,038)	(9,497)	(35,535)		(9,497)	73%	73%	55%	(21,342)	55%			
416190 ImmunizationsService	(8,283)	0	0	0	0		0	0%	0%	0%	(8,283)	0%			
416580 Training Course Fees	(63,910)	(47,933)	(50,575)	2,643	(47,933)		2,643	106%	106%	79%	(13,335)	79%			
416610 Pub Health Lab Fees	(200,000)	(150,000)	(226,723)	76,723	(150,000)		76,723	151%	151%	113%	26,723	113%			
418040 Inspect Fee Wght/Meas	(167,642)	(125,732)	(137,840)	12,108	(137,840)		12,108	110%	110%	82%	(29,802)	82%			

Through 75% of the year, the County has achieved 143% of the annual Other Sources revenue budget.

January-September 2023 Budget Monitoring Report (BMR) Detail by Account

Account Type	Annual Budget	Period Budget January-September	Actuals January-September	Period Available Budget	% of Period Budget Consumed	Annual Available Budget	% of Annual Budget Consumed	Comments/Key Items
418050 Item Price Waivr Fee	(256,364)	(192,273)	(205,334)	13,061	107%	(51,030)	80%	
418400 Subpoena Fees	(4,572)	(3,429)	(4,256)	827	124%	(316)	93%	
418500 Park & Rec Chgs-Camp	(280,000)	(210,000)	(183,388)	(26,612)	87%	(96,612)	65%	
418510 Park & Rec Chgs-Shel	(495,000)	(490,647)	(472,861)	(17,786)	96%	(22,140)	96%	
418520 Chgs-Park Emp Subsis	(16,200)	(12,150)	(12,150)	0	100%	(4,050)	75%	
418530 Golf Chg-Other Fees	(335,000)	(314,986)	(343,386)	28,400	109%	8,386	103%	
418540 Golf Chg-Greens Fees	(795,000)	(747,519)	(813,693)	66,173	109%	18,693	102%	
418550 Sale of Forest Prod	(9,000)	(6,750)	(9,237)	2,487	137%	237	103%	
418590 Spec Events Receipts	(8,100)	(6,075)	(3,450)	(2,625)	57%	(4,650)	43%	
420000 Tx&Assm Svs-Oth Govt	(169,000)	(169,000)	(169,777)	777	100%	777	100%	
420010 Elec Exp Other Govt	(8,369,412)	(8,369,412)	(8,369,412)	0	89%	(101,797)	67%	
420030 Police Svs-Oth Govt	(307,550)	(230,663)	(205,753)	50,000	0%	50,000	0%	
420040 Jail Facil-Oth Gov	0	0	(720)	0	100%	(240)	75%	
420190 Gen Svc-Oth Gov	(960)	0	0	0	0%	(60,000)	0%	
420271 CESQG Charges	(60,000)	(225,645)	(169,884)	(9,350)	94%	(65,761)	71%	
421000 Pistol Permits	(10,000)	(7,500)	(2,869)	(4,631)	38%	(7,131)	29%	
421500 Fines&Forfeited Bail	(4,600)	(3,450)	(450)	(3,000)	13%	(4,150)	10%	
421510 Fines and Penalties	(2,920)	(2,190)	(3,373)	1,183	154%	453	115%	After 75% of the year, the County has
466010 NSF Check Fees	(557,040)	(417,780)	(329,220)	(88,560)	79%	(227,820)	59%	achieved 78% of the annual Fees, Fines,
466340 STOPDWTI VIP Prs Fees	(15,000)	(11,250)	(9,775)	(1,475)	87%	(5,225)	65%	or Charges revenue budget.
** Fees, Fines or Charges	(35,403,927)	(28,617,118)	(27,552,056)	(1,065,062)	96%	(7,851,872)	78%	
** Local Source Revenue	(1,380,583,221)	(1,125,523,807)	(1,167,508,565)	41,984,758	104%	(213,074,856)	85%	
405570 ME 50% Fed Presch	(3,199,680)	(2,689,760)	(3,749,940)	1,050,180	139%	550,260	117%	
410070 FA-IV-B Preventive	(1,035,686)	(776,765)	(1,134,913)	358,149	146%	99,227	110%	
410080 FA-Admin Chargeback	1,835,629	1,376,722	1,376,722	(0)	100%	459,907	75%	
410120 FA-SNAP ET 100%	(344,487)	(258,373)	(232,876)	(25,497)	90%	(111,621)	68%	
410150 SSA-SSI Pfl Inc Prg	(17,600)	(13,200)	(16,715)	3,515	127%	(885)	95%	
410240 HUD Rev D14.267 CoC	(6,477,277)	(4,842,401)	(4,452,104)	(390,297)	92%	(2,025,173)	69%	
410500 FA-Civil Defense	(342,777)	(257,083)	(265,983)	8,900	103%	(76,794)	78%	
410510 Fed Drug Enforcement	(38,744)	(29,058)	(13,237)	(15,821)	46%	(25,507)	34%	
410520 Fr Ci Bfio Pol Dept	(29,250)	(21,938)	(21,922)	(15)	100%	(7,328)	75%	
411000 MH Fed Medi Sal Sh	(974,882)	(721,691)	(783,348)	61,657	109%	(191,534)	80%	
411490 Fed Aid - TANF FFFS	(39,223,148)	(37,667,361)	(41,315,492)	3,648,131	110%	2,092,344	105%	Federal Aid
411500 Fed Aid - MA in House	1,965,117	(1,737,068)	(2,179,245)	876,444	167%	442,177	125%	
411520 FA-Family Assistance	(37,682,769)	(28,262,077)	(20,995,940)	(7,266,137)	74%	(16,686,829)	56%	Formula-driven Federal Aid
411540 FA-Social Serv Admin	(29,746,461)	(22,309,846)	(13,162,216)	(9,147,627)	59%	(16,564,243)	44%	appears under budget, mainly in
411550 FA-Soc Serv Adm A-87	(1,275,590)	(956,693)	(504,656)	(452,037)	53%	(770,934)	40%	Health and Human Service
411570 Fed Aid - SNAP Admin	(15,194,264)	(11,395,698)	(10,358,640)	(1,037,058)	91%	(4,835,624)	68%	Departments, is offset by savings in
411580 Fed Aid - SNAP ET 50%	(4,141,052)	(3,105,789)	(2,108,042)	(897,747)	68%	(2,033,010)	51%	associated expenditures.
411590 FA-HEAP	(4,561,210)	(3,649,508)	(1,954,745)	(1,694,763)	185%	2,923,382	139%	
411610 FA-Serv/Recipients	(19,339,794)	(15,504,846)	(34,812,948)	19,308,102	225%	15,473,154	180%	
411640 FA-Daycare Block Grt	(126,706)	(95,030)	(119,619)	24,589	126%	(7,087)	94%	
411670 FA-Refugee&Entrants	(23,126,797)	(17,345,098)	(10,158,409)	(7,186,689)	59%	(12,966,388)	44%	
411680 FA-IV-D Incentives	(341,203)	(255,902)	(301,504)	45,602	118%	(39,699)	88%	
411700 FA-TANF Safety Net	(360,963)	(270,722)	(217,003)	(53,719)	80%	(143,960)	60%	
411780 Fed Aid-Medicaid Adm	(116,171)	(87,128)	(112,500)	25,372	129%	(3,671)	97%	
414000 Federal Aid	(157,000)	(112,150)	(364,999)	252,849	325%	207,999	232%	
414010 Federal Aid - Other	0	0	(36,513)	36,513	0%	36,513	0%	
414020 Misc Federal Aid	(77,488)	(58,116)	(89,912)	31,796	155%	12,424	116%	After 75% of the year, the County has
414030 FMAP Revenue	0	0	(625,186)	625,186	0%	625,186	0%	achieved 81% of the budgeted Federal
414035 FED LATCF Revenue	0	0	(100,000)	100,000	0%	100,000	0%	revenue.
*** Federal Revenue	(190,733,341)	(152,569,378)	(154,270,257)	1,700,879	101%	(36,463,084)	81%	

January-September 2023 Budget Monitoring Report (BMR) Detail by Account

Account Type	Annual Budget	Period Budget January-September	Actuals January-September	Period Available Budget	% of Period Budget Consumed	Annual Available Budget	% of Annual Budget Consumed	Comments/Key Items
405000 State Aid Fr Da Sal	(77,682)	0	0	0	0%	(77,682)	0%	
405010 St Re Indigent Care	(30,000)	(22,500)	(22,500)	0	100%	(7,500)	75%	
405170 SA-Crt Fac Incen Aid	(2,167,000)	(1,698,642)	(1,698,642)	73,392	105%	(468,358)	78%	
405190 SAId-Occane Testing	(25,885)	(19,414)	(17,136)	(2,278)	88%	(8,749)	66%	
405520 SA-Spec Need Presch	(37,057,308)	(27,642,981)	(27,226,488)	(4,16,513)	98%	(9,830,840)	73%	
405530 SA-NYS DOH EI Serv	(4,259,038)	(3,194,279)	(3,125,279)	(69,000)	98%	(1,133,759)	73%	
405540 SA-Admin Preschool	(379,134)	(284,351)	(411,150)	126,800	145%	32,016	108%	
405540 SA-AT V/P H Work	(3,740,410)	(2,784,152)	(2,524,615)	(259,537)	91%	(136,737)	75%	
405560 SA-NYS DOH EI Admin	(546,948)	(410,211)	(410,211)	0	100%	(136,737)	75%	
405590 SA-Medicat EI Admin	(116,171)	(87,128)	(112,500)	25,372	129%	(3,671)	97%	
405595 SA-Med Anti Fraud	(471,085)	(353,314)	(240,006)	(113,308)	68%	(231,079)	51%	
406000 SA-Fr Prob Serv	(1,429,470)	(1,072,103)	(1,072,103)	0	100%	(357,368)	75%	
406010 SA-Fr Nav Law Enforc	(80,500)	0	0	0	0%	(80,500)	0%	
406020 SA-Snomb Lw Enforc	(20,000)	(15,000)	(6,991)	(8,009)	47%	(13,009)	35%	
406500 Refugee Hlth Assmt	(91,041)	(68,281)	(96,545)	28,264	141%	5,504	106%	
406560 Emerg Med Training	(435,395)	(326,546)	(188,040)	(158,506)	51%	(267,355)	39%	
406560 SA-At V-PubHlthLab	(4,405,561)	(3,304,171)	(3,185,019)	(119,152)	96%	(1,220,542)	72%	
406810 SA-Foren Mntl Hea Sr	(2,901,411)	(2,176,058)	(1,891,450)	(284,608)	87%	(1,009,961)	65%	
406830 SA-Mental Health II	(36,984,822)	(27,099,571)	(27,479,376)	379,805	101%	(9,405,446)	75%	
406860 State Aid - OASAS	(17,007,856)	(12,640,183)	(12,548,568)	(91,615)	99%	(4,459,288)	74%	
406880 State Aid - OPWDD	(572,490)	(418,406)	(411,245)	(7,161)	98%	(161,245)	72%	
406890 Handpd Park Surch	(14,000)	(10,500)	(6,772)	(3,728)	64%	(7,228)	48%	
407500 SA-MA In House	1,965,117	473,838	395,834	78,004	84%	1,569,283	20%	
407510 SA-Spec Need Adult	(2,310)	0	0	0	0%	(2,310)	0%	
407520 SA-Family Assistance	0	0	(28,370)	28,370	0%	28,370	0%	
407540 SA-Soc Serv Admin	(30,554,134)	(24,915,601)	(26,537,701)	1,622,100	107%	(4,016,433)	87%	
407600 SA-Sec Det Other Co	(802,307)	(601,730)	(510,615)	(91,115)	85%	(291,692)	64%	
407610 SA-Sec Det Loc Yth	(2,258,810)	(1,995,108)	(2,891,208)	906,100	146%	632,398	128%	
407625 SA-Raise the Age	(8,650,476)	(7,037,857)	(6,714,272)	(323,585)	95%	(1,936,204)	78%	
407630 SA-Safety Net Assist	(10,411,479)	(7,808,609)	(7,017,414)	(791,195)	90%	(3,394,065)	67%	
407640 SA-Emrg Assist/Adult	(429,184)	(321,888)	(282,255)	(39,633)	88%	(146,929)	66%	
407650 SA-Foster Care/Adopt	(26,331,826)	(21,248,870)	(14,589,080)	(6,659,789)	69%	(13,742,746)	51%	
407670 SA-EAF Prev POS	(6,725,218)	(5,043,914)	(1,506,862)	(3,537,052)	30%	(5,218,356)	22%	
407680 SA-Serv Fr Recipnts	(6,146,572)	(4,497,842)	(8,902,110)	4,404,269	198%	2,755,538	145%	
407710 SA-Legal Serv/Disab	(162,242)	(121,682)	(45,797)	(75,885)	38%	(116,445)	28%	
407730 State Aid - Burials	(1,034)	(776)	(70)	(70)	9%	(984)	7%	
407740 SA-Veterns Srv Agenc	(70,000)	0	0	0	0%	(70,000)	0%	
407780 SA-Daycare Block Grt	(3,899,715)	(2,924,786)	(761,058)	(2,163,727)	26%	(3,138,656)	20%	
407795 State Aid - Code Blue	0	0	(204,750)	204,750	0%	204,750	0%	
408000 SA-Youth Progs	(427,812)	(340,859)	(342,211)	1,352	100%	(85,601)	80%	
408020 Youth-Reimb Programs	(25,181)	(18,886)	(18,885)	(1)	100%	(6,296)	75%	
408030 Homeless/Run NR RHY1	(996,576)	(747,432)	(677,653)	(69,779)	91%	(318,923)	68%	
408040 Homeless/Run Re RHY2	(117,000)	(87,750)	(87,750)	0	100%	(29,250)	75%	
408055 Youth Sports/Edu Opp	(84,000)	(63,000)	(63,000)	0	100%	(21,000)	75%	
408061 STSJP - RTA	(100,000)	(75,000)	(66,000)	(9,000)	88%	(34,000)	66%	
408065 Yth-Supervision	(450,000)	(337,500)	(337,500)	0	100%	(112,500)	75%	
408530 SA-Chim Justice Prog	(310,000)	(232,500)	(232,500)	0	100%	(77,500)	75%	
409000 State Aid Revenues	(711,517)	(544,857)	(558,541)	13,684	103%	(152,976)	79%	
409010 State Aid - Other	(4,154,898)	(3,191,355)	(1,266,288)	675,801	214%	(2,886,610)	31%	
409020 SA-Misc	(4,217,610)	(3,191,355)	3,508,881	(3,828,236)	-1099%	(7,726,491)	-83%	
409030 SA-Main-Lieu of Rent	(63,866)	(47,540)	(45,873)	(1,666)	96%	(17,513)	72%	
409060 SA-Prob Pretrial Ser	(157,578)	(118,184)	(118,183)	(1)	100%	(39,395)	75%	
*** State Revenue	(221,108,349)	(163,114,567)	(152,557,846)	(10,556,721)	94%	(68,550,503)	69%	
486010 Resid Equity Tran-In	(729,966)	(729,966)	(959,766)	229,800	131%	229,800	131%	
*** Interfund Revenue	(729,966)	(729,966)	(959,766)	229,800	131%	229,800	131%	
**** County Revenue	(1,793,154,877)	(1,441,937,719)	(1,475,296,435)	33,358,716	102%	(317,858,441)	82%	

State Aid

Formula-driven State Aid
appears under budget, mainly in
Health and Human Service
Departments, is offset by savings in

January-September 2023 Budget Monitoring Report (BMR) Detail by Account

Account Type	Annual Budget	Period Budget		Actuals January-September	Period Available Budget	% of Period Budget Consumed	Annual Available Budget	% of Annual Budget Consumed	Comments/Key Items
		January-September	January-September						
Expenses									
500000 Full Time - Salaries	265,287,661	194,471,652	182,599,321	182,599,321	11,872,331	94%	82,668,340	69%	Through 75% of the year, the County has spent 68% of budgeted salaries.
500010 Part Time - Wages	4,398,923	2,891,700	1,927,312	1,927,312	964,389	67%	2,471,611	44%	
500020 Regular PT - Wages	1,866,033	1,356,958	1,049,224	1,049,224	307,735	77%	816,809	56%	
500030 Seasonal - Wages	1,006,666	789,494	722,162	722,162	67,332	91%	284,504	72%	
** Salaries	272,559,283	199,509,805	186,298,016	186,298,016	13,211,787	93%	86,261,265	74%	
500300 Shift Differential	2,220,501	1,652,022	1,653,696	1,653,696	(1,675)	100%	566,805	68%	
500320 Uniform Allowance	1,131,050	244,500	244,500	244,500	0	100%	886,550	22%	
500330 Holiday Worked	2,482,406	1,798,928	1,798,928	1,798,928	(74,664)	104%	608,784	75%	
500340 Line-up Pay	2,946,478	2,188,939	2,012,946	2,012,946	175,992	92%	933,532	68%	After 75% of the year, overtime is showing a gross unfavorable variance of \$10.5 Million
500350 Other Employee Pymts	2,532,210	1,545,486	1,436,718	1,436,718	108,769	93%	1,095,492	57%	
501000 Overtime	18,813,540	13,945,502	24,486,996	24,486,996	(10,540,494)	176%	(5,672,456)	130%	
** Non-Salaries	30,126,185	21,375,376	31,707,478	31,707,478	(10,332,102)	148%	(1,581,293)	105%	
504900 Reductions Per Srv	(2,700,000)	(2,005,830)	0	(2,005,830)	0	0%	(2,700,000)	0%	
504992 Salary Reserves	1,653,437	1,044,000	0	1,044,000	0	0%	1,653,437	0%	
504998 Net Impact Teamsters	900,000	484,614	0	484,614	0	0%	900,000	0%	
** Countywide Adjustments	(146,563)	(477,216)	0	(477,216)	0	0%	(146,563)	0%	
Personnel Related Expense	302,538,905	220,407,965	218,005,496	218,005,496	2,402,469	99%	84,533,409	72%	All departmental Fringe Benefit expense is budgeted in account 502000. Actual expense is recorded at the detailed level indicated. The exception is the budget for Workers Compensation and ECOMC legacy-related expense. After 75% of the year, the County has spent 70% of the total budgeted Fringe Benefit expense.
502000 Fringe Benefits	143,206,938	104,481,321	0	104,481,321	0	0%	143,206,938	0%	
502010 Employer FICA	0	0	13,097,026	13,097,026	(13,097,026)	0%	(13,097,026)	0%	
502020 Emplr FICA-Medicare	0	0	3,059,837	3,059,837	(3,059,837)	0%	(3,059,837)	0%	
502030 Employee Health Ins	0	0	31,667,233	31,667,233	(31,667,233)	0%	(31,667,233)	0%	
502040 Dental Plan	0	0	1,142,915	1,142,915	(1,142,915)	0%	(1,142,915)	0%	
502050 Workers' Compensation	11,496,779	8,368,957	8,446,916	8,446,916	(77,959)	101%	3,049,863	73%	
502060 Unemployment Ins	0	0	166,690	166,690	(166,690)	0%	(166,690)	0%	
502070 Hosp & Med-Retirees'	1,782,192	1,336,644	24,182,069	24,182,069	(22,845,425)	1809%	(22,399,877)	1357%	
502080 Hlth Ins Waiver	0	0	2,046,239	2,046,239	(2,046,239)	0%	(2,046,239)	0%	
502100 Retirement	0	0	24,126,475	24,126,475	(24,126,475)	0%	(24,126,475)	0%	
502130 WkrsCmp OtherFd Reim	(9,408,053)	(6,989,243)	(4,238,349)	(4,238,349)	(2,750,894)	61%	(5,169,704)	45%	
502140 3rd Party Recoveries	(1,242,547)	(923,088)	(1,270,912)	(1,270,912)	347,824	138%	28,365	102%	
** Fringe Benefit Total	145,835,309	106,274,592	102,426,139	102,426,139	3,848,452	96%	43,409,170	70%	
505000 Office Supplies	1,185,104	812,854	480,006	480,006	332,848	59%	705,097	41%	
505200 Clothing Supplies	639,056	472,257	265,223	265,223	207,034	56%	573,833	32%	
505400 Food & Kitchen Supp	1,940,259	1,443,021	1,473,187	1,473,187	(30,166)	102%	467,073	76%	
505600 Auto Tr. & Hwy Eq Sup	3,136,254	2,169,330	1,606,619	1,606,619	562,711	74%	1,529,635	51%	
505800 Medical & Hlth Supp	2,271,598	1,209,235	1,231,815	1,231,815	(22,580)	102%	1,039,783	54%	
506200 Maintenance & Repair	3,492,889	1,841,097	1,639,719	1,639,719	201,378	89%	1,853,170	47%	
507000 E-Z Pass Supplies	14,700	0	0	0	0	0%	14,700	0%	
** Supplies and Repairs	12,879,860	7,947,794	6,996,568	6,996,568	1,251,226	84%	6,183,291	52%	
555000 General Liability	8,520,262	4,368,974	(6,974)	(6,974)	4,375,948	0%	8,527,236	0%	
555010 Settlements/Adgmts-Lit	0	0	2,001,129	2,001,129	(2,001,129)	0%	(2,001,129)	0%	
555020 Travel & Mileage-Lit	0	0	526	526	(526)	0%	(526)	0%	
555030 Litig & Rel Disburs.	0	0	137,320	137,320	(137,320)	0%	(137,320)	0%	
555040 Expert/Cons Fees-Lit	0	0	1,185,147	1,185,147	(1,185,147)	0%	(1,185,147)	0%	
555050 Insurance Premiums	0	0	1,051,826	1,051,826	(1,051,826)	0%	(1,051,826)	0%	
* Risk Retention	8,520,262	4,368,974	4,368,974	4,368,974	(0)	100%	4,151,288	51%	
510000 Local Mileage Reimb	1,806,316	1,330,815	1,177,006	1,177,006	153,809	88%	629,310	65%	Risk Retention expense is budgeted in account 555000 while actual expense is recorded at a detailed level in the accounts indicated. In total Risk Retention is on budget for the period.
510100 Out Of Area Travel	644,994	450,651	250,936	250,936	199,715	56%	394,058	39%	
510200 Training And Educat	723,223	526,520	360,809	360,809	165,711	69%	362,414	50%	
511000 Control Board Expense	490,000	490,000	647,640	647,640	(157,640)	132%	(157,640)	132%	
515000 Utility Charges	3,720,570	2,584,077	2,318,052	2,318,052	266,025	90%	1,402,519	62%	
516040 DSS Trng & Edu Pro	1,759,781	987,343	951,495	951,495	35,848	96%	808,287	54%	
530000 Other Expenses	4,289,534	1,365,199	1,179,976	1,179,976	185,223	86%	3,109,558	28%	
530010 Chargebacks	1,636,212	1,227,159	1,402,526	1,402,526	(175,367)	114%	233,696	86%	
530030 Pivot Wage Subsidies	2,582,049	1,958,509	1,870,622	1,870,622	87,887	96%	711,427	72%	
545000 Rental Charges	13,475,821	9,456,014	8,671,068	8,671,068	784,926	92%	4,804,793	64%	

January-September 2023 Budget Monitoring Report (BMR) Detail by Account

Account Type	Annual Budget	Period Budget January-September	Actuals January-September	Period Available Budget	% of Period Budget Consumed	Annual Available Budget	% of Annual Budget Consumed	Comments/Key Items
** Other	39,648,762	24,745,260	23,199,124	1,546,137	94%	16,449,639	59%	
* Non Profit Agency Subsidy	26,324,314	16,918,248	16,918,248	0	100%	9,408,066	64%	
* Non Profit Purchase of Service	155,419,113	108,327,406	108,083,961	243,445	100%	47,335,152	70%	
516020 Pro Ser Cnt and Fees	27,467,778	10,020,615	9,682,550	338,065	97%	17,785,228	35%	
516021 Indep Proceed Review	50,000	37,500	37,500	0	100%	12,500	75%	
516030 Maintenance Contracts	8,989,872	7,228,046	7,002,430	225,616	97%	1,987,442	78%	
516042 Foreclosure Action	2,120,385	2,113,954	2,113,954	0	100%	6,431	100%	
516080 Life Safety Contract	1,617,468	876,135	942,867	(66,732)	108%	674,602	58%	
520000 Municipal Assoc Fees	118,427	118,427	118,426	1	100%	1	100%	
516047 Warehouse Build-Out	905,244	0	0	0	0%	905,244	0%	
520010 Txs&Asses-Co Ownd Pr	600	450	327	123	73%	273	54%	
520020 Co Res Emf Comm Col	8,305,275	4,241,456	4,241,817	(361)	100%	4,063,458	51%	
520040 Curr Pymts Mass Tran	3,657,200	2,742,900	2,742,900	0	100%	914,300	75%	
520050 Garbage Disposal	115,000	86,250	80,397	5,853	93%	34,603	70%	
520070 Buffalo Bills Maint	3,048,714	1,997,944	1,994,279	3,665	100%	1,054,435	65%	
* 520072 Working Capital Asst	1,933,237	1,933,237	1,932,899	(19,662)	101%	(19,662)	101%	
* Professional Svcs Contracts a	58,329,200	31,396,913	30,910,345	486,568	98%	27,418,855	53%	
516050 Dept Payments-ECMCC	5,429,271	4,201,855	4,068,623	133,232	97%	1,360,648	75%	
516051 ECMCC Drug & Alcohol	397,493	298,120	298,120	0	100%	99,373	75%	
* ECMCC Payments	5,826,764	4,499,975	4,386,743	133,232	97%	1,460,021	75%	
516060 Sales Tax Loc Gov 3%	403,187,071	308,559,261	316,069,697	(7,510,436)	102%	87,117,374	78%	
516070 Flat-Dist from 1%	12,500,000	12,500,000	12,500,000	0	100%	0	100%	
520030 NAFTA-Share Sales Tax	25,966,267	19,893,426	20,356,567	(463,141)	102%	5,609,700	78%	
** Sales Tax to Local Government	441,653,338	340,952,688	348,926,265	(7,973,577)	102%	92,727,073	79%	
** Contractual	687,552,730	502,095,230	508,205,562	(7,110,333)	101%	178,347,167	74%	
561410 Lab & Tech Eat	8,765,307	2,932,429	2,767,852	164,578	94%	5,997,455	32%	
561420 Office Furn & Fixt	881,536	328,606	208,768	119,838	64%	672,768	24%	
561430 Bldg Grs & Hvy Eq	875,088	50,787	89,153	(38,366)	176%	785,935	10%	
561440 Motor Vehicles	1,557,571	989,059	471,794	97,265	83%	1,085,778	30%	
** Equipment	12,079,502	3,880,862	3,537,567	343,315	91%	8,541,936	29%	
559000 County Share - Grants	15,356,333	3,857,390	3,857,390	0	100%	11,498,943	25%	
570000 InterFund Trans-Subs	125,000	125,000	125,000	0	100%	0	100%	
570020 Interfund - Road	17,237,687	10,685,557	10,685,557	0	100%	6,552,130	62%	
570025 InterFd Co Share 911	5,505,969	4,250,155	4,250,155	0	100%	1,255,814	77%	
570028 InterFd Co Share Lib	769,976	769,976	769,976	0	100%	0	100%	
570030 Interfund-ECC Sub	19,804,317	19,804,317	19,804,317	0	100%	0	100%	
570050 InterFund Trans-Cap	152,542,523	63,635,000	63,635,000	0	100%	88,907,523	42%	
575000 Interfund Exp Non-Sub	4,354,310	342,695	342,695	0	100%	4,011,614	8%	
575040 I/F Expense-Utility	5,724,468	3,013,351	2,473,906	539,445	82%	3,250,562	43%	
* Interfund Expense	221,420,582	106,483,441	105,943,996	539,445	99%	115,476,587	48%	
910200 ID Budget Services	0	0	0	0	0%	0	0%	
910600 ID Purchasing Srv	(286,309)	(214,732)	(195,490)	(18,241)	92%	(89,819)	69%	
910700 ID Fleet Services	(3,087,181)	(2,329,425)	(1,357,045)	(972,380)	58%	(1,730,136)	44%	
911200 ID Comptroller's Srv	0	0	0	0	0%	0	0%	
911400 ID District Atty Srv	0	0	0	0	0%	0	0%	
911500 ID Sheriff Div. Srvs	(194,907)	(146,180)	(183,605)	37,425	126%	(11,302)	94%	
911600 ID Jail Mgt. Service	0	0	0	0	0%	0	0%	
911630 ID Correctional Fac	(45,000)	(33,750)	0	(33,750)	0%	(45,000)	0%	
912000 ID DSS Service	(167,814)	(125,861)	0	(125,861)	0%	(167,814)	0%	
912100 ID Utility Fund Srv	4,966	3,725	3,725	(4,966)	0%	4,966	0%	
912215 ID DPW Mail Svcs	(13,561)	(10,171)	(6,514)	(3,657)	64%	(7,047)	48%	
912220 ID Build&Grounds Srv	0	0	0	0	0%	0	0%	
912300 ID Highways Services	32,000	24,000	5,020	18,980	21%	26,980	16%	
912400 ID Mental Health Srv	0	0	0	0	0%	0	0%	
912520 ID Youth Deten Srvs	0	0	0	0	0%	0	0%	
912530 ID Youth Bureau Svcs	0	0	0	0	0%	0	0%	
912600 ID Probation Services	0	0	0	0	0%	0	0%	

**January-September 2023 Budget Monitoring Report (BMR)
Detail by Account**

Account Type	Annual Budget	Period Budget January-September	Actuals January-September	Period Available Budget	% of Period Budget Consumed	Annual Available Budget	% of Annual Budget Consumed	Comments/Key Items
912700 ID Health Services	(3,427)	(2,570)	(199,669)	197,099	7768%	196,242	5826%	
912730 ID Health Lab Srv	7,187	5,390	234	5,157	4%	6,953	3%	
912740 ID Med Ex Services	0	0	0	0	0%	0	0%	
913000 ID Veterans Services	0	0	0	0	0%	0	0%	
914000 ID CW Accts Budget	84,610	(7,800)	(7,800)	0	100%	92,410	-9%	
916000 ID County Attny Srv	(153,032)	(113,804)	(12,302)	(101,502)	11%	(140,730)	8%	
916200 ID Env & Plan Srv	57,182	42,867	40,116	2,770	94%	17,066	70%	
916300 ID Senior Services	0	0	0	0	0%	0	0%	
916390 ID Senior Svs Grant	24,906	18,680	15,933	2,747	85%	8,973	64%	
916400 ID Parks Services	(70,986)	(53,240)	(16,697)	(36,543)	31%	(54,289)	24%	
916500 ID CPS Services	0	(0)	0	(0)	0%	0	0%	
916700 ID Emergency Services	0	0	0	0	0%	0	0%	
916790 ID Emerg Svs Grant	115,445	86,564	71,926	14,658	83%	43,519	62%	
942000 ID Library Services	153,143	114,857	113,740	1,118	99%	39,404	74%	
980000 ID DISS Services	(2,192,172)	(1,643,399)	(1,726,240)	82,841	105%	(465,932)	79%	
* Interdepartmental Billings	(5,734,950)	(4,384,809)	(3,459,393)	(925,416)	79%	(2,275,557)	60%	
** Allocations	215,685,632	102,098,631	102,484,602	(385,971)	100%	113,201,030	48%	
525000 MMS-Medicaid Loc Sh	186,385,674	134,305,976	135,042,960	(736,984)	101%	51,342,914	72%	On September 14, 2023 Medicaid payment increases were announced by NYS for a total 2023 increase of \$3.9M which started in October 2023.
525020 UPL Expense	6,786,138	0	0	0	0%	6,786,138	0%	
525030 MA - Gross Loc Pymts	39247	29435.25	8551.9	20883.35	29%	30,695	22%	
525040 Family Assistance-FA	38,780,099	26,085,074	21,353,723	4,731,351	82%	17,426,376	55%	
525050 CWS - Foster Care	99,177,933	56,383,450	48,144,135	8,239,315	85%	51,033,798	49%	
525060 Safety Net Assist	39,665,565	31,749,174	26,809,741	4,939,433	84%	12,855,824	68%	
525070 Emer Assist To Adults	1,034,035	775,526	740,537	34,989	95%	293,498	72%	
525080 Ed Handicapped Child	592,608	444,456	123,714	320,742	28%	468,894	21%	The payment for the 2022 UPL was made in October for \$ 5.9 million. The payment for 2023 UPL is expected in late 2023.
525091 Child Care - Title XX	1,560,796	1,185,597	1,646,657	(461,060)	139%	(65,861)	104%	
525092 Child Care - CCBG	21,720,590	16,490,443	35,233,086	(18,742,643)	214%	(13,512,496)	162%	
525100 Housekeeping - DSS	36,486	27,365	0	27,365	0%	36,486	0%	
525110 Meals On Wheels WNY	70,000	52,500	52,500	0	100%	17,500	75%	
525120 Adult Special Needs	2,310	1,733	0	1,733	0%	2,310	0%	
525130 OCFS Yth Fac Charges	7,979,770	5,984,828	5,998,685	(13,857)	100%	1,981,085	75%	
525140 HEAP Program Costs	570,000	427,500	680,131	(252,631)	159%	(110,131)	119%	
525150 DSH Expense	90,977,571	50,573,845	50,573,845	0	100%	40,403,726	56%	Up to six potential payments may occur in late 2023 or Jan 2024.
525160 Indigent Care DSH	6,458,791	4,844,093	4,583,769	260,324	95%	1,875,022	71%	
528000 Svs Spec Need Child	64,569,406	48,177,555	49,027,666	(850,112)	102%	15,541,740	76%	
528010 Svs Early Inv Prog	8,570,914	6,328,364	6,378,119	(49,755)	101%	2,192,795	74%	
530020 Independent Living	10,000	7,500	0	7,500	0%	10,000	0%	
** Program Specific	575,008,133	383,874,412	386,397,821	(2,523,409)	101%	188,610,312	67%	
** 570040 I/F Subsidy Debt Srv	62,414,953	52,814,991	52,814,991	0	100%	9,599,962	85%	
** Debt Services	62,414,953	52,814,991	52,814,991	0	100%	9,599,962	85%	
*** All Other Operating Expense	1,605,269,572	1,077,457,201	1,084,336,235	(6,879,034)	101%	520,933,337	68%	
**** County Expense	2,053,643,786	1,404,139,758	1,404,767,971	(628,113)	100%	648,875,916	68%	
***** Net	260,488,910	(37,797,961)	(70,528,565)	32,730,603		331,017,474		

**September 2023 Budget Monitoring Report (BMR)
with Year End Projections**

Account Type	Annual Budget	Period Budget January- September	Actuals January- September	Period Available Budget	% of Period Budget Consumed	Year End 2023 Projections	Projected Year End Variance Save/(Cost)	Projected % of Annual Budget Consumed
Revenue								
** Property Tax	(301,424,356)	(301,424,356)	(301,424,356)	(0)	100%	(301,424,356)	(0)	100%
** Property Tax Related	(15,978,966)	(6,702,142)	(6,455,776)	(246,366)	96%	(14,637,677)	(1,341,289)	92%
** Sales Tax	(583,527,694)	(447,758,173)	(457,453,047)	9,694,874	102%	(613,154,473)	29,626,779	105%
** Sales Tax to Local Govt.	(403,187,071)	(308,559,261)	(316,069,697)	7,510,436	102%	(423,648,257)	20,461,186	105%
** Other Sources	(41,061,207)	(32,462,757)	(58,553,633)	26,090,876	180%	(75,166,698)	34,105,491	183%
** Fees, Fines or Charges	(35,403,927)	(28,617,118)	(27,552,056)	(1,065,062)	96%	(34,941,656)	(462,271)	99%
** Appropriated Fund Balance	0	0	0	0	0%	0	0	0%
*** Local Source Revenue	(1,380,583,221)	(1,125,523,807)	(1,167,508,565)	41,984,758	104%	(1,462,973,116)	82,389,896	106%
*** Federal Revenue	(190,733,341)	(152,569,378)	(154,270,257)	1,700,879	101%	(197,437,028)	6,703,687	104%
*** State Revenue	(221,108,349)	(163,114,567)	(152,557,846)	(10,556,721)	94%	(210,817,041)	(10,291,308)	95%
*** Interfund Revenue	(729,966)	(729,966)	(959,766)	229,800	131%	(959,766)	229,800	131%
**** County Revenue	(1,793,154,877)	(1,441,937,719)	(1,475,296,435)	33,358,716	102%	(1,872,186,952)	79,032,075	104%
Expense								
** Salaries	272,559,283	199,509,805	186,298,018	13,211,787	93%	257,036,225	15,523,058	94%
** Non-Salaries	30,126,185	21,375,376	31,707,478	(10,332,102)	148%	44,491,650	(14,365,465)	148%
** Countywide Adjustments	(146,563)	(477,216)	0	(477,216)	0%	0	(146,563)	0%
*** Personnel Related Expense	302,538,905	220,407,965	218,005,496	2,402,469	99%	301,527,875	1,011,030	100%
*** Fringe Benefit Total	145,835,309	106,274,592	102,426,139	3,848,452	96%	153,853,158	(8,017,849)	105%
** Supplies and Repairs	12,879,860	7,947,794	6,696,568	1,251,226	84%	11,374,140	1,505,720	88%
** Other	39,648,762	24,745,260	23,199,124	1,546,137	94%	36,622,002	3,026,761	92%
** Contractual	687,552,730	502,095,230	509,205,562	(7,110,333)	101%	707,238,441	(19,685,711)	103%
** Equipment	12,079,502	3,880,882	3,537,567	343,315	91%	11,511,928	567,574	95%
** Allocations	215,685,632	102,098,631	102,484,602	(385,971)	100%	212,859,170	2,826,462	99%
** Program Specific	575,008,133	383,874,412	386,397,821	(2,523,409)	101%	614,594,969	(39,586,836)	107%
** Debt Services	62,414,953	52,814,991	52,814,991	0	100%	62,414,953	0	100%
*** All Other Operating Expense	1,605,269,572	1,077,457,201	1,084,336,235	(6,879,034)	101%	1,656,615,603	(51,346,031)	103%
**** County Expense	2,053,643,786	1,404,139,758	1,404,767,871	(628,113)	100%	2,111,996,637	(58,352,851)	103%
***** Net	260,488,910	(37,797,961)	(70,528,565)	32,730,603		239,809,685	20,679,225	

2023 Status

Total Revenue	1,872,186,952
Total Expense	(2,111,996,637)
Net	(239,809,685)

Adjustments	
Add Appropriation from 2022	260,488,910
Net Projected YE 2023 Balance	20,679,225

Report: ZHR_VACANT_POS_RPT
System: PRD/100/ZHR_VACANT_RPT
User: SCHLOSSK
Department: 100 Legislative Branch

Erie County
POSITION CONTROL
BENEFIT EARN VACANCY BY DEPARTMENT, JOB

Page: 1
Date: 11/29/2023
Time: 11:01:59
As of: 09/30/2023

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
FIR AD AS LE	51011829	GRP 10	FT	P	04/18/2023	LEGISLATURE MAJORITY STAFF	110		58,644.00		05	100.000

58,644.00	Perm Budget Amt	1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac			1		
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Totals for Legislative Branch

58,644.00	Perm Budget Amt	1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac			1		
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As of: 09/30/2023

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
SEC ASST-CE	51010517	GRP 09	FT	P	09/23/2023	ERIE COUNTY EXECUTIVE'S OFFICE	110		55,216.00		04	100.0000

55,216.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 55,216.00 BUDGETED AMOUNT 04 100.0000 COUNTY SHARE 1

Totals for County Executive Department

55,216.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 55,216.00 BUDGETED AMOUNT 04 100.0000 COUNTY SHARE 1

Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 105 Information & Support Services

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
COMP OPR	51016668	GRP 07	FT	P	08/13/2022	CLIENT SERVICES	110		48,978.00	01	01	100.0000
	48,978.00	Perm Budget Amt			1	Perm Vac	0	Temp Budget Amt	0	Temp Vac	1	
JR PRG AN	51010994	GRP 11	FT	T	09/09/2023	APPLICATION SERVICES	110		63,929.00	01	01	100.0000
	0.00	Perm Budget Amt			0	Perm Vac	1	Temp Budget Amt	63,929.00	Temp Vac	1	
SUP PRT GRPH	51016457	GRP 10	FT	P	04/12/2023	PRINT, COPY & GRAPHICS	110		58,644.00	02	02	100.0000
	58,644.00	Perm Budget Amt			1	Perm Vac	0	Temp Budget Amt	58,644.00	Temp Vac	1	
TCH SP COMP	51011229	GRP 10	FT	T	02/26/2022	APPLICATION SERVICES	110		58,644.00	02	02	100.0000
	0.00	Perm Budget Amt			0	Perm Vac	1	Temp Budget Amt	58,644.00	Temp Vac	1	
TCH SUP SR S	00010262	GRP 12	FT	T	09/24/2022	INFRASTRUCTURE SERVICES	110		67,914.00	01	01	100.0000
	0.00	Perm Budget Amt			0	Perm Vac	1	Temp Budget Amt	67,914.00	Temp Vac	1	

delete

Totals for Information & Support Services

107,622.00	Perm Budget Amt	2	Perm Vac	190,487.00	Temp Budget Amt	3	Temp Vac	5
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SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
MIN WO OB ES	51017025	GRP 08	FT	P	11/01/2022	EQUAL EMP OPPORTUNITY, DIVERSITY & INCLUSION	110		51,967.00	01	01	100.0000
51,967.00 Perm Budget Amt										1	Temp Vac	

Totals for Equal Employment Opportunity

51,967.00	Perm Budget Amt	1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac
51,967.00	Perm Budget Amt	1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac

Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 109 Office of Public Advocacy

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
DEP CO SEAL	51009682	GRP 08	FT	P	08/29/2023	WEIGHTS AND MEASURES	110		51,967.00		01	100.000

51,967.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

Totals for Office of Public Advocacy

51,967.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
TAX MAP TCH	51005223	GRP 06	FT	T	08/23/2023	DEPARTMENT OF REAL PROPERTY TAX	110		46,209.00		01	100.000
	51012601	GRP 06	FT	T	09/27/2023	DEPARTMENT OF REAL PROPERTY TAX	110		46,209.00		01	100.000
	0.00	Perm Budget Amt		0	Perm Vac	92,418.00	Temp Budget Amt			2	Temp Vac	

Totals for Real Property Tax Services

0.00	Perm Budget Amt	0	Perm Vac	92,418.00	Temp Budget Amt	2	Temp Vac
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SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
ACCOUNTANT	51011177	GRP 09	FT	T	04/22/2023	ACCOUNTING	110		55,216.00	1	01	100.0000
	0.00	Perm Budget Amt		0	Perm Vac	55,216.00	Temp Budget Amt			1		Temp Vac
ASC DECO XIV	51014369	GRP 14	FT	P	11/20/2021	ADMINISTRATION	110		81,199.00		04	100.0000
	81,199.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt			1		Temp Vac
DIR ACT SRV	00003006	GRP 15	FT	P	04/10/2023	AUDIT & CONTROL	110		89,220.00		01	100.0000
	89,220.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt			1		Temp Vac
STAFF AUD	51012879	GRP 11	FT	P	10/03/2022	AUDIT & CONTROL	110		63,929.00		01	100.0000
	63,929.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt			1		Temp Vac

Totals for Comptroller

234,348.00	Perm Budget Amt	3	Perm Vac	55,216.00	Temp Budget Amt	1	Temp Vac	4
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Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 113 County Clerk

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE			
DOC CLK	00003102	GRP 05	FT	T	07/29/2023	ACTIONS AND PROCEEDINGS/PISTOL PERMITS	110		43,605.00		01	100.000			
	00003103	GRP 05	FT	P	10/15/2022	ACTIONS AND PROCEEDINGS/PISTOL PERMITS	110		43,605.00		01	100.000			
	51001417	GRP 05	FT	P	05/20/2023	ACTIONS AND PROCEEDINGS/PISTOL PERMITS	110		43,605.00		01	100.000			
	51013776	GRP 05	FT	P	06/05/2023	RECORDING	110		43,605.00		01	100.000			
130,815.00 Perm Budget Amt										3	Perm Vac	43,605.00 Temp Budget Amt	1	Temp Vac	4
MOT VEH REP	00006595	GRP 05	FT	P	07/29/2023	AUTO BUREAU BRANCH OFFICES	110		43,605.00		01	100.000			
	00006610	GRP 05	FT	P	09/02/2023	AUTO BUREAU BRANCH OFFICES	110		43,605.00		01	100.000			
	00006615	GRP 05	FT	P	09/28/2023	AUTO BUREAU BRANCH OFFICES	110		43,605.00		01	100.000			
	51014706	GRP 05	FT	T	09/23/2023	AUTO BUREAU BRANCH OFFICES	110		43,605.00		01	100.000			
	51016762	GRP 05	FT	T	06/03/2023	AUTO BUREAU BRANCH OFFICES	110		43,605.00		01	100.000			
130,815.00 Perm Budget Amt										3	Perm Vac	87,210.00 Temp Budget Amt	2	Temp Vac	5
MV REP 55A	51005054	GRP 05	FT	P	07/13/2022	AUTO BUREAU BRANCH OFFICES	110		43,605.00		02	100.000			
43,605.00 Perm Budget Amt										1	Perm Vac	0.00 Temp Budget Amt	0	Temp Vac	1
SR DOC CLK	00008731	GRP 06	FT	P	09/04/2023	RECORDING	110		46,209.00		01	100.000			
	00008741	GRP 06	FT	T	04/15/2023	ACTIONS AND PROCEEDINGS/PISTOL PERMITS	110		46,209.00		01	100.000			
46,209.00 Perm Budget Amt										1	Perm Vac	46,209.00 Temp Budget Amt	1	Temp Vac	2

Totals for County Clerk

351,444.00 Perm Budget Amt										8	Perm Vac	177,024.00 Temp Budget Amt	4	Temp Vac	12
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Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 114 District Attorney

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
ASST DI A IV	51017043	GRP 15	FT	P	09/27/2023	SUPERIOR COURTS	110		89,220.00	07	07	100.0000
	89,220.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1
DATA ENT OPR	51013119	GRP 04	FT	T	02/11/2023	LOWER COURTS	110		41,689.00	01	01	100.0000
	51013120	GRP 04	FT	P	10/06/2023	LOWER COURTS	110		41,689.00	01	01	100.0000
	51016926	GRP 04	FT	T	07/15/2023	LOWER COURTS	110		41,689.00	01	01	100.0000
	41,689.00	Perm Budget Amt			1	Perm Vac	83,378.00	Temp Budget Amt	2	Temp Vac		3
EX AST SEC D	00003420	GRP 18	FT	P	07/21/2023	ADMINISTRATION	110		115,307.00	04	04	100.0000
	115,307.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1
LEGAL SEC	00005853	GRP 07	FT	T	08/13/2023	SUPERIOR COURTS	110		48,978.00	01	01	100.0000
	51007709	GRP 07	FT	P	07/07/2023	GRAND JURY	110		48,978.00	01	01	100.0000
	48,978.00	Perm Budget Amt			1	Perm Vac	48,978.00	Temp Budget Amt	1	Temp Vac		2
PARALEGAL	51017046	GRP 05	FT	P	06/22/2023	SUPERIOR COURTS	110		43,605.00	01	01	100.0000
	43,605.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1
Totals for District Attorney												
	338,799.00	Perm Budget Amt			5	Perm Vac	132,356.00	Temp Budget Amt	3	Temp Vac		8

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
ACCT CLK SH	51013478	GRP 04	FT	P	05/15/2023	CIVIL PROCESS	110		43,100.00	01	01	100.000
	43,100.00	Perm Budget Amt			1	Perm Vac	0	Temp Budget Amt		1		
COR OFF CF	51017960	GRP 11	FT	P	05/31/2023	PROFESSIONAL STANDARDS	110		56,139.00	01	01	100.000
	56,139.00	Perm Budget Amt			1	Perm Vac	0	Temp Budget Amt		1		
DAT EN OP SH	51016429	GRP 04	FT	T	12/31/2022	CIVIL PROCESS	110		43,100.00	01	01	100.000
	0.00	Perm Budget Amt			0	Perm Vac	1	Temp Budget Amt		1		
DEP SH OF	00002522	GRP 08	FT	T	01/07/2023	PROFESSIONAL STANDARDS	110		60,713.00	01	01	100.000
	0.00	Perm Budget Amt			0	Perm Vac	1	Temp Budget Amt		1		
LIEUTENANT	00006264	GRP 10	FT	T	09/23/2023	PROFESSIONAL STANDARDS	110		74,847.00	01	01	100.000
	0.00	Perm Budget Amt			0	Perm Vac	1	Temp Budget Amt		1		
REC CLK HC	51004832	GRP 06	FT	T	04/08/2023	ADMINISTRATION AND PROFESSIONAL SERVICES	110		47,676.00	01	01	100.000
	0.00	Perm Budget Amt			0	Perm Vac	1	Temp Budget Amt		1		
RECEPTIONIST	51009202	GRP 03	FT	T	05/20/2023	COMMUNITY PROGRAMS	110		41,721.00	02	02	100.000
	51016662	GRP 03	FT	T	07/29/2023	PROFESSIONAL STANDARDS	110		41,721.00	02	02	100.000
	0.00	Perm Budget Amt			0	Perm Vac	2	Temp Budget Amt		2		
SERGEANT	51013107	GRP 09	FT	P	11/22/2023	POLICE/PATROL SERVICES	110		70,735.00	01	01	100.000
	70,735.00	Perm Budget Amt			1	Perm Vac	0	Temp Budget Amt		1		
SP ASST SH	00009983	GRP 10	FT	P	12/13/2023	ADMINISTRATION AND PROFESSIONAL SERVICES	110		64,807.00	07	07	100.000
	64,807.00	Perm Budget Amt			1	Perm Vac	0	Temp Budget Amt		1		

Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 115 Office of the Sheriff

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
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Totals for Office of the Sheriff

234,781.00	Perm Budget Amt	4	Perm Vac	309,778.00	Temp Budget Amt	6	Temp Vac	10
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SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	Temp Budget Amt	0	Temp Vac	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
ASST COOK HC	00000329	GRP 04	FT	P	12/05/2021	FOOD SERVICES HC	110					43,100.00		02	100.000
	43,100.00	Perm Budget Amt			1	Perm Vac			0.00	Temp Budget Amt	0	Temp Vac	1		
COM REIN CRD	51018018	GRP 10	FT	P	01/01/2023	COMMUNITY RE-INTEGRATION PROGRAM	110					60,208.00		01	100.000
	60,208.00	Perm Budget Amt			1	Perm Vac			0.00	Temp Budget Amt	0	Temp Vac	1		
COR FAC MED	51012333	GRP 13	FT	P	09/26/2023	CORRECTIONAL FACILITY MEDICAL SERVICES	110					58,804.00		02	100.000
	58,804.00	Perm Budget Amt			1	Perm Vac			0.00	Temp Budget Amt	0	Temp Vac	1		
COR OFF	00001953	GRP 11	FT	P	09/19/2023	SECURITY CF	110					57,169.00		01	100.000
	00002081	GRP 11	FT	P	10/11/2023	SECURITY CF	110					57,169.00		01	100.000
	114,338.00	Perm Budget Amt			2	Perm Vac			0.00	Temp Budget Amt	0	Temp Vac	2		
COR OFF CF	51011304	GRP 11	FT	P	08/21/2023	SECURITY CF	110					56,139.00		01	100.000
	51011602	GRP 11	FT	T	07/29/2023	SECURITY CF	110					56,139.00		01	100.000
	51012172	GRP 11	FT	T	01/14/2023	SECURITY CF	110					56,139.00		01	100.000
	51014309	GRP 11	FT	P	08/21/2023	SECURITY CF	110					56,139.00		01	100.000
	51017379	GRP 11	FT	P	07/27/2023	SECURITY CF	110					56,139.00		01	100.000
	51017667	GRP 11	FT	T	10/22/2022	SECURITY CF	110					56,139.00		01	100.000
	51017810	GRP 11	FT	P	07/26/2023	COMMUNITY RE-INTEGRATION PROGRAM	110					56,139.00		01	100.000
	51017811	GRP 11	FT	P	07/31/2023	SECURITY CF	110					56,139.00		01	100.000
	51017823	GRP 11	FT	T	08/08/2023	SECURITY CF	110					56,139.00		01	100.000
	51017956	GRP 11	FT	P	05/31/2023	SECURITY CF	110					56,139.00		01	100.000
	51017958	GRP 11	FT	P	05/31/2023	SECURITY CF	110					56,139.00		01	100.000
	51017959	GRP 11	FT	P	05/31/2023	SECURITY CF	110					56,139.00		01	100.000
	51018019	GRP 11	FT	P	06/27/2023	SECURITY CF	110					56,139.00		01	100.000
	505,251.00	Perm Budget Amt			9	Perm Vac			224,556.00	Temp Budget Amt	4	Temp Vac	13		
DEP SH OF	00002515	GRP 08	FT	T	09/24/2023	SECURITY HC	110					60,713.00		01	100.000
	00002540	GRP 08	FT	T	09/09/2023	SECURITY HC	110					60,713.00		01	100.000
	00002567	GRP 08	FT	P	06/26/2023	SECURITY HC	110					60,713.00		01	100.000
	00002571	GRP 08	FT	T	07/29/2023	SECURITY HC	110					60,713.00		01	100.000
	00002632	GRP 08	FT	P	07/18/2023	SECURITY HC	110					60,713.00		01	100.000
	00002645	GRP 08	FT	T	10/22/2022	SECURITY HC	110					60,713.00		01	100.000
	00002646	GRP 08	FT	T	09/24/2023	SECURITY HC	110					60,713.00		01	100.000
	00002667	GRP 08	FT	T	07/29/2023	SECURITY HC	110					60,713.00		01	100.000
	00002675	GRP 08	FT	P	08/31/2023	SECURITY HC	110					60,713.00		01	100.000
	00002688	GRP 08	FT	P	09/20/2023	SECURITY HC	110					60,713.00		01	100.000
	00002692	GRP 08	FT	T	07/29/2023	SECURITY HC	110					60,713.00		01	100.000
	00002700	GRP 08	FT	T	07/29/2023	SECURITY HC	110					60,713.00		01	100.000
	00002735	GRP 08	FT	P	08/02/2023	SECURITY HC	110					60,713.00		01	100.000

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	10 Temp Vac	18 Perm Vac	607,130.00 Temp Budget Amt	28	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	00002754	GRP 08	FT	T	01/07/2023	SECURITY HC	110						60,713.00	01	01	100.000
	00002786	GRP 08	FT	P	07/19/2023	TRANSPORTATION	110						60,713.00	01	01	100.000
	00002819	GRP 08	FT	P	08/09/2023	TRANSPORTATION	110						60,713.00	01	01	100.000
	00002853	GRP 08	FT	P	07/20/2023	SECURITY HC	110						60,713.00	01	01	100.000
	00002881	GRP 08	FT	P	09/11/2023	SECURITY HC	110						60,713.00	01	01	100.000
	00002893	GRP 08	FT	P	06/29/2023	SECURITY HC	110						60,713.00	01	01	100.000
	51002381	GRP 08	FT	P	06/23/2023	SECURITY HC	110						60,713.00	01	01	100.000
	51003344	GRP 08	FT	P	09/25/2023	SECURITY HC	110						60,713.00	01	01	100.000
	51003429	GRP 08	FT	P	03/25/2023	SECURITY HC	110						60,713.00	01	01	100.000
	51003433	GRP 08	FT	P	08/18/2023	SECURITY HC	110						60,713.00	01	01	100.000
	51010813	GRP 08	FT	P	09/22/2023	SECURITY HC	110						60,713.00	01	01	100.000
	51012180	GRP 08	FT	T	02/11/2023	SECURITY HC	110						60,713.00	01	01	100.000
	51016779	GRP 08	FT	P	07/27/2023	SECURITY HC	110						60,713.00	01	01	100.000
	51017831	GRP 08	FT	P	09/07/2023	SECURITY HC	110						60,713.00	01	01	100.000
	51017832	GRP 08	FT	P	05/29/2023	SECURITY HC	110						60,713.00	01	01	100.000

1,092,834.00	Perm Budget Amt	18	Perm Vac	607,130.00	Temp Budget Amt	10	Temp Vac	88,533.00	02	100.000						
HD NRS HC	51007834	GRP 10	FT	P	09/23/2023	CORRECTIONAL FACILITY MEDICAL SERVICES	110						88,533.00	02	02	100.000
88,533.00	Perm Budget Amt	1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1							
KIT HLP HC	00005425	GRP 03	FT	P	07/14/2022	FOOD SERVICES HC	110						41,721.00	03	03	100.000
	00005426	GRP 03	FT	P	03/19/2023	FOOD SERVICES HC	110						41,721.00	03	03	100.000
83,442.00	Perm Budget Amt	2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		2							
LABORER SHER	51009878	GRP 04	FT	T	09/24/2023	PROGRAMS HC	110						43,100.00	03	03	100.000
0.00	Perm Budget Amt	0	Perm Vac	43,100.00	Temp Budget Amt	1	Temp Vac		1							
MAINT WKR SH	00006334	GRP 05	FT	P	09/27/2023	PROGRAMS HC	110						45,040.00	02	02	100.000
45,040.00	Perm Budget Amt	1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		1							
NYSE ED CHD	51018020	GRP 11	FT	P	01/01/2023	JAIL MEDICAL SERVICES ADMINISTRATION	110						73,572.00	01	01	100.000

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	73,572.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	
PRINCLK (CF)	51011704	GRP 08	FT	P	06/01/2023	HOLDING CENTER MEDICAL SERVICES	110		42,989.00	1	01	100.000
	42,989.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	
REC CLK HC	00007797	GRP 06	FT	P	01/09/2023	SECURITY HC	110		47,676.00	1	01	100.000
	47,676.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	
REG NURS HC	51010471	GRP 08	FT	T	09/10/2022	HOLDING CENTER MEDICAL SERVICES	110		78,836.00	1	02	100.000
	51016085	GRP 08	FT	T	10/22/2022	HOLDING CENTER MEDICAL SERVICES	110		78,836.00	1	02	100.000
	51016087	GRP 08	FT	T	09/24/2023	HOLDING CENTER MEDICAL SERVICES	110		78,836.00	1	02	100.000
	51016088	GRP 08	FT	P	09/06/2023	HOLDING CENTER MEDICAL SERVICES	110		78,836.00	1	02	100.000
	78,836.00	Perm Budget Amt			1	Perm Vac	236,508.00	Temp Budget Amt		3	Temp Vac	
REG NURSE CH	51013385	GRP 08	FT	T	09/24/2023	CORRECTIONAL FACILITY MEDICAL SERVICES	110		58,564.00	4	02	100.000
	51013386	GRP 08	FT	P	06/17/2023	CORRECTIONAL FACILITY MEDICAL SERVICES	110		58,564.00	4	02	100.000
	51013387	GRP 08	FT	P	08/11/2023	CORRECTIONAL FACILITY MEDICAL SERVICES	110		58,564.00	4	02	100.000
	117,128.00	Perm Budget Amt			2	Perm Vac	58,564.00	Temp Budget Amt		1	Temp Vac	
SGT OFFICER	51017844	GRP 11	FT	T	07/29/2023	SECURITY HC	110		70,019.00	3	01	100.000
	0.00	Perm Budget Amt			0	Perm Vac	70,019.00	Temp Budget Amt		1	Temp Vac	
SR MD SC SH	51007811	GRP 04	FT	P	08/31/2023	HOLDING CENTER MEDICAL SERVICES	110		43,100.00	1	01	100.000
	51016919	GRP 04	FT	P	04/13/2022	HOLDING CENTER MEDICAL SERVICES	110		43,100.00	1	01	100.000
	86,200.00	Perm Budget Amt			2	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	
SR NUR PR CH	51017177	GRP 16	FT	P	08/15/2023	HOLDING CENTER MEDICAL SERVICES	110		99,578.00	2	07	100.000
	51018061	GRP 16	FT	P	06/08/2023	HOLDING CENTER MEDICAL SERVICES	110		99,578.00	2	07	100.000
	51018062	GRP 16	FT	P	06/08/2023	HOLDING CENTER MEDICAL SERVICES	110		99,578.00	2	07	100.000
	51018063	GRP 16	FT	P	06/08/2023	HOLDING CENTER MEDICAL SERVICES	110		99,578.00	2	07	100.000
	51018064	GRP 16	FT	P	06/08/2023	HOLDING CENTER MEDICAL SERVICES	110		99,578.00	2	07	100.000

Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 116 Jail Management

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	Temp Vac	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	497,890.00	Perm Budget Amt			5	Perm Vac	0.00	Temp Budget Amt	0		5		

Totals for Jail Management

3,035,841.00	Perm Budget Amt	49	Perm Vac	1,239,877.00	Temp Budget Amt	20	Temp Vac	69
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Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 120 Department of Social Services

Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
ACC CLK	00000017	GRP 04	FT	T	09/24/2023	FINANCIAL RECORDS & SERVICES	110		41,689.00	5	01	49.200
	00000020	GRP 04	FT	T	04/08/2023	SUPPORT COLLECTION UNIT	110		41,689.00		01	37.770
	51007062	GRP 04	FT	T	09/23/2023	FINANCIAL RECORDS & SERVICES	110		41,689.00		01	49.200
	51016977	GRP 04	FT	T	07/05/2023	SUPPORT COLLECTION UNIT	110		41,689.00		01	37.770
	51017001	GRP 04	FT	T	09/10/2022	PERSONNEL/PAYROLL	110		41,689.00		01	47.220
	0.00	Perm Budget Amt			0	Perm Vac	208,445.00	Temp Budget Amt		5	Temp Vac	
ACC CLK TYP	00000067	GRP 04	FT	P	07/01/2023	FINANCIAL RECORDS & SERVICES	110		41,689.00		01	47.370
	41,689.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		1	Temp Vac	
AST SP INV	00000530	GRP 07	FT	T	06/04/2023	INVESTIGATIONS AND COLLECTIONS	110		48,978.00		01	37.700
	0.00	Perm Budget Amt			0	Perm Vac	48,978.00	Temp Budget Amt		1	Temp Vac	
CASE ASST SS	51009711	GRP 06	FT	P	03/30/2023	ADOPTION	110		46,209.00		01	49.020
	51014358	GRP 06	FT	T	05/07/2023	ADOPTION	110		46,209.00		01	49.020
	51017005	GRP 06	FT	P	08/29/2023	CHILD PROTECTIVE SERVICES	110		46,209.00		01	49.020
	51017758	GRP 06	FT	T	05/07/2023	SERVICES DIVISION ADMINISTRATION	110		46,209.00		01	49.020
	51018057	GRP 06	FT	P	06/22/2023	ADULT & FAMILY SERVICES	110		46,209.00		01	49.020
	138,627.00	Perm Budget Amt			3	Perm Vac	92,418.00	Temp Budget Amt		5	Temp Vac	
CASEASSTSSPS	51017741	GRP 06	FT	P	01/01/2023	SERVICES DIVISION ADMINISTRATION	110		46,209.00		01	49.020
	46,209.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		1	Temp Vac	
CASEWORKER	00000916	GRP 09	FT	T	12/03/2022	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		55,216.00		01	49.020
	00000951	GRP 09	FT	T	12/03/2022	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		55,216.00		01	49.020
	00000973	GRP 09	FT	P	04/17/2023	CPS AFTER HOURS PROGRAM	110		55,216.00		01	49.020
	00000978	GRP 09	FT	P	08/12/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		55,216.00		01	49.020
	51002618	GRP 09	FT	P	09/06/2023	CHILD PROTECTIVE SERVICES	110		55,216.00		01	49.020
	51009577	GRP 09	FT	T	11/06/2022	ADULT & FAMILY SERVICES	110		55,216.00		01	49.020
	51009580	GRP 09	FT	P	08/17/2023	CHILD PROTECTIVE SERVICES	110		55,216.00		01	49.020
	51009587	GRP 09	FT	T	09/09/2023	ADULT & FAMILY SERVICES	110		55,216.00		01	49.020
	51009593	GRP 09	FT	T	03/11/2023	CHILD PROTECTIVE SERVICES	110		55,216.00		01	49.020
	51009723	GRP 09	FT	T	08/13/2023	CHILD PROTECTIVE SERVICES	110		55,216.00		01	49.020
	51009726	GRP 09	FT	T	06/18/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		55,216.00		01	49.020
	51011926	GRP 09	FT	T	03/11/2023	CHILD PROTECTIVE SERVICES	110		55,216.00		01	49.020
	51011927	GRP 09	FT	T	06/18/2023	CHILD PROTECTIVE SERVICES	110		55,216.00		01	49.020
	51011952	GRP 09	FT	P	07/19/2023	CPS AFTER HOURS PROGRAM	110		55,216.00		01	49.020
	51012513	GRP 09	FT	T	08/27/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		55,216.00		01	49.020
	51014034	GRP 09	FT	T	08/13/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		55,216.00		01	49.020
	51014035	GRP 09	FT	P	08/12/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		55,216.00		01	49.020
	51016480	GRP 09	FT	P	06/03/2023	CHILD PROTECTIVE SERVICES	110		55,216.00		01	49.020

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	51016666	GRP 09	FT	T	07/02/2023	CHILD PROTECTIVE SERVICES	110		55,216.00		01	49.020
386,512.00	Perm Budget Amt				7	Perm Vac				12	Temp Vac	19
CH SUP INV	51012141	GRP 07	FT	P	09/14/2023	CHILD SUPPORT ESTABLISHMENT/ENFORCEMENT	110		48,978.00		01	37.770
48,978.00	Perm Budget Amt				1	Perm Vac				0	Temp Vac	1
CHFCASAST SS	51017892	GRP 10	FT	P	01/01/2023	SERVICES DIVISION ADMINISTRATION	110		58,644.00		01	49.020
58,644.00	Perm Budget Amt				1	Perm Vac				0	Temp Vac	1
CLERK	00001470	GRP 01	FT	T	05/06/2023	CHILD PROTECTIVE SERVICES	110		38,590.00		01	49.020
	51009639	GRP 01	FT	T	05/21/2023	EC WORKS CENTER	110		38,590.00		01	38.490
	51009640	GRP 01	FT	T	06/17/2023	EC WORKS CENTER	110		38,590.00		01	38.490
	51017002	GRP 01	FT	T	08/12/2023	EMPLOYMENT ASSESSMENT	110		38,590.00		01	32.690
0.00	Perm Budget Amt				0	Perm Vac				4	Temp Vac	4
CLERK TYPIST	00001584	GRP 01	FT	T	07/29/2023	CHILD SUPPORT ESTABLISHMENT/ENFORCEMENT	110		38,590.00		01	37.770
	00001589	GRP 01	FT	T	08/22/2023	CHILDREN'S SERVICES	110		38,590.00		01	49.020
	00001629	GRP 01	FT	T	12/04/2021	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		38,590.00		01	0.000
	00001633	GRP 01	FT	T	05/21/2023	FINANCIAL RECORDS & SERVICES	110		38,590.00		01	47.220
	51003542	GRP 01	FT	T	08/13/2023	CHILD SUPPORT ESTABLISHMENT/ENFORCEMENT	110		38,590.00		01	37.770
	51004220	GRP 01	FT	T	07/30/2023	CHILD PROTECTIVE SERVICES	110		38,590.00		01	49.200
	51009661	GRP 01	FT	T	05/20/2023	ADOPTION	110		38,590.00		01	49.020
	51009665	GRP 01	FT	T	04/17/2023	FINANCIAL RECORDS & SERVICES	110		38,590.00		01	47.220
	51009667	GRP 01	FT	T	03/25/2023	FINANCIAL RECORDS & SERVICES	110		38,590.00		01	47.220
	51009677	GRP 01	FT	T	08/13/2023	INVESTIGATIONS AND COLLECTIONS	110		38,590.00		01	37.700
	51009690	GRP 01	FT	T	04/22/2023	FINANCIAL RECORDS & SERVICES	110		38,590.00		01	47.220
	51009692	GRP 01	FT	T	07/16/2023	FINANCIAL RECORDS & SERVICES	110		38,590.00		01	47.220
	51010582	GRP 01	FT	T	07/16/2023	ADULT & FAMILY SERVICES	110		38,590.00		01	49.200
	51017978	GRP 01	FT	T	03/26/2023	INVESTIGATIONS AND COLLECTIONS	110		38,590.00		01	37.700
0.00	Perm Budget Amt				0	Perm Vac				14	Temp Vac	14
SS 55A	00001532	GRP 01	FT	T	07/02/2022	FINANCIAL RECORDS & SERVICES	110		38,590.00		02	47.220

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SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	FUND Budget Amt	Temp Budget Amt	Temp Vac	BUDGETED AMOUNT	TOT VAC	CS COUNTY SHARE
	0.00	Perm Budget Amt			0	Perm Vac			38,590.00	Temp Budget Amt	1		1	
COOR QUAL AS	51017355	GRP 11	FT	P	05/16/2022	SERVICES DIVISION ADMINISTRATION	110					63,929.00	01	49.020
	63,929.00	Perm Budget Amt			1	Perm Vac			0.00	Temp Budget Amt	0		1	
COUN SS	00002140	GRP 14	FT	T	08/13/2023	CHILDREN'S SERVICES	110					81,199.00	01	49.200
	00002142	GRP 14	FT	T	06/18/2023	LEGAL SERVICES -IVD	110					81,199.00	01	37.770
	00002151	GRP 14	FT	T	07/05/2023	CHILDREN'S SERVICES	110					81,199.00	01	49.200
	51002110	GRP 14	FT	T	03/12/2023	CHILDREN'S SERVICES	110					81,199.00	01	49.200
	0.00	Perm Budget Amt			0	Perm Vac			324,796.00	Temp Budget Amt	4		4	
CSWK ARAB SP	51017991	GRP 09	FT	P	05/01/2023	CHILD PROTECTIVE SERVICES	110					55,216.00	01	49.020
	55,216.00	Perm Budget Amt			1	Perm Vac			0.00	Temp Budget Amt	0		1	
CSWK BENG SP	51017990	GRP 09	FT	P	05/01/2023	CHILD PROTECTIVE SERVICES	110					55,216.00	01	49.020
	55,216.00	Perm Budget Amt			1	Perm Vac			0.00	Temp Budget Amt	0		1	
CSWK KARE SP	51017989	GRP 09	FT	P	05/01/2023	CHILD PROTECTIVE SERVICES	110					55,216.00	01	49.020
	55,216.00	Perm Budget Amt			1	Perm Vac			0.00	Temp Budget Amt	0		1	
CSWK SPAN SP	00000985	GRP 09	FT	P	08/17/2023	ADOPTION	110					55,216.00	01	49.020
	00001327	GRP 09	FT	P	10/20/2021	CHILD PROTECTIVE SERVICES	110					55,216.00	01	49.020
	51006969	GRP 09	FT	P	02/22/2022	CHILD PROTECTIVE SERVICES	110					55,216.00	01	49.020
	51011555	GRP 09	FT	P	07/24/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110					55,216.00	01	49.020
	51012377	GRP 09	FT	T	11/05/2022	ADULT & FAMILY SERVICES	110					55,216.00	01	49.020
	51017351	GRP 09	FT	P	04/27/2022	CHILD PROTECTIVE SERVICES	110					55,216.00	01	49.020
	276,080.00	Perm Budget Amt			5	Perm Vac			55,216.00	Temp Budget Amt	1		6	
MEDPUBHE	51012830	GRP 13	FT	T	09/23/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110					73,524.00	01	0.000
	0.00	Perm Budget Amt			0	Perm Vac			73,524.00	Temp Budget Amt	1		1	
CO SPAN	51008450	GRP 09	FT	P	11/14/2023	EMPLOYMENT ASSESSMENT	110					55,216.00	01	32.690
	51010451	GRP 09	FT	P	06/22/2023	EMPLOYMENT ASSESSMENT	110					55,216.00	01	32.690

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	0	Temp	Vac	TOT	CS	COUNTY
							Budget Amt						VAC	CD SHARE
110,432.00	Perm Budget Amt	2	Perm Vac	0.00	Temp Budget Amt				0	Temp Vac	2			
EMP COUNS	00003228	GRP 09	FT	P	02/13/2023	EMPLOYMENT ASSESSMENT	110					55,216.00	01	32.690
	00003264	GRP 09	FT	P	04/08/2023	EMPLOYMENT ASSESSMENT	110					55,216.00	01	32.690
	00003270	GRP 09	FT	T	12/04/2022	EMPLOYMENT ASSESSMENT	110					55,216.00	01	32.690
	51013181	GRP 09	FT	P	04/08/2023	EMPLOYMENT ASSESSMENT	110					55,216.00	01	32.690
	51016884	GRP 09	FT	T	04/22/2023	EMPLOYMENT ASSESSMENT	110					55,216.00	01	32.690
165,648.00	Perm Budget Amt	3	Perm Vac	110,432.00	Temp Budget Amt				2	Temp Vac	5			
EN CR WK 1	00003315	GRP 02	FT	T	05/20/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110					39,171.00	02	0.000
0.00	Perm Budget Amt	0	Perm Vac	39,171.00	Temp Budget Amt				1	Temp Vac	1			
HOME MAKER	00004322	GRP 03	FT	P	11/14/2022	ADOPTION	110					36,637.00	02	49.020
	00004330	GRP 03	FT	P	06/01/2023	ADOPTION	110					36,637.00	02	49.020
73,274.00	Perm Budget Amt	2	Perm Vac	0.00	Temp Budget Amt				0	Temp Vac	2			
MGT&ORG CONS	00006354	GRP 14	FT	T	07/29/2023	FISCAL MANAGEMENT	110					81,199.00	01	47.220
0.00	Perm Budget Amt	0	Perm Vac	81,199.00	Temp Budget Amt				1	Temp Vac	1			
OP COM CRD	51011552	GRP 08	FT	T	07/29/2023	TECHNICAL SUPPORT	110					51,967.00	01	47.220
0.00	Perm Budget Amt	0	Perm Vac	51,967.00	Temp Budget Amt				1	Temp Vac	1			
PERS CLK	51018025	GRP 06	FT	P	09/26/2023	PERSONNEL/PAYROLL	110					46,209.00	01	47.220
46,209.00	Perm Budget Amt	1	Perm Vac	0.00	Temp Budget Amt				0	Temp Vac	1			
PR SEC TYP	51017760	GRP 07	FT	P	07/29/2023	DSS COMMISS. OFFICE & COMM RELATIONS	110					48,978.00	01	47.220
48,978.00	Perm Budget Amt	1	Perm Vac	0.00	Temp Budget Amt				0	Temp Vac	1			
FIN CLERK	00007385	GRP 06	FT	T	08/26/2023	FINANCIAL RECORDS & SERVICES	110					46,209.00	01	47.220
	00007389	GRP 06	FT	T	06/04/2023	EMPLOYMENT ASSESSMENT	110					46,209.00	01	32.690
	51004281	GRP 06	FT	T	07/15/2023	EC WORKS CENTER	110					46,209.00	01	38.490

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	0.00	Perm Budget Amt		0	Perm Vac	138,627.00	Temp Budget Amt			3	Temp Vac	
PROG ANALYST	00007579	GRP 12	FT	T	08/12/2023	TECHNICAL SUPPORT	110		67,914.00	01	47.220	
	0.00	Perm Budget Amt		0	Perm Vac	67,914.00	Temp Budget Amt			1	Temp Vac	
RECEPTIONIST	51016857	GRP 03	FT	T	07/15/2023	ADMIN. SUPPORT SERVICES ADMIN.	110		40,312.00	02	47.220	
	0.00	Perm Budget Amt		0	Perm Vac	40,312.00	Temp Budget Amt			1	Temp Vac	
SOC W EX ARA	51017454	GRP 06	FT	P	12/05/2022	TEMPORARY ASSISTANCE SERVICE TEAMS	110		46,209.00	01	38.490	
	46,209.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt			1	Temp Vac	
SOC WEL EX	00009858	GRP 06	FT	T	09/10/2023	SNAP ELIGIBILITY TEAMS	110		46,209.00	01	50.000	
	00009864	GRP 06	FT	T	09/09/2023	EFP - EMPLOYMENT & FIN PLANNING TEAMS	110		46,209.00	01	38.490	
	00009870	GRP 06	FT	T	07/15/2023	INVESTIGATIONS AND COLLECTIONS	110		46,209.00	01	37.700	
	00009908	GRP 06	FT	T	09/12/2023	SNAP ELIGIBILITY TEAMS	110		46,209.00	01	50.000	
	00009913	GRP 06	FT	T	09/26/2023	SNAP ELIGIBILITY TEAMS	110		46,209.00	01	50.000	
	51003653	GRP 06	FT	T	07/30/2023	SNAP ELIGIBILITY TEAMS	110		46,209.00	01	50.000	
	51003944	GRP 06	FT	T	08/13/2023	SNAP ELIGIBILITY TEAMS	110		46,209.00	01	50.000	
	51009804	GRP 06	FT	P	09/25/2023	SNAP ELIGIBILITY TEAMS	110		46,209.00	01	50.000	
	51009811	GRP 06	FT	T	08/12/2023	SNAP ELIGIBILITY TEAMS	110		46,209.00	01	50.000	
	51009812	GRP 06	FT	T	08/13/2023	SNAP ELIGIBILITY TEAMS	110		46,209.00	01	50.000	
	51009813	GRP 06	FT	T	08/27/2023	SNAP ELIGIBILITY TEAMS	110		46,209.00	01	50.000	
	46,209.00	Perm Budget Amt		1	Perm Vac	462,090.00	Temp Budget Amt			11	Temp Vac	
SPE AS MA SS	51010454	GRP 05	FT	T	07/02/2022	ADMIN. SUPPORT SERVICES ADMIN.	110		43,605.00	01	47.220	
	0.00	Perm Budget Amt		0	Perm Vac	43,605.00	Temp Budget Amt			1	Temp Vac	
SPEC INVEST	00009994	GRP 08	FT	T	09/09/2023	INVESTIGATIONS AND COLLECTIONS	110		51,967.00	01	37.700	
	0.00	Perm Budget Amt		0	Perm Vac	51,967.00	Temp Budget Amt			1	Temp Vac	
SAACCT CLK	51016861	GRP 06	FT	T	08/19/2023	FINANCIAL RECORDS & SERVICES	110		46,209.00	01	49.020	

Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 120 Department of Social Services

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	0.00	Perm Budget Amt			0	Temp Budget Amt				1		
						46,209.00						
SR CASWRKER	00008194	GRP 10	FT	P	09/09/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		58,644.00		01	49.020
	00008196	GRP 10	FT	T	05/20/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		58,644.00		01	49.020
	00008248	GRP 10	FT	P	09/15/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		58,644.00		01	49.020
	00008258	GRP 10	FT	T	05/20/2023	CHILD PROTECTIVE SERVICES	110		58,644.00		01	49.020
	00008272	GRP 10	FT	T	05/20/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		58,644.00		01	49.020
	00008292	GRP 10	FT	T	05/20/2023	CHILD PROTECTIVE SERVICES	110		58,644.00		01	49.020
	00008319	GRP 10	FT	P	08/12/2023	CHILD PROTECTIVE SERVICES	110		58,644.00		01	49.020
	51004327	GRP 10	FT	P	10/01/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		58,644.00		01	49.020
	51013131	GRP 10	FT	P	09/05/2023	CHILD PROTECTIVE SERVICES	110		58,644.00		01	49.020
	51013363	GRP 10	FT	T	07/30/2023	CHILD PROTECTIVE SERVICES	110		58,644.00		01	49.020
	51015153	GRP 10	FT	T	07/30/2023	CHILD PROTECTIVE SERVICES	110		58,644.00		01	49.020
	293,220.00	Perm Budget Amt			5	Temp Budget Amt				6		
						351,864.00						
SR CL TYP	00008578	GRP 04	FT	P	09/09/2023	EC WORKS CENTER	110		41,689.00		01	38.490
	00008608	GRP 04	FT	T	09/23/2023	HR DEVELOPMENT & QUALITY ASSURANCE	110		41,689.00		01	38.130
	00008614	GRP 04	FT	T	05/06/2023	EC WORKS CENTER	110		41,689.00		01	38.490
	00008660	GRP 04	FT	T	07/15/2023	LEGAL SERVICES -IVD	110		41,689.00		01	37.770
	00008677	GRP 04	FT	T	04/23/2023	EMPLOYMENT ASSESSMENT	110		41,689.00		01	32.690
	00008687	GRP 04	FT	T	07/18/2023	INVESTIGATIONS AND COLLECTIONS	110		41,689.00		01	37.700
	51003659	GRP 04	FT	T	02/11/2023	EC WORKS CENTER	110		41,689.00		01	38.490
	51006961	GRP 04	FT	T	07/01/2023	FINANCIAL RECORDS & SERVICES	110		41,689.00		01	47.220
	51009635	GRP 04	FT	P	08/12/2023	SUPPORT COLLECTION UNIT	110		41,689.00		01	37.770
	51012480	GRP 04	FT	P	08/12/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		41,689.00		01	0.000
	51016154	GRP 04	FT	T	06/04/2023	ADULT & FAMILY SERVICES	110		41,689.00		01	49.020
	51017014	GRP 04	FT	T	08/07/2023	EMPLOYMENT ASSESSMENT	110		41,689.00		01	32.690
	125,067.00	Perm Budget Amt			3	Temp Budget Amt				9		
						375,201.00						
SR CLERK	00008380	GRP 03	FT	P	06/03/2023	CHILD DAY CARE	110		40,312.00		01	49.200
	00008397	GRP 03	FT	P	04/22/2023	FINANCIAL RECORDS & SERVICES	110		40,312.00		01	47.220
	00008407	GRP 03	FT	P	09/04/2023	INVESTIGATIONS AND COLLECTIONS	110		40,312.00		01	37.700
	120,936.00	Perm Budget Amt			3	Temp Budget Amt				0		
						0.00						
SR CON AID S	51016681	GRP 07	FT	T	07/29/2023	FISCAL MANAGEMENT	110		48,978.00		01	47.220

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Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSS
 Department: 120 Department of Social Services

Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND Budget Amt	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	0.00	Perm Budget Amt		0	Perm Vac	48,978.00	Temp Budget Amt			1		
SR EMP COUNS	00008766	GRP 10	FT	T	05/20/2023	EMPLOYMENT ASSESSMENT	110		58,644.00		01	32.690
	0.00	Perm Budget Amt		0	Perm Vac	58,644.00	Temp Budget Amt			1		
SR SUP ACCTS	51017754	GRP 10	FT	P	11/14/2022	FINANCIAL RECORDS & SERVICES	110		58,644.00		01	47.220
	58,644.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt			1		
SR SWE	00009348	GRP 07	FT	P	02/25/2023	LONG TERM CARE ELIGIBILITY	110		48,978.00		01	0.000
	00009375	GRP 07	FT	P	02/11/2023	LONG TERM CARE ELIGIBILITY	110		48,978.00		01	0.000
	00009407	GRP 07	FT	T	10/11/2023	SNAP ELIGIBILITY TEAMS	110		48,978.00		01	50.000
	00009413	GRP 07	FT	P	05/29/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		48,978.00		01	0.000
	00009426	GRP 07	FT	T	02/26/2023	LONG TERM CARE ELIGIBILITY	110		48,978.00		01	50.000
	00009428	GRP 07	FT	T	08/26/2023	SNAP ELIGIBILITY TEAMS	110		48,978.00		01	50.000
	00009449	GRP 07	FT	P	09/23/2023	SNAP ELIGIBILITY TEAMS	110		48,978.00		01	50.000
	00009459	GRP 07	FT	T	06/18/2023	TEMPORARY ASSISTANCE SERVICE TEAMS	110		48,978.00		01	38.490
	00009503	GRP 07	FT	P	08/12/2023	EC WORKS CENTER	110		48,978.00		01	38.490
	00009513	GRP 07	FT	P	09/09/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		48,978.00		01	0.000
	51002862	GRP 07	FT	P	07/18/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		48,978.00		01	0.000
	51003933	GRP 07	FT	P	08/12/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		48,978.00		01	0.000
	51005466	GRP 07	FT	P	08/25/2023	SNAP ELIGIBILITY TEAMS	110		48,978.00		01	50.000
	51005467	GRP 07	FT	P	04/22/2023	LONG TERM CARE ELIGIBILITY	110		48,978.00		01	0.000
	51016153	GRP 07	FT	P	02/10/2023	SERVICES DIV SUPPORT SERVICES	110		48,978.00		01	49.020
	51017453	GRP 07	FT	P	09/09/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		48,978.00		01	0.000
	587,736.00	Perm Budget Amt		12	Perm Vac	195,912.00	Temp Budget Amt			16		
SS CLIN SP	51008112	GRP 11	FT	P	12/28/2023	SERVICES DIVISION ADMINISTRATION	110		63,929.00		01	49.200
	63,929.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt			1		
SS TM WKR	00009738	GRP 05	FT	T	06/18/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		43,605.00		01	0.000
	00009746	GRP 05	FT	P	04/03/2023	HOMEFINDING/RECRUITMENT	110		43,605.00		01	49.200
	00009759	GRP 05	FT	P	07/29/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		43,605.00		01	49.200
	51004216	GRP 05	FT	T	03/04/2023	CHILD PROTECTIVE SERVICES	110		43,605.00		01	49.200
	51012085	GRP 05	FT	T	12/03/2022	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		43,605.00		01	49.200

Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 120 Department of Social Services

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	Temp Vac	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	87,210.00	Perm Budget Amt			2	Perm Vac	130,815.00	Temp Budget Amt	3		5		
SUP OF CL AD	51012154	GRP 10	FT	P	08/17/2023	FISCAL MANAGEMENT	110		0	58,644.00	1	01	47.220
	58,644.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0		1		

Totals for Department of Social Services

3,158,661.00	Perm Budget Amt	62	Perm Vac	4,494,086.00	Temp Budget Amt	92	Temp Vac	154
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Report: ZHR_VACANT_POS_RPT
System: PRD/100/ZHR_VACANT_RPT
User: SCHLOSSK
Department: 122 Dept of Public Works

Erie County
POSITION CONTROL
BENEFIT EARN VACANCY BY DEPARTMENT, JOB

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND Amt	FUND GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
BLDG MN MCH	51004913	GRP 09	FT	T	09/09/2023	BUILDING MAINTENANCE & REPAIRS	110		51,717.00	02	02	100.000
	0.00	Perm Budget Amt		0	Perm Vac	51,717.00	Temp Budget Amt			1	Temp Vac	
ELE ENG DPW	51017993	GRP 13	FT	P	06/03/2023	OPERATIONS	110		73,524.00	01	01	100.000
	73,524.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt			1	Temp Vac	
HEAD LABORER	00004196	GRP 04	FT	P	09/09/2023	UNIFIED COURT SYSTEM	110		37,633.00	02	02	11.000
	51017780	GRP 04	FT	T	07/29/2023	CUSTODIAL SERVICES	110		37,633.00	02	02	100.000
	37,633.00	Perm Budget Amt		1	Perm Vac	37,633.00	Temp Budget Amt			2	Temp Vac	
JANITOR	51014330	GRP 03	FT	P	09/07/2022	CUSTODIAL SERVICES	110		36,637.00	01	01	100.000
	51014337	GRP 03	FT	P	02/10/2023	UNIFIED COURT SYSTEM	110		36,637.00	01	01	11.000
	73,274.00	Perm Budget Amt		2	Perm Vac	0.00	Temp Budget Amt			2	Temp Vac	
LABORER	00005532	GRP 03	FT	P	09/18/2023	CUSTODIAL SERVICES	110		36,637.00	03	03	100.000
	00005533	GRP 03	FT	P	10/05/2023	UNIFIED COURT SYSTEM	110		36,637.00	03	03	11.000
	51001136	GRP 03	FT	P	08/30/2023	UNIFIED COURT SYSTEM	110		36,637.00	03	03	11.000
	51016604	GRP 03	FT	T	09/10/2022	CUSTODIAL SERVICES	110		36,637.00	03	03	100.000
	109,911.00	Perm Budget Amt		3	Perm Vac	36,637.00	Temp Budget Amt			4	Temp Vac	
STATION ENG	00010034	GRP 09	FT	T	09/02/2023	PHYSICAL PLANT OPERATIONS	110		51,717.00	01	01	100.000
	00010063	GRP 09	FT	P	04/17/2023	CORR FAC/HOLDING CTR MAINT & REPAIRS	110		51,717.00	01	01	100.000
	51,717.00	Perm Budget Amt		1	Perm Vac	51,717.00	Temp Budget Amt			2	Temp Vac	
LABOR RPT	51001588	GRP 03	RPT	P	07/15/2023	UNIFIED COURT SYSTEM	110		35,721.00	03	03	11.000
	35,721.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt			1	Temp Vac	
	381,780.00	Perm Budget Amt		9	Perm Vac	177,704.00	Temp Budget Amt			4	Temp Vac	13

Totals for Dept of Public Works

Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 124 Dept of Mental Health

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND Amt	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
ASTCOSPOALI	51015557	GRP 12	FT	P	09/09/2023	ADULT MENTAL HEALTH SERVICES	110		67,914.00	01	01	0.000
	67,914.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	1
FOR MH S I A	51016621	GRP 11	FT	T	06/03/2023	ADULT MENTAL HEALTH SERVICES	110		63,929.00	01	01	50.000
	51016623	GRP 11	FT	T	03/21/2023	ADULT MENTAL HEALTH SERVICES	110		63,929.00	01	01	50.000
	51016624	GRP 11	FT	P	06/13/2023	ADULT MENTAL HEALTH SERVICES	110		63,929.00	01	01	50.000
	63,929.00	Perm Budget Amt			1	Perm Vac	127,858.00	Temp Budget Amt		2	Temp Vac	3
MH EM D R C	51018076	GRP 14	FT	P	07/01/2023	MENTAL HEALTH SERVICES	110		81,199.00	01	01	0.000
	81,199.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	1
SR CL TYP	51017155	GRP 04	FT	P	06/30/2023	CHILDREN'S MENTAL HEALTH SERVICES	110		41,689.00	01	01	0.000
	41,689.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	1

Totals for Dept of Mental Health

254,731.00	Perm Budget Amt				4	Perm Vac	127,858.00	Temp Budget Amt		2	Temp Vac	6
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Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 125 Youth Services Division

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	Temp Budget Amt	Temp Vac	1	Temp Vac	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
DET HM IN WK	00002973	GRP 09	FT	T	06/03/2023	INTAKE	110						55,216.00			01 51.000
	0.00	Perm Budget Amt			0	Perm Vac			55,216.00	Temp Budget Amt	1	Temp Vac				
DET SEC GD	00002962	GRP 05	FT	T	05/06/2023	BUILDING SERVICES	110						39,589.00			01 51.000
	00002964	GRP 05	FT	P	08/12/2023	BUILDING SERVICES	110						39,589.00			01 51.000
	00002965	GRP 05	FT	T	06/17/2023	BUILDING SERVICES	110						39,589.00			01 51.000
	51016805	GRP 05	FT	P	08/27/2022	BUILDING SERVICES	110						39,589.00			01 51.000
	79,178.00	Perm Budget Amt			2	Perm Vac			79,178.00	Temp Budget Amt	2	Temp Vac				
JR YDW	51017894	GRP 06	FT	P	01/01/2023	SECURE DIRECT CARE SUPPORT	110						42,301.00			07 51.000
	51017895	GRP 06	FT	P	01/01/2023	SECURE DIRECT CARE SUPPORT	110						42,301.00			07 51.000
	51017896	GRP 06	FT	P	01/01/2023	SECURE DIRECT CARE SUPPORT	110						42,301.00			07 51.000
	51017897	GRP 06	FT	P	01/01/2023	SECURE DIRECT CARE SUPPORT	110						42,301.00			07 51.000
	169,204.00	Perm Budget Amt			4	Perm Vac			0.00	Temp Budget Amt	0	Temp Vac				
JUVE JUS CON	51010682	GRP 10	FT	T	05/06/2023	NON-SECURE CHILD CARE	110						58,644.00			01 0.000
	51015088	GRP 10	FT	T	05/06/2023	JUVENILE DELINQUENCY SERVICES TEAM	110						58,644.00			01 51.000
	0.00	Perm Budget Amt			0	Perm Vac			117,288.00	Temp Budget Amt	2	Temp Vac				
SR YTH DT WK	51016554	GRP 08	FT	P	08/04/2023	YOUTH DETENTION - RAISE THE AGE	110						48,372.00			01 51.000
	48,372.00	Perm Budget Amt			1	Perm Vac			0.00	Temp Budget Amt	0	Temp Vac				
SS TM WKR	51017900	GRP 05	FT	P	01/01/2023	NON-SECURE CHILD CARE	110						43,605.00			01 0.000
	43,605.00	Perm Budget Amt			1	Perm Vac			0.00	Temp Budget Amt	0	Temp Vac				
YTH DET WK	00010496	GRP 07	FT	T	12/03/2022	SECURE CHILD CARE	110						45,234.00			01 51.000
	00010510	GRP 07	FT	P	08/24/2023	SECURE CHILD CARE	110						45,234.00			01 51.000
	00010515	GRP 07	FT	P	08/21/2023	SECURE CHILD CARE	110						45,234.00			01 51.000
	51009918	GRP 07	FT	T	07/15/2023	SECURE CHILD CARE	110						45,234.00			01 51.000
	51010478	GRP 07	FT	P	09/24/2023	SECURE CHILD CARE	110						45,234.00			01 51.000
	51013102	GRP 07	FT	P	09/05/2023	SECURE CHILD CARE	110						45,234.00			01 42.000
	51015086	GRP 07	FT	T	09/24/2022	SECURE CHILD CARE	110						45,234.00			01 51.000
	51016667	GRP 07	FT	P	07/15/2023	SECURE CHILD CARE	110						45,234.00			01 51.000
	51016803	GRP 07	FT	P	08/11/2023	SECURE CHILD CARE	110						45,234.00			01 51.000

Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 125 Youth Services Division

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	Temp Vac	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
271,404.00					6	Perm Vac	135,702.00		3		9		

Totals for Youth Services Division

611,763.00	Perm Budget Amt	14	Perm Vac	387,384.00	Temp Budget Amt	8	Temp Vac	22
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SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
PR PROB OFF	51003126	GRP 13	FT	T	09/23/2023	PROBATION ADMINISTRATION & OPERATIONS	110		73,524.00	1	01	88.000
	0.00	Perm Budget Amt			0	Perm Vac	Temp Budget Amt		73,524.00	1	Temp Vac	
PROB OFFICER	00007508	GRP 11	FT	T	09/24/2023	PROBATION SERVICES - ADULT	110		63,929.00	01	01	88.000
	00007524	GRP 11	FT	P	09/09/2023	PROBATION SERVICES - ADULT	110		63,929.00	01	01	88.000
	00007532	GRP 11	FT	T	09/09/2023	PROBATION SERVICES - ADULT	110		63,929.00	01	01	88.000
	51010433	GRP 11	FT	P	09/16/2023	PROBATION SERVICES - ADULT	110		63,929.00	01	01	88.000
	51010803	GRP 11	FT	T	09/10/2023	PROBATION SERVICES - ADULT	110		63,929.00	01	01	88.000
	127,858.00	Perm Budget Amt			2	Perm Vac	Temp Budget Amt		191,787.00	3	Temp Vac	
PROB SUP 1	51002313	GRP 12	FT	T	10/17/2023	PROBATION SERVICES - ADULT	110		67,914.00	01	01	88.000
	0.00	Perm Budget Amt			0	Perm Vac	Temp Budget Amt		67,914.00	1	Temp Vac	
Totals for Probation												
	127,858.00	Perm Budget Amt			2	Perm Vac	Temp Budget Amt		333,225.00	5	Temp Vac	

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 127 Health

Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

Page: 29
 Date: 11/29/2023
 Time: 11:01:59
 As of: 09/30/2023

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
ACC CLK	51017987	GRP 04	FT	P	04/13/2023	CHILDREN WITH SPECIAL NEEDS ADMIN.	110		41,689.00	01	47.000	
	41,689.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1	
ACCOUNTANT	51016403	GRP 09	FT	P	07/29/2023	ACCOUNTING AND FISCAL MANAGEMENT	110		55,216.00	01	64.000	
	55,216.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1	
ADV EM ME TE	51018040	GRP 08	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		51,967.00	01	91.000	
	51018041	GRP 08	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		51,967.00	01	91.000	
	103,934.00	Perm Budget Amt			2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	2	
EMER COM NUR	51018050	GRP 11	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		73,572.00	01	91.000	
	51018051	GRP 11	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		73,572.00	01	91.000	
	147,144.00	Perm Budget Amt			2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	2	
HIV AID PR N	51009237	GRP 05	FT	T	07/15/2023	BEHAVIORAL RISK & DISEASE PREVENTION	110		43,605.00	01	64.000	
	0.00	Perm Budget Amt			0	Perm Vac	43,605.00	Temp Budget Amt	1	Temp Vac	1	
INV PH SAN	00005220	GRP 08	FT	P	09/14/2023	ENVIRONMENTAL HEALTH ADM& ASSESSMENT-PHL	110		51,967.00	01	64.000	
	00005231	GRP 08	FT	T	09/15/2023	ENVIRONMENTAL HEALTH ADM& ASSESSMENT-PHL	110		51,967.00	01	64.000	
	51013157	GRP 08	FT	P	05/15/2023	LEAD POISONING PREVENTION	110		51,967.00	01	64.000	
	103,934.00	Perm Budget Amt			2	Perm Vac	51,967.00	Temp Budget Amt	1	Temp Vac	3	
JR EPID	51016615	GRP 09	FT	P	09/11/2021	SURVEILLANCE & EPIDEMIOLOGY	110		55,216.00	01	64.000	
	55,216.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1	
PARAMEDIC I	51018027	GRP 09	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		55,216.00	01	91.000	
	51018031	GRP 09	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		55,216.00	01	91.000	
	110,432.00	Perm Budget Amt			2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	2	
PARAMEDIC II	51018000	GRP 10	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		58,644.00	01	91.000	
	51018026	GRP 10	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		58,644.00	01	91.000	

delete

Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 127 Health

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND Budget Amt	GRANT	FUND Temp Vac	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	117,288.00	Perm Budget Amt			2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	2		
PHEMPREP COR	51016735	GRP 09	FT	T	07/29/2023	EMERGENCY PREPAREDNESS & RESPONSE	110		1	55,216.00	1	01	64.000
	0.00	Perm Budget Amt			0	Perm Vac	55,216.00	Temp Budget Amt	1	Temp Vac	1		
REG NURSE	51012178	GRP 08	FT	P	09/09/2023	YOUTH DETENTION HEALTH SERVICES	110		0	58,564.00	0	02	50.000
	58,564.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1		
SCENE INV	51000970	GRP 08	FT	P	07/19/2023	MEDICAL EXAMINER'S OFFICE	110		1	51,967.00	1	01	100.000
	51009116	GRP 08	FT	T	08/26/2023	MEDICAL EXAMINER'S OFFICE	110		1	51,967.00	1	01	100.000
	51,967.00	Perm Budget Amt			1	Perm Vac	51,967.00	Temp Budget Amt	1	Temp Vac	2		
SR CL TYP	51004371	GRP 04	FT	T	08/16/2023	ENVIRONMENTAL HEALTH ADM& ASSESSMENT-PHL	110		1	41,689.00	1	01	64.000
	0.00	Perm Budget Amt			0	Perm Vac	41,689.00	Temp Budget Amt	1	Temp Vac	1		
SUP ACCT	00010107	GRP 11	FT	T	01/29/2022	ACCOUNTING AND FISCAL MANAGEMENT	110		1	63,929.00	1	01	64.000
	0.00	Perm Budget Amt			0	Perm Vac	63,929.00	Temp Budget Amt	1	Temp Vac	1		
EM MED TEC R	51018042	GRP 07	RPT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		0	47,753.00	0	01	91.000
	51018043	GRP 07	RPT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		0	47,753.00	0	01	91.000
	51018044	GRP 07	RPT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		0	47,753.00	0	01	91.000
	51018045	GRP 07	RPT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		0	47,753.00	0	01	91.000
	191,012.00	Perm Budget Amt			4	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	4		
REG NURS RPT	51001122	GRP 08	RPT	P	06/07/2023	YOUTH DETENTION HEALTH SERVICES	110		0	46,852.00	0	02	50.000
	46,852.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1		
	1,083,248.00	Perm Budget Amt			20	Perm Vac	308,373.00	Temp Budget Amt	6	Temp Vac	26		

delete

Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 150 Board of Elections

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND Amt	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
AS VO MA TE	51010511	GRP 06	FT	P	06/24/2022	ADMINISTRATION-BOE - REP.	110		46,209.00	05	100.000	
46,209.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1		
CHF EL CL CU	51017706	GRP 09	FT	P	04/22/2023	ADMINISTRATION-BOE - REP.	110		55,216.00	05	100.000	
55,216.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1		
COM OP BD EL	51004171	GRP 07	FT	P	01/17/2020	ADMINISTRATION-BOE - DEM.	110		48,978.00	05	100.000	
51006950	GRP 07	FT	P	01/20/2018	ADMINISTRATION-BOE - DEM.	110			48,978.00	05	100.000	
97,956.00	Perm Budget Amt			2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	2		
DEP COM EL-D	51012209	GRP 16	FT	P	10/20/2023	ADMINISTRATION-BOE - DEM.	110		97,852.00	05	100.000	
97,852.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1		
ELECT CLK	00003133	GRP 06	FT	P	01/12/2023	ADMINISTRATION-BOE - REP.	110		46,209.00	05	100.000	
51004927	GRP 06	FT	P	02/06/2021	ADMINISTRATION-BOE - DEM.	110			46,209.00	05	100.000	
51004928	GRP 06	FT	P	01/28/2023	ADMINISTRATION-BOE - DEM.	110			46,209.00	05	100.000	
51004934	GRP 06	FT	P	01/01/2022	ADMINISTRATION-BOE - REP.	110			46,209.00	05	100.000	
51007031	GRP 06	FT	P	09/28/2020	ADMINISTRATION-BOE - DEM.	110			46,209.00	05	100.000	
51008969	GRP 06	FT	P	02/11/2023	ADMINISTRATION-BOE - DEM.	110			46,209.00	05	100.000	
51009356	GRP 06	FT	P	01/09/2021	ADMINISTRATION-BOE - REP.	110			46,209.00	05	100.000	
51010510	GRP 06	FT	P	08/02/2019	ADMINISTRATION-BOE - REP.	110			46,209.00	05	100.000	
51012978	GRP 06	FT	P	09/18/2023	ADMINISTRATION-BOE - REP.	110			46,209.00	05	100.000	
51013177	GRP 06	FT	P	02/22/2021	ADMINISTRATION-BOE - REP.	110			46,209.00	05	100.000	
51014311	GRP 06	FT	P	01/01/2020	ADMINISTRATION-BOE - REP.	110			46,209.00	05	100.000	
508,299.00	Perm Budget Amt			11	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	11		
JR ELECT CLK	51003564	GRP 04	FT	P	12/17/2022	ADMINISTRATION-BOE - DEM.	110		41,689.00	05	100.000	
51004714	GRP 04	FT	P	12/17/2022	ADMINISTRATION-BOE - DEM.	110			41,689.00	05	100.000	
51010548	GRP 04	FT	P	03/22/2021	ADMINISTRATION-BOE - DEM.	110			41,689.00	05	100.000	
51010579	GRP 04	FT	P	11/06/2021	ADMINISTRATION-BOE - DEM.	110			41,689.00	05	100.000	
51012039	GRP 04	FT	P	05/27/2023	ADMINISTRATION-BOE - DEM.	110			41,689.00	05	100.000	

Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 150 Board of Elections

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND Budget Amt	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
208,445.00	Perm Budget Amt			5	Perm Vac		0.00	Temp Budget Amt		0	Temp Vac	5
MACH TEC BOE	51007132	GRP 07	FT	P	05/28/2016	ADMINISTRATION-BOE - DEM.	110		48,978.00		05	100.000
	51007756	GRP 07	FT	P	12/09/2014	ADMINISTRATION-BOE - DEM.	110		48,978.00		05	100.000
97,956.00	Perm Budget Amt			2	Perm Vac		0.00	Temp Budget Amt		0	Temp Vac	2
PRIN EL CLK	00007410	GRP 08	FT	P	04/25/2016	ADMINISTRATION-BOE - REP.	110		51,967.00		05	100.000
51,967.00	Perm Budget Amt			1	Perm Vac		0.00	Temp Budget Amt		0	Temp Vac	1
SEC COM ELEC	51011881	GRP 08	FT	P	01/09/2014	ADMINISTRATION-BOE - REP.	110		51,967.00		05	100.000
51,967.00	Perm Budget Amt			1	Perm Vac		0.00	Temp Budget Amt		0	Temp Vac	1
SR ELEC CLK	51003560	GRP 07	FT	P	05/27/2023	ADMINISTRATION-BOE - DEM.	110		48,978.00		05	100.000
	51003562	GRP 07	FT	P	01/03/2023	ADMINISTRATION-BOE - DEM.	110		48,978.00		05	100.000
97,956.00	Perm Budget Amt			2	Perm Vac		0.00	Temp Budget Amt		0	Temp Vac	2
SUPV BA DES	51009102	GRP 12	FT	P	01/01/2020	ADMINISTRATION-BOE - DEM.	110		67,914.00		05	100.000
67,914.00	Perm Budget Amt			1	Perm Vac		0.00	Temp Budget Amt		0	Temp Vac	1
VOT MAC TECH	51008243	GRP 07	FT	P	03/28/2015	ADMINISTRATION-BOE - REP.	110		48,978.00		05	100.000
48,978.00	Perm Budget Amt			1	Perm Vac		0.00	Temp Budget Amt		0	Temp Vac	1
VOT SYS COOR	51014426	GRP 08	FT	P	05/02/2018	ADMINISTRATION-BOE - REP.	110		51,967.00		05	100.000
51,967.00	Perm Budget Amt			1	Perm Vac		0.00	Temp Budget Amt		0	Temp Vac	1
WEB COM BOE	51014952	GRP 10	FT	P	09/05/2019	ADMINISTRATION-BOE - REP.	110		58,644.00		05	100.000
58,644.00	Perm Budget Amt			1	Perm Vac		0.00	Temp Budget Amt		0	Temp Vac	1
AS BOE R	51003727	GRP 09	RPT	P	05/17/2014	ADMINISTRATION-BOE - REP.	110		50,597.00		05	100.000

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 150 Board of Elections

Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
50,597.00	Perm Budget Amt			1	Perm Vac		0.00	Temp Budget Amt		0	Temp Vac	1
COUN BOE-RPT	51012853	GRP 14	RPT	P	02/10/2023	ADMINISTRATION-BOE - DEM.	110		79,169.00		05	100.000
	51012977	GRP 14	RPT	P	03/19/2016	ADMINISTRATION-BOE - REP.	110		79,169.00		05	100.000
	51014301	GRP 14	RPT	P	09/25/2023	ADMINISTRATION-BOE - DEM.	110		79,169.00		05	100.000
237,507.00	Perm Budget Amt			3	Perm Vac		0.00	Temp Budget Amt		0	Temp Vac	3
ELEC CLK RPT	51005612	GRP 06	RPT	P	12/22/2018	ADMINISTRATION-BOE - DEM.	110		23,105.00		05	100.000
	51008525	GRP 06	RPT	P	06/09/2023	ADMINISTRATION-BOE - REP.	110		45,054.00		05	100.000
	51013452	GRP 06	RPT	P	01/01/2018	ADMINISTRATION-BOE - REP.	110		45,054.00		05	100.000
	51013453	GRP 06	RPT	P	01/20/2018	ADMINISTRATION-BOE - REP.	110		45,054.00		05	100.000
158,267.00	Perm Budget Amt			4	Perm Vac		0.00	Temp Budget Amt		0	Temp Vac	4
JR EL CL RPT	51007130	GRP 04	RPT	P	07/14/2023	ADMINISTRATION-BOE - DEM.	110		40,647.00		05	100.000
	51007554	GRP 04	RPT	P	12/15/2020	ADMINISTRATION-BOE - REP.	110		40,647.00		05	100.000
81,294.00	Perm Budget Amt			2	Perm Vac		0.00	Temp Budget Amt		0	Temp Vac	2
SR EL CL RPT	51004642	GRP 07	RPT	P	05/20/2023	ADMINISTRATION-BOE - REP.	110		24,489.00		05	100.000
	51005446	GRP 07	RPT	P	07/26/2023	ADMINISTRATION-BOE - DEM.	110		24,489.00		05	100.000
	51006647	GRP 07	RPT	P	09/04/2018	ADMINISTRATION-BOE - REP.	110		47,753.00		05	100.000
96,731.00	Perm Budget Amt			3	Perm Vac		0.00	Temp Budget Amt		0	Temp Vac	3
VO MA TE RPT	51010013	GRP 07	RPT	P	08/17/2020	ADMINISTRATION-BOE - REP.	110		47,753.00		05	100.000
47,753.00	Perm Budget Amt			1	Perm Vac		0.00	Temp Budget Amt		0	Temp Vac	1

Totals for Board of Elections

2,213,475.00 Perm Budget Amt

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
PLANNER	51006310	GRP 10	FT	T	07/01/2023	PLANNING	110		58,644.00		01	100.000
	0.00	Perm Budget Amt		0	Perm Vac					1		
SM BUS RE CO	51018003	GRP 13	FT	P	01/01/2023	ECONOMIC DEVELOPMENT	110		73,524.00		01	100.000
	73,524.00	Perm Budget Amt		1	Perm Vac					1		

Totals for Environment & Planning Divis'n

73,524.00	Perm Budget Amt		1	Perm Vac						2		
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SHORT DESC	POSITION NUMBER	JOB GROUP	BE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
PK MN WK I	51009994	GRP 03	FT	T	09/09/2023	GROVER CLEVELAND PARK	110		40,776.00		03	100.000
	51016845	GRP 03	FT	P	10/02/2023	SPRAGUE BROOK PARK	110		40,776.00		03	100.000
	40,776.00	Perm Budget Amt		1	Perm Vac	40,776.00	Temp Budget Amt			1	Temp Vac	2
PK MN WK II	51001482	GRP 05	FT	P	09/09/2023	ELMA MEADOWS PARK	110		43,064.00		03	100.000
	43,064.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt			0	Temp Vac	1
Totals for Parks												
	83,840.00	Perm Budget Amt		2	Perm Vac	40,776.00	Temp Budget Amt			1	Temp Vac	3

Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 167 Emergency Services

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
BLDG GD	51016855	GRP 06	FT	T	08/28/2023	BUILDING SECURITY	110		42,301.00	01	01	100.000
	51016856	GRP 06	FT	T	08/04/2023	BUILDING SECURITY	110		42,301.00	01	01	100.000
	51018054	GRP 06	FT	T	07/23/2023	BUILDING SECURITY	110		42,301.00	01	01	100.000
	0.00	Perm Budget Amt		0	Perm Vac	126,903.00	Temp Budget Amt			3		Temp Vac

Totals for Emergency Services
 0.00 Perm Budget Amt 0 Perm Vac 126,903.00 Temp Budget Amt 3 Temp Vac

Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 167 Emergency Services

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
Totals for FUND 110											

12,509,509.00 Perm Fund Amt 234 Perm Vac 234 Total Temp Vac 161 Total Vacancies 395 Total Positions 4,016 Percent 10% 395

Run Totals: Total Perm Vac 234 Total Temp Vac 161 Total Vacancies 395 Total Positions 4,016 Percent 10%

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
INTERN SEASO	51017939	GRP 01	SeasonP		08/11/2023	ERIE COUNTY EXECUTIVE'S OFFICE	110		14,100.00		07	100.000
14,100.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1		
Totals for County Executive Department												
14,100.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1		

SHORT DESC	POSITION NUMBER	JOB GRP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
CHF PRCL(PT)	51016090	GRP 09	PT	P	10/08/2022	BUDGET & MANAGEMENT DIVISION	110		26,227.00		01	100.000

26,227.00	Perm Budget Amt	1	Perm Vac	0	Temp Vac	1						
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Totals for Budget & Management

26,227.00	Perm Budget Amt	1	Perm Vac	0	Temp Vac	1						
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SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
LARESTUIN SE	51016728	GRP 01	SeasonP		07/08/2021	DEPARTMENT OF LABOR RELATIONS	110		14,100.00		07	100.000

14,100.00 Perm Budget Amt 1 Perm Vac 0 Temp Vac 1

Totals for Labor Relations

14,100.00 Perm Budget Amt 1 Perm Vac 0 Temp Vac 1

Erie County
 POSITION CONTROL
 PART TIME VACANCY BY DEPARTMENT, JOB

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 111 Real Property Tax Services

As of: 09/30/2023

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
TAX ACCT PT	51015554	GRP 10	PT	P	01/01/2022	DEPARTMENT OF REAL PROPERTY TAX	110		27,856.00		01	100.000

27,856.00	Perm Budget Amt	1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1
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Totals for Real Property Tax Services

27,856.00	Perm Budget Amt	1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1
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Erie County
 POSITION CONTROL
 PART TIME VACANCY BY DEPARTMENT, JOB

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 113 County Clerk

SHORT DESC	POSITION NUMBER	JOB GROUP	BE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
JR MT V CS P	51002289	GRP 05	PT	T	09/25/2021	AUTO BUREAU BRANCH OFFICES	110		20,712.00		02	100.000
	51002294	GRP 05	PT	T	06/04/2023	AUTO BUREAU BRANCH OFFICES	110		20,712.00		02	100.000
	51002296	GRP 05	PT	T	06/04/2022	AUTO BUREAU BRANCH OFFICES	110		20,712.00		02	100.000
	51002300	GRP 05	PT	P	09/14/2023	AUTO BUREAU BRANCH OFFICES	110		20,712.00		02	100.000
	51002326	GRP 05	PT	T	12/18/2021	AUTO BUREAU BRANCH OFFICES	110		20,712.00		02	100.000
	51002327	GRP 05	PT	P	09/02/2023	AUTO BUREAU BRANCH OFFICES	110		20,712.00		02	100.000
	51002331	GRP 05	PT	P	11/06/2021	AUTO BUREAU BRANCH OFFICES	110		20,712.00		02	100.000
	51002332	GRP 05	PT	P	11/12/2022	AUTO BUREAU BRANCH OFFICES	110		20,712.00		02	100.000
	51002338	GRP 05	PT	P	09/02/2023	AUTO BUREAU BRANCH OFFICES	110		20,712.00		02	100.000
	51002341	GRP 05	PT	T	06/04/2022	AUTO BUREAU BRANCH OFFICES	110		20,712.00		02	100.000
	51008178	GRP 05	PT	P	05/30/2023	AUTO BUREAU BRANCH OFFICES	110		20,712.00		02	100.000
	51008179	GRP 05	PT	T	06/04/2022	AUTO BUREAU BRANCH OFFICES	110		20,712.00		02	100.000

124,272.00 Perm Budget Amt 6 Perm Vac 124,272.00 Temp Budget Amt 6 Temp Vac 12

Totals for County Clerk

124,272.00 Perm Budget Amt 6 Perm Vac 124,272.00 Temp Budget Amt 6 Temp Vac 12

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	Temp	Budget	Amt	Temp	Budget	Amt	Temp	Vac	Budget	Amt	TOT VAC	CS CD	COUNTY SHARE		
					4	Perm Vac			0.00	Temp	Budget	0	Temp	Budget	4								
18,000.00	Perm Budget	Amt																					
DS SEC RES S	51011383	GRP 50	SeasonP		07/15/2023	STADIUM DETAIL	110														07	0.000	
	51011433	GRP 50	SeasonP		07/16/2023	STADIUM DETAIL	110															07	0.000
	51011599	GRP 50	SeasonP		09/19/2022	STADIUM DETAIL	110															07	0.000
	51017485	GRP 50	SeasonP		07/16/2023	STADIUM DETAIL	110															07	0.000
	51017493	GRP 50	SeasonP		06/17/2023	STADIUM DETAIL	110															07	0.000
	51017500	GRP 50	SeasonP		07/16/2023	STADIUM DETAIL	110															07	0.000
	51017506	GRP 50	SeasonP		07/16/2023	STADIUM DETAIL	110															07	0.000
	51017538	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110															07	0.000
	51017539	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110															07	0.000
	51017542	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110															07	0.000
	51017548	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110															07	0.000
	51017549	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110															07	0.000
	51017550	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110															07	0.000
	51017552	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110															07	0.000
	51017553	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110															07	0.000
24,570.00	Perm Budget	Amt			15	Perm Vac			0.00	Temp	Budget	0	Temp	Budget	15								
24,570.00	Perm Budget	Amt																					
DEP SH RES P	00002369	GRP 08	PT	P	07/15/2023	POLICE SUPPORT SERVICES	110															02	100.000
	51007280	GRP 08	PT	P	07/16/2023	POLICE SUPPORT SERVICES	110															02	100.000
40,702.00	Perm Budget	Amt			2	Perm Vac			0.00	Temp	Budget	0	Temp	Budget	2								
40,702.00	Perm Budget	Amt																					
Totals for Office of the Sheriff																							
83,272.00	Perm Budget	Amt			21	Perm Vac			0.00	Temp	Budget	0	Temp	Budget	21								
83,272.00	Perm Budget	Amt																					

SHORT DESC	POSITION NUMBER	JOB GRP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
DIR OF HSW P	51017962	GRP 13	PT	P	07/19/2023	JAIL MANAGEMENT ADMINISTRATION	110		34,924.00	1	07	100.000
	34,924.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		
HC GD PT	51016613	GRP 08	PT	P	02/13/2023	SECURITY HC	110		19,149.00		02	100.000
	51016747	GRP 08	PT	P	02/13/2023	SECURITY HC	110		19,149.00		02	100.000
	51017847	GRP 08	PT	P	08/12/2023	SECURITY HC	110		19,149.00		02	100.000
	51017849	GRP 08	PT	P	01/01/2023	SECURITY HC	110		19,149.00		02	100.000
	51017850	GRP 08	PT	P	01/01/2023	SECURITY HC	110		19,149.00		02	100.000
	51017851	GRP 08	PT	P	01/01/2023	SECURITY HC	110		19,149.00		02	100.000
	51017852	GRP 08	PT	P	01/01/2023	SECURITY HC	110		19,149.00		02	100.000
	51017853	GRP 08	PT	P	01/01/2023	SECURITY HC	110		19,149.00		02	100.000
	51017854	GRP 08	PT	P	01/01/2023	SECURITY HC	110		19,149.00		02	100.000
	51017855	GRP 08	PT	P	01/01/2023	SECURITY HC	110		19,149.00		02	100.000
	51017856	GRP 08	PT	P	01/01/2023	SECURITY HC	110		19,149.00		02	100.000
	210,639.00	Perm Budget Amt		11	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		

delete
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Totals for Jail Management

245,563.00	Perm Budget Amt		12	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac			
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SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
EN CR 1 SEA	00003290	GRP 02	SeasonP	P	09/09/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		13,418.00		02	0.000
	51012143	GRP 02	SeasonP	P	01/28/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		13,418.00		02	0.000
	26,836.00	Perm Budget Amt			2	Perm Vac		0.00	Temp Budget Amt	2	Temp Vac	
CASEWKR PT	51011888	GRP 09	PT	P	05/06/2023	CHILD PROTECTIVE SERVICES	110		26,227.00		02	49.020
	51011889	GRP 09	PT	P	04/24/2023	CHILD PROTECTIVE SERVICES	110		26,227.00		02	49.020
	52,454.00	Perm Budget Amt			2	Perm Vac		0.00	Temp Budget Amt	2	Temp Vac	
EN CR 1 PT	51002081	GRP 02	PT	P	07/01/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		18,606.00		02	0.000
	51002087	GRP 02	PT	P	08/29/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		18,606.00		02	0.000
	37,212.00	Perm Budget Amt			2	Perm Vac		0.00	Temp Budget Amt	2	Temp Vac	
EN CR 2 PT	00003367	GRP 05	PT	T	09/10/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		20,712.00		02	0.000
	51017076	GRP 05	PT	P	05/20/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		20,712.00		02	0.000
	51017082	GRP 05	PT	T	09/09/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		20,712.00		02	0.000
	20,712.00	Perm Budget Amt			1	Perm Vac		41,424.00	Temp Budget Amt	3	Temp Vac	

Totals for Department of Social Services

137,214.00 Perm Budget Amt

7 Perm Vac

41,424.00 Temp Budget Amt

2 Temp Vac

9

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
CHAPLAIN PT	00001023	GRP 11	PT	P	07/01/2023	SECURE CHILD CARE	110		3,196.00		04	51.000
										1		
	3,196.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	
DET HM IN PT	00002980	GRP 09	PT	P	03/11/2022	INTAKE	110		21,237.00		02	51.000
	00002982	GRP 09	PT	P	05/02/2022	INTAKE	110		21,237.00		02	51.000
	42,474.00	Perm Budget Amt			2	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	
DET SEC GD P	00002970	GRP 05	PT	P	07/09/2021	BUILDING SERVICES	110		12,562.00		01	51.000
	12,562.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	
YTH DET WK P	51006936	GRP 07	PT	T	02/25/2023	SECURE PART TIME YDW CHILD CARE	110		14,353.00		02	51.000
	51016801	GRP 07	PT	T	02/10/2023	SECURE PART TIME YDW CHILD CARE	110		14,353.00		02	51.000
	51016802	GRP 07	PT	P	05/21/2023	SECURE PART TIME YDW CHILD CARE	110		14,353.00		02	51.000
	14,353.00	Perm Budget Amt			1	Perm Vac	28,706.00	Temp Budget Amt		2	Temp Vac	

Totals for Youth Services Division

72,585.00 Perm Budget Amt

5 Perm Vac

28,706.00 Temp Budget Amt

2 Temp Vac

7

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	Temp Budget Amt	Temp Vac	Perm Budget Amt	Perm Vac	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
C IN C EMS P	51005153	GRP 15	PT	P	05/20/2023	EMS TRAINING	110		0.00	0	45,213.00	9	7,206.00	9	07	100.000
	51005155	GRP 15	PT	P	05/20/2023	EMS TRAINING	110						7,206.00		07	100.000
	51005158	GRP 15	PT	P	01/06/2020	EMS TRAINING	110						1,716.00		07	100.000
	51005164	GRP 15	PT	P	01/06/2020	EMS TRAINING	110						3,217.00		07	100.000
	51005165	GRP 15	PT	P	01/06/2020	EMS TRAINING	110						6,348.00		07	100.000
	51005168	GRP 15	PT	P	05/19/2023	EMS TRAINING	110						4,933.00		07	100.000
	51005169	GRP 15	PT	P	01/06/2020	EMS TRAINING	110						6,866.00		07	100.000
	51006156	GRP 15	PT	P	05/09/2020	EMS TRAINING	110						3,432.00		07	100.000
	51008194	GRP 15	PT	P	05/20/2023	EMS TRAINING	110						4,289.00		07	100.000
C L IN EMS P	51005203	GRP 08	PT	P	05/19/2023	EMS TRAINING	110		0.00	0	3,298.00	9	3,298.00	9	07	100.000
	51005231	GRP 08	PT	P	05/20/2023	EMS TRAINING	110						3,298.00		07	100.000
	51005236	GRP 08	PT	P	07/29/2023	EMS TRAINING	110						2,648.00		07	100.000
	51005243	GRP 08	PT	P	05/20/2023	EMS TRAINING	110						2,648.00		07	100.000
	51005246	GRP 08	PT	P	05/19/2023	EMS TRAINING	110						2,648.00		07	100.000
	51005248	GRP 08	PT	P	02/15/2023	EMS TRAINING	110						3,298.00		07	100.000
	51005252	GRP 08	PT	P	05/19/2023	EMS TRAINING	110						3,298.00		07	100.000
	51005257	GRP 08	PT	P	05/20/2023	EMS TRAINING	110						375.00		07	100.000
	51005260	GRP 08	PT	P	05/19/2023	EMS TRAINING	110						999.00		07	100.000
	51005272	GRP 08	PT	P	03/11/2023	EMS TRAINING	110						3,298.00		07	100.000
	51005275	GRP 08	PT	P	05/20/2023	EMS TRAINING	110						3,298.00		07	100.000
	51011947	GRP 08	PT	P	05/19/2023	EMS TRAINING	110						999.00		07	100.000
	51011948	GRP 08	PT	P	07/29/2023	EMS TRAINING	110						750.00		07	100.000
EM MED TEC P	51018046	GRP 07	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		0.00	0	30,855.00	13	23,254.00	13	01	91.000
	51018047	GRP 07	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110						23,264.00		01	91.000
	51018048	GRP 07	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110						23,264.00		01	91.000
	51018049	GRP 07	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110						23,264.00		01	91.000
EMB TEC EC P	51017937	GRP 09	PT	P	07/31/2023	ENVIRONMENTAL HEALTH LAB	110		0.00	0	93,056.00	4	26,227.00	4	01	0.000

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	Temp Budget Amt	Perm Budget Amt	FUND	GRANT	Temp Vac	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
PARAMED I PT	51018032	GRP 09	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110	0	110	0	Temp Vac	26,227.00	1	01	91.000
	51018033	GRP 09	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110	0	110	0	Temp Vac	26,227.00		01	91.000
	51018034	GRP 09	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110	0	110	0	Temp Vac	26,227.00		01	91.000
	51018035	GRP 09	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110	0	110	0	Temp Vac	26,227.00		01	91.000
	51018036	GRP 09	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110	0	110	0	Temp Vac	26,227.00		01	91.000
	51018037	GRP 09	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110	0	110	0	Temp Vac	26,227.00		01	91.000
PR WK IN PT	51005278	GRP 01	PT	P	05/22/2021	EMS TRAINING	110	0	110	0	Temp Vac	1,855.00	6	07	100.000
	51005279	GRP 01	PT	P	05/19/2023	EMS TRAINING	110	0	110	0	Temp Vac	1,132.00		07	100.000
	51005280	GRP 01	PT	P	05/19/2023	EMS TRAINING	110	0	110	0	Temp Vac	1,132.00		07	100.000
	51005286	GRP 01	PT	P	04/28/2023	EMS TRAINING	110	0	110	0	Temp Vac	1,132.00		07	100.000
	51005287	GRP 01	PT	P	09/25/2021	EMS TRAINING	110	0	110	0	Temp Vac	1,132.00		07	100.000
	51005289	GRP 01	PT	P	05/26/2021	EMS TRAINING	110	0	110	0	Temp Vac	779.00		07	100.000
	51005291	GRP 01	PT	P	05/20/2023	EMS TRAINING	110	0	110	0	Temp Vac	779.00		07	100.000
	51005293	GRP 01	PT	P	01/15/2022	EMS TRAINING	110	0	110	0	Temp Vac	1,132.00		07	100.000
	51005297	GRP 01	PT	P	05/19/2023	EMS TRAINING	110	0	110	0	Temp Vac	1,317.00		07	100.000
	51006149	GRP 01	PT	P	05/19/2023	EMS TRAINING	110	0	110	0	Temp Vac	2,783.00		07	100.000
	51006177	GRP 01	PT	P	05/19/2023	EMS TRAINING	110	0	110	0	Temp Vac	557.00		07	100.000
	51006178	GRP 01	PT	P	05/19/2023	EMS TRAINING	110	0	110	0	Temp Vac	557.00		07	100.000
	51006183	GRP 01	PT	P	05/19/2023	EMS TRAINING	110	0	110	0	Temp Vac	557.00		07	100.000
	51011943	GRP 01	PT	P	05/19/2023	EMS TRAINING	110	0	110	0	Temp Vac	278.00		07	100.000
	51011945	GRP 01	PT	P	05/19/2023	EMS TRAINING	110	0	110	0	Temp Vac	278.00		07	100.000
	51011946	GRP 01	PT	P	05/19/2023	EMS TRAINING	110	0	110	0	Temp Vac	186.00		07	100.000
REG NRS PT	51012177	GRP 08	PT	P	08/05/2022	YOUTH DETENTION HEALTH SERVICES	110	0	110	0	Temp Vac	27,818.00	16	02	50.000
	27,818.00	Perm Budget Amt			1	Perm Vac	0	0	Temp Budget Amt	0	Temp Vac		1		
	396,117.00	Perm Budget Amt			50	Perm Vac	0	0	Temp Budget Amt	0	Temp Vac		50		

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	FUND GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
CH EL CL C P	51003576	GRP 09	PT	P	01/08/2016	ADMINISTRATION-BOE - DEM.	110		26,227.00		05	100.000
	26,227.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1	
DABAPROPBOE	51014951	GRP 13	PT	P	06/20/2020	ADMINISTRATION-BOE - REP.	110		9,897.00		05	100.000
	9,897.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1	
ELC FIN CL P	51007156	GRP 06	PT	P	01/01/2020	ADMINISTRATION-BOE - REP.	110		21,949.00		05	100.000
	21,949.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1	
ELC IN S S P	51007157	GRP 11	PT	P	03/19/2020	ADMINISTRATION-BOE - REP.	110		30,366.00		05	100.000
	30,366.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1	
ELLE WKR PTNB	00003139	GRP 01	PT	P	03/13/2021	ADMINISTRATION-BOE - REP.	110		10,093.00		05	100.000
	00003141	GRP 01	PT	P	08/20/2021	ADMINISTRATION-BOE - REP.	110		10,093.00		05	100.000
	00003145	GRP 01	PT	P	07/30/2021	ADMINISTRATION-BOE - REP.	110		10,093.00		05	100.000
	00003146	GRP 01	PT	P	11/13/2021	ADMINISTRATION-BOE - REP.	110		10,093.00		05	100.000
	00003147	GRP 01	PT	P	08/20/2021	ADMINISTRATION-BOE - REP.	110		10,093.00		05	100.000
	00003150	GRP 01	PT	P	07/24/2020	ADMINISTRATION-BOE - REP.	110		10,093.00		05	100.000
	00003153	GRP 01	PT	P	05/07/2022	ADMINISTRATION-BOE - DEM.	110		10,093.00		05	100.000
	00003157	GRP 01	PT	P	01/18/2020	ADMINISTRATION-BOE - REP.	110		3,673.00		05	100.000
	00003159	GRP 01	PT	P	12/03/2022	ADMINISTRATION-BOE - DEM.	110		10,093.00		05	100.000
	00003161	GRP 01	PT	P	05/01/2021	ADMINISTRATION-BOE - REP.	110		6,456.00		05	100.000
	00003165	GRP 01	PT	P	11/05/2022	ADMINISTRATION-BOE - REP.	110		3,673.00		05	100.000
	51007638	GRP 01	PT	P	07/15/2023	ADMINISTRATION-BOE - DEM.	110		18,330.00		05	100.000
	51007639	GRP 01	PT	P	07/25/2023	ADMINISTRATION-BOE - DEM.	110		18,330.00		05	100.000
	51007645	GRP 01	PT	P	09/04/2023	ADMINISTRATION-BOE - DEM.	110		18,330.00		05	100.000
	51012654	GRP 01	PT	P	12/16/2022	ADMINISTRATION-BOE - DEM.	110		18,330.00		05	100.000
	51016026	GRP 01	PT	P	08/17/2023	ADMINISTRATION-BOE - REP.	110		18,330.00		05	100.000
	51016027	GRP 01	PT	P	08/21/2021	ADMINISTRATION-BOE - REP.	110		18,330.00		05	100.000
	51016029	GRP 01	PT	P	08/16/2019	ADMINISTRATION-BOE - REP.	110		18,330.00		05	100.000
	51016030	GRP 01	PT	P	08/27/2022	ADMINISTRATION-BOE - REP.	110		18,330.00		05	100.000
	51016105	GRP 01	PT	P	08/27/2022	ADMINISTRATION-BOE - REP.	110		18,330.00		05	100.000

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	259,516.00	Perm Budget Amt			20	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	20
JR EL CL PT	51004176	GRP 04	PT	P	05/07/2022	ADMINISTRATION-BOE - DEM.	110		19,802.00		05	100.000
	51005585	GRP 04	PT	P	08/27/2011	ADMINISTRATION-BOE - REP.	110		19,802.00		05	100.000
	51008264	GRP 04	PT	P	12/17/2022	ADMINISTRATION-BOE - DEM.	110		19,802.00		05	100.000
	51012979	GRP 04	PT	P	01/01/2016	ADMINISTRATION-BOE - REP.	110		19,802.00		05	100.000
	79,208.00	Perm Budget Amt			4	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	4
MATECHOE PT	51007110	GRP 07	PT	P	12/17/2022	ADMINISTRATION-BOE - DEM.	110		23,264.00		05	100.000
	51008695	GRP 07	PT	P	09/15/2020	ADMINISTRATION-BOE - DEM.	110		23,264.00		05	100.000
	46,528.00	Perm Budget Amt			2	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	2
PR EL C A PT	51016471	GRP 08	PT	P	01/01/2022	ADMINISTRATION-BOE - REP.	110		24,684.00		05	100.000
	24,684.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	1
PR SUVP EL P	51005970	GRP 09	PT	P	04/26/2021	ADMINISTRATION-BOE - DEM.	110		26,227.00		05	100.000
	26,227.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	1
SR EL CL PT	51004839	GRP 07	PT	P	05/07/2022	ADMINISTRATION-BOE - DEM.	110		23,264.00		05	100.000
	51014079	GRP 07	PT	P	09/02/2017	ADMINISTRATION-BOE - REP.	110		23,264.00		05	100.000
	46,528.00	Perm Budget Amt			2	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	2
Totals for Board of Elections												
	571,130.00	Perm Budget Amt			34	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	34

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE	
INTERN SEAS	51016418	GRP 01	SeasonP		08/05/2022	ENVIRONMENTAL COMPLIANCE	110		14,100.00		07	100.000	
	51016419	GRP 01	SeasonP		01/01/2020	PLANNING	110		14,100.00		07	100.000	
	51016836	GRP 01	SeasonP		07/08/2021	PLANNING	110		14,100.00		07	100.000	
	51017362	GRP 01	SeasonP		08/14/2023	ENVIRONMENTAL COMPLIANCE	110		8,905.00		07	32.400	
Totals for Environment & Planning Divis'n							51,205.00	Perm Budget Amt	0.00	Temp Budget Amt	0	Temp Vac	4

Totals for Environment & Planning Divis'n							51,205.00	Perm Budget Amt	0.00	Temp Budget Amt	0	Temp Vac	4
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SHORT DESC	POSITION NUMBER	JOB GROUP	BE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
BEAC SUPV SE	51006350	GRP 49	SeasonP		08/24/2023	WENDT/BENNETT BEACH PARK	110		8,800.00		07	100.000
	8,800.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1		
LIFEGD CP S	51003312	GRP 47	SeasonP		08/20/2023	WENDT/BENNETT BEACH PARK	110		8,400.00		02	100.000
	51005651	GRP 47	SeasonP		08/15/2023	WENDT/BENNETT BEACH PARK	110		8,400.00		02	100.000
	16,800.00	Perm Budget Amt		2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	2		
LIFEGD SEAS	51003309	GRP 45	SeasonP		09/04/2023	WENDT/BENNETT BEACH PARK	110		8,000.00		02	100.000
	51003603	GRP 45	SeasonP		09/29/2023	WENDT/BENNETT BEACH PARK	110		8,000.00		02	100.000
	51004452	GRP 45	SeasonP		09/04/2023	WENDT/BENNETT BEACH PARK	110		8,000.00		02	100.000
	51005656	GRP 45	SeasonP		08/24/2023	WENDT/BENNETT BEACH PARK	110		4,000.00		02	100.000
	51005657	GRP 45	SeasonP		08/26/2023	WENDT/BENNETT BEACH PARK	110		8,000.00		02	100.000
	51013372	GRP 45	SeasonP		08/20/2023	WENDT/BENNETT BEACH PARK	110		4,000.00		02	100.000
	51017911	GRP 45	SeasonP		09/04/2023	WENDT/BENNETT BEACH PARK	110		8,000.00		02	100.000
	51017912	GRP 45	SeasonP		08/15/2023	WENDT/BENNETT BEACH PARK	110		8,000.00		02	100.000
	56,000.00	Perm Budget Amt		8	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	8		
PARK ATT SEA	51011823	GRP 33	SeasonP		12/15/2022	COMO LAKE PARK	110		5,376.00		03	100.000
	51011825	GRP 33	SeasonP		09/15/2023	WENDT/BENNETT BEACH PARK	110		5,376.00		03	100.000
	51012680	GRP 33	SeasonP		08/17/2023	ELMA MEADOWS PARK	110		11,520.00		03	100.000
	51012681	GRP 33	SeasonP		08/26/2023	GROVER CLEVELAND PARK	110		11,520.00		03	100.000
	33,792.00	Perm Budget Amt		4	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	4		

Totals for Parks

115,392.00 Perm Budget Amt 15 Perm Vac 0 Temp Vac 15

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 167 Emergency Services

Erie County
 POSITION CONTROL
 PART TIME VACANCY BY DEPARTMENT, JOB

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
FIRE INST PT	51002955	GRP 11	PT	P	01/31/2022	FIRE SAFETY	110		2,397.00	1	02	100.000
	2,397.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		
HS INSTR PT	51017929	GRP 11	PT	P	01/01/2023	DISASTER PREPAREDNESS	110		3,074.00		07	100.000
	51017930	GRP 11	PT	P	01/01/2023	DISASTER PREPAREDNESS	110		3,074.00		07	100.000
	51017931	GRP 11	PT	P	01/01/2023	DISASTER PREPAREDNESS	110		3,074.00		07	100.000
	9,222.00	Perm Budget Amt		3	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		
Totals for Emergency Services												
	11,619.00	Perm Budget Amt		4	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		

Erie County
 POSITION CONTROL
 PART TIME VACANCY BY DEPARTMENT, JOB

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 167 Emergency Services

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
Totals for FUND 110										10		
	1,890,652.00	Perm Fund Amt								Temp Vac		
	194,402.00	Temp Fund Amt								Temp Vac		
	162	Perm Vac										

Run Totals: Total Perm Vac 162 Total Temp Vac 10 Total Vacancies 172 Total Positions 648 Percent 27%

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 23D-2	BOARD OF ELECTIONS	Erie County Board of Elections Budget Revisions
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Attachments

23COMM. 23D-2

ERIE COUNTY
Board of Elections
134 West Eagle Street
Buffalo, New York 14202

EC LEG DEC 1 '23 PM3:34

Ralph M. Mohr, *Commissioner*
Jeremy J. Zellner, *Commissioner*

December 1, 2023

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

Re: Erie County Board of Elections Budget Revisions

IMMEDIATE CONSIDERATION REQUESTED

Dear Honorable members:

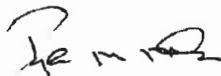
Enclosed please find a memorandum and a proposed resolution requesting authorization to make adjustments within the Erie County Board of Elections Budgets.

The newly reappropriated funds will augment State and Federal grants for the purpose of purchasing voting equipment to be used in all 2024 elections.

The New York state TIER (Technology Innovation and Election Resource) grant and the Federal HAVA (Help America Vote Act) grant do not require additional local share.

Thank you for your consideration in this matter. Should this Honorable Body require further information, please contact the Erie County Board of Elections.

Sincerely,



Ralph M. Mohr
Commissioner



Jeremy J. Zellner
Commissioner

MEMORANDUM

To: The Honorable Members of the Erie County Legislature
From: Erie County Board of Elections
Re: Budget Revisions
Date: December 1, 2023

SUMMARY

The proposed resolution and accompanying memorandum request authorization to adjust the 2023 Erie County Board of Elections budget by transferring funds from an unbudgeted revenue account to the Board of Elections General Fund Budget and using these funds, in conjunction with existing grant funds, to allow for the purchase of polling place scanners and voting system components for the 2024 elections.

FISCAL IMPLICATIONS

Purchases of equipment will be reimbursed by the State of New York through the Technology Innovation and Election Resource (TIER) Grant and the Title II HAVA Funds "Shoebox" Grant. The County will receive 100% reimbursement for \$2,928,337.32 of equipment. The remainder of the funds needed will be transferred from the Gaming Facilities Aid revenue account.

REASONS FOR RECOMMENDATION & BACKGROUND INFORMATION

The Board of Elections currently has available \$2.9 million in grant funding which is set to expire on March 31, 2024. The Commissioners have determined that the best use of these funds is to upgrade current voting equipment, some of which are a decade old. Notable, over 75% of the Board's current inventory of ballot tabulators will not operate under the newest software version approved by the New York State Board of Elections and will require mandatory replacement when the county board migrates to this system. Additionally, this funding will allow the Board of Elections to upgrade its services to the disability community at each of its early voting sites.

CONSEQUENCES OF NEGATIVE ACTION

Failure to approve this reallocation of funds would result in the county paying a greater local share of the voting equipment costs when such equipment is upgraded. Delay would also result in a potential loss of 1.7 million in TIER grant funding to the Board of Elections. The Board of Elections has also negotiated with the vendor a trade-in credit for the current equipment which far exceeds the industry norm and which would be lost if not acted upon at this time.

A RESOLUTION SUBMITTED BY THE
ERIE COUNTY BOARD OF ELECTIONS

RE: Erie County Board of Elections Budget Revisions

WHEREAS, New York State is entering into a presidential election where there will be two primary elections, one general election and a special election for a soon to be vacated congressional seat; and

WHEREAS, New York State has provided funding to Erie County in the amount of \$1,706,084.75 through the Technology Innovation and Election Resource (TIER) Grant Program for upgrades to software, technology, and equipment; and

WHEREAS, New York State, through the federal government Title II HAVA Funds, has provided funding to Erie County in the amount of \$1,222,252.57 for any purpose supporting a federal election; and

WHEREAS, Article 16 section 16.01(d) of the Erie County Charter provides the Board of Elections the power, without public advertisement for bids, to make all purchase of and contract for all primary and election supplies and services necessary for the operation of its office and the performance of its duties; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the recognition of \$1,560,317 in previously unbudgeted revenue in Fund 110, Funds Center 14010, Revenue Account #402520 – Gaming Facilities Aid and the appropriation of a like amount of funding into the Board of Elections 2023 General Fund Budget, Fund 110, Funds Center 150 Account #561410 Lab & Technical Equipment as follows:

2023 Budget
Fund 110, Funds Center 14010
Countywide Budget Accounts

REVENUES

402520 Gaming Facilities Aid	<u>\$1,560,317</u>
TOTAL	<u>\$1,560,317</u>

2023 Budget
Fund 110, Funds Center 150
Board of Elections

REVENUE

480020 Sale – Excess Materials	<u>\$532,750</u>
TOTAL	<u>\$532,750</u>

APPROPRIATIONS

561410 Lab & Technical Equipment	<u>\$2,093,067</u>
TOTAL	<u>\$2,093,067</u>

and be it further

RESOLVED, that authorization is hereby given to re-appropriate \$2,093,067 in 2023 funding into 2024; be it further

RESOLVED, that authorization is hereby given to the Director of the Division of Budget and Management to make any necessary budget adjustments within the Board of Elections 2023 & 2024 General Fund (Fund 110, Funds Center 150) or Grant Fund (Fund 281, 150TIER2123 & 150HAVASHOEBOX0214) Budgets in order to effectuate this transfer and purchase; and be it further

RESOLVED, that authorization is hereby given to the Director of Purchasing to create all necessary documents to allow for the purchase polling place scanners and voting system components; and that it be further

RESOLVED, that the Clerk of the Legislature is hereby instructed to forward certified copies of this resolution to the County Executive's Office, Comptroller's Office, Department of Law, Division of Budget and Management, Division of Purchasing, and Board of Elections.

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 23M-1	PRESIDENT & CEO OF VBN	VBN & Buffalo Convention Center - Third Quarter Reports
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Attachments

23COMM. 23M-1



**BUFFALO
CONVENTION
CENTER**

NOV 27 '23 PM 1:55

PATRICK J. KALER
PRESIDENT & CEO

403 Main Street, Suite 630 • Buffalo, New York 14203 • 716-961-0200 • Kaler@VisitBuffaloNiagara.com

November 21, 2023

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

Dear Mr. Graber:

Enclosed please find the 2023 third quarter reports for Visit Buffalo Niagara and the Buffalo Convention Center. Also enclosed are the current financial statements which were reviewed and approved by the Board.

Sincerely,

Patrick J. Kaler
President and CEO

/Enclosures





**BUFFALO
CONVENTION
CENTER**

PATRICK J. KALER
PRESIDENT & CEO

403 Main Street, Suite 630 ▪ Buffalo, New York 14203 ▪ 716-961-0200 ▪ Kaler@VisitBuffaloNiagara.com

November 21, 2023

I, the undersigned, do hereby certify based on my knowledge, the information provided herein:

- Is accurate, correct and does not contain any untrue statement of material fact;
- Does not omit any material fact which, if omitted, would cause the financial statements to be misleading in light of the circumstances under which such statements are made;
- Fairly presents, in all material respects, the financial condition and results of operations of the authority as of and for the periods presented in the financial statements.

Visit Buffalo Niagara
Buffalo Convention Center

Patrick J. Kaler
President and CEO





JULY 2023 DESTINATION UPDATE

A MONTHLY DASHBOARD AND QUALITATIVE REPORT

PATRICK J. KALER, PRESIDENT & CEO

VISIT BUFFALO NIAGARA

BUFFALO CONVENTION CENTER

BUFFALO NIAGARA SPORTS COMMISSION



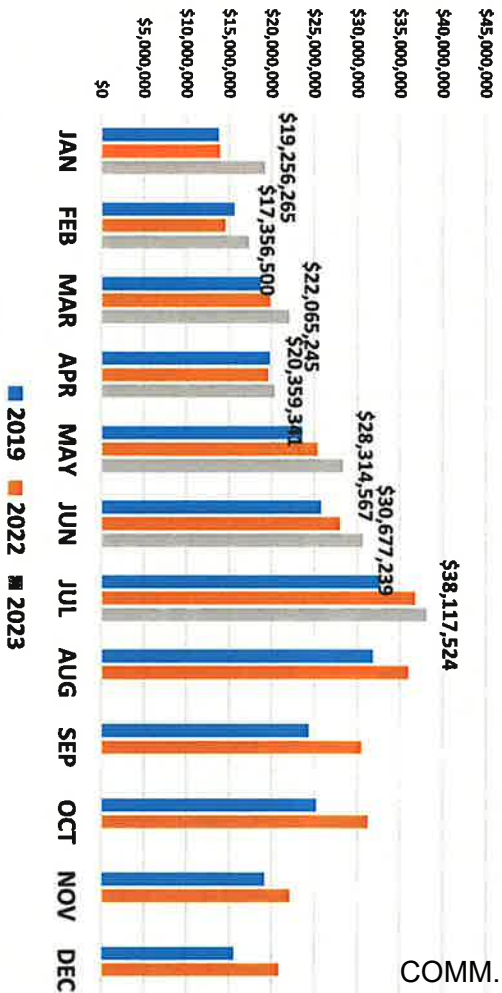
MONTHLY TRAVEL DATA - STR

ERIE COUNTY HOTEL REVENUE – JULY 2023

July Hotel Revenue	
July 2022	3.5%
July 2019	16.8%
YTD Hotel Revenue	
2022	10.0%
2019	16.0%

Hotel Revenue is the lodging revenue for all hotel/motel properties in Erie County reported for the month.

July 2023 hotel revenue collections totaled, **\$38,117,524** which was a **3.5%** increase compared to July 2022. July 2023 hotel revenue was **16.8%** higher than 2019.



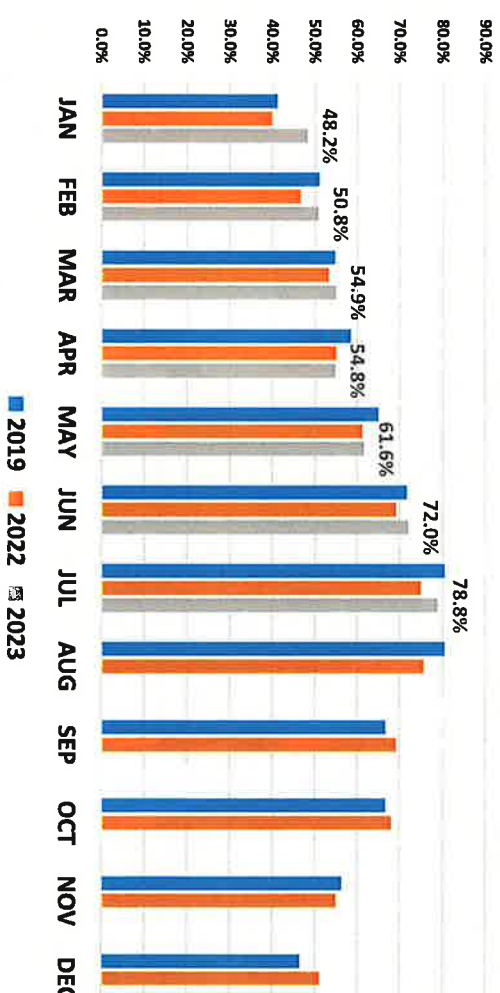
ERIE COUNTY HOTEL OCCUPANCY – JULY 2023

July Hotel Occupancy	
July 2022	3.8%
July 2019	-2.0%
YTD Hotel Occupancy	
2022	5.6%
2019	-0.3%

Hotel Occupancy is the percentage of available rooms sold during the month in Erie County. Occupancy is calculated by dividing the number of rooms sold by the number of rooms available.

July 2023 occupancy measured **78.8%**, which was up **3.8%** compared to July 2022. July 2023 occupancy was down **2.0%** compared to 2019.

In comparison, for the U.S., July occupancy was down 0.7% compared 2022 and down 6.4% compared to 2019. The State Of New York, was up 4.9% in Occupancy in July 2023 compared to 2022, and down 4.7% compared to 2019.



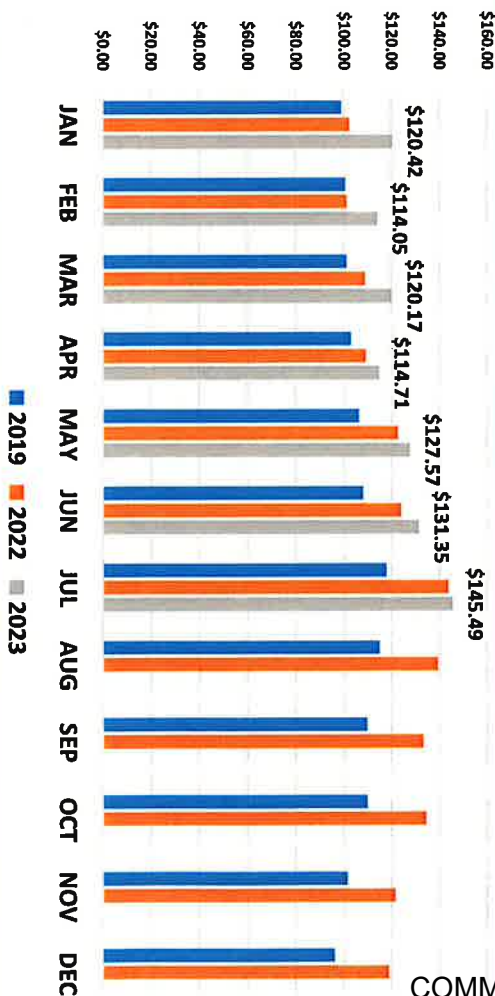
ERIE COUNTY HOTEL AVERAGE DAILY RATE (ADR) – JULY 2023

July Hotel Average Daily Rate	
July 2022	1.2%
July 2019	23.5%
YTD Hotel Average Daily Rate	
2022	8.0%
2019	18.7%

Hotel Average Daily Rate (ADR) is the measure of the average rate paid for hotel/motel rooms sold for the previous year. It is calculated by dividing room revenue by the number of rooms sold for that time period.

In July, Erie County ADR was **\$145.49** an increase of **1.2%** over 2022, and a **23.5%** increase compared to 2019.

The U.S. ADR for July 2023 was up **0.8%** compared to 2022, as well as up **18.7%** from 2019. New York State ADR for 2023 was up **3.8%** compared to 2022 and up **15.8%** compared to 2019.



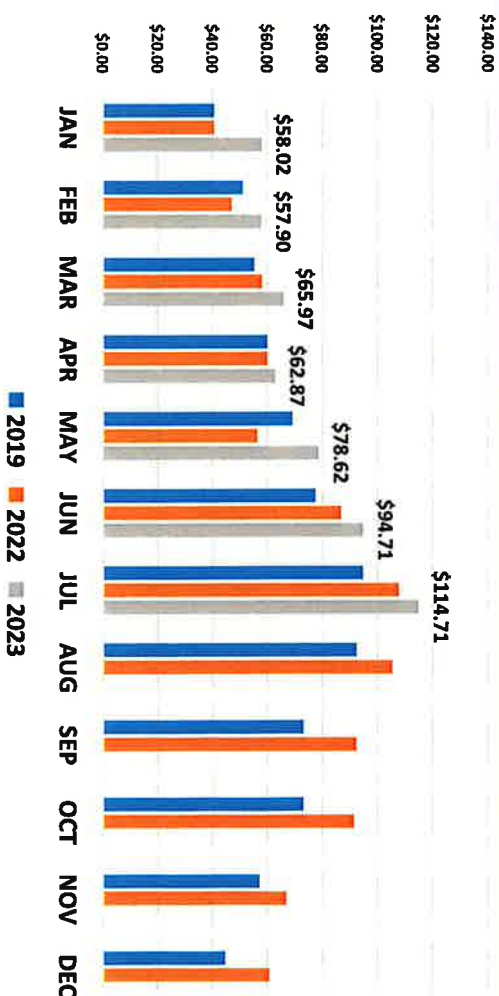
ERIE COUNTY HOTEL REVPAR – JULY 2023

July Hotel RevPAR	
July 2022	6.3%
July 2019	21.1%
YTD Hotel RevPAR	
2022	12.2%
2019	18.5%

Hotel Revenue Per Available Room (RevPAR) is the total room revenue for the previous year divided by the total number of available rooms.

2023 July RevPAR was **\$114.71** which was an increase of **6.3%** over 2022, and up **21.1%** compared to 2019.

RevPAR for the U.S. was up **0.1%** for July 2023 over 2022, and up **11.2%** compared to 2019. The State of New York also had increases for RevPAR in 2023 with a **8.9%** increase over 2022 and **10.3%** increase compared to 2019.



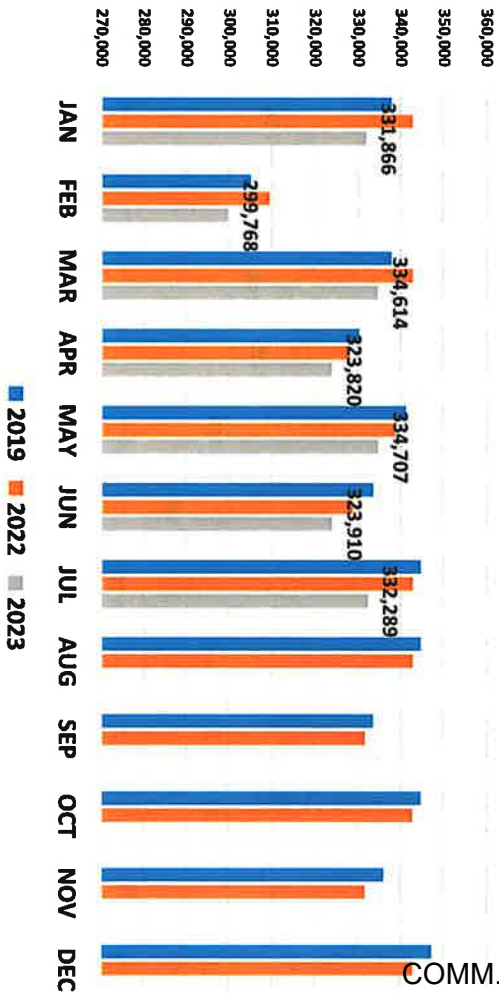
ERIE COUNTY HOTEL SUPPLY – JULY 2023

July Hotel Supply	
July 2022	332,289
July 2019	-3.6%
YTD Hotel Supply	
2022	2,281,354
2019	-2.1%

Hotel Supply is the number of rooms in a hotel or set of hotels multiplied by the number of days in a specified time period.

In July 2023, Erie County's hotel supply totaled **323,910** which was a **2.6%** decrease from 2022 and a **3.6%** decrease compared to 2019.

The number of Erie County available hotel rooms totaled **10,719** which is a **3.6%** decrease compared to 2019.

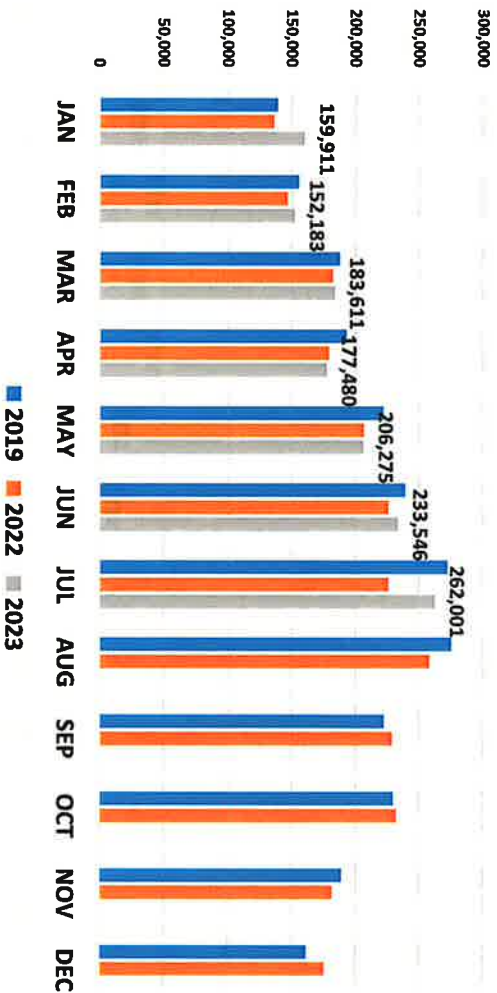


ERIE COUNTY HOTEL DEMAND – JULY 2023

July Hotel Demand	
July 2022	262,001
July 2019	-3.6%
YTD Hotel Demand	
2022	1,374,768
2019	-2.6%

Hotel Demand is the number of hotel/motel rooms sold in a specified time period (excludes complimentary rooms).

July 2023 hotel demand totaled, **262,001** which was a **2.3%** increase compared to 2022 and a **5.5%** decrease compared to 2019.





MONTHLY TRAVEL DATA - KEYDATA

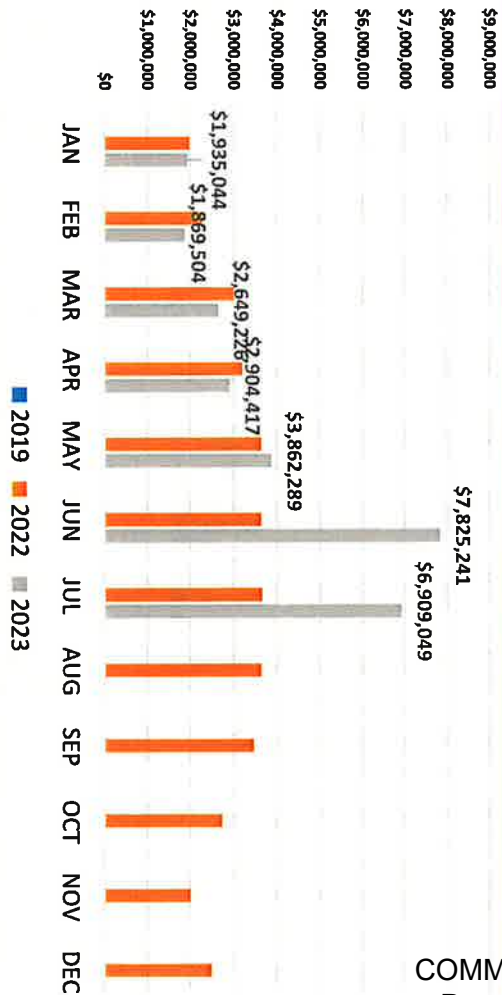
ERIE COUNTY SHORT TERM RENTAL REVENUE -- JULY 2023

July Short Term Rental Revenue	
July 2022	102.9%
July 2019	NA
YTD Short Term Rental Revenue	
2022	\$24,910,235
2019	48.4%
2019	NA

Short Term Rental Revenue is the total lodging revenue for all short-term rentals reported for the month.

In July 2023, Erie County's short term rental revenue generated **\$6,909,049** which was up **102.9%** compared to 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



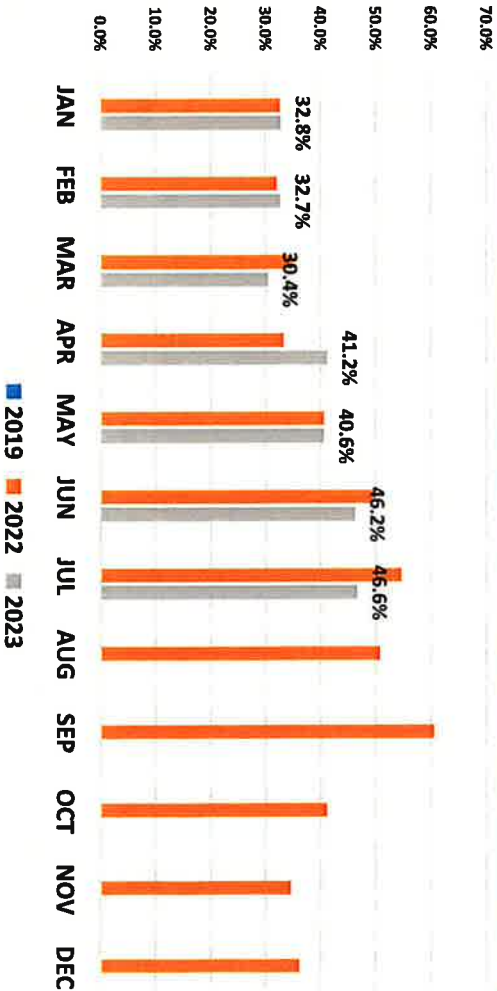
ERIE COUNTY SHORT TERM RENTAL OCCUPANCY -- JULY 2023

July Short Term Rental Occupancy	
July 2022	46.6%
July 2019	-4.3%
YTD Short Term Rental Occupancy	
2022	40.4%
2019	7.2%
2019	NA

Short Term Rental Occupancy is the percentage of available rental units sold during the month in Erie County. Occupancy is calculated by dividing the number of sold by the number of units available.

July 2023 occupancy measured **46.6%**, which was down **4.3%** compared to July 2022.

Note: VBN did not collect Short Term Rental Data in 2019.





MONTHLY TRAVEL DATA- KEYDATA

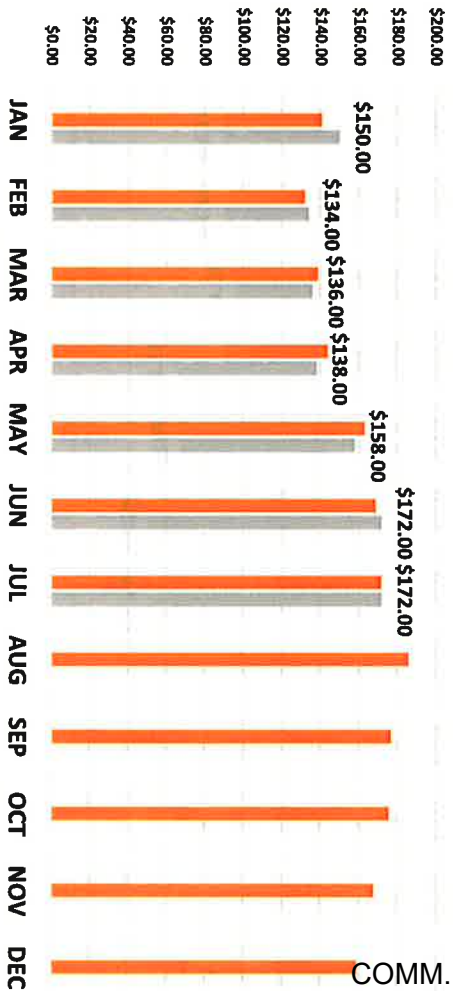
ERIE COUNTY SHORT TERM RENTAL AVERAGE DAILY RATE – JULY 2023

July Short Term Rental ADR	
July 2022	Null
July 2019	NA
YTD Short Term Rental ADR	
2022	Null
2019	NA

Short Term Rental Average Daily Rate (ADR) is the measure of the average rate paid for short term rental units sold for the month. It is calculated by dividing rental units' revenue by the number of units sold for that time period.

In July, Erie County Short Term Rental ADR was **\$172.00** the same as 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



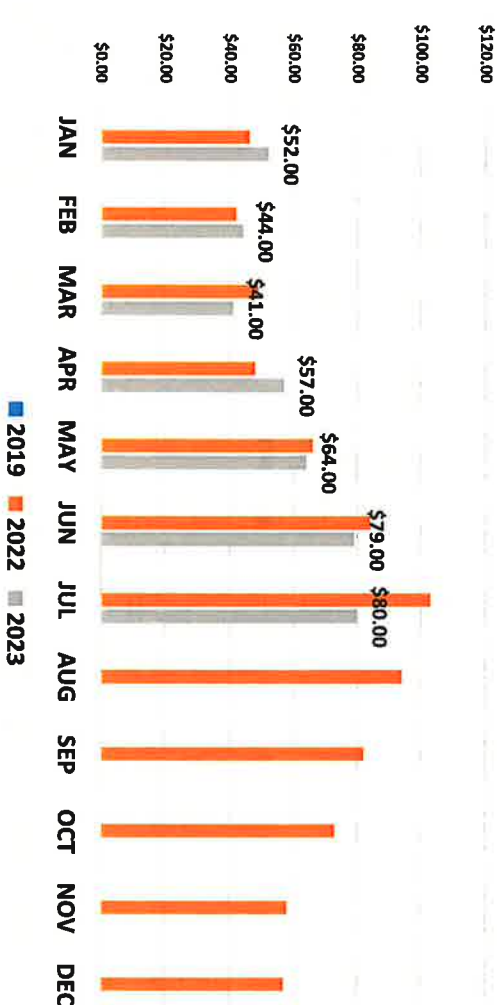
ERIE COUNTY SHORT TERM RENTAL REVPAR – JULY 2023

July Short Term Rental RevPAR	
July 2022	-7.0%
July 2019	NA
YTD Short Term Rental RevPAR	
2022	6.9%
2019	NA

Short Term Rental Revenue Per Available Room (RevPAR) is the total short term rental revenue for the month divided by the total number of available short term rental units.

2023 July RevPAR was **\$80.00** which was a decrease of **7.0%** compared to 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



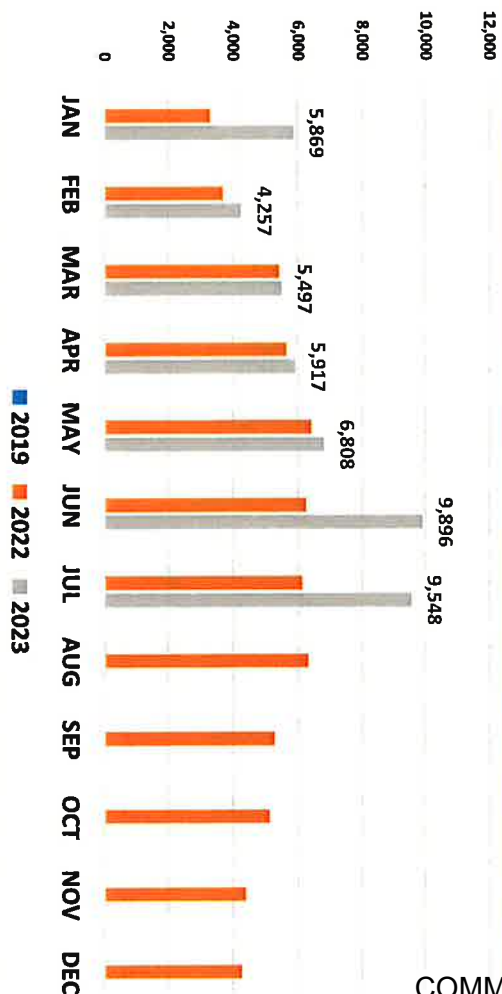
ERIE COUNTY SHORT TERM BOOKINGS – JULY 2023

July Short Term Rental Bookings	
July 2022	51.6%
July 2019	NA
YTD Short Term Rental Bookings	
2022	33.5%
2019	NA

Short Term Rental Bookings is the measure of the total bookings in all Erie County short term rentals for the month.

In July, Erie County Short Term Rental Bookings totaled **9,548** which was an increase of **51.6%** compared to 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



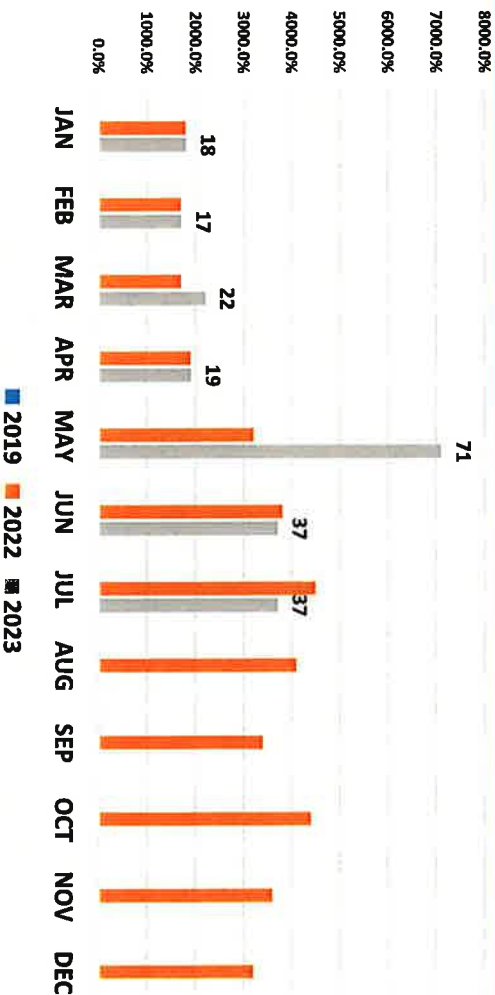
ERIE COUNTY SHORT TERM BOOKING WINDOW – JULY 2023

July Short Term Rental Booking Window (days)	
July 2022	-5.3%
July 2019	NA
YTD Short Term Rental Booking Window (days)	
2022	Null
2019	NA

Short Term Booking Window is the average number of days prior to arrival/check-in of a short term rental booking.

In July 2023 the short term rental average booking window was **37 days** prior to arrival, which was a decrease of **5.3%** from 2022.

Note: VBN did not collect Short Term Rental Data in 2019.





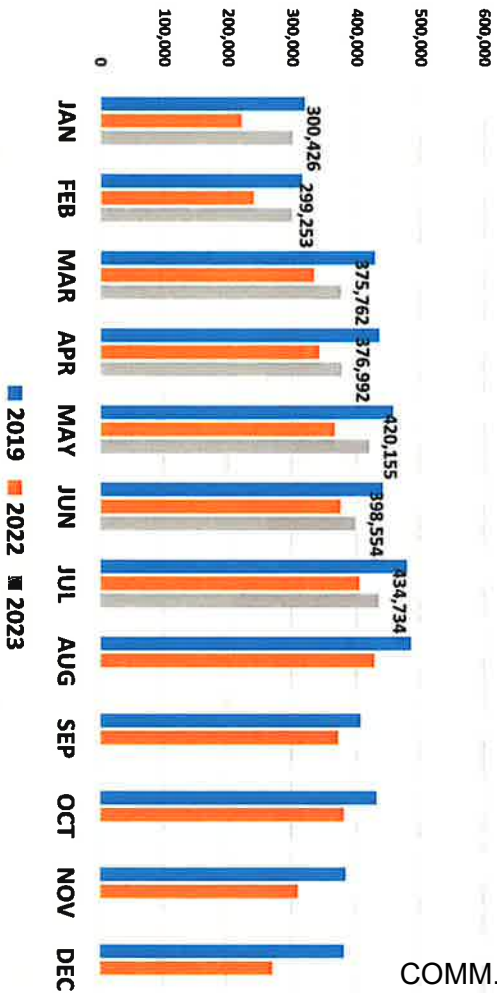
SALES DEPARTMENT DATA

BUFFALO NIAGARA INTERNATIONAL AIRPORT PASSENGERS – JULY 2023

July BUF Airport Passengers	
July 2022	434,734
July 2019	7.3%
YTD BUF Airport Passengers	
2022	2,605,874
2019	14.0%
	-9.4%

Airport Passengers is the total monthly air traffic passengers at Buffalo Niagara International Airport as reported by NFTA.

Passengers through BUF in July 2023 totaled **434,734** representing a **7.3%** increase over 2022 and a **9.3%** decrease compared to 2019.

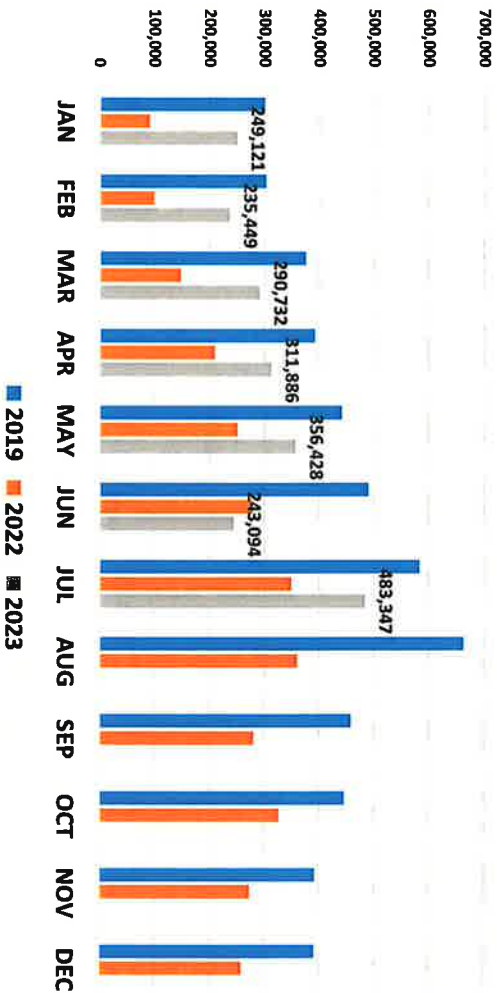


U.S. / CANADIAN CROSS BORDER TRAFFIC – JULY 2023

July US/Canadian Border Traffic	
July 2022	483,347
July 2019	38.2%
YTD US/Canadian Border Traffic	
2022	2,170,037
2019	10.2%
	-24.8%

Cross Border Traffic calculates the monthly border crossings between the United States and Canada in Erie and Niagara Counties.

Travel between the two countries through the Erie and Niagara County access points for the month of July 2023 totaled **483,347** which was a **38.2%** increase compared 2022 and a **17.2%** decrease compared to 2019.



SALES & SERVICES DEPARTMENT UPDATE



MONTHLY Sales & Services Department Dashboard - July 2023 vs. July 2022 and July 2019 (RECOVERY BENCHMARK)

Sales Lead Distributed		Sales Lead Room Nights		Lead Expected Attendance		Lead Economic Impact		Lost Business	
60		35,303		34,415		\$39,853,739		13	
July 2022	9.1%	July 2022	7.1%	July 2022	21.5%	July 2022	34.2%	July 2022	-45.8%
July 2019	1.7%	July 2019	-6.8%	July 2019	42.5%	July 2019	33.6%	July 2019	30.0%
Definite Events Booked		Definite Room Nights Booked		Definite Expected Attendance		Definite Event Economic Impact			
37		8,182		11,918		\$6,158,044			
July 2022	54.2%	July 2022	-13.6%	July 2022	62.0%	July 2022	-15.6%	July 2022	-3.7%
July 2019	-19.0%	July 2019	-52.7%	July 2019	-18.8%	July 2019	-18.8%	July 2019	-3.7%
Events Held		Events Held Room Nights		Events Held Attendance		Groups Serviced			
51		12,261		17,875		28			
July 2022	30.8%	July 2022	-23.1%	July 2022	75.4%	July 2022	12.0%	July 2022	3.7%
July 2019	-19.0%	July 2019	-52.7%	July 2019	-18.8%	July 2019	-18.8%	July 2019	3.7%

YEAR TO DATE Sales & Services Department Dashboard - Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

YTD Sales Lead Distributed		YTD Sales Lead Room Nights		YTD Lead Expected Attendance		YTD Lead Economic Impact		YTD Lost Business	
337		172,315		149,287		\$167,735,521		114	
2022	1.2%	2022	0.9%	2022	42.8%	2022	21.4%	2022	-14.9%
2019	-24.4%	2019	-36.7%	2019	-19.6%	2019	-23.3%	2019	-24.5%
YTD Definite Events Booked		YTD Definite Room Nights Booked		YTD Definite Expected Attendance		YTD Definite Event Economic Impact			
217		65,415		87,284		\$51,861,871			
2022	59.7%	2022	-25.6%	2022	6.8%	2022	-36.5%	2022	-33.1%
2019	7.3%	2019	-26.2%	2019	16.6%	2019	-33.1%	2019	-33.1%
YTD Events Held		YTD Events Held Room Nights		YTD Events Held Attendance		YTD Groups Serviced			
170		84,322		102,754		99			
2022	10.4%	2022	4.6%	2022	55.0%	2022	22.2%	2022	-17.5%
2019	-38.4%	2019	-27.9%	2019	-3.0%	2019	-17.5%	2019	-17.5%

SALES & SERVICES DEPARTMENT UPDATE



2023 July compared to May Sales & Services KPI Comparison

Key Performance Indicator	MOM Percent Change
Leads Distributed	15.4%
Lead Room Nights	-13.5%
Lead Attendance	-0.7%
Lead Economic Impact	49.6%
Definite Bookings	32.1%
Definite Room Nights	7.9%
Definite Attendance	2.8%
Definite Economic Impact	-0.8%
Lost Leads	45.8%
Events Held In Month	75.9%
Events Held In Month Room Nights	-14.5%
Events Held In Month Attendance	-7.9%
Groups Serviced	100.0%

Fall Sales and Services Activity Planning
Typically, a slower month of the tourism year, Visit Buffalo Niagara utilized July to plan for several site visits, MPI Thought Leaders Summit, Customer Advisory Council meeting and sales activities related to Buffalo Bills games in Washington, DC and London.

July 2023 Trade Shows/Conferences Attended		
SHOW / CONFERENCE NAME	LOCATION	ATTENDED BY
Destinations International Annual Convention	Dallas, TX	Renata Toney and Meaghan Zimmer
July 2023 Site Visits / FAIMS		4



Attendance Building For 2024 American Cheese Society
Visit Buffalo Niagara Services Staff, Karen Cox and Marisa Urbano attended the 2023 American Cheese Society Annual Conference in Des Moines, IA to build attendance for the 2024 conference which will be held in Buffalo. At the American Cheese Society Annual Conference, attendees celebrate a vibrant and growing market for world-class American-manufactured cheeses.



Buffalo Book Club Summer Reading
The Visit Buffalo Niagara Book Club, spent the month of July reading "The Secrets We Bury" by Mary Bush. The club's Facebook page was buzzing with various posts from the staff including an Instagram Reel that featured an Explore Buffalo tour highlighting various sites in the book. The club members were also excited to receive their goodie box with treats



MARKETING & COMMUNICATIONS

DEPARTMENT UPDATE

MONTHLY Marketing & Communications Department Dashboard July 2023 vs. July 2022 and July 2019

Website Sessions		Mobile Website Sessions		Duration On Site		Website Page Views		Social Media Posts	
July 2022	202,754	July 2022	139,960	July 2022	1:51	July 2022	360,147	July 2022	183
July 2019	-5.5%	July 2019	-9.7%	July 2019	-2 seconds	July 2019	-7.4%	July 2019	1.1%
July 2019	2.5%	July 2019	3.0%	July 2019	19 seconds	July 2019	-9.2%	July 2019	6.4%
Facebook Followers		Twitter Followers		Instagram Followers		TikTok Followers		All Video Views	
July 2022	100,366	July 2022	29,699	July 2022	71,469	July 2022	24,700	July 2022	402,471
July 2019	1.8%	July 2019	0.7%	July 2019	60.6%	July 2019	56.1%	July 2019	-42.7%
July 2019	6.0%	July 2019	4.2%	July 2019	115.9%	July 2019	NA	July 2019	572.8%
Media Placements		Media Impressions		Media Social Shares		Media Touchpoints		Media Visits	
July 2022	12	July 2022	688,634,021	July 2022	55	July 2022	10	July 2022	6
July 2019	140.0%	July 2019	595.6%	July 2019	-98.6%	July 2019	-54.5%	July 2019	20.0%
July 2019	NA	July 2019	NA	July 2019	NA	July 2019	NA	July 2019	NA

YEAR TO DATE Marketing & Communications Department Dashboard. Year Over Year Comparison 2023 vs. 2022 and 2019

YTD Website Sessions		YTD Mobile Website Sessions		Duration On Site		YTD Website Page Views		YTD Shared Social Media Posts	
2022	1,070,800	2022	697,449	2022	1:15	2022	1,768,249	2022	1,257
2019	15.9%	2019	11.9%	2019	-2 seconds	2019	7.6%	2019	-15.6%
2019	7.5%	2019	7.7%	2019	19 seconds	2019	-9.7%	2019	5.5%
Facebook Followers		Twitter Followers		Instagram Followers		TikTok Followers		YTD All Video Views	
2022	100,366	2022	29,699	2022	71,469	2022	24,700	2022	6,176,831
2019	1.8%	2019	0.7%	2019	60.6%	2019	56.1%	2019	173.0%
2019	6.0%	2019	4.2%	2019	115.9%	2019	NA	2019	884.8%
YTD Media Placements		YTD Media Impressions		YTD Media Social Shares		YTD Media Touchpoints		YTD Media Visits	
2022	60	2022	2,026,583,554	2022	3,886	2022	104	2022	32
2019	81.8%	2019	205.2%	2019	-47.1%	2019	-30.7%	2019	128.6%
2019	NA	2019	NA	2019	NA	2019	NA	2019	NA

MARKETING & COMMUNICATIONS DEPARTMENT UPDATE



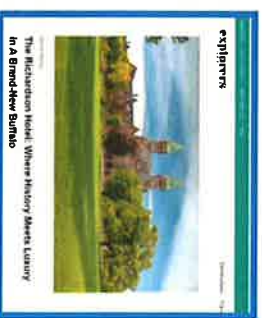
2023 July compared to March Marketing & Communications KPI Comparison

Key Performance Indicator	MOM Percent Change
Website Sessions	20.8%
Mobile Website Sessions	32.8%
Duration on Site	-23 seconds
Website Page Views	17.1%
Social Media Posts	-1.6%
Facebook Followers	-0.03%
Twitter Followers	-0.2%
Instagram Followers	3.9%
TikTok Followers	3.9%
All Video Views	-72.2%
Media Placements	20.0%
Media Impressions	137.7%
Social Media Shares	-95.9%
Media Touchpoints	-50.0%
Media Visits	-70.0%

July 2023 Media Hits

PUBLICATION/SOURCE	ARTICLE HEADLINE	READERSHIP	SHARES
Explorers Away	Buffalo AKG Museum Brings New Energy To The City	168,993,485	
Explorers Away	The Richardson Hotel: Where History Meets Luxury in a Brand-New Buffalo	168,993,485	
Flipboard	Glass Roof Forms Stunning Vortex in Art Museum's Courtyard	3,391,456	
CNN	25 of the USA's Most Underrated Destination	168,941,453	
Architectural Digest	From a Dreamy Resort by Hollis to a Stellar Museum Renovation, Hear Are AD's Discoveries of the Month	5,144,761	
MSN	10 Officially Most Livable Cities in New York State	165,879,495	
Lazy Trips	Road Trip from Toronto to Philadelphia	291,971	
Essence	6 Black History Sites Every Black Traveler Should Visit	3,654,343	
Ebony	How New Communal Space At The Buffalo AKG Art Museum Hopes To Help Eradicate The City's Divide	342,891	10
MSN	20+ Best Things To Do In Buffalo	142,877,153	
MSN	10 Best Hotels In Buffalo	143,042,198	
MSN	The Richardson Hotel Intertwines History and Luxury in Buffalo	143,042,198	
Uproxx	New York-Based Breweries You Need To Visit This Summer (That Aren't In NYC)	4,400,000	44

Not all media hits were as a direct result of efforts by Madden Media.



Most Viewed Video July 2023

716 Day
150,187

Sample of other video content for the month:

- Happy Canada Day
- Buffalo Place – Thursday & Main Zoomagination at the Buffalo Zoo
- Free Theater Experience at Shakespeare's In Delaware Park
- Garden Walk Buffalo
- National Chicken Wing Day



Marketing Agency Meeting and Destination Immersion



Representatives from Visit Buffalo Niagara's digital Marketing agency, Madden Media, spent two days in the destination strategizing fall/winter campaigns and website enhancements as well as spending time experiencing the new things to see and do throughout the destination. They were able to experience the accommodations at the recently renamed Richardson Hotel and the reopening of the expanded Buffalo AKG in addition to Buffalo's Waterfront, the Wing Trail, and public art.

Examples of July Blogs and Social Media Posts

Wayland Brewing Company Hits All the Marks

Operating on the same land that once made the nation's Buffalo 24 again upon the opening of 60 Breweries, Wayland Brewing Company is not only a local favorite but also a national one. The challenge for new establishments is to manage the promotional noise. New Breweries often need to have a "hook" or a special feature that sets them apart from the competition. In the case of Wayland Brewing, it's their commitment to sustainability and community. They are not just a brewery; they are a destination. Their commitment to sustainability is evident in their use of local ingredients and their focus on reducing their carbon footprint. Their commitment to community is shown through their various events and their support of local charities. Wayland Brewing is a true example of a business that is committed to making a positive impact on the community.

Visit Buffalo Niagara

There's nothing quite like a peaceful day on the water. Whether you're a seasoned angler or a beginner, the Buffalo area offers a variety of fishing spots to suit every skill level. From the serene waters of the Buffalo River to the scenic shores of Buffalo Bay, there's always a great spot to catch a few fish. So grab your gear and head out to enjoy the beauty of the Buffalo area. #BuffaloFishing #VisitBuffaloNiagara

LET'S EXPLORE BUFFALO, NY

Discover the beauty of Buffalo, NY. From the historic architecture to the vibrant arts scene, there's something for everyone in Buffalo. #BuffaloNY #ExploreBuffalo

New & Enhanced VisitBuffaloNiagara.com Content

Neighborhoods

The Visit Buffalo Niagara marketing team continues to enhance the Neighborhood section of the destination website, including new storytelling and expanding business listings and event content.

Neighborhoods COLLECTIVELY DISTINCT

Buffalo is a city of diverse neighborhoods, each with its own unique character and charm. From the historic charm of the Buffalo River to the modern amenities of the Buffalo Bay, there's always a great neighborhood to explore. #BuffaloNeighborhoods #VisitBuffaloNiagara

Support Local

Support local businesses and enjoy the best of Buffalo. #SupportLocal #BuffaloBusiness



DESTINATION DEVELOPMENT DEPARTMENT UPDATE

MONTHLY Destination Development Department Dashboard – July 2023 vs. July 2022 and July 2019 (RECOVERY BENCHMARK)

Visitor Guide Requests		Weekly Lodging Dashboard Distribution		Tourism Insider Distribution	
July 2022	403	July 2022	481	July 2022	2,531
July 2019		July 2019		July 2019	
	68.6%		33.2%		-7.3%
	-64.9%		NA		-2.3%
Number of Mobile Visitor Center Events		Mobile Visitor Center Volunteer Hours		Number of Convention/Sport Events	
July 2022	8	July 2022	30	July 2022	1
July 2019		July 2019		July 2019	
	-11.1%		100.0%		100.0%
	NA		NA		NA
Industry Meeting Attendance		Industry Event Attendance		Extranet Training Attendance	
July 2022	0	July 2022	120	July 2022	0
July 2019		July 2019		July 2019	
	Null		100.0%		Null
	-100.0%		9.1%		-100.0%
Destination Customer Service Training Attend.					
July 2022	0	July 2022		July 2022	
July 2019		July 2019		July 2019	
	Null				Null
	-100.0%				-100.0%

YEAR TO DATE Destination Development Department Dashboard – Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

YTD Visitor Guide Requests		YTD Weekly Lodging Dashboard Distribution		YTD Tourism Insider Distribution	
2022	3,336	2022	481	2022	2,531
2019		2019		2019	
	-47.5%		33.2%		-4.3%
	-28.4%		NA		-2.3%
YTD Number of Mobile Visitor Center Events		YTD Mobile Visitor Center Volunteer Hours		YTD Number of Convention/Sport Events	
2022	16	2022	152	2022	10
2019		2019		2019	
	-23.8%		-45.9%		150.0%
	NA		NA		NA
YTD Industry Meeting Attendance		YTD Industry Event Attendance		YTD Extranet Training Attendance	
2022	275	2022	261	2022	15
2019		2019		2019	
	787.1%		741.9%		-11.8%
	-59.8%		-28.7%		-42.3%
YTD Dest./Customer Service Training Attend.					
2022	5	2022		2022	
2019		2019		2019	
	Null				Null
	-94.1%				-94.1%

BUFFALO CONVENTION CENTER OPERATIONAL UPDATE

MONTHLY Buffalo Convention Center Operational Dashboard – July 2023 vs. July 2022 and July 2019 (RECOVERY BENCHMARK)

Total Events	Event – Convention	Event – Meeting	Event - Banquet	Event – Consumer/Public Show	Event – Social
2	1	0	0	1	0
July 2022	July 2022	July 2022	July 2022	July 2022	July 2022
-60.0%	Null	-100.0%	-100.0%	Null	Null
July 2019	July 2019	July 2019	July 2019	July 2019	July 2019
-33.3%	Null	-100.0%	Null	-100.0%	Null
Total Event Attendance					
Number of Days Occupied					
3,628					
New survey system being developed for mid-year.					
July 2022	July 2022	July 2022	July 2022	July 2022	July 2022
13.6%	0.4%	-64.3%	-72.2%	NA	NA
July 2019	July 2019	July 2019	July 2019	July 2019	July 2019
0.4%	0.4%	-72.2%	-72.2%	NA	NA
Total Revenue					
Revenue – Rent					
\$126,018					
July 2022	July 2022	July 2022	July 2022	July 2022	July 2022
-74.5%	16.4%	-34.2%	-34.2%	8083.5%	Null
July 2019	July 2019	July 2019	July 2019	July 2019	July 2019
37.2%	13.8%	-44.6%	-44.6%	-15.7%	7820.0%
Revenue – Food & Beverage					
\$28,332					
Revenue – Electrical Service					
\$34,780					
Revenue – Other					
\$7,831					

YEAR TO DATE Convention Center Operational Dashboard – Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

Total Events	Event – Convention	Event – Meeting	Event – Banquet	Event – Consumer/Public Show	Event – Social
57	12	7	29	9	0
2022	2022	2022	2022	2022	2022
21.3%	-7.7%	40.0%	45.0%	Null	Null
2019	2019	2019	2019	2019	2019
-20.8%	-14.3%	-61.1%	-6.5%	12.5%	Null
Total Event Attendance					
Number of Days Occupied					
146,036					
New survey system being developed for mid-year.					
2022	2022	2022	2022	2022	2022
20.7%	-23.9%	-8.7%	-27.5%	NA	NA
2019	2019	2019	2019	2019	2019
-23.9%	-23.9%	-27.5%	-27.5%	NA	NA
Total Revenue					
Revenue – Rent					
\$2,261,043					
2022	2022	2022	2022	2022	2022
34.9%	13.4%	31.3%	31.3%	79.3%	6880.5%
2019	2019	2019	2019	2019	2019
-5.2%	-0.7%	-12.4%	-12.4%	-82.3%	9496.0%
Revenue – Food & Beverage					
\$1,488,057					
Revenue – Electrical Service					
\$114,543					
Revenue – Other					
\$116,783					

BUFFALO CONVENTION CENTER

SALES UPDATE

MONTHLY Buffalo Convention Center Sales Dashboard – July 2023 vs. July 2022 and July 2019 (RECOVERY BENCHMARK)

	Total Leads	BNCC Generated Leads	VBN Generated Leads	Confirmed Bookings			
14	7	7	7	9			
July 2022	7.7%	July 2022	40.0%	July 2022	Null	July 2022	200.0%
July 2019	1300.0%	July 2019	600.0%	July 2019	700.0%	July 2019	200.0%
Total Solicitation Calls		Existing Business/Clients Solicitation Calls		New Business/Clients Solicitation Calls		Lost Business	
40	20	20	20	5			
July 2022	-7.0%	July 2022	53.8%	July 2022	-33.3%	July 2022	25.0%
July 2019	NA	July 2019	NA	July 2019	NA	July 2019	66.7%

YEAR TO DATE Buffalo Convention Center Sales Dashboard – 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

	YTD Total Leads	YTD BNCC Generated Leads	YTD VBN Generated Leads	YTD Confirmed Bookings			
91	56	35	65				
2022	13.8%	2022	1.8%	2022	40.0%	2022	25.0%
2019	97.8%	2019	115.4%	2019	288.9%	2019	-14.5%
YTD Total Solicitation Calls		YTD Existing Business/Clients Solicitation Calls		YTD New Business/Clients Solicitation Calls		YTD Lost Business	
406	166	240	45				
2022	52.1%	2022	58.1%	2022	48.1%	2022	32.4%
2019	NA	2019	NA	2019	NA	2019	-2.2%

Current and Future Ongoing Buffalo Convention Center Business Booked

	2019 Year End	2023*	2024*	2025*	2026*
Number of Events	138	102	88	56	33
Expected Attendance	249,975	204,808	209,332	205,037	135,262
Number of Hotel Room Nights	25,000	23,306	23,253	19,673	14,250
Expected Economic Impact	\$34,063,840	\$28,741,074	\$28,244,186	\$26,940,954	\$14,874,663

ORGANIZATION UPDATE



Destinations International Annual Convention

Renata Toney and Meaghan Zimmer represented Visit Buffalo Niagara at Destinations International's 2023 Annual Conference in Dallas, TX. In addition to actively participating in professional development workshops, educational sessions and networking, Renata and Meaghan represented VBN at the America's Best Cities reception. Sponsored by Resonance Consultancy,

Buffalo ranked #53. Noted for its "Understated urban revival in one of America's architectural bounties." Buffalo's national ranking highlights include: #15 Walking Destination, #25 Pro Sports, #26 Sites and Landmarks, and #35 Instagram Hashtags.



U.S. Travel Association Summer Board Summit

Visit Buffalo Niagara, CEO, Patrick Kalier attended the inaugural U.S. Travel Association Summer Board Summit in Boston, MA. Lead by USTA CEO Geoff Freeman, the meeting featured an incredible agenda of compelling speakers from organizations such as Hilton Hotels, Destination Canada, Google, ITR Economics, Morgan Stanley, Delta Airlines, Marriott, Bank of America and CEOs from Choose Chicago and San Francisco Travel. Summit content focused on three insightful themes: industry and traveler pressure points, game-changing disruption and the shifting travel experience.



Who Wore It Better... Dan or Don?

The Buffalo Philharmonic Orchestra and Vidler's 5 & 10 both requested the use of the Visit Buffalo Niagara Unexpected Buffalo costume for promotional purposes. In the spirit of fun, Dan Hart – BPO CEO, and Don Vidler – Vidler's owner, both took the opportunity to try on the costume and share on social media.

July CEO Meetings and Events

VBN Marketing Recap with Madden Media
BNCC Façade Project Update Meeting
Fall CAC Planning Meeting with Terri Breining
VBN Sales Client Dinner Meeting
Amherst Senior Center Presentation
VBN New Board Member Orientation
Erie County Short Term Rental Tax Public Hearing
VBN Sales Client Breakfast Meeting
DMAP Board Meeting
NYSHTA Executive Committee Meeting
ESTO Conference Panel Session Planning Meeting
NVSDMO/I Love NY Meeting
VBN Executive Committee Meeting
BCAR Board Meeting
U.S. Travel Association Summer Board Meeting

BUF
Looking for the best events?
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Visit Buffalo Niagara @...-7/28/23

Every Friday at 4:20pm, Visit Buffalo Niagara president & CEO, Patrick Kalier, joins @WGRZ's #MostBuffalo with can't miss things to see & do in Buffalo & Erie County. Tune in & discover more at visitbuffaloniagara.com/eventlist

Visit Buffalo Niagara Board of Directors

Cindy Abbott-Letro, Law Offices of Francis A. Letro – Chair
 Kimberley A. Minkel, NETA – Vice Chair
 Huseyin Taran, Buffalo Marriott HarborCenter – Treasurer
 Thomas Beauford, Buffalo Urban League - Secretary
 Mary F. Roberts, Martin House - Immediate Past Chair
 Mark Ahnutt, University of Buffalo Department of Athletics
 Melissa Brown, Buffalo History Museum
 Daniel Castle, Erie County Dept. of Environment & Planning
 Matt Chiazza, Reikart House
 Anthony LW. Chase, Buffalo State University
 Dottie Gallagher, Buffalo Niagara Partnership
 Mark Glasgow, Erie County Legislature Majority Caucus Appointee
 Patrick Kaler, Visit Buffalo Niagara – President & CEO
 Thomas Long, The Westin Buffalo
 William Paladino, Ellcott Development, Inc.
 Steven Ranalli, Erie Canal Harbor Development Corporation
 David Schutte, Schutte Hospitality Group
 Don Spasiano, Trocaire College
 Michelle Urbanczyk, Explore & More Children's Museum
 Gail Wells, Coppertown Blockclub & Buffalo Freedom Gardens



Visit Buffalo Niagara Staff

James Adler, Sports Sales Manager
 Jennifer Blajek, Executive Assistant to the CEO
 Jo Ann Blatner, Industry Relations Assistant
 Drew Brown, Marketing Manager
 Michele Butlak, Accounting & Benefits Manager
 Emma Carlo, National Sales Manager
 Karen Cox, Convention Sales & Services Manager
 Mike Even, Vice President of Sales & Services
 Karen Fashana, Director of Marketing
 Greg Gelinas, Director Sports Development
 Ed Healy, Vice President of Marketing
 Patrick Kaler, President & CEO
 Michelle Kearns, Communications Manager
 Shannon Jenkins, National Association Sales Director
 David Marzo, Chief Financial Officer
 Leah Mueller, Director of Tourism Sales
 Heather Nowakowski, Business Intelligence Manager
 Kathryn Scaduto, Marketing and Social Media Specialist
 Renata Toney, Vice President of Destination Experience
 Marisa Urbano, Administrative Sales Assistant
 Lauren Vargo, Sports Services Manager
 Meaghan Zimmer, National Sales Director

Buffalo Niagara Convention Center Staff

Julie Brooks, Controller
 Melissa Burke, Senior Director of Sales
 Jeff Calkins, Vice President & General Manager
 Lorna Cullen, Office Manager
 Patrick Kaler, President & CEO
 Sue Kimmings, Sales and Catering Manager
 Craig Landseadel, Executive Chef
 Mary Ann Martin, Bookkeeper & Benefits Manager
 Mark McMahon, Maintenance Supervisor
 Terry O'Brien, Director of Operations
 Heather Pettrino, Sales & Service Coordinator
 Ken Sanford, Chief Engineer
 Christie Walker, Convention and Event Service Manager
 Cory Watson, Food and Beverage Manager
 Michael Will, Assistant Director of Operations
 Colleen Willis, Sales Manager
 Danielle Wlirarski, Assistant General Manager
 Alisha Vega, Front Desk Receptionist



To be the most surprising destination you'll ever visit.

VISION:

MISSION:

Transforming our community by inspiring visitors and locals to discover Buffalo and Erie County.

Data Sources For This Report:

- Cervis Technologies
- Cision
- Google Analytics
- Key Data
- Madden Media
- Momentum Technologies (formerly Ungerboeck)
- Sales Force Marketing Cloud
- Simpleview
- STR (Smith Travel Research)
- Tourism Economics



AUGUST 2023 DESTINATION UPDATE

A MONTHLY DASHBOARD AND QUALITATIVE REPORT

PATRICK J. KALER, PRESIDENT & CEO

VISIT BUFFALO NIAGARA BUFFALO CONVENTION CENTER BUFFALO NIAGARA SPORTS COMMISSION

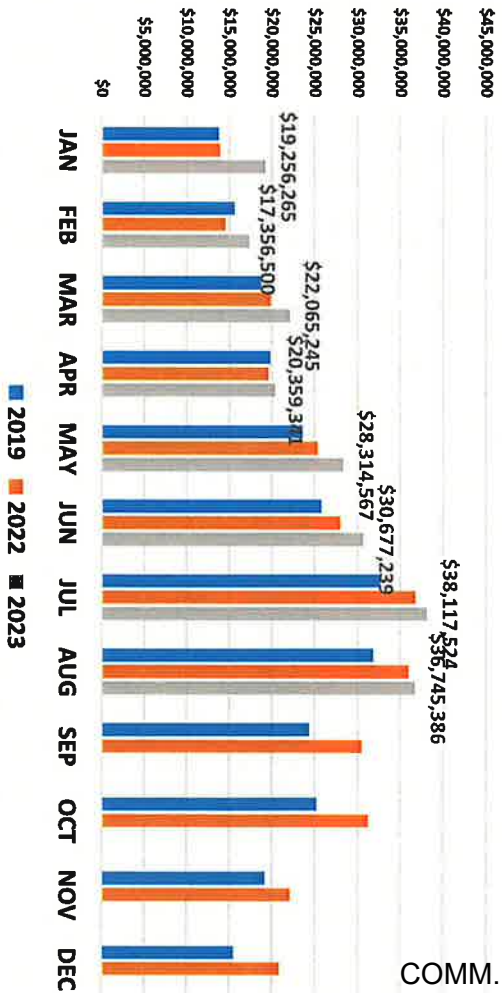


ERIE COUNTY HOTEL REVENUE – AUGUST 2023

August Hotel Revenue	
August 2022	2.1%
August 2019	15.5%
YTD Hotel Revenue	
2022	\$211,126,684
2019	8.5%
	16.0%

Hotel Revenue is the lodging revenue for all hotel/motel properties in Erie County reported for the month.

August 2023 hotel revenue collections totaled, **\$36,745,386** which was a **2.1%** increase compared to August 2022. August 2023 hotel revenue was **15.5%** higher than 2019.



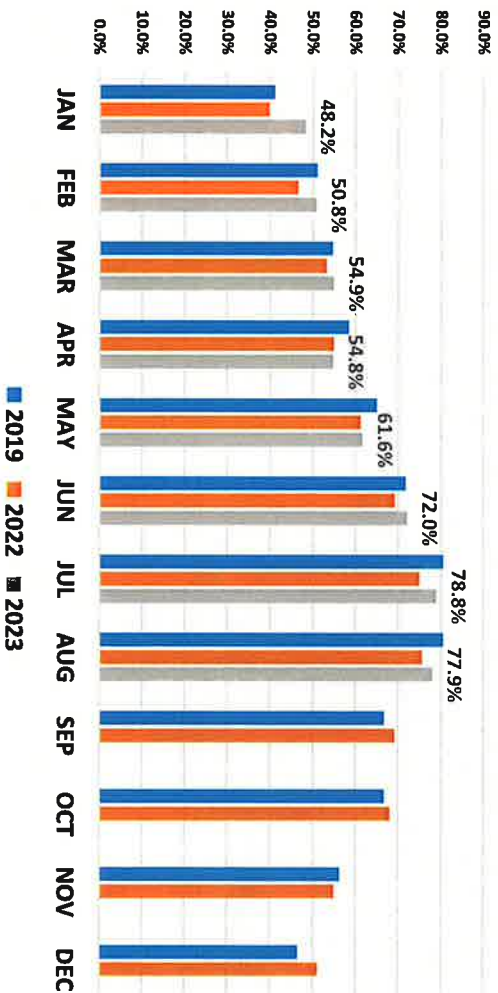
ERIE COUNTY HOTEL OCCUPANCY – AUGUST 2023

August Hotel Occupancy	
August 2022	3.0%
August 2019	-3.1%
YTD Hotel Occupancy	
2022	62.5%
2019	5.0%
	-1.0%

Hotel Occupancy is the percentage of available rooms sold during the month in Erie County. Occupancy is calculated by dividing the number of rooms sold by the number of rooms available.

August 2023 occupancy measured **77.9%**, which was up **3.0%** compared to August 2022. August 2023 occupancy was down **3.1%** compared to 2019.

*In comparison, for the U.S., August occupancy was down **0.8%** compared 2022 and down **7.6%** compared to 2019. The State Of New York, was up **3.0%** in Occupancy in August 2023 compared to 2022, and down **7.0%** compared to 2019.*



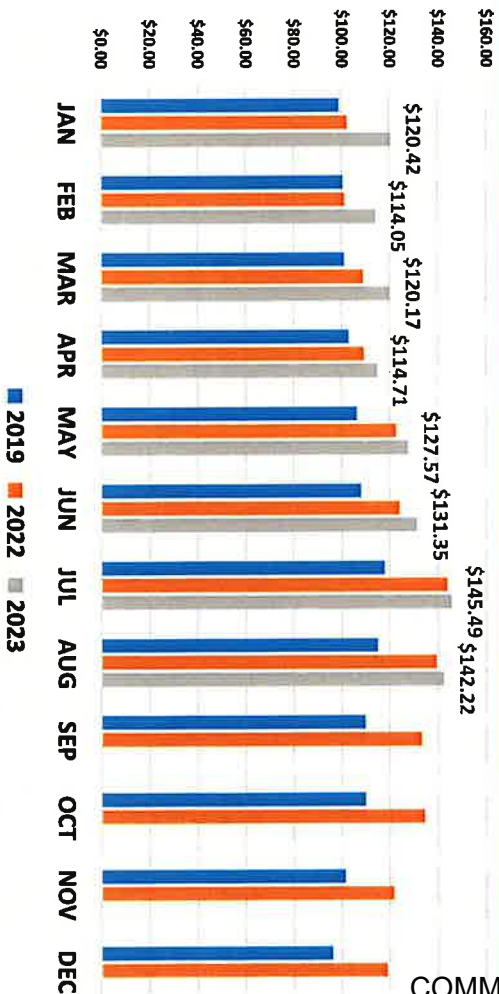
ERIE COUNTY HOTEL AVERAGE DAILY RATE (ADR) – AUGUST 2023

August Hotel Average Daily Rate	
August 2022	2.0%
August 2019	23.8%
YTD Hotel Average Daily Rate	
2022	5.3%
2019	19.8%

Hotel Average Daily Rate (ADR) is the measure of the average rate paid for hotel/motel rooms sold for the previous year. It is calculated by dividing room revenue by the number of rooms sold for that time period.

In August, Erie County ADR was **\$142.22** an increase of **2.0%** over 2022, and a **23.8%** increase compared to 2019.

The U.S. ADR for August 2023 was up **1.4%** compared to 2022, as well as up **16.0%** from 2019. New York State ADR for 2023 was up **5.1%** compared to 2022 and up **14.2%** compared to 2019.



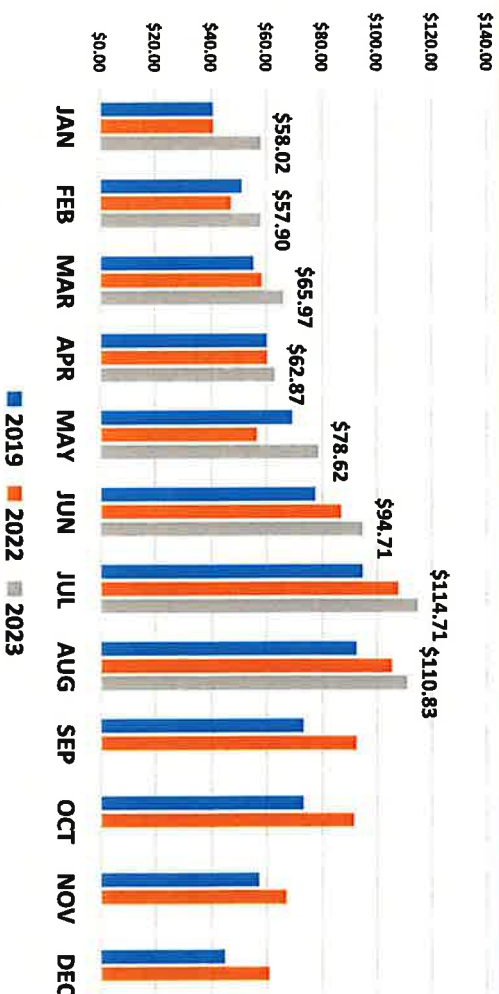
ERIE COUNTY HOTEL REVPAR – AUGUST 2023

August Hotel RevPAR	
August 2022	5.2%
August 2019	20.0%
YTD Hotel RevPAR	
2022	10.7%
2019	18.6%

Hotel Revenue Per Available Room (RevPAR) is the total room revenue for the previous year divided by the total number of available rooms.

2023 August RevPAR was **\$110.83** which was an increase of **5.2%** over 2022, and up **20.0%** compared to 2019.

RevPAR for the U.S. was up **0.7%** for August 2023 over 2022, and up **7.2%** compared to 2019. The State of New York also had increases for RevPAR in 2023 with a **8.3%** increase over 2022 and **6.3%** increase compared to 2019.



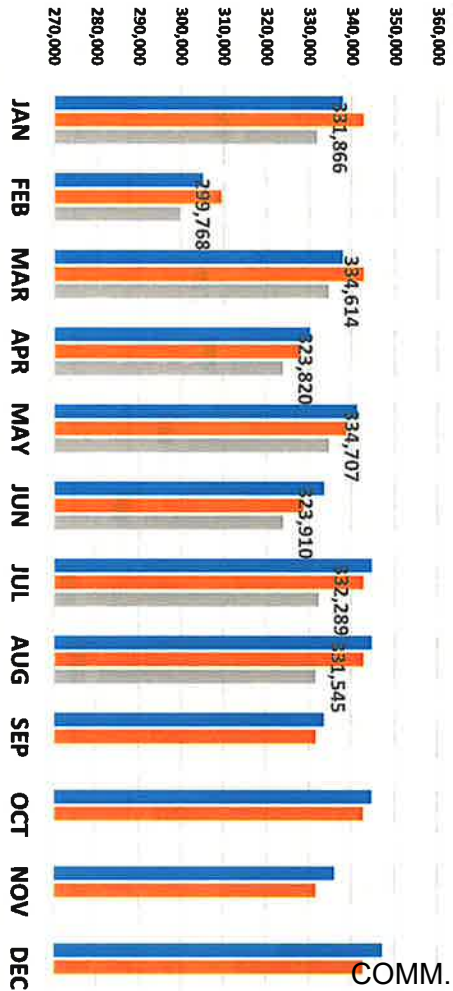
ERIE COUNTY HOTEL SUPPLY – AUGUST 2023

August Hotel Supply	
August 2022	331,545
August 2019	-3.8%
YTD Hotel Supply	
2022	2,617,139
2019	-2.0%

Hotel Supply is the number of rooms in a hotel or set of hotels multiplied by the number of days in a specified time period.

In August 2023, Erie County's hotel supply totaled **331,545** which was a **3.0%** decrease from 2022 and a **3.8%** decrease compared to 2019.

The number of Erie County available hotel rooms totaled **10,695** which is a **3.8%** decrease compared to 2019.

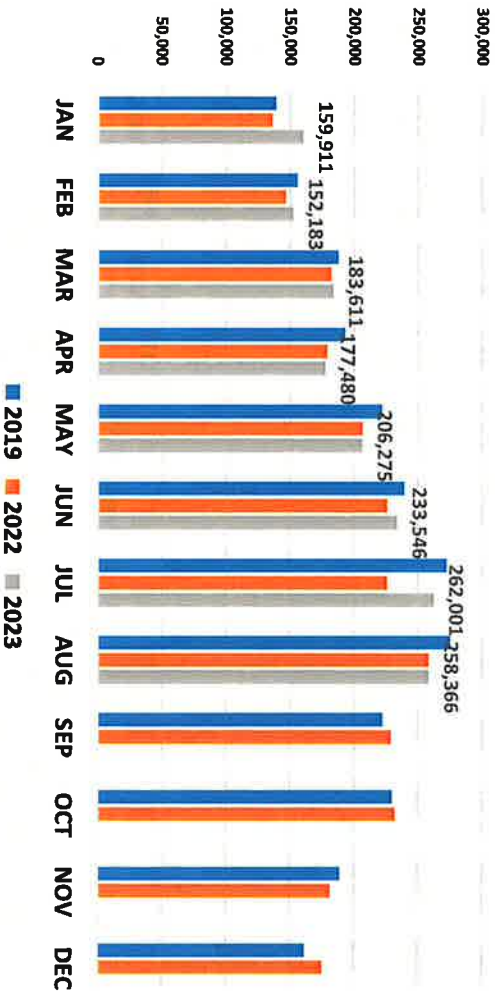


ERIE COUNTY HOTEL DEMAND – AUGUST 2023

August Hotel Demand	
August 2022	258,366
August 2019	Null
August 2019	-6.7%
YTD Hotel Demand	
2022	1,635,209
2019	3.0%
	-3.1%

Hotel Demand is the number of hotel/motel rooms sold in a specified time period (excludes complimentary rooms).

August 2023 hotel demand totaled, **258,366** which was the same as 2022 and a **6.7%** decrease compared to 2019.



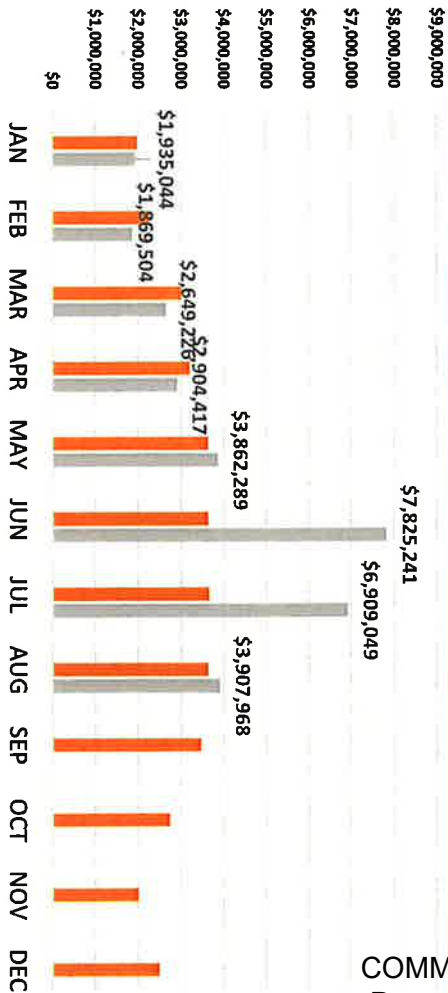
ERIE COUNTY SHORT TERM RENTAL REVENUE – AUGUST 2023

August Short Term Rental Revenue	
August 2022	7.6%
August 2019	NA
YTD Short Term Rental Revenue	
2022	19.5%
2019	NA

Short Term Rental Revenue is the total lodging revenue for all short-term rentals reported for the month.

In August 2023, Erie County's short term rental revenue generated **\$3,907,968** which was up **7.6%** compared to 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



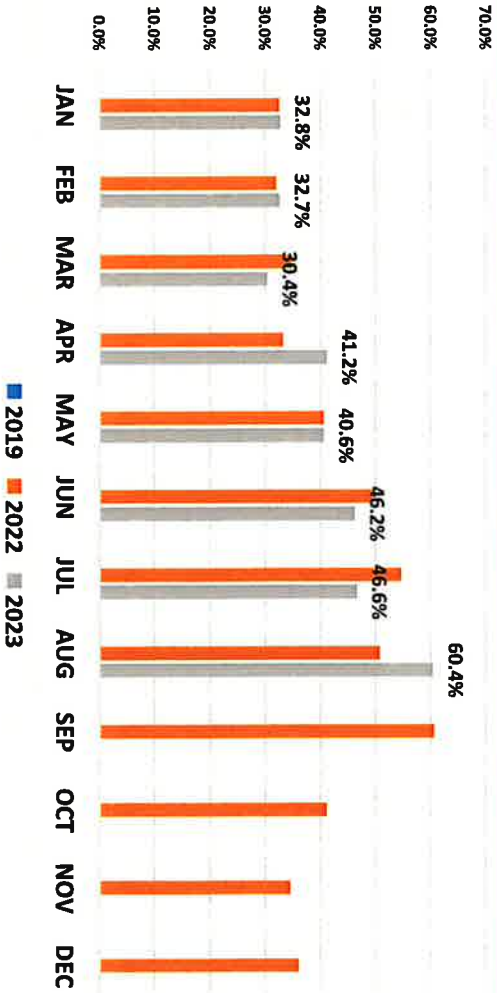
ERIE COUNTY SHORT TERM RENTAL OCCUPANCY – AUGUST 2023

August Short Term Rental Occupancy	
August 2022	18.7%
August 2019	NA
YTD Short Term Rental Occupancy	
2022	4.2%
2019	NA

Short Term Rental Occupancy is the percentage of available rental units sold during the month in Erie County. Occupancy is calculated by dividing the number of sold by the number of units available.

August 2023 occupancy measured **60.4%**, which was up **18.7%** compared to August 2022.

Note: VBN did not collect Short Term Rental Data in 2019.





MONTHLY TRAVEL DATA- KEY DATA

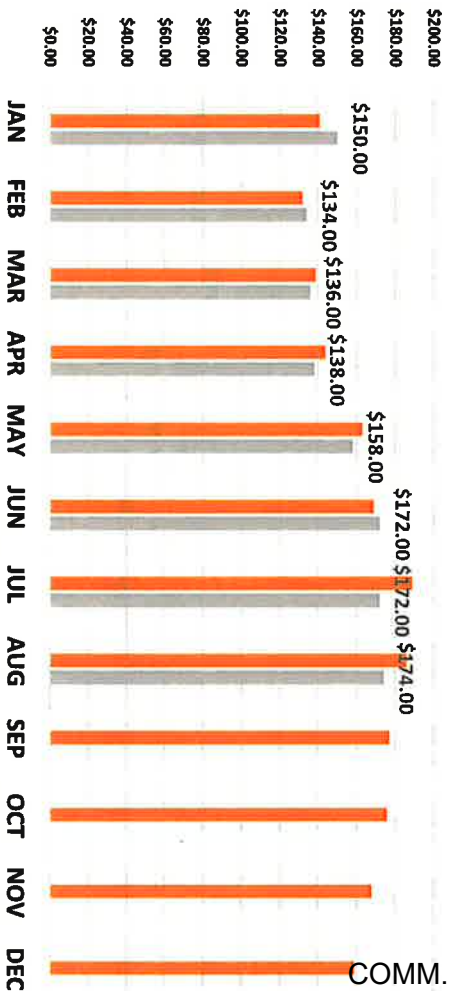
ERIE COUNTY SHORT TERM RENTAL AVERAGE DAILY RATE – AUGUST 2023

August Short Term Rental ADR	
August 2022	\$174.00
August 2019	-6.5%
YTD Short Term Rental ADR	
2022	\$158.00
2019	-3.1%

Short Term Rental Average Daily Rate (ADR) is the measure of the average rate paid for short term rental units sold for the month. It is calculated by dividing rental units' revenue by the number of units sold for that time period.

In August, Erie County Short Term Rental ADR was **\$174.00** a decrease of **6.5%** compared to 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



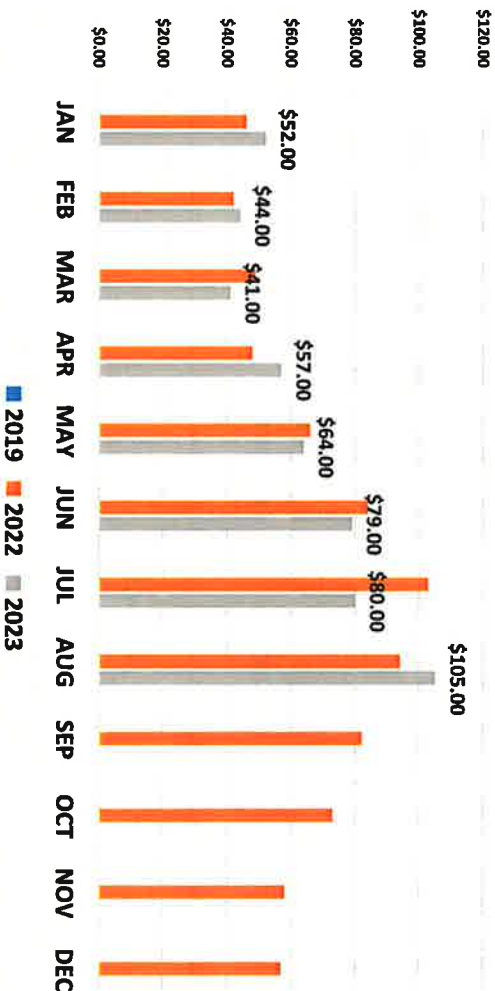
ERIE COUNTY SHORT TERM RENTAL REVPAR – AUGUST 2023

August Short Term Rental RevPAR	
August 2022	\$105.00
August 2019	11.7%
YTD Short Term Rental RevPAR	
2022	\$76.00
2019	10.1%

Short Term Rental Revenue Per Available Room (RevPAR) is the total short term rental revenue for the month divided by the total number of available short term rental units.

2023 August RevPAR was **\$105.00** which was an increase of **11.7%** compared to 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



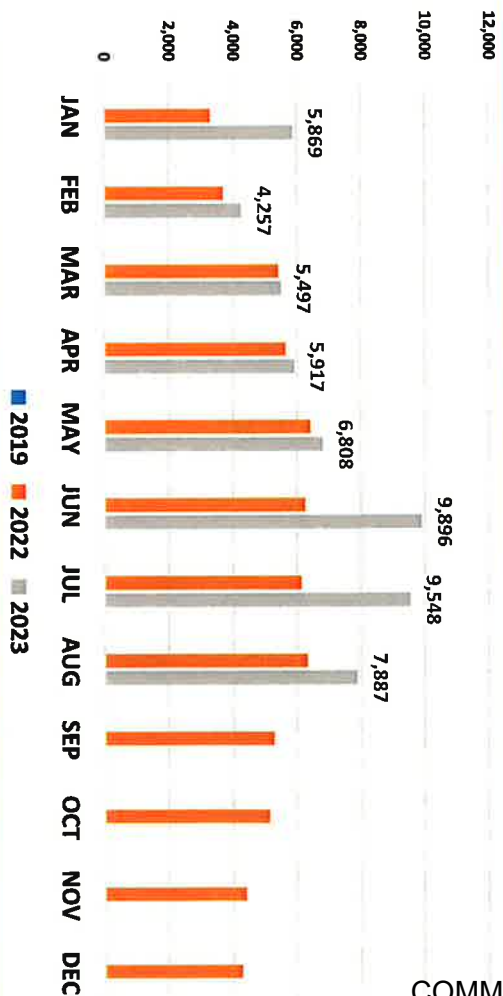
ERIE COUNTY SHORT TERM BOOKINGS – AUGUST 2023

August Short Term Rental Bookings	
August 2022	7,887
August 2019	24.6%
YTD Short Term Rental Bookings	
2022	51,974
2019	27.8%

Short Term Rental Bookings is the measure of the total bookings in all Erie County short term rentals for the month.

In August, Erie County Short Term Rental Bookings totaled **7,887** which was an increase of **24.6%** compared to 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



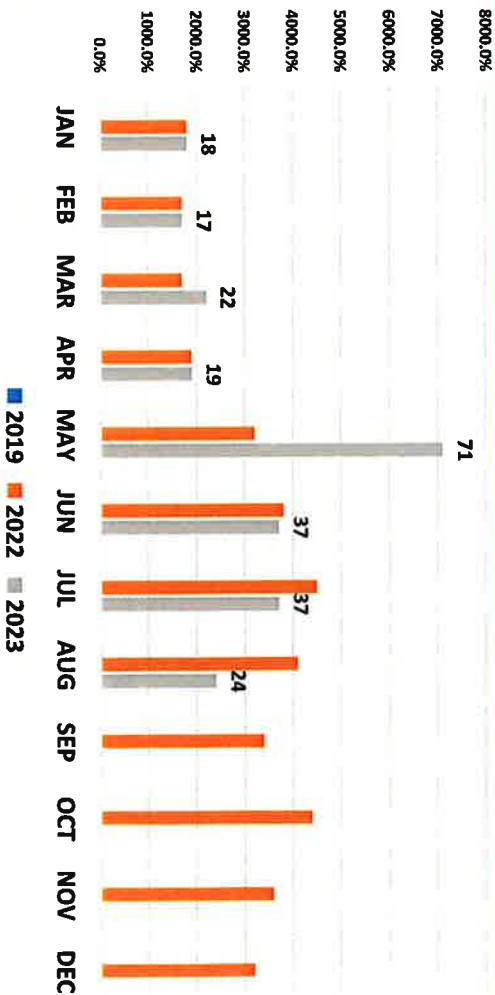
ERIE COUNTY SHORT TERM BOOKING WINDOW – AUGUST 2023

August Short Term Rental Booking Window (days)	
August 2022	24
August 2019	-40.0%
YTD Short Term Rental Booking Window (days)	
2022	27
2019	12.9%

Short Term Booking Window is the average number of days prior to arrival/check-in of a short term rental booking.

In August 2023 the short term rental average booking window was **324 days** prior to arrival, which was a decrease of **40.0%** from 2022.

Note: VBN did not collect Short Term Rental Data in 2019.





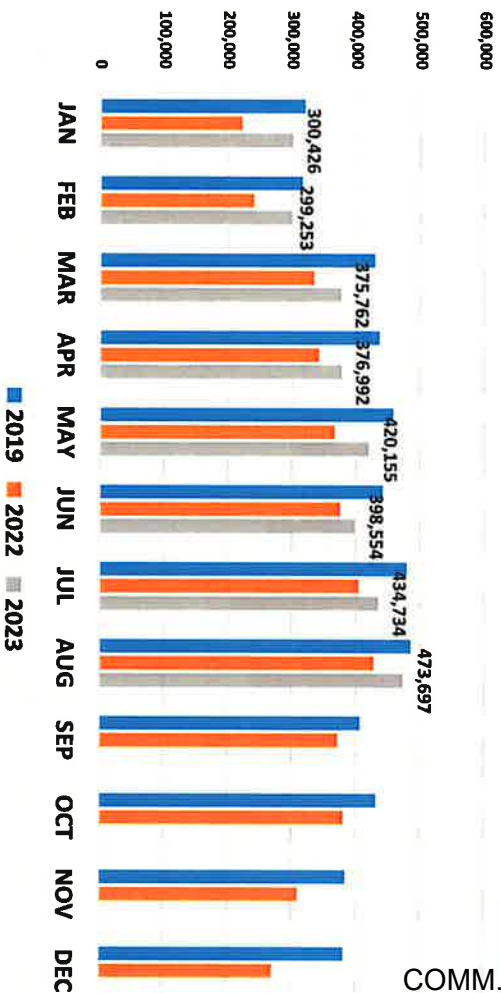
SALES DEPARTMENT DATA

BUFFALO NIAGARA INTERNATIONAL AIRPORT PASSENGERS – AUGUST 2023

August BUF Airport Passengers	
August 2022	473,697
August 2019	434,734
	10.5%
YTD BUF Airport Passengers	
2022	3,079,573
2019	2,799,573
	13.4%
	-8.4%

Airport Passengers is the total monthly air traffic passengers at Buffalo Niagara International Airport as reported by NFTA.

Passengers through BUF in August 2023 totaled **434,734** representing a **10.5%** increase over 2022 and a **2.5%** decrease compared to 2019.

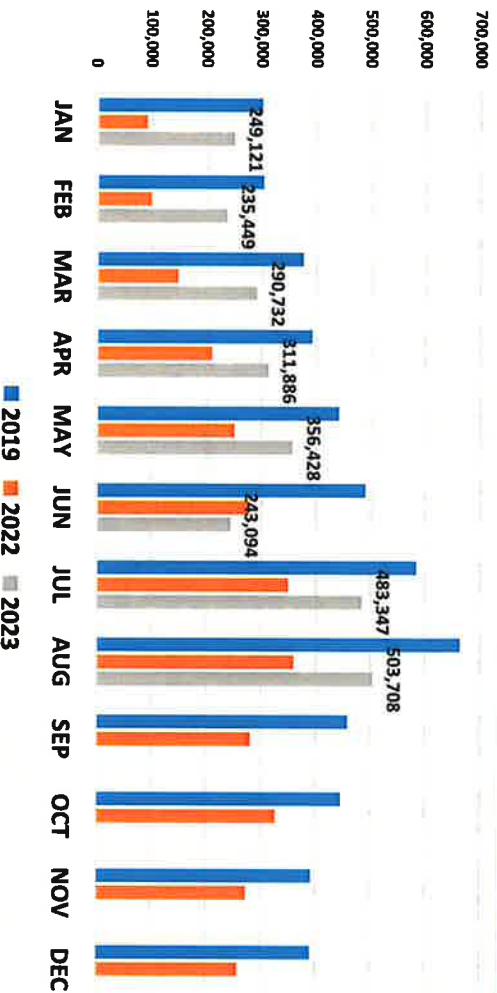


U.S. / CANADIAN CROSS BORDER TRAFFIC – AUGUST 2023

August US/Canadian Border Traffic	
August 2022	503,708
August 2019	2,679,745
	40.1%
YTD US/Canadian Border Traffic	
2022	2,679,745
2019	2,679,745
	50.0%
	-24.6%

Cross Border Traffic calculates the monthly border crossings between the United States and Canada in Erie and Niagara Counties.

Travel between the two countries through the Erie and Niagara County access points for the month of August 2023 totaled **503,708** which was a **50.0%** increase compared 2022 and a **24.6%** decrease compared to 2019.





SALES & SERVICES DEPARTMENT UPDATE

MONTH Sales & Services Department Dashboard - August 2023 vs. August 2022 and August 2019 (RECOVERY BENCHMARK)

Sales Lead Distributed		Sales Lead Room Nights		Lead Expected Attendance		Lead Economic Impact		Lost Business	
47		21,315		28,568		\$21,514,689		14	
August 2022	4.4%	August 2022	-6.2%	August 2022	25.7%	August 2022	-31.4%	August 2022	-6.7%
August 2019	-24.2%	August 2019	-32.2%	August 2019	140.6%	August 2019	70.3%	August 2019	-58.8%
Definite Events Booked		Definite Room Nights Booked		Definite Expected Attendance		Definite Event Economic Impact			
17		9,925		14,734		\$7,239,404		23	
August 2022	-5.6%	August 2022	240.4%	August 2022	746.3%	August 2022	301.2%	August 2022	76.9%
August 2019	-57.5%	August 2019	95.1%	August 2019	155.4%	August 2019	80.2%	August 2019	80.2%
Events Held		Events Held Room Nights		Events Held Attendance		Groups Serviced			
33		6,281		6,371		23			
August 2022	73.7%	August 2022	-3.7%	August 2022	10.3%	August 2022	76.9%	August 2022	76.9%
August 2019	26.9%	August 2019	5.3%	August 2019	89.2%	August 2019	64.3%	August 2019	64.3%

YEAR TO DATE Sales & Services Department Dashboard - Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

YTD Sales Lead Distributed		YTD Sales Lead Room Nights		YTD Lead Expected Attendance		YTD Lead Economic Impact		YTD Lost Business	
384		193,630		177,855		\$189,250,210		128	
2022	1.6%	2022	0.9%	2022	55.1%	2022	22.4%	2022	-14.1%
2019	-24.4%	2019	-32.8%	2019	-10.0%	2019	-18.2%	2019	-30.8%
YTD Definite Events Booked		YTD Definite Room Nights Booked		YTD Definite Expected Attendance		YTD Definite Event Economic Impact			
234		75,340		102,018		%59,155,275			
2022	2.2%	2022	-17.0%	2022	22.2%	2022	-55.5%	2022	-55.5%
2019	-33.9%	2019	-19.7%	2019	26.5%	2019	-27.4%	2019	-27.4%
YTD Events Held		YTD Events Head Room Nights		YTD Events Held Attendance		YTD Groups Serviced			
203		90,603		109,125		122			
2022	17.3%	2022	4.0%	2022	51.4%	2022	29.8%	2022	29.8%
2019	-32.8%	2019	-26.3%	2019	-0.2%	2019	-9.0%	2019	-9.0%

SALES & SERVICES DEPARTMENT UPDATE



2023 August compared to May Sales & Services KPI Comparison

Key Performance Indicator	MOM Percent Change
Leads Distributed	-21.7%
Lead Room Nights	-39.6%
Lead Attendance	-9.1%
Lead Economic Impact	-46.1%
Definite Bookings	-54.1%
Definite Room Nights	-21.3%
Definite Attendance	23.6%
Definite Economic Impact	18.4%
Lost Leads	Null
Events Held In Month	-6.1%
Events Held In Month Room Nights	53.9%
Events Held In Month Attendance	-19.8%
Groups Serviced	-4.3%

NCAA Bid Process Symposium

Buffalo Niagara Sports Commission staff members, James Adler and Greg Gelinas attended the 2023 NCAA Bid Process Symposium in Indianapolis, IN in preparation for the opportunity to host several collegiate sports championships from 2028-2032. James and Greg are working with the athletic departments at several WNY colleges and universities to identify the appropriate competitions that fit Erie County venues.



August 2023 Trade Shows/Conferences Attended

SHOW / CONFERENCE NAME	LOCATION	ATTENDED BY
Connect Marketplace	Minneapolis, MN	Emma Carlo, Greg Gelinas, Leah Mueller
NCAA Bid Symposium	Indianapolis, IN	James Adler and Greg Gelinas
August 2023 Site Visits / FAWs		4



Connect Marketplace

Visit Buffalo Niagara and the Buffalo Niagara Sports Commission were well represented in Minneapolis, MN at the 2024 Connect Marketplace. This unique tradeshow brings together meeting planners, sports rights holders and tour operators at one marketplace. VBN's Senior Director of Travel Industry Sales – Leah Mueller, National Sales Manager – Emma Carlo and BNSC's Director of Sports Development – Greg Gelinas represented the destination well and brought back several leads for future business.



August Sporting Events Held in Buffalo and Erie County



MPI Thought Leaders Summit

Visit Buffalo Niagara had the distinct honor to host the 2023 Meeting Professionals International (MPI) Thought Leaders Summit with 80 meeting planners and industry leaders in attendance.

The MPI Foundation convenes the meeting industry's top leaders for its annual Thought Leaders Summit to discuss, ideate and problem-solve critical challenges such as safety, diversity and design. It is an opportunity for meeting planners to help establish new programs, develop new opportunities and share the future of the industry with their audiences. Attendees benefit from insights from some of the brilliant minds in the business while collaborating with fellow leaders to create tangible solutions that will help to take their profession to new heights.

The Summit also provides the attendees an immersive three-day experience in the host destinations. The opening night dinner was held on the Shea's Buffalo stage, the second evening event took place at the Darwin Martin House, with the closing evening dinner taking place at The Barrel Factory.

Throughout the 2023 Meeting Professionals International Thought Leaders Summit, Visit Buffalo Niagara organized various excursions around Buffalo for attendees to enjoy. Thank you to our excursion sponsor, Niagara Scenic Tours, for providing transportation to the following attractions: Buffalo Riverworks, Michigan Street African American Heritage Corridor, Resurgence Brewing Company, Buffalo Double Decker Bus Tours, the Buffalo AKG Art Museum, Buffalo Tiki Tours, and Private Chef Camille le Caer's "Chopped" cooking experience!





MARKETING & COMMUNICATIONS DEPARTMENT UPDATE

MONTHLY Marketing & Communications Department Dashboard August 2023 vs. August 2022 and August 2019

Website Sessions		Mobile Website Sessions		Duration On Site		Website Page Views		Social Media Posts	
197,677		137,089		1:39		335,920		181	
August 2022	5.1%	August 2022	4.7%	August 2022	-10 seconds	August 2022	-0.8%	August 2022	0.6%
August 2019	13.8%	August 2019	14.2%	August 2019	10 seconds	August 2019	-0.5%	August 2019	Null
Facebook Followers		Twitter Followers		Instagram Followers		TIKTok Followers		All Video Views	
100,622		29,660		74,781		25,838		826,372	
August 2022	1.5%	August 2022	-0.8%	August 2022	64.5%	August 2022	60.4%	August 2022	236.9%
August 2019	6.1%	August 2019	3.6%	August 2019	122.4%	August 2019	NA	August 2019	1312.6%
Media Placements		Media Impressions		Media Social Shares		Media Touchpoints		Media Visits	
10		89,247,139		813		12		4	
August 2022	150.0%	August 2022	369.7%	August 2022	-55.1%	August 2022	-20.0%	August 2022	-42.9%
August 2019	NA	August 2019	NA	August 2019	NA	August 2019	NA	August 2019	NA

YEAR TO DATE Marketing & Communications Department Dashboard. Year Over Year Comparison 2023 vs. 2022 and 2019

YTD Website Sessions		YTD Mobile Website Sessions		Duration On Site		YTD Website Page Views		YTD Shared Social Media Posts	
1,268,477		834,538		1:39		2,118,356		1,438	
2022	14.1%	2022	10.7%	2022	-10 seconds	2022	6.9%	2022	-13.9%
2019	7.5%	2019	7.7%	2019	10 seconds	2019	-7.8%	2019	4.7%
Facebook Followers		Twitter Followers		Instagram Followers		TIKTok Followers		YTD All Video Views	
100,622		29,660		74,781		25,838		7,003,203	
August 2022	1.5%	August 2022	-0.8%	August 2022	64.5%	August 2022	60.4%	2022	179.2%
August 2019	6.1%	August 2019	3.6%	August 2019	122.4%	August 2019	NA	2019	921.3%
YTD Media Placements		YTD Media Impressions		YTD Media Social Shares		YTD Media Touchpoints		YTD Media Visits	
70		2,115,830,693		4,717		116		36	
2022	89.2%	2022	209.7%	2022	-48.5%	2022	-29.7%	2022	71.4%
2019	NA	2019	NA	2019	NA	2019	NA	2019	NA

2023 August compared to March Marketing & Communications KPI Comparison

Key Performance Indicator	MO/M Percent Change
Website Sessions	-3.0%
Mobile Website Sessions	-2.1%
Duration on Site	-12 seconds
Website Page Views	-6.9%
Social Media Posts	-1.1%
Facebook Followers	0.3%
Twitter Followers	-0.1%
Instagram Followers	4.6%
TikTok Followers	4.6%
All Video Views	105.3%
Media Placements	-16.7%
Media Impressions	-87.0%
Social Media Shares	1410.9%
Media Touchpoints	20.0%
Media Visits	33.3%



August 2023 Media Hits

PUBLICATION/SOURCE	ARTICLE HEADLINE	READERSHIP	SHARES
Travel+Leisure	This City In Western New York Has Become An Unexpected Cultural Destination — Thanks To A Brand-New Attraction	12,450,410	1790
USAToday	10 Best: Prison Cells To Luxury Rooms: These World-Class Hotels Have A Dark History In Their Halls	1,381,434	
Pride Journeys	Celebrate Autumn in Buffalo, New York	881	
Arch Daily	Buffalo AKG Museum / OMA/Shohei Shigematsu	2,711,010	
The Globe and Mail	A Buffalo Hotel and Former Asylum Undergoes Extensive Restoration	5,593,274	
The Points Guy	8 Best Foodie Trails In The US	7,282,302	47
Cleveland.com	Newly Expanded Buffalo AKG Art Museum is a National Treasure Worthy Of A Road Trip	4,060,925	
The Travel	Historic Empire State: 10 Oldest Towns in New York State	2,745,271	
Select Traveler	Here's To Buffalo	4,841	
Long Weekends	Buffalo Wing Trail	1,282	
Washington Post	Quat City, Old Forge, Jumbo Slice and More Quirky American Pizza	53,016,791	

Not all media hits were as a direct result of efforts by Madden Media.



Most Viewed Video August 2023

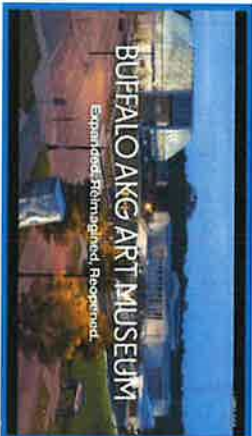
August 2023

Buffalo Wing Trail –

Elmo's
208,800 views

Sample of other video content for the month:

- Buffalo River History Tours
- The Jerk Hut at Bratts Hill
- Half Baked Cookies
- Gondola Rides at Hoyt Lake
- New Foods at the Erie County Fair
- Bills Season Opener!



Buffalo AKG Art Museum Promotional Video

The Visit Buffalo Niagara marketing department created a promotional video highlighting the headlines and quotes of travel writers following the original opening of the Buffalo AKG. Overlaid on video of the newly expanded museum, publications such as: Forbes, ArtNews, DesignBoom, Apollo, and Architectural Digest.

Examples of August Blogs and Social Media Posts

Building Bridges at the Beau Fleuve Music & Arts Celebration

Nurturing a Great Garden Destination

Live at the Chip Strip's Rec Room

Visit Buffalo Niagara @... 8/17/23 RIP Rick Jeanneret (1942-2023), the legendary voice of the @BuffaloSabres.

RJ's distinctive voice and signature calls will live on in the memories of countless Sabres fans forever.

Videos from Rick Jeanneret Night, April 1, 2022.



DESTINATION DEVELOPMENT DEPARTMENT UPDATE

MONTHLY Destination Development Department Dashboard – August 2023 vs. August 2022 and August 2019 (RECOVERY BENCHMARK)

Visitor Guide Requests		Weekly Lodging Dashboard Distribution		Tourism Insider Distribution			
August 2022	382	August 2022	482	August 2022	2,752		
August 2019	131.5%	August 2019	17.6%	August 2019	0.7%		
	-25.1%		NA		6.2%		
Number of Mobile Visitor Center Events		Mobile Visitor Center Volunteer Hours		Number of Convention/Sport Events		Conventions/Sport Event Volunteer Hours	
August 2022	8	August 2022	32	August 2022	2	August 2022	16
August 2019	14.3%	August 2019	100.0%	August 2019	100.0%	August 2019	23.1%
	NA		NA		NA		NA
Industry Meeting Attendance		Industry Event Attendance		Extranet Training Attendance		Destination Customer Service Training Attend.	
August 2022	0	August 2022	60	August 2022	2	August 2022	0
August 2019	Null	August 2019	100.0%	August 2019	100.0%	August 2019	Null
	-100.0%		-100.0%		-84.6%		-100.0%

YEAR TO DATE Destination Development Department Dashboard – Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

YTD Visitor Guide Requests		YTD Weekly Lodging Dashboard Distribution		YTD Tourism Insider Distribution			
2022	3,718	2022	482	2022	2,752		
2019	-42.9%	2019	17.6%	2019	0.7%		
	-28.1%		NA		6.2%		
YTD Number of Mobile Visitor Center Events		YTD Mobile Visitor Center Volunteer Hours		YTD Number of Convention/Sport Events		YTD Conventions/Sport Event Volunteer Hours	
2022	24	2022	184	2022	12	2022	219
2019	-14.3%	2019	-34.3%	2019	140.0%	2019	461.5%
	NA		NA		NA		NA
YTD Industry Meeting Attendance		YTD Industry Event Attendance		YTD Extranet Training Attendance		YTD Dest./Customer Service Training Attend.	
2022	275	2022	321	2022	17	2022	5
2019	787.1%	2019	935.5%	2019	Null	2019	-73.7%
	-61.6%		-25.3%		-56.4%		-94.1%

BUFFALO CONVENTION CENTER OPERATIONAL UPDATE

MONTHLY Buffalo Convention Center Operational Dashboard – August 2023 vs. August 2022 and August 2019 (RECOVERY BENCHMARK)

Total Events	Event – Convention	Event – Meeting	Event – Banquet	Event – Consumer/Public Show	Event – Social
3	1	1	1	0	0
August 2022	200.0%	August 2022	100.0%	August 2022	-100.0%
August 2019	-62.5%	August 2019	Null	August 2019	Null
Total Event Attendance		Number of Days Occupied		Customer Service Score	
12,850		6		New survey system being developed for mid-year.	
August 2022	97.7%	August 2022	200.0%	August 2022	NA
August 2019	189.6%	August 2019	-71.4%	August 2019	NA
Total Revenue		Revenue – Rent		Revenue – Food & Beverage	
\$66,631		\$24,770		\$33,711	
August 2022	143.7%	August 2022	89.4%	August 2022	115.0%
August 2019	-29.4%	August 2019	-7.5%	August 2019	-50.2%
Revenue – Electrical Service		Revenue – Other			
\$8,150		0			
August 2022	1533.3%	August 2022	NA	August 2022	Null
August 2019	-80.3%	August 2019	Null	August 2019	Null

YEAR TO DATE Convention Center Operational Dashboard – Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

Total Events	Event – Convention	Event – Meeting	Event – Banquet	Event – Consumer/Public Show	Event – Social
60	12	8	30	10	0
2022	25.0	2022	-7.7%	2022	60.0%
2019	-25.0%	2019	-20.0%	2019	-63.6%
Total Event Attendance		Number of Days Occupied		Customer Service Score	
158,913		143		New survey system being developed for mid-year.	
2022	31.3%	2022	-5.9%	2022	NA
2019	-19.1%	2019	-28.9%	2019	NA
Total Revenue		Revenue – Rent		Revenue – Food & Beverage	
\$2,320,836		\$566,430		\$1,521,769	
2022	36.2%	2022	15.4%	2022	32.6%
2019	-6.4%	2019	-1.1%	2019	-13.8%
Revenue – Electrical Service		Revenue – Other			
\$115,854		\$116,783			
2022	71.9%	2022	NA	2022	6880.5%
2019	-17.1%	2019	9496.0%	2019	9496.0%



BUFFALO CONVENTION CENTER

SALES UPDATE

MONTHLY Buffalo Convention Center Sales Dashboard – August 2023 vs. August 2022 and August 2019 (RECOVERY BENCHMARK)

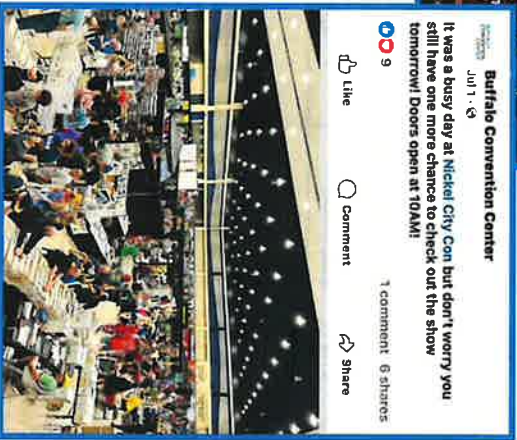
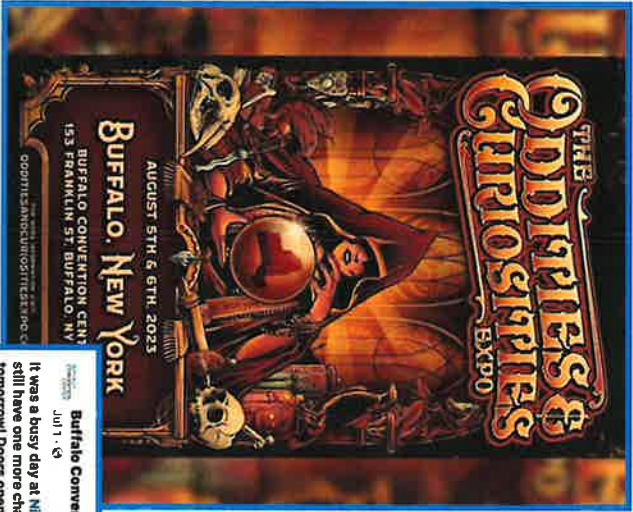
	Total Leads	BNCC Generated Leads	VBN Generated Leads	Confirmed Bookings
Total Leads	16	10	6	10
August 2022	45.5%	August 2022 100.0%	August 2022 50.0%	August 2022 -33.3%
August 2019	128.6%	August 2019 42.9%	August 2019 200.0%	August 2019 25.0%
Total Solicitation Calls	43	25	18	7
August 2022	10.3%	August 2022 78.6%	August 2022 -28.0%	August 2022 75.0%
August 2019	NA	August 2019 NA	August 2019 NA	August 2019 22.2%
YTD Total Leads	107	66	41	75
2022	17.6%	2022 6.5%	2022 41.4%	2022 11.9%
2019	101.9%	2019 57.1%	2019 272.7%	2019 -10.7%
YTD Total Solicitation Calls	449	191	258	52
2022	46.7%	2022 60.5%	2022 38.0%	2022 36.8%
2019	NA	2019 NA	2019 NA	2019 -5.5%

YEAR TO DATE Buffalo Convention Center Sales Dashboard – 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

	2019 Year End	2023*	2024*	2025*	2026*
Number of Events	138	105	91	58	38
Expected Attendance	249,975	203,468	211,132	210,637	140,862
Number of Hotel Room Nights	25,000	23,306	22,332	18,199	14,250
Expected Economic Impact	\$34,063,840	\$28,588,309	\$29,647,694	\$28,074,046	\$15,744,813

Current and Future Ongoing Buffalo Convention Center Business Booked

Returning Convention Center Events



BCC Façade Construction Progress



Buffalo Convention Center Façade Construction
The final stages of the Buffalo Convention Center façade and entry project continues toward its completion with panel lighting and signage continuing through August and into September. A formal press conference will take place in early October to officially illuminate the lighting feature as well as celebrate the future meetings and convention bookings



ORGANIZATION UPDATE



Industry Night at the Roycroft Inn and Roycroft Campus

Visit Buffalo Niagara has resumed regularly scheduled Industry Night events and kicked-off the return at the Roycroft Inn and Roycroft Campus. Dan Garvey, General Manager at the Roycroft Inn welcomed over 60 guests with hors d'oeuvres and a cash bar, with tours of the Roycroft Campus being hosted by Mark Mortenson.



U.S. Travel Association ESTO Conference

Visit Buffalo Niagara sent a staff delegation to the annual U.S. Travel Association ESTO Conference that took place in Savannah, GA. Patrick Kaler, Renata Toney, Karen Fashana, Drew Brown, Michelle Kearns and Kate Scaduto represented the organization at the highest attended ESTO. VBN CEO Patrick Kaler, served on a panel discussion about DMO crisis communications after tragic events. He shared VBN's strategies and tactics following the 5/14 Tops Shooting and the December Snowstorm.



The staff participated in the annual Destination Day activity wearing interactive Wing Trail shirts with a QR code asking attendees if they preference for "Flats or Drums and Blue Cheese or Ranch". The winning entry won a weekend getaway to attend the National Wing Festival.

August CEO Meetings and Events

Explore Buffalo – Open Doors Planning Committee
VBN Industry Night – Roycroft Inn and Roycroft Campus
Buffalo Bills Stadium Groundbreaking Ceremony
Cruise the Great Lakes Consortium Meeting
Meeting w/s Terry Alfred MSAAHC
New York State Hospitality and Travel Association Executive Committee
Martin House Governance Committee Meeting
VBN/BNCC Board of Directors Meeting
U.S. Travel Association ESTO Conference
Martin House Board of Directors Meeting
Roswell Park New Student Orientation Presentation
Cruise Ship Meeting with Empire State Development Staff
Zartico Meeting with VBN Marketing Staff
Canal NY Board Meeting



Beau Fleuve Music & Arts Community Impact Awards
 Congratulations to VBN Board Member and Explore & More Children's Museum CEO –Michelle Urbanczyk and Visit Buffalo Niagara VP of Destination Experiences – Renata Toney for being honored at the 7th Annual Beau Fleuve Music & Arts Community Awards Ceremony.

Visit Buffalo Niagara Board of Directors

Cindy Abbott-Letro, Law Offices of Francis A. Letro – Chair
 Kimberley A. Minkel, NFTA – Vice Chair
 Huseyin Taran, Buffalo Marriott HarborCenter – Treasurer
 Thomas Beauford, Buffalo Urban League – Secretary
 Mary F. Roberts, Martin House – Immediate Past Chair
 Mark Ahnutt, University of Buffalo Department of Athletics
 Melissa Brown, Buffalo History Museum
 Daniel Castle, Erie County Dept. of Environment & Planning
 Matt Chiazza, Reikart House
 Anthony J.W. Chase, Buffalo State University
 Dottie Gallagher, Buffalo Niagara Partnership
 Mark Glasgow, Erie County Legislature Majority Caucus Appointee
 Patrick Kaler, Visit Buffalo Niagara – President & CEO
 Thomas Long, The Westin Buffalo
 William Paladino, Filcott Development, Inc.
 Steven Ranalli, Erie Canal Harbor Development Corporation
 David Schutte, Schutte Hospitality Group
 Don Spasiano, Trocaire College
 Michelle Urbanczyk, Explore & More Children’s Museum
 Gail Wells, Coppertown Blockclub & Buffalo Freedom Gardens



Visit Buffalo Niagara Staff

James Adler, Sports Sales Manager
 Jennifer Blatek, Executive Assistant to the CEO
 Jo Ann Blatner, Industry Relations Assistant
 Drew Brown, Marketing Manager
 Michele Butlak, Accounting & Benefits Manager
 Emma Carlo, National Sales Manager
 Karen Cox, Convention Sales & Services Manager
 Mike Even, Vice President of Sales & Services
 Karen Fashana, Director of Marketing
 Greg Gelinas, Director Sports Development
 Ed Healy, Vice President of Marketing
 Patrick Kaler, President & CEO
 Michelle Kearns, Communications Manager
 David Marzo, Chief Financial Officer
 Leah Mueller, Director of Tourism Sales
 Heather Nowakowski, Business Intelligence Manager
 Kathryn Scaduto, Marketing and Social Media Specialist
 Renata Toney, Vice President of Destination Experience
 Marisa Urbano, Convention Services Coordinator
 Lauren Vargo, Sports Services Manager
 Meredith Waisir, Administrative Sales Assistant
 Weaghan Zimmer, National Sales Director

Buffalo Niagara Convention Center Staff

Julie Brooks, Controller
 Melissa Burke, Senior Director of Sales
 Jeff Calkins, Vice President & General Manager
 Lorna Cullen, Office Manager
 Patrick Kaler, President & CEO
 Sue Kimmins, Sales and Catering Manager
 Craig Landseadel, Executive Chef
 Mary Ann Martin, Bookkeeper & Benefits Manager
 Mark McMahon, Maintenance Supervisor
 Terry O'Brien, Director of Operations
 Heather Petrino, Sales & Service Coordinator
 Ken Santord, Chief Engineer
 Christie Walker, Convention and Event Service Manager
 Cory Watson, Food and Beverage Manager
 Michael Will, Assistant Director of Operations
 Colleen Willis, Sales Manager
 Danielle Winiarski, Assistant General Manager
 Alisha Vega, Front Desk Receptionist



To be the most surprising destination you'll ever visit.

MISSION:

Transforming our community by inspiring visitors and locals to discover Buffalo and Erie County.

Data Sources For This Report:

- Cervis Technologies
- Cision
- Google Analytics
- Key Data
- Madden Media
- Momentum Technologies (formerly Ungerboeck)
- Sales Force Marketing Cloud
- Simpleview
- STR (Smith Travel Research)
- Tourism Economics



SEPTEMBER 2023 DESTINATION UPDATE

A MONTHLY DASHBOARD AND QUALITATIVE REPORT

PATRICK J. KALER, PRESIDENT & CEO

VISIT BUFFALO NIAGARA BUFFALO CONVENTION CENTER BUFFALO NIAGARA SPORTS COMMISSION





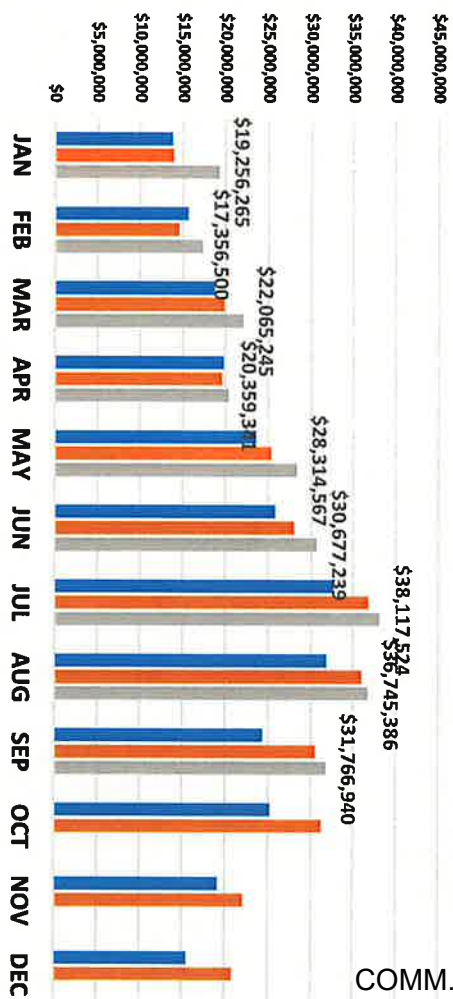
MONTHLY TRAVEL DATA - STR

ERIE COUNTY HOTEL REVENUE — SEPTEMBER 2023

September Hotel Revenue	
Sept 2022	4.1%
Sept 2019	30.3%
YTD Hotel Revenue	
2022	\$235,811,873
2019	\$143,300,000

Hotel Revenue is the lodging revenue for all hotel/motel properties in Erie County reported for the month.

September 2023 hotel revenue collections totaled, **\$31,766,940** which was a **4.1%** increase compared to September 2022. September 2023 hotel revenue was **30.3%** higher than 2019.



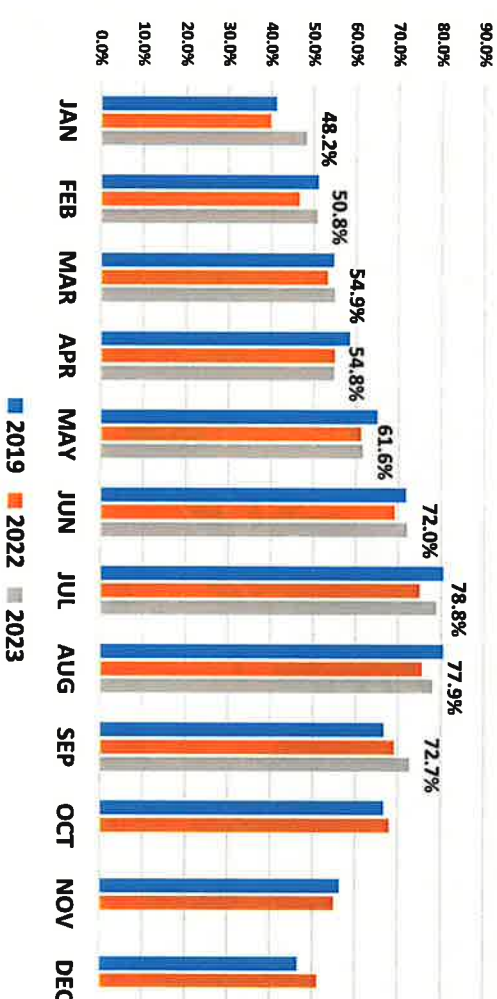
ERIE COUNTY HOTEL OCCUPANCY — SEPTEMBER 2023

September Hotel Occupancy	
Sept 2022	5.1%
Sept 2019	9.0%
YTD Hotel Occupancy	
2022	63.7%
2019	20.0%

Hotel Occupancy is the percentage of available rooms sold during the month in Erie County. Occupancy is calculated by dividing the number of rooms sold by the number of rooms available.

September 2023 occupancy measured **72.7%**, which was up **5.1%** compared to September 2022. September 2023 occupancy was down **9.0%** compared to 2019.

In comparison, for the U.S., September occupancy was down **0.7%** compared to 2022 and down **1.8%** compared to 2019. The State Of New York, was up **1.4%** in Occupancy in September 2023 compared to 2022, and down **0.9%** compared to 2019.



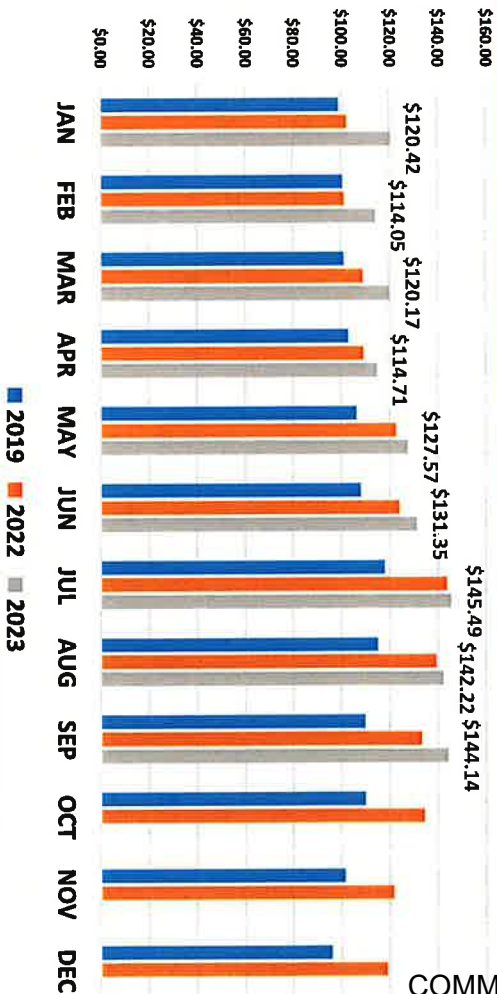
ERIE COUNTY HOTEL AVERAGE DAILY RATE (ADR) -- SEPTEMBER 2023

Sept Hotel Average Daily Rate	
Sept 2022	8.1%
Sept 2019	31.4%
YTD Hotel Average Daily Rate	
2022	6.7%
2019	22.3%

Hotel Average Daily Rate (ADR) is the measure of the average rate paid for hotel/motel rooms sold for the previous year. It is calculated by dividing room revenue by the number of rooms sold for that time period.

In September, Erie County ADR was **\$144.14** an increase of **8.1%** over 2022, and a **31.4%** increase compared to 2019.

The U.S. ADR for September 2023 was up **3.8%** compared to 2022, as well as up **21.4%** from 2019. New York State ADR for 2023 was up **7.8%** compared to 2022 and up **27.9%** compared to 2019.



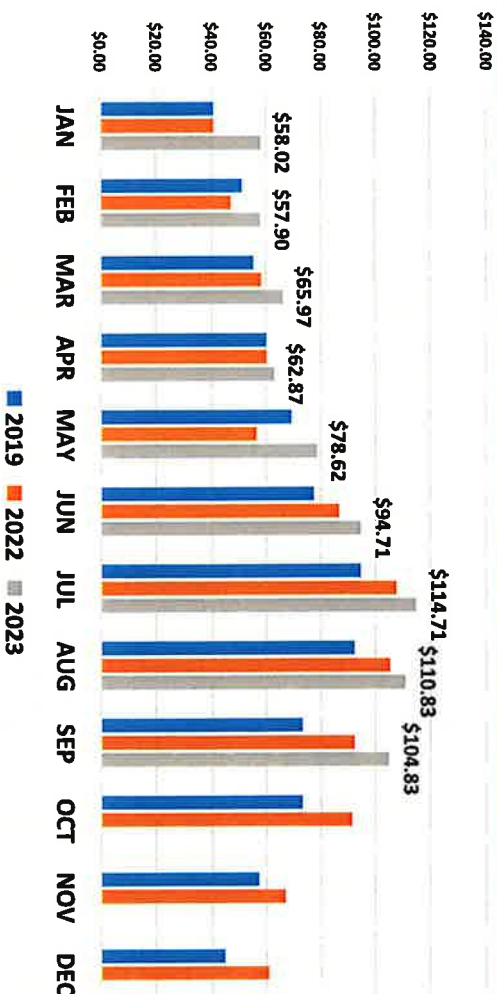
ERIE COUNTY HOTEL REVPAR -- SEPTEMBER 2023

Sept Hotel RevPAR	
Sept 2022	13.6%
Sept 2019	43.4%
YTD Hotel RevPAR	
2022	12.2%
2019	22.7%

Hotel Revenue Per Available Room (RevPAR) is the total room revenue for the previous year divided by the total number of available rooms.

2023 September RevPAR was **\$104.83** which was an increase of **13.6%** over 2022, and up **43.4%** compared to 2019.

RevPAR for the U.S. was up **3.0%** for September 2023 over 2022, and up **19.3%** compared to 2019. The State of New York also had increases for RevPAR in 2023 with a **9.3%** increase over 2022 and **23.8%** increase compared to 2019.



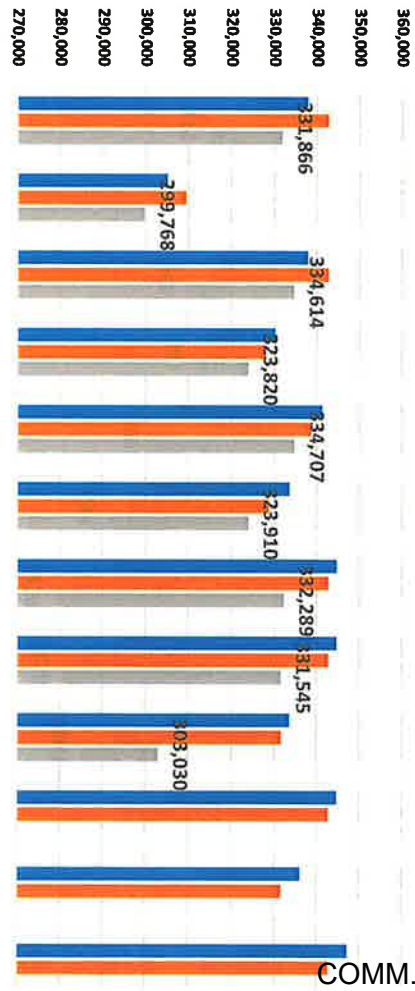
ERIE COUNTY HOTEL SUPPLY – SEPTEMBER 2023

Sept Hotel Supply	
Sept 2022	303,030
Sept 2019	-9.1%
YTD Hotel Supply	
2022	2,802,071
2019	-6.6%

Hotel Supply is the number of rooms in a hotel or set of hotels multiplied by the number of days in a specified time period.

In September 2023, Erie County's hotel supply totaled **303,030** which was a **8.3%** decrease from 2022 and a **9.1%** decrease compared to 2019.

The number of Erie County available hotel rooms totaled **10,101** which is a **9.1%** decrease compared to 2019.

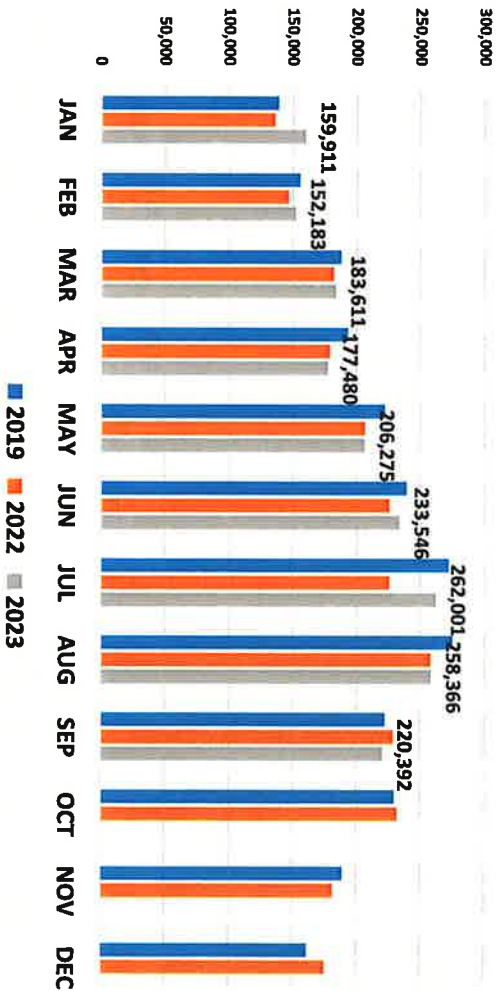


ERIE COUNTY HOTEL DEMAND – SEPTEMBER 2023

Sept Hotel Demand	
Sept 2022	220,392
Sept 2019	-0.9%
YTD Hotel Demand	
2022	1,784,298
2019	-6.6%

Hotel Demand is the number of hotel/motel rooms sold in a specified time period (excludes complimentary rooms).

September 2023 hotel demand totaled, **220,392** which was a **3.7%** decrease compared 2022 and a **0.9%** decrease compared to 2019.



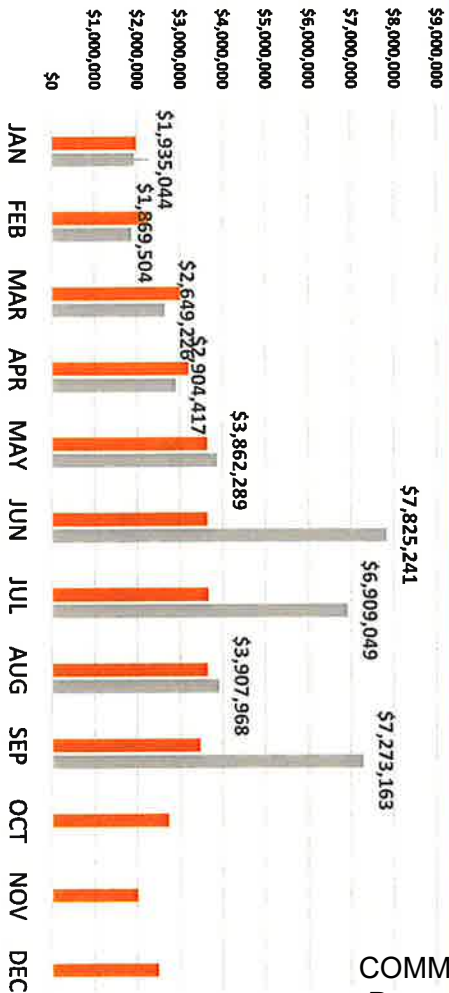
ERIE COUNTY SHORT TERM RENTAL REVENUE -- SEPTEMBER 2023

Sept Short Term Rental Revenue	
Sept 2022	\$7,273,163
Sept 2019	183.3%
YTD Short Term Rental Revenue	
2022	\$41,945,803
2019	65.3%

Short Term Rental Revenue is the total lodging revenue for all short-term rentals reported for the month.

In Sept 2023, Erie County's short term rental revenue generated **\$7,273,163** which was up **65.3%** compared to 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



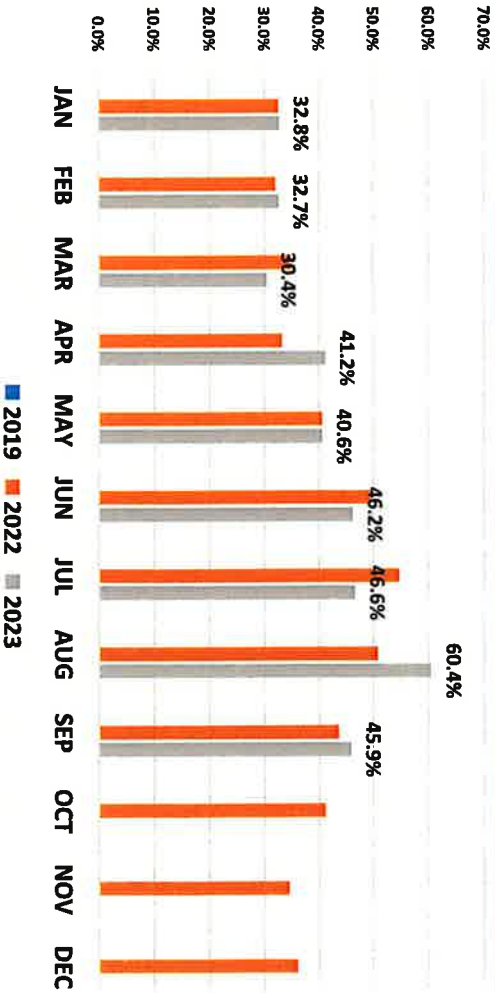
ERIE COUNTY SHORT TERM RENTAL OCCUPANCY -- SEPTEMBER 2023

Sept Short Term Rental Occupancy	
Sept 2022	45.9%
Sept 2019	3.1%
YTD Short Term Rental Occupancy	
2022	41.1%
2019	-10.8%

Short Term Rental Occupancy is the percentage of available rental units sold during the month in Erie County. Occupancy is calculated by dividing the number of sold by the number of units available.

Sept 2023 occupancy measured **45.9%**, which was up **3.1%** compared to September 2022.

Note: VBN did not collect Short Term Rental Data in 2019.





MONTHLY TRAVEL DATA- KEY DATA

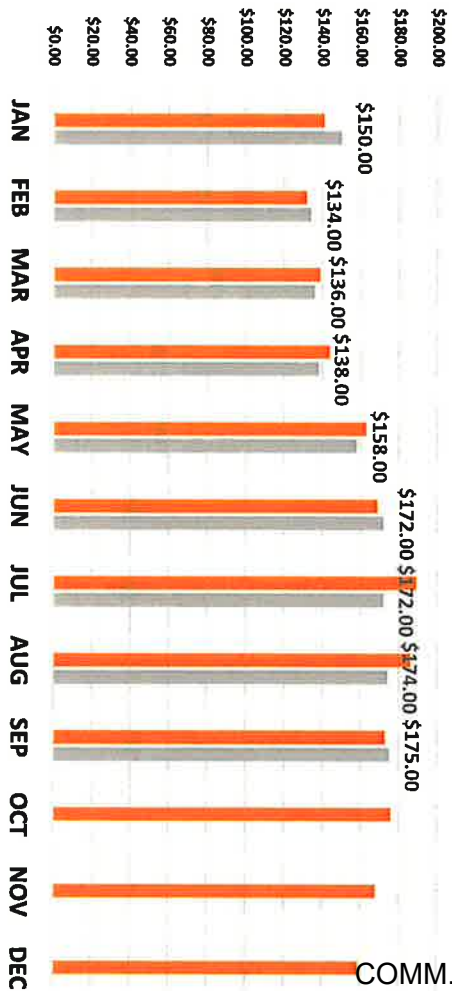
ERIE COUNTY SHORT TERM RENTAL AVERAGE DAILY RATE – SEPTEMBER 2023

Sept Short Term Rental ADR	
Sept 2022	1.2%
Sept 2019	NA
YTD Short Term Rental ADR	
2022	-1.2%
2019	NA

Short Term Rental Average Daily Rate (ADR) is the measure of the average rate paid for short term rental units sold for the month. It is calculated by dividing rental units' revenue by the number of units sold for that time period.

In September, Erie County Short Term Rental ADR was **\$175.00** an increase of **1.2%** compared to 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



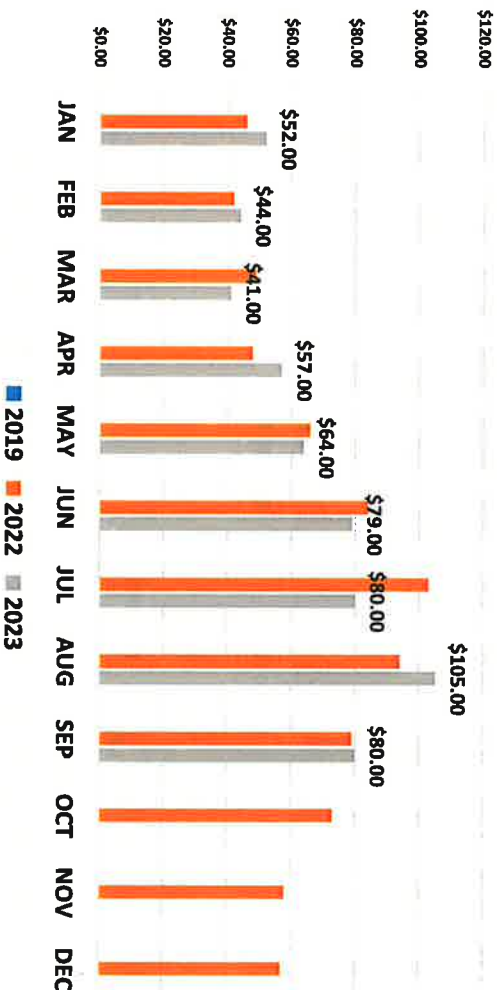
ERIE COUNTY SHORT TERM RENTAL REVPAR – SEPTEMBER 2023

Sept Short Term Rental RevPAR	
Sept 2022	1.3%
Sept 2019	NA
YTD Short Term Rental RevPAR	
2022	11.4%
2019	NA

Short Term Rental Revenue Per Available Room (RevPAR) is the total short term rental revenue for the month divided by the total number of available short term rental units.

2023 September RevPAR was **\$80.00** which was an increase of **1.3%** compared to 2022.

Note: VBN did not collect Short Term Rental Data in 2019.

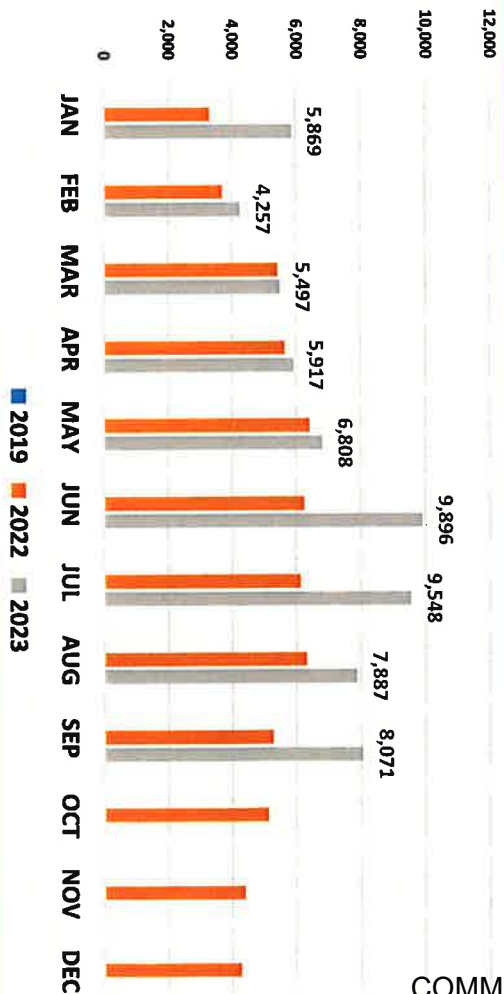


ERIE COUNTY SHORT TERM BOOKINGS – SEPTEMBER 2023

Sept Short Term Rental Bookings	
Sept 2022	62.9%
Sept 2019	NA
YTD Short Term Rental Bookings	
2022	42.9%
2019	NA

Short Term Rental Bookings is the measure of the total bookings in all Erie County short term rentals for the month. In September, Erie County Short Term Rental Bookings totaled **8,071** which was an increase of **62.9%** compared to 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



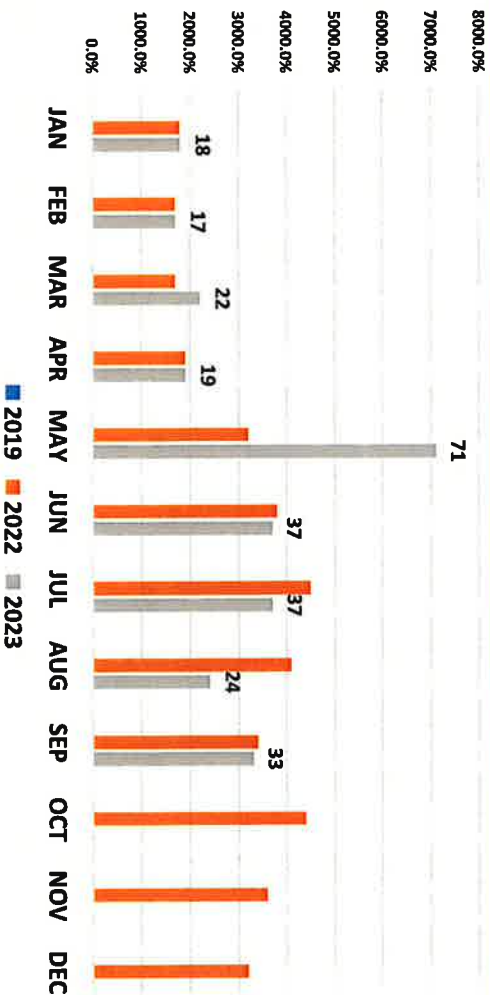
ERIE COUNTY SHORT TERM BOOKING WINDOW – SEPTEMBER 2023

Sept Short Term Rental Booking Window (days)	
Sept 2022	-8.3%
Sept 2019	NA
YTD Short Term Rental Booking Window (days)	
2022	-18.8%
2019	NA

Short Term Booking Window is the average number of days prior to arrival/check-in of a short term rental booking.

In September 2023 the short term rental average booking window was **33** days prior to arrival, which was a decrease of **8.3%** from 2022.

Note: VBN did not collect Short Term Rental Data in 2019.





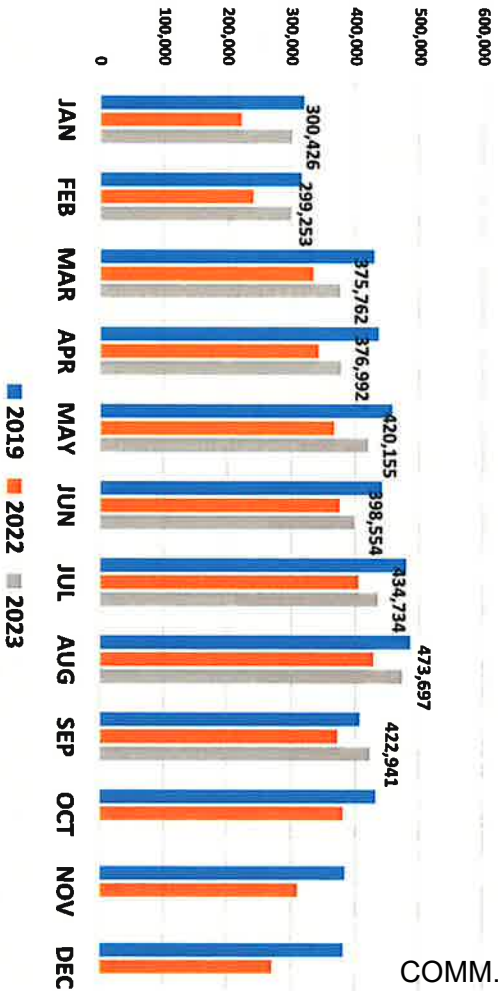
SALES DEPARTMENT DATA

BUFFALO NIAGARA INTERNATIONAL AIRPORT PASSENGERS – SEPTEMBER 2023

Sept BUF Airport Passengers	
Sept 2022	422,941
Sept 2019	3,502,514
	13.7%
	3.9%
YTD BUF Airport Passengers	
2022	3,502,514
2019	3,068,325
	13.5%
	-7.1%

Airport Passengers is the total monthly air traffic passengers at Buffalo Niagara International Airport as reported by NFTA.

Passengers through BUF in September 2023 totaled **422,941** representing a **13.7%** increase over 2022 and a **3.9%** increase compared to 2019.

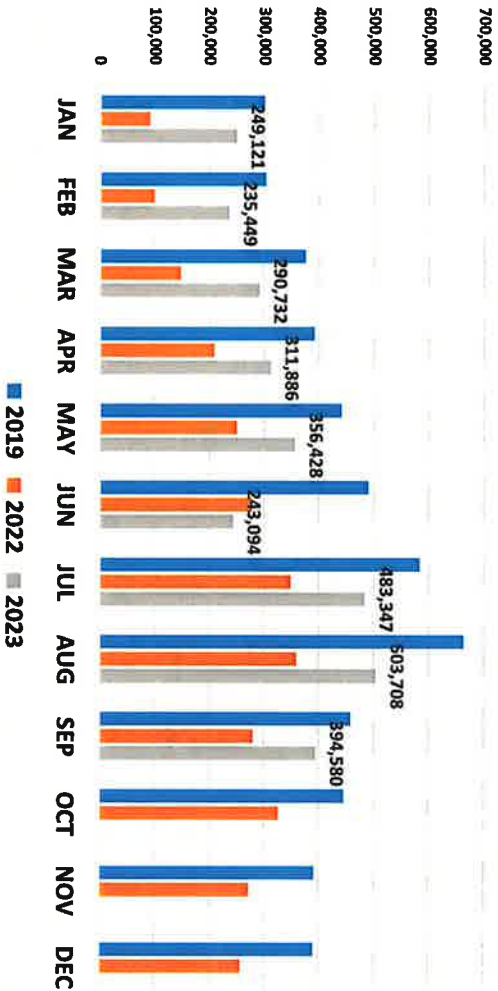


U.S. / CANADIAN CROSS BORDER TRAFFIC – SEPTEMBER 2023

Sept US/Canadian Border Traffic	
Sept 2022	394,580
Sept 2019	3,068,325
	40.5%
	-13.8%
YTD US/Canadian Border Traffic	
2022	3,068,325
2019	3,068,325
	48.7%
	-23.4%

Cross Border Traffic calculates the monthly border crossings between the United States and Canada in Erie and Niagara Counties.

Travel between the two countries through the Erie and Niagara County access points for the month of September 2023 totaled **394,580** which was a **40.5%** increase compared 2022 and a **13.8%** decrease compared to 2019.





SALES & SERVICES DEPARTMENT UPDATE

MONTH Sales & Services Department Dashboard - September 2023 vs. September 2022 and September 2019 (RECOVERY BENCHMARK)

Sales Lead Distributed		Sales Lead Room Nights		Lead Expected Attendance		Lead Economic Impact		Lost Business	
32		13,863		11,810		\$10,309,627		14	
Sept 2022	-25.6%	Sept 2022	-29.0%	Sept 2022	29.6%	Sept 2022	-15.8%	Sept 2022	Null
Sept 2019	-38.5%	Sept 2019	-39.2%	Sept 2019	-20.4%	Sept 2019	-30.3%	Sept 2019	-22.2%
Definite Events Booked		Definite Room Nights Booked		Definite Expected Attendance		Definite Event Economic Impact			
27		6,928		8,043		\$561,471			
Sept 2022	8.0%	Sept 2022	-0.5%	Sept 2022	55.7%	Sept 2022	13.8%	Sept 2022	Null
Sept 2019	3.8%	Sept 2019	-48.2%	Sept 2019	-39.6%	Sept 2019	-46.2%	Sept 2019	-46.2%
Events Held		Events Held Room Nights		Events Held Attendance		Groups Serviced			
31		9,668		5,112		22			
Sept 2022	107%	Sept 2022	60.8%	Sept 2022	-10.6%	Sept 2022	Null	Sept 2022	Null
Sept 2019	-13.9%	Sept 2019	34.2%	Sept 2019	28.7%	Sept 2019	Null	Sept 2019	Null

YEAR TO DATE Sales & Services Department Dashboard - Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

YTD Sales Lead Distributed		YTD Sales Lead Room Nights		YTD Lead Expected Attendance		YTD Lead Economic Impact		YTD Lost Business	
416		207,493		189,665		\$189,250,210		142	
2022	-1.2%	2022	-2.6%	2022	36.7%	2022	13.8%	2022	11.7%
2019	-25.7%	2019	-33.3%	2019	-10.0%	2019	-18.2%	2019	-10.3%
YTD Definite Events Booked		YTD Definite Room Nights Booked		YTD Definite Expected Attendance		YTD Definite Event Economic Impact			
261		82,268		110,061		\$64,771,746			
2022	2.8%	2022	-15.8%	2022	23.5%	2022	-26.7%	2022	-26.7%
2019	28.8%	2019	-36.8%	2019	37.5%	2019	-36.0%	2019	-36.0%
YTD Events Held		YTD Events Held Room Nights		YTD Events Held Attendance		YTD Groups Serviced			
234		100,271		114,237		144			
2022	16.9%	2022	7.7%	2022	46.8%	2022	24.1%	2022	24.1%
2019	-30.5%	2019	-23.0%	2019	0.8%	2019	-7.7%	2019	-7.7%

SALES & SERVICES DEPARTMENT UPDATE



2023 Sept compared to May	
Sales & Services KPI Comparison	
Key Performance Indicator	MOM Percent Change
Leads Distributed	-31.9%
Lead Room Nights	-35.0%
Lead Attendance	-58.7%
Lead Economic Impact	-52.1%
Definite Bookings	58.8%
Definite Room Nights	-30.2%
Definite Attendance	-45.4%
Definite Economic Impact	-23.0%
Lost Leads	Null
Events Held In Month	-6.1%
Events Held In Month Room Nights	53.9%
Events Held In Month Attendance	-19.8%
Groups Serviced	-4.3%



S.P.O.R.T.S. The Relationship Conference
Buffalo Niagara Sports Commission Director of Sports Development, Greg Gelinis attended The Sport Relationship Conference which provides two days worth of 15-minute appointments with top sporting event planners and event rights holders.

September 2023 Trade Shows/Conferences Attended		
SHOW/ CONFERENCE NAME	LOCATION	ATTENDED BY
Professional Fraternal Association Conference	Albuquerque, NM	Emma Carlo
S.P.O.R.T.S. The Relationship Conference	South Bend, IN	Greg Gelinis
Small Market Meetings	Cedar Rapids, IA	Meaghan Zimmer
September 2023 Site Visits / FAMIS		7



Professional Fraternal Association Conference
Visit Buffalo Niagara's National Sales Manager, Emma Carlo attended the 2023 Professional Fraternal Association Conference. Attendees include members who serve as paid or volunteer executive directors or paid staff. VBN attends as an associate member who is looking to strengthen and expand our partnerships with fraternal organizational members to bring events to Buffalo and Erie County. Emma had the opportunity to network with VBN Customer Advisory Council member, Lane Velayo.



Small Market Meetings
Small Market Meetings is a gathering of destinations, hotels, conference centers and meeting planners looking for small to medium size conferences. Visit Buffalo Niagara's National Sales Director, Meaghan Zimmer participated in marketplace sessions with conference delegates in one-on-one meetings for potential business opportunities. Buffalo will be the host city for the Small Market Meetings Conference in 2025.

SALES & SERVICES DEPARTMENT UPDATE



USAE Editorial

The reopening of the Buffalo AKG, provided an opportunity for USAE to highlight an editorial feature of Buffalo as a top Cultural Destination.



NEWS
Buffalo: One of America's Top Cultural Destinations

Buffalo Chrysepe Photo Credit: Scott Siegel

For people who don't already know and love it, Buffalo is a series of pleasant surprises. The city has more activity, art, architecture, great food, outdoor adventure, music, sports, and nightlife than cities twice its size. And as our future comes into focus – with thriving new



Compete Sports Diversity Familiarization Tour

The Buffalo Niagara Sports Commission hosted representative members of Compete Sports Diversity for a familiarization tour of venues and experiences in Buffalo and Erie County. As part of the FAM, VBN/BNSC hosted a community stakeholder breakfast that included representatives from Erie County, City of Buffalo, Michigan Street African American Heritage Corridor, Pride Center of WNY, and the Gay & Lesbian Youth Support of WNY. Compete Sports Diversity representative, John Deffee gave Buffalo and Erie County the highest compliment when he shared, "It has to be one of the best, if not best fam site visits, I've even been on and I've been on a lot. The culture and community and sense of pride was



impressive. If we had more Buffalo mindsets in place, our country and world would be a better, safer, and more inclusive place for all."



SBWWGSD – Breakfast Presentation

The Visit Buffalo Niagara Sales and Services Department revitalized the "Bring It Home" campaign with a breakfast celebrating the female leaders of Buffalo and Erie County. At the invitation of the VBN female members of the board of directors, over 60 leaders attended a breakfast presentation led by VBN Chairwoman, Cindy Abbott-Letro and female members of the VBN sales staff. The attendees learned about the opportunity they have to connect VBN with the business associations and organizations they hold membership and attend meetings/conventions. Each attendee was gifted a custom Oxford Pennant emblazoned with "SBWWGSD" Smart Buffalo Women Who Get Stuff Done.



Washington DC-Based Meeting Planner Event

Visit Buffalo Niagara CEO, Patrick Kaler and VP of Sales and Services, Mike Even hosted a group of existing and potential new meeting planner clients at the Buffalo Bills versus Washington Commanders game in DC. PS – The Bills won the game.





MARKETING & COMMUNICATIONS

DEPARTMENT UPDATE

MONTHLY Marketing & Communications Department Dashboard September 2023 vs. September 2022 and September 2019

Website Sessions	Mobile Website Sessions	Duration On Site	Website Page Views	Social Media Posts
187,361	127,052	1:30	298,712	184
Sept 2022 34.2%	Sept 2022 33.5%	Sept 2022 -23 seconds	Sept 2022 14.9%	Sept 2022 -1.1%
Sept 2019 70.5%	Sept 2019 82.3%	Sept 2019 4 seconds	Sept 2019 36.8%	Sept 2019 -1.1%
Facebook Followers	Twitter Followers	Instagram Followers	TikTok Followers	All Video Views
100,794	29,662	76,380	26,700	741,888
Sept 2022 1.1%	Sept 2022 -0.9%	Sept 2022 67.1%	Sept 2022 60.8%	Sept 2022 172.3%
Sept 2019 6.2%	Sept 2019 3.3%	Sept 2019 123.6%	Sept 2019 NA	Sept 2019 670.6%
Media Placements	Media Impressions	Media Social Shares	Media Touchpoints	Media Visits
14	119,288,064	919	12	1
Sept 2022 100.0%	Sept 2022 5.9%	Sept 2022 -30.8%	Sept 2022 -40.0%	Sept 2022 -95.0%
Sept 2019 NA	Sept 2019 NA	Sept 2019 NA	Sept 2019 NA	Sept 2019 NA

YEAR TO DATE Marketing & Communications Department Dashboard. Year Over Year Comparison 2023 vs. 2022 and 2019

YTD Website Sessions	YTD Mobile Website Sessions	Duration On Site	YTD Website Page Views	YTD Shared Social Media Posts
1,455,838	910,590	1:30	2,417,428	1,622
2022 16.3%	2022 13.3%	2022 -23.0%	2022 7.8%	2022 -12.6%
2019 13.6%	2019 14.8%	2019 4.0%	2019 -3.9%	2019 4.0%
Facebook Followers	Twitter Followers	Instagram Followers	TikTok Followers	YTD All Video Views
100,794	29,662	76,30	26,700	7,745,901
Sept 2022 1.1%	Sept 2022 -0.9%	Sept 2022 67.1%	Sept 2022 60.8%	2022 178.5%
Sept 2019 6.2%	Sept 2019 3.3%	Sept 2019 123.6%	Sept 2019 NA	2019 890.4%
YTD Media Placements	YTD Media Impressions	YTD Media Social Shares	YTD Media Touchpoints	YTD Media Visits
84	2,235,118,757	5,636	128	37
2022 90.9%	2022 176.0%	2022 47.1%	2022 36.2%	2022 42.3%
2019 NA	2019 NA	2019 NA	2019 NA	2019 NA

2023 Sept compared to March Marketing & Communications KPI Comparison	
Key Performance Indicator	MO/M Percent Change
Website Sessions	-5.2%
Mobile Website Sessions	-7.3%
Duration on Site	-9 seconds
Website Page Views	-11.1%
Social Media Posts	1.7%
Facebook Followers	0.2%
Twitter Followers	Null
Instagram Followers	2.1%
TikToc Followers	3.3%
All Video Views	-10.2%
Media Placements	40.0%
Media Impressions	33.7%
Social Media Shares	10.6%
Media Touchpoints	Null
Media Visits	-75.0%

Sept 2023 Media Hits				
PUBLICATION/SOURCE	ARTICLE HEADLINE	READERSHIP	SHARES	
Irish Post	Great Icons, Great Lakes	258,134		
CBS News Pittsburgh	Travel Expert Shares the Perfect Trips That Don't Require a Plane Ticket	47,918,818		
USAE	Buffalo: One of America's Top Cultural Destinations	895		
Reader's Digest	Buffalo, New York is The Nicest Place In America	12,208,474		779
Today Show	Here Are The Nicest Cities In The United States	21,666,177		
Lonely Planet	12 Things Locals Know About Visiting New York State	4,738,539		4
Leisure Group Travel	Buffalo, NY	14,833		88
Global Traveler Magazine	Buffalo AKG Art Museum Expansion by OMA, Shirohei Shigematsu Reveal	20,904		5
Elie Décor (Italy)	OMA Renovates One of America's Oldest Museum Institutions	2,831,123		
The Globe and Mail	Five Must-See Gallery and Museum Exhibits Coming Up This Fall	5,961,221		43
Brazil Travel News	Buffalo: The Incredible City Still Unexplored by Brazilian Travelers In The State of New York	6,163		
Extended Weekend Getaways	This Food Trail Leads To Buffalo	22,046,388		
The Plan	Common Sky – A Glass Tree Generates An Inclusive Spade	44,234		

Not all media hits were as a direct result of efforts by Madden Media.

Most Viewed Video
September 2023

716 Day
150,187

Sample of other video content for the month:

- Half Baked Cookies
- Buffalo Wing Trail – Blackthorn Restaurant & Pub
- Explore Buffalo – Doors Open Buffalo & Erie County Theater Month
- Fall in Erie County
- Apple Picking



Examples of September Blogs and Social Media Posts



Arts & Culture Advertising Campaign and Arts District Map



Erie County Theater Month Promotion

Buffalo Niagara

The Evening Theater
WESTERN NEW YORK STATE

ALOFT BUFFALO DOWNTOWN
Buffalo Theater Deal

Erie County Theater Companies

With 28 professional theater organizations, the Buffalo area has a rich tradition of award-winning entertainment to offer. View some of our favorites below.

BUFFALO THEATRE CENTER
ALBANY THEATRE
MADISON SQUARE THEATRE OF WESTON MA
THEATRE OF WESTON MA
THEATRE OF WESTON MA

New VisitBuffaloNiagara.com Content

Buffalo Niagara

TOASTED'S TOAST FLIGHT

Obsessed
CURRENTLY WITH

THE LITTLE CLUB

ALL ABOUT MUSIC IS ART

Buffalo Niagara

Music is Art

LIVE MUSIC ON EVERY STAGE. ART AT EVERY TURN.



DESTINATION DEVELOPMENT DEPARTMENT UPDATE

MONTHLY Destination Development Department Dashboard – September 2023 vs. September 2022 and September 2019 (RECOVERY BENCHMARK)

Visitor Guide Requests		Weekly Lodging Dashboard Distribution		Tourism Insider Distribution	
351		489		2,833	
Sept 2022	48.1%	Sept 2022	16.2%	Sept 2022	3.8%
Sept 2019	-24.2%	Sept 2019	NA	Sept 2019	6.2%
Number of Mobile Visitor Center Events		Mobile Visitor Center Volunteer Hours		Number of Convention/Sport Events	
4		24		1	
Sept 2022	Null	Sept 2022	-63.9%	Sept 2022	-50.1%
Sept 2019	NA	Sept 2019	NA	Sept 2019	NA
Industry Meeting Attendance		Industry Event Attendance		Extranet Training Attendance	
0		176		6	
Sept 2022	-100.0%	Sept 2022	100.0%	Sept 2022	20.0%
Sept 2019	Null	Sept 2019	100.0%	Sept 2019	100.0%
Destination Customer Service Training Attend.		YTD Visitor Guide Requests		YTD Weekly Lodging Dashboard Distribution	
0		4,069		489	
Sept 2022	Null	2022	-39.7%	2022	17.6%
Sept 2019	Null	2019	-27.8%	2019	NA
YTD Conventions/Sport Event Volunteer Hours		YTD Mobile Visitor Center Volunteer Hours		YTD Number of Convention/Sport Events	
227		198		13	
2022	167.1%	2022	-42.9%	2022	85.7%
2019	NA	2019	NA	2019	NA
YTD Dest./Customer Service Training Attend.		YTD Industry Meeting Attendance		YTD Extranet Training Attendance	
5		275		23	
2022	-73.7%	2022	11.3%	2022	-4.2%
2019	-94.1%	2019	-61.6%	2019	-45.2%
YTD Industry Event Attendance		YTD Industry Meeting Attendance		YTD Extranet Training Attendance	
497		497		23	
2022	1503.2%	2022	1503.2%	2022	-4.2%
2019	-4.1%	2019	-4.1%	2019	-45.2%
YTD Conventions/Sport Event Volunteer Hours		YTD Industry Meeting Attendance		YTD Extranet Training Attendance	
227		275		23	
2022	167.1%	2022	11.3%	2022	-4.2%
2019	NA	2019	-61.6%	2019	-45.2%

YEAR TO DATE Destination Development Department Dashboard – Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)



National Wing Festival Visitor Engagement

Visit Buffalo Niagara and our volunteers were back once again at the Buffalo Wing Trail. This is one of our most sought-after volunteer events as visitors from all around the World come to Buffalo to eat wings.

Each year visitors are asked to "pin" their home location on a map of the US and the World proving that Buffalo Wings are a global foodie favorite. VBN also provides Instagram-able photo opportunities for at the mobile visitor center unit.



Buffalo Historic River Tours

Thank you to Buffalo Historic River Tours for hosting the Visit Buffalo Niagara staff for a morning cruise. Our incredible docent told the story of the Erie Canal, Buffalo's history as the largest grain port in the world and we were able to experience the nation's largest collection of standing grain elevators up close and personal. We always learn something new when we get to experience first-hand the tourism opportunities in our destination.



Buffalo Beer Week

Thank you to the Western New York Brewers Guild for including Visit Buffalo Niagara in their kick-off press conference for the 2023 Buffalo Beer Week. Currently, Western New York is home to over 40 craft breweries. Western New York has led the way for New York State to become the 4th largest craft beer producer in the country and contributed over \$5.4 Billion dollars of Economic Impact to the state's economy. Additionally, the local craft beer industry employs over 1,000 Western New York residents and contributes significant dollars to local causes and not-for-profit organizations. Visit Buffalo Niagara is proud to promote this exciting sector of the tourism industry through its production of a Beer Guide, website landing page, hosting travel writers, and its social media channels.



September Industry Night – The Village of Williamsville

Members of Erie County's hospitality industry as well as Visit Buffalo Niagara's staff and volunteers were treated to a unique evening in the Village of Williamsville. Thanks to our partners at RationAles, Glen Park Tavern, Britesmith Brewing and Eagle House Restaurant for hosting a progressive crawl through the village where attendees were able to sample the unique cuisines and specialty drinks and beer tastings are each location.



BUFFALO CONVENTION CENTER

OPERATIONAL UPDATE

MONTHLY Buffalo Convention Center Operational Dashboard – Sept 2023 vs. Sept 2022 and Sept 2019 (RECOVERY BENCHMARK)

Total Events	Event – Convention	Event – Meeting	Event – Banquet	Event – Consumer/Public Show	Event – Social
8	1	4	3	0	0
Sept 2022	60.0%	Sept 2022	-50.0%	Sept 2022	-100.0%
Sept 2019	-33.3%	Sept 2019	-50.0%	Sept 2019	-100.0%
Total Event Attendance		Number of Days Occupied		Customer Service Score	
3,810		15		New survey system being developed for mid-year.	
Sept 2022	47.4%	Sept 2022	Null	Sept 2022	NA
Sept 2019	-37.1%	Sept 2019	-25.0%	Sept 2019	NA
Total Revenue		Revenue – Rent		Revenue – Food & Beverage	
\$255,317		\$8,600		\$235,562	
Sept 2022	-14.7%	Sept 2022	7.7%	Sept 2022	70.8%
Sept 2019	28.0%	Sept 2019	-71.3%	Sept 2019	41.9%
Total Revenue		Revenue – Electrical Service		Revenue – Other	
\$7,345		0		0	
Sept 2022	225.9%	Sept 2022	230.6%	Sept 2022	-100.0%
Sept 2019	-100.0%	Sept 2019	-100.0%	Sept 2019	-100.0%

YEAR TO DATE Convention Center Operational Dashboard – Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

Total Events	Event – Convention	Event – Meeting	Event – Banquet	Event – Consumer/Public Show	Event – Social
68	13	12	33	10	0
2022	28.3%	2022	140.0%	2022	-16.7%
2019	-26.1%	2019	-53.8%	2019	Null
Total Event Attendance		Number of Days Occupied		Customer Service Score	
162,723		158		New survey system being developed for mid-year.	
2022	25.1%	2022	-5.4%	2022	NA
2019	-19.6%	2019	-28.5%	2019	NA
Total Revenue		Revenue – Rent		Revenue – Food & Beverage	
\$2,572,343		\$575,030		\$1,757,331	
2022	50.9%	2022	-6.7%	2022	36.7%
2019	-3.9%	2019	-4.6%	2019	-9.0%
Total Revenue		Revenue – Electrical Service		Revenue – Other	
\$116,783		\$123,199		\$116,783	
2022	85.0%	2022	6717.5%	2022	6717.5%
2019	-13.3%	2019	3858.8%	2019	3858.8%

BUFFALO CONVENTION CENTER

SALES UPDATE

MONTHLY Buffalo Convention Center Sales Dashboard – Sept 2023 vs. Sept 2022 and Sept 2019 (RECOVERY BENCHMARK)

Total Leads		BNCC Generated Leads		VBN Generated Leads		Confirmed Bookings	
7		2		5		10	
Sept 2022	-22.2%	Sept 2022	-71.4%	Sept 2022	150.0%	Sept 2022	25.0%
Sept 2019	-53.3%	Sept 2019	83.3%	Sept 2019	66.7%	Sept 2019	-16.7%
Total Solicitation Calls		Existing Business/Clients Solicitation Calls		New Business/Clients Solicitation Calls		Lost Business	
55		12		43		5	
Sept 2022	34.1%	Sept 2022	-42.9%	Sept 2022	115.0%	Sept 2022	25.0%
Sept 2019	NA	Sept 2019	NA	Sept 2019	NA	Sept 2019	22.2%

YEAR TO DATE Buffalo Convention Center Sales Dashboard – 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

YTD Total Leads		YTD BNCC Generated Leads		YTD VBN Generated Leads		YTD Confirmed Bookings	
114		68		46		85	
2022	14.0%	2022	-1.4%	2022	48.4%	2022	13.3%
2019	67.6%	2019	25.9%	2019	228.6%	2019	-11.5%
YTD Total Solicitation Calls		YTD Existing Business/Clients Solicitation Calls		YTD New Business/Clients Solicitation Calls		YTD Lost Business	
504		203		301		57	
2022	45.2%	2022	45.0%	2022	45.4%	2022	35.7%
2019	NA	2019	NA	2019	NA	2019	-6.5%

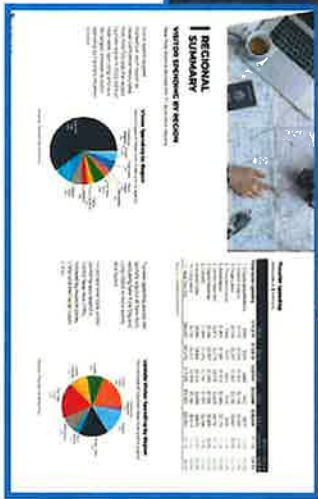
Current and Future Ongoing Buffalo Convention Center Business Booked

	2019 Year End	2023*	2024*	2025*	2026*
Number of Events	138	107	89	58	42
Expected Attendance	249,975	205,083	209,182	210,537	148,462
Number of Hotel Room Nights	25,000	22,525	22,332	18,444	15,463
Expected Economic Impact	\$34,063,840	\$28,778,339	\$29,586,852	\$28,211,953	\$16,610,820

ORGANIZATION UPDATE

ECONOMIC IMPACT OF VISITORS IN NEW YORK 2022

Greater Niagara Focus



Economic Impact of Visitors In New York 2022

New York State Governor Kathy Hochul released the Economic Impact of Visitors 2022 Report completed by Tourism Economics. The numbers for Erie County, which is in the State's Greater Niagara Region, is doing extremely well in its recovery and exceeding 2019 levels in several categories. Report takeaways for Erie County:

- Erie County represents 64% of the region's tourism sales, with \$2.2 billion in direct tourism spending.
- Tourism in the Greater Niagara region generated \$1.1 billion in direct labor income and \$1.8 billion, including indirect and induced impacts.
- Total labor income, including indirect and induced impacts, was the most significant in Erie County at \$1.2 billion.
- Erie County produced the most tourism-related jobs in the Greater Niagara region (27,399 jobs).
- Tourism in Greater Niagara generated \$366 million in state and local taxes in 2022. Sales, property, and hotel bed taxes contributed \$202 million in local taxes. Erie County constituted 65.5% of the region's tourism tax base.
- Were it not for tourism-generated state and local taxes, the average household in Erie County would have to pay an additional \$594 to maintain the same level of government revenue, already hard hit by the pandemic.

Local News Coverage

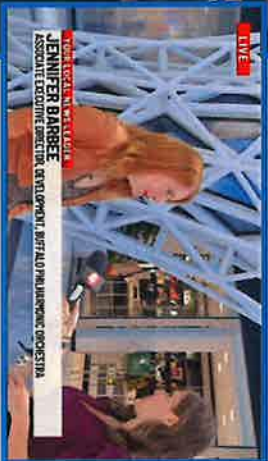
Following the release of the ESD Economic Impact of Visitors In NEW York 2022 report, Visit Buffalo Niagara was featured on every local news platform, print, radio, blogs, and television, focusing on the positive economic impact numbers for Erie County. Each platform provided the opportunity to speak not only about the work of VBN's sales, marketing and promotion activities, but to also reiterate the importance of the private and public investments that have been made into Buffalo and Erie County's overall tourism product and experiences. Proving that while Niagara Falls is twenty-minutes away, Erie County can stand alone in its appeal and attraction in the visitor economy.





WIVB Coverage of World Tourism Day

Local CBS affiliate WIVB Channel 4 focused it's Wednesday, September 27th morning show live broadcast at the Buffalo AKG to celebrate World Tourism Day. With the assistance of Visit Buffalo Niagara, all of the live stories featured local tourism leaders including live interviews with: Bratts Hill, Buffalo AKG, Buffalo Philharmonic Orchestra, Buffalo's Waterfront, Explore & More Children's Museum, Michigan Street African American Heritage Corridor, and Ujima Theater.



Hispanic Heritage Cultural Institute Groundbreaking

Several members of the Visit Buffalo Niagara staff were on hand for the monumental and historic groundbreaking ceremony of the Hispanic Heritage Cultural Institute. VBN has had a long and positive relationship with Casimiro Rodriguez, Sr., President of the Hispanic Heritage Council and look forward to working together to create and promote new tourism related experiences of Buffalo's vibrant Hispanic culture, history, businesses and events.



September CEO Meetings and Events

Visit Buffalo Niagara Customer Advisory Council Meeting
World Canals Conference 2025 Committee Meeting
Destinations International Staff Retreat Presentation
Western New York REDC Strategic Plan Update Meeting
Presentation to Rotary Club
World Canals Conference 2025 Meeting Planner Selection Committee Meeting
Canal NY Board Meeting
Hispanic Heritage Cultural Institute Groundbreaking
Interviews with Meeting Planning Firms for WCC2025
Meeting with Embassy Suites General Manager
Buffalo Beer Week Press Conference
Compete Sports Diversity Familiarization Tour and Stakeholder Breakfast
Buffalo Bills versus Washington Commanders Meeting Planner Event
VBN Executive Committee Meeting
Buffalo Niagara Partnership Board Meeting
Meeting with Invest Buffalo Leadership
NYSHTA Executive Committee Meeting
BCAR Board Meeting
Special Olympics New York State Meeting
Erie County Legislature Small Business Committee Economic Impact of Tourism Presentation
Explore Buffalo Doors Open

Visit Buffalo Niagara Board of Directors

Cindy Abbott-Letro, Law Offices of Francis A. Letro – Chair
 Kimberley A. Minkel, NEFTA – Vice Chair
 Huseyin Taran, Buffalo Marriott HarborCenter – Treasurer
 Thomas Beauford, Buffalo Urban League - Secretary
 Mary F. Roberts, Martin House - Immediate Past Chair
 Mark Alnutt, University of Buffalo Department of Athletics
 Melissa Brown, Buffalo History Museum
 Daniel Castle, Erie County Dept. of Environment & Planning
 Matt Chiazza, Reikart House
 Anthony J.W. Chase, Buffalo State University
 Dotte Gallagher, Buffalo Niagara Partnership
 Mark Glasgow, Erie County Legislature Majority Caucus Appointee
 Patrick Kaler, Visit Buffalo Niagara – President & CEO
 Thomas Long, The Westin Buffalo
 William Paladino, Ellcott Development, Inc.
 Steven Ranall, Erie Canal Harbor Development Corporation
 David Schutte, Schutte Hospitality Group
 Don Spasiano, Trocaine College
 Michelle Urbanczyk, Explore & More Children’s Museum
 Gail Wells, Coppertown Blockclub & Buffalo Freedom Gardens



Visit Buffalo Niagara Staff

James Adler, Sports Sales Manager
 Jennifer Blalek, Executive Assistant to the CEO
 Jo Ann Blatner, Industry Relations Assistant
 Drew Brown, Marketing Manager
 Michele Butlak, Accounting & Benefits Manager
 Emma Carlo, National Sales Manager
 Karen Cox, Convention Sales & Services Manager
 Mike Ever, Vice President of Sales & Services
 Karen Fasana, Director of Marketing
 Greg Gellmas, Director Sports Development
 Ed Healy, Vice President of Marketing
 Patrick Kaler, President & CEO
 Michelle Kearns, Communications Manager
 David Marzo, Chief Financial Officer
 Leah Mueller, Director of Tourism Sales
 Heather Nowakowski, Business Intelligence Manager
 Kathryn Scaduto, Marketing and Social Media Specialist
 Renata Toney, Vice President of Destination Experience
 Marisa Urbano, Convention Services Coordinator
 Lauren Vargo, Sports Services Manager
 Meredith Walsh, Administrative Sales Assistant
 Meaghan Zimmer, National Sales Director

Buffalo Niagara Convention Center Staff

Julie Brooks, Controller
 Melissa Burke, Senior Director of Sales
 Jeff Calkins, Vice President & General Manager
 Lorna Cullen, Office Manager
 Patrick Kaler, President & CEO
 Sue Kimmins, Sales and Catering Manager
 Craig Landseidel, Executive Chef
 Mary Ann Martin, Bookkeeper & Benefits Manager
 Mark McMahon, Maintenance Supervisor
 Terry O'Brien, Director of Operations
 Heather Petrino, Sales & Service Coordinator
 Ken Sanford, Chief Engineer
 Christie Walker, Convention and Event Service Manager
 Cory Watson, Food and Beverage Manager
 Michael Will, Assistant Director of Operations
 Colleen Willis, Sales Manager
 Danielle Winlarski, Assistant General Manager
 Alisha Vega, Front Desk Receptionist



VISION:
 To be the most surprising destination you'll ever visit.

MISSION:
 Transforming our community by inspiring visitors and locals to discover Buffalo and Erie County.

Data Sources For This Report:

- Cervis Technologies
- Cision
- Google Analytics
- Key Data
- Madden Media
- Momentus Technologies (formerly Ungerboeck)
- Sales Force Marketing Cloud
- Simpleview
- STR (Smith Travel Research)
- Tourism Economics

BUFFALO CONVENTION CENTER			
Q3 Revenue	Goal	Actual	Variance
Rent Revenue	\$88,365	\$88,445	0.09%
F&B Revenue	\$200,000	\$297,605	48.80%
Electrical Service	\$47,772	\$43,136	-9.70%
Other Revenue	\$7,831	\$7,831	0.00%
TOTAL REVENUE	\$343,968	\$437,017	27.05%
YTD Revenue	2023	2022	Variance
Rent Revenue	\$495,185	\$522,536	-5.23%
F&B Revenue	\$1,695,288	\$1,287,669	31.66%
Electrical Service	\$87,108	\$102,613	-15.11%
Other Revenue	\$108,952	\$185,160	-41.16%
TOTAL REVENUE	\$2,386,533	\$2,097,978	13.75%
Q3 YTD Events	2023	2022	Variance
Number of Events	68	53	28.30%
Attendance	162,723	130,099	25.08%
F&B Profit Margin	%	39.4%	%
Comments Q3			
F & B Sales exceeded projections, resulting in higher actual revenues vs budget (Foundation for Manufacturing Excellence +\$34K, Black Achievers \$21K and New York State Bar Exam \$15K). Number of events and attendance continue to trend upwards.			

Q3 Major Events Hosted		
Month	Event Name	Number of Attendees
July	New York State Board of Law Examiners – July Bar Exam	2,628
July	Eager to Motivate Fitness – E2M Fitness Group Buffalo Meet Up	1,000
August	Boulevard Trash Entertainment, LLC – Oddities and Curiosity Expo	11,000
August	City of Buffalo/Office of the Mayor – Reading Rules Summer Reading Challenge	1,450
August	Community Action Organization of WNY, Inc – Head Start/Early Head Start Program	300
September	Black Achievers Inc. – Annual Awards Dinner	1,074
September	Erie County Real Property Tax Service – Erie County Tax Foreclosure Sale	1,000
September	Foundation for Manufacturing Excellence – MEP National Network Meeting	619
September	Stasiak Jones Wedding	273

Q3 Major Events Booked		
Year	Event Name	Expected Revenue
2023	Conesus Fest for Charity – World’s Largest Disco	\$125,105
2023	Buffalo Urban League – 2023 Gala	\$40,000
2023	Civil Service Employees Association – CSEA Holiday Party	\$35,000
2023	Roswell Park Cancer Institute – Courage for Carly Holiday Party	\$25,000
2024	Ingram Micro Inc. – USSK 2024	\$210,000
2024	ECMC Foundation – ECMC Foundation Gala	\$166,000
2024	Niagara Frontier Automobile Dealers Association – 2024 Auto Show	\$126,800
2024	Northeast Black Law Students Association – NEBLSA 56 th Regional Convention	\$66,740
2024	The National Association of College & University Food Services – NACUFS 2024 Spring Conference	\$50,000
2024	Nickel City Comic Con, Inc. – Nickel City Conic Con 2024	\$53,275
2025	Maritime Heritage Conference – Maritime Heritage Conference 2025	\$75,500

Q3 Notable BCC Activities	
Date	Program
July	Collaboration meeting with VBN and Invest Buffalo
July	Site inspection with US Army Syracuse Battalion
July	Site inspection with Maritime Heritage Conference
August	Made Vidyard video e-mail message with VBN to send to potential clients
August	Participated in Buffalo Book Club Session with VBN and book members
August	Participated in ESSAE Membership Virtual Meeting
August	Sponsored and attended MPI Thought Leaders Lunch with VBN
August	Building tour and education session with ARC students and instructors
August	Site inspection with Eastern Association of College & University Business Officials – EACUBO
September	Participated in the Customer Advisory Council Meeting
September	Hosted and Attended the Women of Influence Breakfast with VBN
September	Launched new name and facade
September	Attended VBN Industry Night
September	Site inspection with American Cornhole Organization
September	Site inspection with Compete Sports Diversity FAM Tour
September	Site inspection with The Encouragement Circle – Your Next Level of Wholeness
September	Site inspection with NYS Organics Summit
Ongoing	Regular and ongoing client outreach. Assist with securing future dates and provide updated facility information



**Buffalo Niagara Convention Center Management
Corporation**

FINANCIAL STATEMENTS

JUNE 30, 2023 and 2022

UNAUDITED

For presentation at the Board of Directors Meeting Wednesday November 8, 2023

BUFFALO NIAGARA CONVENTION CENTER MANAGEMENT CORP.
BALANCE SHEET
JUNE 30 2023 AND 2022

UNAUDITED

	2023	2022
<u>ASSETS</u>		
Current assets:		
Cash and cash equivalents	\$ 1,196,626	\$ 1,237,104
Accounts receivable (net)	961,255	304,812
Accounts Receivable - County Grant	-	-
Inventory	58,150	53,772
Prepaid expenses	34,363	109,825
Total current assets	2,250,394	1,705,513
Property and equipment, net	-	-
Total assets	\$ 2,250,394	\$ 1,705,513

LIABILITIES AND NET ASSETS

Current liabilities:		
Short-term borrowings	\$ -	\$ -
Current portion of long-term debt	-	-
Accounts payable and accrued expenses	509,543	435,004
Deferred revenue - Erie County Grant	990,643	480,895
Deferred revenue - Other	58,117	106,105
Total current liabilities	1,558,303	1,022,004
Long-term debt	-	-
Net Assets:		
Net assets - unrestricted	692,091	683,509
Total liabilities and net assets	\$ 2,250,394	\$ 1,705,513

WYOMING NIAGARA CONVENTION CENTER MANAGEMENT CORP
STATEMENT OF ACTIVITIES
FOR THE SIX MONTHS ENDED JUNE 30, 2023 AND 2022

UNAUDITED

	Actual June 2023	Actual June 2022
County Grant Funds	\$ 990,643	\$ 1,442,683
Other revenues	869,659	874,439
Total Revenues	1,860,302	2,317,122
Payroll and related costs	1,329,633	1,660,897
Professional fees	90,355	136,520
Supplies	171,507	153,060
Telephone	46,627	107,696
Postage and Freight	2,286	1,690
Occupancy costs	335,567	461,501
Equipment rental and maintenance	80,485	125,761
Travel expenses	10,303	8,974
Promotional expenses	7,785	20,065
Other Expenses	17,586	43,109
Capital Equipment Purchases	5,646	62,269
Total Operating expenses	2,097,780	2,781,542
Increase (decrease) in net assets	(237,478)	(464,420)
Net assets - beginning	929,569	1,147,929
Net assets - ending	\$ 692,091	\$ 683,509

BUFFALO NIAGARA CONVENTION CENTER MANAGEMENT CORP.
SCHEDULE OF FOOD SERVICE OPERATIONS
FOR THE SIX MONTHS ENDED JUNE 30, 2023 AND 2022

UNAUDITED

	<u>Year To date</u>		<u>Year To Date</u>	
	<u>June</u>	<u>%</u>	<u>June</u>	<u>%</u>
	<u>2023</u>		<u>2022</u>	
<u>Sales:</u>				
Sales - Food	\$ 1,174,044	76.11%	\$ 1,111,826	86.34%
Sales - Beverage	362,977	23.53%	173,657	13.49%
Sales - Vending all	5,588	0.36%	2,187	0.17%
Sales - Non-foods Other	-	0.00%	-	0.00%
Total Sales	<u>1,542,609</u>	<u>100.00%</u>	<u>1,287,670</u>	<u>100.00%</u>
<u>Cost of Sales:</u>				
Cost of Sales - Food	504,498	42.97%	449,885	34.94%
Cost of Sales - Beverage	173,265	47.73%	42,241	3.28%
Cost of Sales - Vending all	6,025	107.82%	1,628	0.13%
Cost of Sales - Non foods & Other	4,104	0.27%	13,968	1.08%
Cost of Sales - Employee meals	-	0.00%	-	0.00%
Total Cost of Sales	<u>687,892</u>	<u>44.59%</u>	<u>507,722</u>	<u>39.43%</u>
Gross Profit	<u>854,717</u>	<u>55.41%</u>	<u>779,948</u>	<u>60.57%</u>
<u>Operating Expenses:</u>				
Salaries & Benefits	573,110	37.15%	567,086	44.04%
Supplies and Freight	89,105	5.78%	69,848	5.42%
Occupancy	98,147	6.36%	65,174	5.06%
Equipment rental & maintenance	11,749	0.76%	5,681	0.44%
Travel expenses	5,248	0.34%	-	0.00%
Promotion	12,248	0.79%	7,274	0.56%
Other	489	0.03%	755	0.06%
Total Operating Expenses	<u>790,096</u>	<u>51.22%</u>	<u>715,818</u>	<u>55.59%</u>
Net Income Food Service	<u>\$ 64,621</u>	<u>4.19%</u>	<u>\$ 64,130</u>	<u>4.98%</u>

ALO NIAGARA CONVENTION CENTER MANAGEMENT COF
OTHER REVENUES RECAP
FOR THE SIX MONTHS ENDED JUNE 30, 2023 AND 2022

UNAUDITED

	Year to Date	
	Actual September 2023	Actual September 2022
Earned Revenues		
Rentals/Rents	\$ 539,944	\$ 522,536
Equipment Rentals	37,861	28,986
Electrical Services	80,202	102,613
Commissions	9,175	8,933
Net Catering Revenues	64,621	64,130
Investment Income	125	-
Other	137,731	147,241
Total Other Revenues	\$ 869,659	\$ 874,439



Buffalo Niagara Convention & Visitors Bureau, Inc.

FINANCIAL STATEMENTS

SEPTEMBER 30, 2023 AND 2022

UNAUDITED

**Approved at the Board of Directors Meeting on Wednesday
November 8, 2023**

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.

FINANCIAL STATEMENTS

FOR THE NINE MONTHS ENDED SEPTEMBER 30, 2023 AND 2022

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Statement of Activities	Page 3
Statement of Total Revenues	Page 4
Statement of Total Expenses	Page 5-6

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.
BALANCE SHEET
SEPTEMBER 30, 2023 AND 2022



UNAUDITED

	<u>2023</u>	<u>2022</u>
<u>ASSETS</u>		
Current assets:		
Cash and cash equivalents	\$ 2,528,502	\$ 3,203,528
Accounts Receivable - Erie County	-	-
Accounts Receivable - Trade	117,733	114,467
Grants Receivable	149,000	52,000
Prepaid expenses and supplies	202,948	106,490
	<hr/>	<hr/>
Total current assets	2,998,183	3,476,485
Property and equipment, net	<hr/> 47,638	<hr/> 40,409
	<hr/>	<hr/>
Total assets	<u><u>\$ 3,045,821</u></u>	<u><u>\$ 3,516,894</u></u>

LIABILITIES AND NET ASSETS

Current liabilities:		
Short-term borrowings	\$ -	\$ -
Accounts payable and accrued expenses	276,705	307,328
Accounts payable - Foundation	893	15,184
Deferred revenue - Other	206,800	162,934
Deferred revenue - Erie County Grant	970,206	1,034,965
SBA - EIDL Loan	141,108	144,859
	<hr/>	<hr/>
Total current liabilities	1,595,712	1,665,270
Net assets	<hr/> 1,450,109	<hr/> 1,851,624
	<hr/>	<hr/>
Total liabilities and net assets	<u><u>\$ 3,045,821</u></u>	<u><u>\$ 3,516,894</u></u>

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.
STATEMENT OF ACTIVITIES
FOR THE NINE MONTHS ENDED SEPTEMBER 30 2023 AND 2022

	Actual 9 Month(s) 09/30/23	Budgeted 9 Month(s) 09/30/23	\$ Variance Over (Under)	% Variance Over (Under)	Annual Budget 2023	Actual 9 Month(s) 09/30/22
REVENUES	<u>\$ 3,454,091</u>	<u>\$ 3,157,248</u>	<u>\$ 296,843</u>	<u>9.40%</u>	<u>\$ 4,191,536</u>	<u>\$ 3,101,429</u>
MARKETING DEPARTMENT EXPENSES	\$ 1,464,231	\$ 1,194,143	\$ 270,088	22.62%	\$ 1,571,090	\$ 1,379,915
SALES & SERVICES DEPARTMENT EXPENSES	1,442,358	1,356,359	85,999	6.33%	1,796,905	1,290,195
DESTINATION DEVELOPMENT	210,549	226,923	(16,374)	-7.22%	292,780	167,923
ADMINISTRATIVE & FINANCE EXPENSES	763,213	707,285	55,928	7.91%	930,761	739,145
TOTAL EXPENSES	<u>\$ 3,880,351</u>	<u>\$ 3,484,710</u>	<u>\$ 395,641</u>	<u>11.35%</u>	<u>\$ 4,591,536</u>	<u>\$ 3,577,178</u>
INCREASE (DECREASE) IN NET ASSETS	\$ (426,260)	\$ (327,462)	\$ (98,798)		\$ (400,000)	\$ (475,749)
NET ASSETS - BEGINNING	1,876,369	1,876,369	-		1,876,369	2,327,373
NET ASSETS - ENDING	<u>\$ 1,450,109</u>	<u>\$ 1,548,907</u>	<u>\$ (98,798)</u>	<u>-6.38%</u>	<u>\$ 1,476,369</u>	<u>\$ 1,851,624</u>

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.
TOTAL REVENUES
FOR THE NINE MONTHS ENDED SEPTEMBER 30 2023 AND 2022

	Actual 9 Month(s) 09/30/23	Budgeted 9 Month(s) 09/30/23	\$ Variance Over (Under)	% Variance Over (Under)	Annual Budget 2023	Actual 9 Month(s) 09/30/22
Erie County Grant	\$ 2,889,045	\$ 2,889,045	\$ -	0.00%	\$ 3,852,057	\$ 2,804,895
BNCC Management Fee Allocation	-	-	-	-	-	-
Erie County - Theatre/ARP Act Grant	33,000	-	33,000	-	-	-
Advertising Sales	152,230	150,000	2,230	1.49%	150,000	115,097
Assessments - Convention	8,710	10,000	(1,290)	-12.90%	15,000	-
NYS Matching Funds Program	47,532	47,000	532	1.13%	47,000	48,897
Joint/Co-Op - Marketing	29,000	5,625	23,375	415.56%	7,500	19,069
Joint/Co-Op - Sales	33,224	28,000	5,224	18.66%	35,000	52,262
Joint/Co-Op - Destination Development	2,310	-	2,310	-	5,000	750
Grant Revenues	214,000	25,000	189,000	756.00%	75,000	52,272
Interest Income	39,492	378	39,114	10347.62%	500	315
Miscellaneous Income	5,513	2,200	3,313	150.59%	4,479	6,146
Merchandising Revenues - Conventions	35	-	35	-	-	1,726
Total Revenues	\$ 3,454,091	\$ 3,157,248	\$ 296,843	9.40%	\$ 4,191,536	\$ 3,101,429

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.
TOTAL EXPENSES
FOR THE NINE MONTHS ENDED SEPTEMBER 30 2023 AND 2022

	Actual 9 Month(s) 09/30/23	Budgeted 9 Month(s) 09/30/23	\$ Variance Over (Under)	% Variance Over (Under)	Annual Budget 2023	Actual 9 Month(s) 09/30/22
<u>Personnel Costs:</u>						
Salaries	\$ 1,415,011	\$ 1,374,180	\$ 40,831	2.97%	\$ 1,833,729	\$ 1,263,238
Payroll Taxes & Fringe Benefits	243,798	264,715	(20,917)	-7.90%	353,291	219,028
Training	48,211	40,300	7,911	19.63%	45,500	20,907
Total Personnel Costs	\$ 1,707,020	\$ 1,679,195	\$ 27,825	14.70%	\$ 2,232,520	\$ 1,503,173
<u>Sales & Marketing Expenditures:</u>						
Advertising	\$ 616,716	\$ 423,892	\$ 192,824	45.49%	\$ 605,000	\$ 705,580
Convention Commitments	105,375	114,500	(9,125)	-7.97%	150,000	92,600
Visitor Guide	150,762	152,500	(1,738)	-1.14%	160,000	97,746
Tradeshows	128,359	116,000	12,359	10.65%	148,000	135,262
Printing	7,499	10,250	(2,751)	-26.84%	29,500	1,213
Postage	2,586	2,312	274	11.85%	3,001	1,968
Sales Bids & Promotions	150,354	111,500	38,854	34.85%	130,000	132,364
Convention Sales & Services	17,650	26,903	(9,253)	-34.39%	35,050	24,813
Travel & Meetings	16,456	26,552	(10,096)	-38.02%	39,000	21,522
Receptions	18,158	30,500	(12,342)	-40.47%	47,500	18,891
Research	126,197	113,475	12,722	11.21%	160,000	161,065
Website Development/Hosting	86,608	76,122	10,486	13.78%	101,500	82,282
Familiarization Tours	151,332	91,870	59,462	64.72%	100,000	73,490
Professional Fees & Public/Media Relations	58,250	31,500	26,750	84.92%	42,000	33,825
Freelance/Graphic Artist	36,008	32,045	3,963	12.37%	40,000	25,171
Regional Marketing	8,031	8,040	(9)	-0.11%	8,040	8,167
Promotional Items	7,370	19,577	(12,207)	-62.35%	24,500	6,778
Destination Development	58,897	69,823	(10,926)	-15.65%	82,950	56,977
Film/Video/Photo Productions	52,018	35,500	16,518	46.53%	45,000	84,565

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.
TOTAL EXPENSES
FOR THE NINE MONTHS ENDED SEPTEMBER 30 2023 AND 2022

	Actual 9 Month(s) 09/30/23	Budgeted 9 Month(s) 09/30/23	\$ Variance Over (Under)	% Variance Over (Under)	Annual Budget 2023	Actual 9 Month(s) 09/30/22
Photography	14,750	15,090	(340)	-2.25%	22,500	26,195
Social Networking/Wing Trail	3,104	3,745	(641)	-17.12%	6,500	3,044
Total Sales & Marketing Expenditures	\$ 1,816,480	\$ 1,511,696	\$ 304,784	20.16%	\$ 1,980,041	\$ 1,793,518
Technology & Equipment	39,584	34,125	5,459	16.00%	45,000	23,181
Departmental Administrative Expenses	317,267	259,694	57,573	22.17%	333,975	257,306
Total Expenses	\$ 3,880,351	\$ 3,484,710	\$ 395,641	11.35%	\$ 4,591,536	\$ 3,577,178

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 23M-2	TOWN OF MARILLA	Marilla Town Board - SEQR Lead Agency Designation
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Attachments

23COMM. 23M-2

**NOTICE
SEQR: LEAD AGENCY DESIGNATION
MARILLA TOWN BOARD**

Date: November 21, 2023

This notice has been prepared pursuant to 6 NYCRR Part 617 6 NYCRR and Article 8 of the NYS Environmental Conservation Law (collectively “SEQR”).

The Marilla Town Board has passed a Resolution dated November 21, 2023 to Consider Amending the Zoning Code of the Town of Marilla.

Project Sponsor: Marilla Town Board
1740 Two Rod Road
Marilla, New York 14102-9726

**Project Sponsor
Contact Person:** Earl Gingerich, Town Supervisor
Town of Marilla
1740 Two Rod Road
Marilla, New York 14102-9726
Telephone: 716.652.7293, Extension 403
E-mail: egingerich@townofmarilla.com

**Town of Marilla
Contact Person:** Earl Gingerich, Town Supervisor
Town of Marilla
1740 Two Rod Road
Marilla, New York 14102-9726
Telephone: 716.652.7293, Extension 403
E-mail: egingerich@townofmarilla.com

**Location of
Project Site:** All Real Property Located in the Town of Marilla Agricultural District as set forth in Green on the Town of Marilla Zoning Map.

**SEQR
Classification:** Type I per 6 NYCRR 617.4(b)(2): “the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district.”

Description of Action:

The proposed Action involves the enactment of a Local Law Amending the Zoning Code of the Town of Marilla to allow as an Accessory Use in the Town Agricultural Zoning District Establishment where animals or fowls are slaughtered or butchered for food under the following conditions:

- (a) The type of animals or fowls to be slaughtered or butchered for food shall be only those animals or fowls permitted to be slaughtered or butchered by the New York State Agriculture and Markets Law or the implementing regulations promulgated by the New York State Department of Agriculture and Markets;
- (b) The number of animals or fowls to be slaughtered or butchered for food shall not exceed the limit of such as set forth by the New York State Agriculture and Markets Law or the implementing regulations promulgated by the New York State Department of Agriculture and Markets;
- (c) No establishment where animals or fowls are slaughtered or butchered for food shall be allowed unless a Permit to allow such activity is issued by the New York State Department of Agriculture and Markets; and
- (d) Operation must be conducted in a fully enclosed structure and shall only occur on property where agricultural or farming activities are being conducted.

As part of this Local Law, the phrase “provided that no killing shall be done on the farm other than of animals raised on the farm for the use of farm residents” is proposed to be deleted from Section 700-33(B)(3) of the Zoning Code of the Town of Marilla.

As the sole agency with Approval power of the proposed local law, the Marilla Town Board wishes to declare itself Lead Agency for the purpose of conducting a coordinated environmental review of the proposed project pursuant to SEQR. The Marilla Town Board adopted a resolution during its meeting on November 21, 2023 for the purpose of seeking lead agency status.

Potential involved and interested agencies are:

Involved Agencies:

Marilla Town Board
1740 Two Rod Road
Marilla, NY 14102-9726

Interested Agencies:

Marilla Planning Board
1740 Two Rod Road
Marilla, NY 14102-9726

Town of Elma
1600 Bowen Road
Elma, NY 14059
ATTN: Town Clerk

Town of Wales
12345 Big Tree Road
Wales Center, NY 14169
ATTN: Town Clerk

Town of Aurora
575 Oakwood Avenue
East Aurora, NY 14052
ATTN: Town Clerk

Town of Alden
3311 Wende Road
Alden, NY 14004
ATTN: Town Clerk

Town of Lancaster
21 Central Avenue
Lancaster, NY 14086
ATTN: Town Clerk

Town of Bennington
905 Old Alleghany Road
Attica, NY 14011
ATTN: Town Clerk

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, NY 14202
ATTN: Clerk of the Erie County Legislature

Wyoming County Board of Supervisors
143 North Main Street
Warsaw, NY 14569
ATTN: Clerk of the Wyoming County Board of Supervisors

Erie County Department of Environment and Planning
95 Franklin Street, Suite 1000
Buffalo, NY 14202

Erie County Department of Health
95 Franklin Street, Room 1034
Buffalo, NY 14202

The New York State Department of Agriculture & Markets
10B Airline Drive
Albany, NY 12235

NYS Department of Environmental Conservation
700 Delaware Avenue
Buffalo, NY 14209

United States Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250

Federal Emergency Management Agency
P.O. Box 10055
Hyattsville, MD 20782-8055

Federal Emergency Management Agency
26 Federal Plaza, Suite 1337
New York, NY 10278-0002

The attached Marilla Town Board Resolution has been filed with the Marilla Town Clerk and includes the following documentation attached thereto:

- Exhibit 1: Proposed Local Law
- Exhibit 2: Existing Section 700-33(D) of the Zoning Code of the Town of Marilla with Track Changes
- Exhibit 3: Town of Marilla Zoning Map
- Exhibit 4: Town of Marilla Local Law 2-2018 entitled "Town of Marilla Comprehensive Plan Update"
- Exhibit 5: Full Environmental Assessment Form (FEAF)

For further information please contact:

Earl Gingerich, Town Supervisor
Town of Marilla
1740 Two Rod Road
Marilla, New York 14102-9726
Telephone: 716.652.7293, Extension 403
E-mail: egingerich@townofmarilla.com

Marilla Town Board Resolution to Consider
Amending the Zoning Code of the Town of Marilla
and Related Actions

November 21, 2023

Marilla Town Board Resolution to Consider
Amending the Zoning Code of the Town of Marilla
and Related Actions

Marilla Town Board Meeting

November 21, 2023

The following resolution was introduced:

WHEREAS, pursuant to Section 700-5(A) of the Zoning Code of the Town of Marilla, “The Town Board may, from time to time, on its own motion or in its sole discretion ... and in accordance with the laws of the State of New York, amend, supplement or repeal the regulations, provisions or district boundaries of this chapter;” and

NOW THEREFORE BE IT RESOLVED BY THE MARILLA TOWN BOARD that:

1. Local Law 6-2023, Amending the Zoning Code of the Town of Marilla, is hereby proposed by the Marilla Town Board;
2. The Marilla Town Board is hereby designated to be Lead Agency pursuant to the New York State Environmental Quality Review Act and the Marilla Town Clerk is hereby directed to mail to all potential Involved Agencies and Interested Agencies the Lead Agency Notice;
3. Local Law 6-2023 and related documents are hereby referred to the Town of Marilla Planning Board for recommendation pursuant to Section 700-5(C) of the Zoning Code of the Town of Marilla; and
4. A Public Hearing will be held at the Marilla Town Board Meeting on December 28, 2023 at 7PM at Marilla Town Hall located at 1740 Two Rod Road in the Town of Marilla, New York and the Marilla Town Clerk is hereby directed to publish Legal Notice of Public Hearing and comply with the Notice Requirements of New York Town Law Section 264(2).

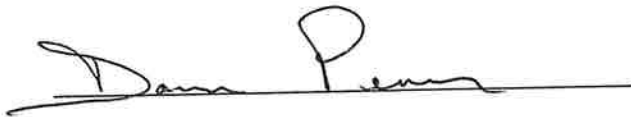
Motion by Councilman Sebastiano and

Seconded by Councilman Reichert.

Roll Call Vote:

Supervisor Earl Gingerich	VOTING	<u>Aye</u>
Councilperson Randy Reichert	VOTING	<u>Aye</u>
Councilperson Anthony Sebastiano	VOTING	<u>Aye</u>
Councilperson Brian Nolan	VOTING	<u>Aye</u>
Councilperson Matthew Dolegowski	VOTING	<u>Aye</u>

Certified by the Marilla Town Clerk this 22 day of November, 2023



Dawn Pearce, Marilla Town Clerk

Seal

Exhibit 1

Proposed Local Law

**TOWN OF MARILLA
LOCAL LAW NO. 6-2023
A LOCAL LAW REGARDING AMENDMENT TO CHAPTER 700-33
OF THE ZONING CODE OF THE TOWN OF MARILLA**

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF MARILLA AS FOLLOWS:

SECTION 1. TITLE

This Local Law shall be known as Local Law No. 6-2023 and be titled “Amendment to the Zoning Code of the Town of Marilla.”

SECTION 2. PURPOSE AND INTENT

This purpose of this Local Law is to amend Chapter 700-33 by removing the restriction of the killing of animals on a farm for food solely for the consumption of residents of the farm, as set forth in Section 700-33(B)(3) of the Zoning Code of the Town of Marilla and adding a new Section 700-33(D)(8) allowing the killing of animals on a farm for food to an amount allowed by the New York State Agriculture and Markets Law as an Accessory Use.

SECTION 3. AUTHORITY

New York Town Law §§ 261, 264 and 265 as well as § 700-5 of the Town of Marilla Zoning Code.

Section 4. LEGISLATIVE FINDINGS

New York Town Law § 272-a(11)(a) requires that “All town land use regulations must be in accordance with a comprehensive plan adopted pursuant to this section. New York Town Law § 272-a (2)(a) defines a comprehensive plan as “the materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the town.”

The Town of Marilla Comprehensive Plan Update was enacted by Local Law No. 2-2018 repeatedly demonstrates its commitment to farming and agriculture as set forth in the Declaration of Policy and Purposes Section 3 of the New York Agriculture and Markets Law which states:

The agricultural industry is basic to the life of our state. It vitally concerns and affects the welfare, health, economic well-being and productive and industrial capabilities of all our people. It is the policy and duty of the state to promote, foster, and encourage the agricultural industry, with proper standards of living for those engaged therein; to design and establish long-range programs for

its stabilization and profitable operation; to increase through education, research, regulation, and scientific means, the quantity, quality, and efficiency of its production; to improve its marketing system; to encourage adequate and skilled assistance for agricultural enterprises; to maintain at fair prices uncontrolled by speculation the instrumentalities and products of agriculture; to remove unnecessary or unfair costs and obstacles in the transportation, storage, processing, distribution, marketing, and sale of agricultural products; to prevent frauds in the traffic therein; to promote an expanded demand for the state's agricultural products and the intelligent uses thereof by consumers as pure and wholesome food; to protect the public health and to eliminate the evils of under-nourishment; to encourage the selection and consumption of food according to sound dietary and nutritional principles; to improve our citizens' overall health and to combat the increasing incidence of adult and childhood obesity; and to make our people conscious of the bond of mutual self-interest between our urban and our rural populations.

Consistent with the New York State Declaration of Policy and Purposes set forth in Purposes Section 3 of the New York Agriculture and Markets Law, the Town Comprehensive Plan Update repeatedly stresses the importance of agriculture and farming:

- This document is the Comprehensive Plan Update for the Town of Marilla. The Town prepared the original Comprehensive Plan in 1982, which was updated in 1998 when the Town Board requested that the Planning Board perform a substantial update of the original Plan to reflect the Town's current planning policies. Since that time, the Town has maintained its rural and agricultural character and current views and policies for future land use planning and management have necessitated this update of the Comprehensive Plan. (p. 1).
- The predominant land use in the Town is agriculture. Almost the entire area of the Town is included in Agricultural District No.5. Small and large farms contribute to the rural, agricultural character of the Town. Of the 17,622 acres in the Town, 11,057 acres (63%) are in parcels that are used in part for agricultural production. Farms in the Town include large commercial farms, as well as smaller part-time operations. These farms produce dairy products, raise cattle and other livestock, and grow field crops such as corn and soybeans. Two farms specialize in horse breeding and boarding. Most of the parcels with active farmland also include buildings, as well as forested land or hillsides that are not actively farmed.

Farms in and around the Town of Marilla generate revenue each year through the production and sales of farm products and support the regional economy through purchase of supplies and services. Opportunities relating to farming and agricultural production, agri-tourism, agricultural support businesses, and distribution and processing are key to the Town's long-term economic development.

In support of the importance of agriculture in Marilla, the Town Board adopted a “Right to Farm” local law in 1997. This Law states that reasonable agricultural practices are not to be considered public or private nuisances and appoints the Conservation Advisory Board to act as a grievance committee to address disputes that cannot be resolved by the parties alone and are not addressed by other Town laws or regulations.

Beginning in the late 1990s, recognizing the need to protect agricultural lands, the Town of Marilla began to identify parcels for potential permanent protection through voluntary conservation easements. Between 1999 and 2008, the Town established a Purchase of Agricultural Conservation Easements (PACE) program. This program was funded initially through New York State’s Department of Agriculture and Market’s Farmland Protection Implementation Grant Program, commonly known as Purchase of Development Rights. As of 2012, the Town had facilitated the acquisition of permanent conservation easements on 17 parcels and 743 acres of farmland. The Western New York Land Conservancy holds and monitors these conservation easements, which limit development on the protected parcel.

In 2013, the Town Board adopted the Town of Marilla Agricultural and Farmland Protection Plan. This plan provides a thorough understanding of agricultural and farming practices in the Town and sets forth policies and provisions for the protection and continued operation of agricultural activities in the community.

(pp. 18-19).

- The Town has made a commitment to agricultural preservation and has zoning regulations in place to control population growth and housing development. (p. 26).
- Large areas of Marilla are recommended to remain rural or in agricultural use. Farmland land uses and rural areas contribute significantly to the economic well-being of a community, as well as an entire region. Agricultural and rural areas serve to maintain economic stability, are a desirable scenic element in the local environment, and help to maintain an ecological balance. It is important that high quality agricultural soils, which have been determined to be extremely valuable for agricultural protection, be protected and continued for farming use. Once land has been taken out of production and these soils are disturbed, the potential for reversion to agricultural use is very limited. (p. 28).
- Goals and Policy Objectives.

GOAL 1: Protect lands and resources critical to the long-term success and sustainability of agriculture to enhance and expand the agricultural economy of the Town.

Marilla has a long history of farming and agricultural use. Farming in the Town includes large farms that produce dairy, livestock and nursery products, as well as equine operations and vegetable farms. These farms contribute to the local and regional economy and the rural character of the Town. The following objectives support the protection of agricultural resources in the Town:

- Promote diverse agricultural production that supports the business of farming as part of a thriving regional food system, which is in harmony with the community at large.
- Encourage farm related business as a secondary interest and means of support for farmers.
- Protect the viability of the Town's agricultural economy, ensure sufficient areas of high quality farmland, and encourage the protection of prime farm soils and productive agricultural lands to support the agricultural industry.
- Promote organic farming and other methods as a viable form of sustainable agriculture.
- Foster agriculture through the adoption and administration of land use regulations and procedures.
- Permit commercial and industrial land uses in agricultural areas only where such uses would not be detrimental to, or replace, agricultural and farming operations.
- Limit residential development in agricultural areas and direct growth to areas not in conflict with existing agricultural operations in order to minimize potential disruption to farming operations.
- Support State and County programs that foster agricultural growth as part of the region's economic development.
- Encourage the State and County to renew and sustain the existing agricultural districts formed under the New York State Agricultural Districts Law.
- Limit the placement of utilities, services, and other land uses that would encourage or incentivize growth and development in areas of the Town zoned for agriculture.
- Promote the sale of local products by encouraging a farmer's market and farm stands, consumption and utilization of locally grown farm products.
- Promote support for local farms and farm practices and public education about the benefits of agriculture to the community.

(pp. 32-33).

- Ensure that farmers, farmland owners, farmland neighbors and residents have access to information about the contributions of agriculture locally, and to the regional economy.
- Marilla is a rural, farming community. (p. 43).
- This Comprehensive Plan Update recognizes the importance of farming in the Town and sets forth specific goals and recommendations for agricultural protection. (p. 43).
- Agriculture is a large industry in the Town, generating valuable tax revenue while requiring minimal public services, making it the most cost-effective land use. (p. 44).

Additionally, the importance of local food chain supply is not only a priority for the Town and region, but also is a national priority. A February 2022 Report by the United States Department of Agriculture, entitled “USDA Agri-Food Supply Chain Assessment: Program and Policy Options for Strengthening Resilience,” found:

- As a nation, we are fortunate to have a highly productive agricultural system, a vigorous private agribusiness sector, extensive infrastructure, and supportive public policies and institutions that together work to provide a dependable, affordable, and diverse food supply. However, recent events – especially the COVID-19 pandemic and the on-going pandemic recovery -- have revealed serious cracks in this system. (p. 1).
- Resilience in agri-food supply chains depends on having access to reliable and diverse sources to meet supply and demand. Weak links in supply chains occur at “choke points” in food production, manufacturing, and distribution. In some agribusiness sectors like meatpacking, a small number of facilities accounts for a large share of regional or national food processing capacity. Even temporary shutdowns of one or more of these facilities (from fire, electricity disruption, labor shortages, cyber-attacks, worker illness, etc.) can threaten significant supply chain disruption. (p. 12).
- Local and regional food systems as a means for diversification Locally and regionally produced foods are a small but growing part of U.S. agriculture sales, providing much needed diversification in an otherwise consolidated system. According to the 2017 Census of Agriculture, locally and regionally produced food sales reached \$11.8 billion or 3 percent of the total value of U.S. agriculture production, growing from \$8.7 billion in 2015. An increasing number of producers, especially small producers, have gravitated toward local and regional markets due to market accessibility and the promise of a greater portion of the food dollar, which has significantly declined in mainstream markets over the past 50 years. Producers receive a greater share of retail

prices in local food supply chains than they do in mainstream chains, and, based on a 2010 study, producer net revenue per unit in local chains ranges from about equal to more than seven times the price received in mainstream chains.⁴ About 23 percent of beginning farmers and ranchers sell directly through local and regional markets. Poultry, cattle, and dairy represent more than half of the production value for beginning farmers and ranchers. CEA production also contributes to local and regional food systems, as it allows for production in areas that may not have the most favorable climate and soil conditions. This brings production to cities, former brownfields, and other areas that historically were not agriculturally productive. Finally, organic production and markets play a critical, expanding role in further diversifying food systems. Consumer demand for organically produced goods continues to show double digit growth, providing market incentives for U.S. farmers across a broad range of products. Organic sales account for over 4 percent of total U.S. food sales and organic products are now available in nearly 20,000 natural food stores and nearly 3 out of 4 conventional grocery stores. During the pandemic, local and regional food systems were recognized for their ability to be flexible and adapt to shifting market needs and offer a critical consumer and producer safety net. Producers that sold to institutions, restaurants, and hotels quickly adjusted to other outlets as consumers shifted their food purchases away from the foodservice sector to grocers, supermarkets, and online sources. Many local food farmers and ranchers, including small and mid-sized meat and poultry producers and processors, expanded direct markets, and offered online stores and other adaptations to meet consumer demands, but demand often exceeded availability. Food retailers and other purchasers such as school districts exhibited supply chain flexibility by shifting purchases toward smaller local suppliers. Some tribal communities, mostly rural and often isolated from other regional support, were able to integrate local production into community food supplies very quickly. The opportunity for expanding Tribal production, processing, and distribution of food is important for these rural communities.

Strengthening local and regional production, distribution, and processing contributes to a less concentrated and more diversified, and equitable agri-food system. (pp. 15-16).

The Enactment of Local Law 5-2023 is consistent with the findings and recommendations of the USDA Report in that it, among other things, satisfies GOAL 1 of the Town Comprehensive Plan Update “to enhance and expand the agricultural economy of the Town” and it will “Promote the sale of local products by encouraging a farmer’s market and farm stands, consumption and utilization of locally grown farm products” as set forth at page 33 of the Town Comprehensive Plan Update.

SECTION 5. AMENDMENTS.

THE PHRASE “provided that no killing shall be done on the farm other than of animals raised on the farm for the use of farm residents” is hereby deleted from Section 700-33(B)(3) of the Zoning Code of the Town of Marilla; and

Section 700-33(D) of the Zoning Code of the Town of Marilla, “Permitted accessory uses” is hereby amended by the addition of Section 700-33(D)(8) of the Zoning Code of the Town of Marilla as follows:

- (8) Establishment where animals or fowls are slaughtered or butchered for food under the following conditions:
 - (a) The type of animals or fowls to be slaughtered or butchered for food shall be only those animals or fowls permitted to be slaughtered or butchered by the New York State Agriculture and Markets Law or the implementing regulations promulgated by the New York State Department of Agriculture and Markets;
 - (b) The number of animals or fowls to be slaughtered or butchered for food shall not exceed the limit of such as set forth by the New York State Agriculture and Markets Law or the implementing regulations promulgated by the New York State Department of Agriculture and Markets;
 - (c) No establishment where animals or fowls are slaughtered or butchered for food shall be allowed unless a Permit to allow such activity is issued by the New York State Department of Agriculture and Markets, if any such Permit is required by the New York State Department of Agriculture and Markets; and
 - (d) Operation must be conducted in a fully enclosed structure and shall only occur on property where agricultural or farming activities are being conducted.

SECTION 6. EFFECTIVE DATE.

This Local Law shall take effect immediately upon adoption by the Town Board of the Town of Marilla and filing with the Secretary of State.

Exhibit 2

Existing Section 700-33(D) of the Zoning Code
of the Town of Marilla with Track Changes

ARTICLE VIII
District Regulations

§ 700-32. Application of regulations.

The regulations set by this chapter shall be the minimum regulations within each district and shall apply uniformly to each class or kind of structure or use of land except as hereinafter provided:

- A. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
- B. No building or structure shall hereinafter be erected or altered:
 - (1) To exceed the height limitation for any structure within a specified district.
 - (2) To accommodate or house a greater number of families.
 - (3) To occupy a greater percentage of lot area.
 - (4) To have narrower or smaller yards or other open spaces than herein required, or in any other manner contrary to the provisions of this chapter and the requirements of the New York State Building Construction and Fire Prevention Code.³⁴
- C. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with the regulations set forth herein shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building except as provided in Article IX.
- D. No yard or lot existing at the time of enactment of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet or exceed the minimum requirements established herein.

§ 700-33. A Agricultural District.

- A. Intent. The intent in creating agricultural districts is to protect predominantly agricultural areas from suburban and urban development, encourage the continuation of agriculture, reduce land use conflicts and preserve open space and natural resources. To this end, construction and connection of water main laterals and service connections of four inches in diameter or greater are prohibited within the A Agricultural District.
- B. Permitted principal uses and minimum lot sizes. Permitted principal uses and minimum lot sizes shall be as follows:
 - (1) Single-family dwelling.
 - (a) Minimum lot area: 60,000 square feet.
 - (b) Minimum frontage: 200 feet, measured at the edge of the road right-of-way and

34. Editor's Note: See also Ch. 209, Construction Codes, Uniform.

maintained to a minimum depth of 300 feet.

- (c) Minimum depth: 300 feet, measured from the center line of the right-of-way.
 - (d) Minimum front setback: 100 feet, measured from the center line of the road.
 - (e) Minimum side setback: 30 feet, measured from the edge of the property line.
 - (f) Minimum rear setback: 100 feet, measured from the edge of the property line.
- (2) Two-family dwelling.
- (a) Minimum lot area: 90,000 square feet.
 - (b) Minimum frontage: 300 feet, measured to the edge of the road right-of-way and maintained to a minimum depth of 300 feet.
 - (c) Minimum depth: 300 feet, measured from the center line of the right-of-way.
 - (d) Minimum front setback: 100 feet, measured from the center line of the road.
 - (e) Minimum side setback: 30 feet, measured from the edge of the property line.
 - (f) Minimum rear setback: 100 feet, measured from the edge of the property line.
- (3) General or specialized farming, truck gardening, greenhouses, nurseries and animal or poultry husbandry, ~~provided that no killing shall be done on the farm other than of animals raised on the farm for the use of farm residents; provided, further,~~ that on land devoted to the housing or breeding of horses, cattle, swine, poultry, sheep or goats, the shelters for such animals shall not be closer than 30 feet to the boundary of any nonagricultural zoning district. Kennels, including runways, used for the housing or breeding of dogs shall not be closer than 100 feet to the side or rear lot line or closer than 150 feet to the street right-of-way. [Amended 10-9-2008 by L.L. No. 5-2008] [Amended DATE by L.L. No. 6-2023]
- (a) Customary farm buildings for the storage of products, livestock or equipment shall not be any closer to the road than the front of the principal structure or 150 feet from the road center line, whichever is less. The minimum side and rear lot allowance shall be 30 feet from the property line. The construction of farm buildings shall be limited to farms.
- (4) Boarding of animals, excluding the renting or leasing of animals or kennels.
- (5) Excavation operations which do not exceed the threshold of 750 cubic yards per 1,000 tons per year set forth in the definition of "excavation" in § 700-8 of this chapter, excavations (including those exceeding the limit of 750 cubic yards per 1,000 tons per year) which are solely in aid of on-site agriculture and farming, and excavations that do not exceed a cumulative total of 10,000 cubic yards and that begin and end in a period lasting no longer than 12 months, which constitute grading, land clearing and site preparation for residential, commercial and industrial construction projects.
- (6) Earth-sheltered housing, subject to the following provisions:
- (a) No more than one family shall reside in any earth-sheltered housing structure.

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- (b) Applicants for a building and use permit for earth-sheltered housing shall submit a report prepared by a licensed civil engineer or architect which demonstrates that the physical characteristics of the site are suitable to accommodate earth-sheltered housing construction.
- (c) Detailed construction plans prepared by a licensed engineer or architect shall be submitted with the application for a building and use permit.
- (d) The lot size, width, setback and coverage requirements for earth-sheltered housing shall not be less than the corresponding requirements for conventional residential dwellings in the district.
- (e) Accessory residential structures and uses (i.e., off-street parking, signs, swimming pools, etc.) shall conform to the same regulations and controls for such structures and uses associated with conventional residential dwellings.

C. Restrictions.

- (1) No more than one commercial vehicle with a gross vehicle weight (GVWR) in excess of 10,000 pounds shall be permitted. Said vehicle may be parked no closer to the road than the principal structure and no less than 100 feet from any side or rear lot lines and must be visually screened from adjacent property owners. This restriction shall not apply to farms.

D. Permitted accessory uses.

- (1) For lots of less than two acres, accessory structures shall be permitted and may cover up to 3% of the lot. However, only two detached structures shall be permitted and shall have a maximum height of 25 feet with fifteen-foot side and rear lot allowances. [Amended 1-10-2019 by L.L. No. 1-2019]
- (2) On lots two acres and greater but less than five acres, accessory structures shall be permitted and may cover up to 3% of the lot. However, only three detached structures shall be permitted and shall have a maximum height of 25 feet with fifteen-foot side and rear lot allowances. [Amended 1-10-2019 by L.L. No. 1-2019]
- (3) On lots five acres and greater, the accessory structures shall be permitted and may cover up to 5% of the lot. Accessory structures shall have a maximum height of 25 feet, with fifteen-foot side and rear lot allowances. [Amended 1-10-2019 by L.L. No. 1-2019]
- (4) Detached garage or accessory structure shall only be permitted to be closer to the road than the front of the principal structure in cases where the setback for the accessory structure is at least 150 feet from the front property line. That is, the accessory structure may be permitted to be nearer the road than the principal structure if the setback to the accessory structure is at least 150 feet.
- (5) The housing of farm animals (i.e., horses, cattle) shall be a permitted accessory use, subject to the following conditions:
 - (a) On a minimum lot size of 1.5 acres, one large animal shall be permitted, plus one acre for each additional animal. This restriction shall not apply to farms.

(b) Any solid manure storage shall be a minimum distance of 75 feet from any property line.

(c) Any liquid manure storage shall be a minimum distance of 150 feet from any property line.

(6) Home occupations as defined in § 700-8 and as regulated by § 700-49 of this chapter. [Amended 12-14-2006 by L.L. No. 2-2006]

(7) Stands of a nonpermanent nature (movable and temporary) may be utilized for the sale of agricultural products by the property owner during the harvest season under the following conditions:

(a) The stand shall be set back not less than 30 feet from the edge of the pavement of the highway.

(b) Sufficient land area shall be provided to accommodate off-street parking for not fewer than three vehicles on site.

(c) Not more than two signs may be erected for the purpose of advertising such sale. Said signs shall not exceed 12 square feet in area and shall be located not less than 20 feet from the edge of the pavement of the highway.

(8) Establishment where animals or fowls are slaughtered or butchered for food under the following conditions:

(a) The type of animals or fowls to be slaughtered or butchered for food shall be only those animals or fowls permitted to be slaughtered or butchered by the New York State Agriculture and Markets Law or the implementing regulations promulgated by the New York State Department of Agriculture and Markets;

(a) The number of animals or fowls to be slaughtered or butchered for food shall not exceed the limit of such as set forth by the New York State Agriculture and Markets Law or the implementing regulations promulgated by the New York State Department of Agriculture and Markets;

(c) No establishment where animals or fowls are slaughtered or butchered for food shall be allowed unless a Permit to allow such activity is issued by the New York State Department of Agriculture and Markets, if any such Permit is required by the New York State Department of Agriculture and Markets; and

(d) Operation must be conducted in a fully enclosed structure and shall only occur on property where agricultural or farming activities are being conducted.

[Amended DATE by L.L. No. 6-2023]

E. Permitted uses by special use permit:

Home occupations as defined in § 700-8 and as regulated by § 700-49 of this chapter. [Amended 12-14-2006 by L.L. No. 2-2006]

(1) Essential services, excluding power plants.

(2) Private airstrips.

(3) Camping grounds.

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Town of Marilla, NY

- (4) Not-for-profit public and semipublic uses and buildings, excluding gun clubs.
 - (5) Kennels.
 - (6) Stables or riding academies where animals are rented or leased.
 - (7) Commercial recreation uses, excluding firing ranges and amusement arcades.
 - (8) Rooming houses.
 - (9) Bed-and-breakfast establishments.
 - (10) Telecommunications facilities, subject to the provisions of Chapter 657 of the Code of the Town of Marilla. [Added 12-14-2006 by L.L. No. 2-2006]
 - (11) Private, semipublic and public golf course recreational facilities, subject to § 700-60 of this chapter. [Added 12-14-2006 by L.L. No. 2-2006]
- F. Additional uses permitted in the A Agricultural District. Additional uses permitted in the district shall be as follows:
- (1) Gun clubs or firing ranges, subject to the regulations and provisions of Chapter 552,

Firing Ranges, and approved by the Town Board.

§ 700-34. R-R Rural Residential District.

- A. Intent. The purpose of the Rural Residential District is to promote orderly development of the Town and encourage well-designed living environments which protect and stabilize the residential characteristics of the Town.
- B. Permitted principal uses and minimum lot sizes. Permitted principal uses and minimum lot sizes shall be as follows:
- (1) Single-family dwelling.
 - (a) Minimum lot area: 60,000 square feet.
 - (b) Minimum frontage: 200 feet, measured at the edge of the road right-of-way and maintained to a minimum depth of 300 feet.
 - (c) Minimum depth: 300 feet, measured from the center line of the right-of-way.
 - (d) Minimum front setback: 100 feet, measured from the center line of the road.
 - (e) Minimum side setback: 30 feet, measured from the edge of the property line.
 - (f) Minimum rear setback: 100 feet, measured from the edge of the property line.
 - (2) Two-family dwelling.
 - (a) Minimum lot area: 90,000 square feet.
 - (b) Minimum frontage: 300 feet, measured to the edge of the road right-of-way and maintained to a minimum depth of 300 feet.
 - (c) Minimum depth: 300 feet, measured from the center line of the right-of-way.
 - (d) Minimum front setback: 100 feet, measured from the center line of the road.
 - (e) Minimum side setback: 30 feet, measured from the edge of the property line.
 - (f) Minimum rear setback: 100 feet, measured from the edge of the property line.
- C. Restrictions (applicable to all R-R Districts).
- (1) No commercial vehicle with a gross vehicle weight (GVWR) in excess of 10,000 pounds shall be parked in any R-R District except for temporary pickup and delivery.
- D. Permitted accessory uses. [Amended 12-14-2006 by L.L. No. 2-2006; 3-8-2012 by L.L. No. 2-2012]
- (1) No more than two accessory buildings shall be allowed per lot in the Rural Residential District. The maximum size for an accessory building shall not exceed 60 feet by 60 feet or a total of 3,600 square feet. In total, all accessory buildings may cover up to 2% of the lot or have a total building area of 7,200 square feet, whichever is less. Accessory buildings shall have a maximum wall height of 12 feet and minimum roof pitch of 3:12, with a minimum of 15 feet side yard and rear lot allowance.

Exhibit 3

Town of Marilla Zoning Map

ZONING

700 Attachment 7

Town of Marilla

Zoning District Map
[Amended 2-13-2014 by L.L. No. 1-2014]

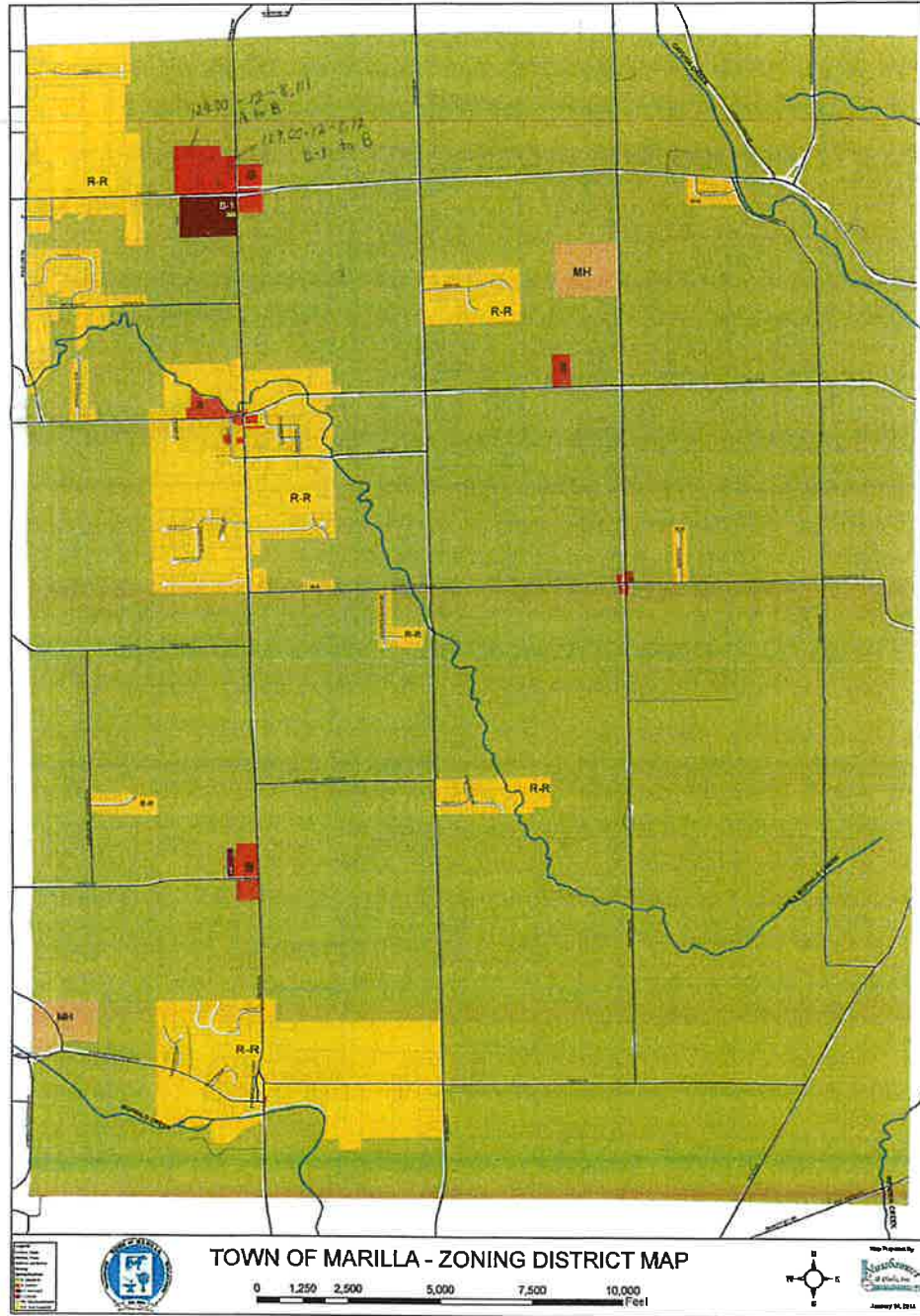


Exhibit 4

Town of Marilla Local Law 2-2018 entitled
“Town of Marilla Comprehensive Plan Update”

TOWN OF MARILLA
COMPREHENSIVE PLAN UPDATE
ERIE COUNTY, NEW YORK



Prepared by:

Nussbaumer & Clarke, Inc.
3556 Lake Shore Road, Suite 500
Buffalo, New York 14219-1494

INITIALLY PREPARED: November 1982
LAST UPDATED: August 1998

CURRENT UPDATE: November 2017

ADOPTED: July **, 2018



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SECTION 1

INTRODUCTION

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SECTION 1: INTRODUCTION

This document is the Comprehensive Plan Update for the Town of Marilla. The Town prepared the original Comprehensive Plan in 1982, which was updated in 1998 when the Town Board requested that the Planning Board perform a substantial update of the original Plan to reflect the Town's current planning policies. Since that time, the Town has maintained its rural and agricultural character and current views and policies for future land use planning and management have necessitated this update of the Comprehensive Plan.

This Comprehensive Plan Update examines and, where necessary, redefines the community's vision for the Town of Marilla to provide the framework for achieving the community's goals and objectives. This Plan is designed to be used as a tool for reviewing proposed projects and as a guide for managing future land use and development in the Town. The Plan should be viewed as an expression of the desires of, local citizens, Town officials and others for the future of the community.

Comprehensive planning activities play an important role in the continued development of a community. The planning process is organized in a manner that enables a community to identify its needs and establish goals and objectives for future land use management. Implementation of a comprehensive plan can enable a community to achieve meaningful and desired change in a steady, incremental manner. The recommendations and policies of a Comprehensive Plan should be evaluated on a regular basis and amended as necessary to reflect changing desires and needs as the community grows.

The Comprehensive Plan Update is the culmination of a review process by the Town Planning Board, with input from the general public and the Town Board, which was started in 2015. This Comprehensive Plan update has been accepted by the Marilla Planning Board and approved by the Town Board for use in guiding long-range land use and development. While the Plan depicts anticipated land uses and the future vision for the Town, it is not meant to indicate current use or zoning. It is a guide for future actions in the community.





1.1 History and Background of the Community

The Town of Marilla is centrally located on the eastern border of Erie County, with the Town of Alden on the north, Town of Elma on the west, and Town of Wales on the south. The Town encompasses 27.5 square miles in area. This portion of the County was first settled around 1827; the land where Marilla is situated was originally part of the Buffalo Creek Reservation. The Porterville hamlet area first saw settlement around 1832. General settlement in the Town began shortly after the third Treaty of Buffalo Creek (part of the U.S. Removal of Indians program) as finalized in 1842. This treaty allowed the Ogden Land Company to purchase the Buffalo Creek Reservation from the Seneca Nation. The land company was, in turn, to sell these lands to settlers for development. A more specific history, as provided by Hubert Kutter, the Town Historian, is as follows:

On the second day of December 1853, a new town was formed by an act of the Erie County Board of Supervisors. It comprised all of the old Buffalo Creek Indian Reservation within the limits of Alden and Wales, except the mile and a half strip on the north side which was sold off previously. A settlement had grown upon the east line of the tract first sold, which in its early days, went by the name of “Shanty Town”, the inhabitants being largely devoted to the manufacture of shingles. When the rest of the reservation was sold about 1842, the hamlet began to assume the appearance of a village. Niles Carpenter had built a store there about 1847 and afterwards he also built a tavern nearby. When the new town was organized in 1854, the chief settlement soon took the name of “Marilla”, deriving its name from a much beloved school teacher named Marilla Rogers who was the wife of John C. Rogers of Alden.

The first supervisor elected after the formation of the town in 1854 was Jesse Bartoo. Most of the present Town of Marilla was included on the tract purchased from the local Indians, the Senecas. The excellent soil in the town aided in its quick settlement as soon as the land was for sale. Jeremiah and George W. Carpenter operated farms near the site of the main settlement in 1829 and 1830. Jesse Bartoo had settled still earlier, near what is now known as “Porterville”, which formerly was known as “Bartoo’s Mills”.





In 1851, Harrison T. Foster with partner Charles Walker built a second store in the village. This however was closed in 1854. In 1855, Mr. Foster formed a partnership with Jefferson H. Brooks under the name of Brooks and Foster. This was continued until 1865 when Mr. Foster bought out Mr. Brooks's interest and formed a business with Henry D. Harrington, under the name of H.T. Foster and Company. This business later became known as the "G. C. Monchow and Company", which was operated for many years by the Gustave Monchow family and their heirs. The business was purchased by the Gingerich Family in 1979 and operated as the "Marilla General Store". This business is currently in operation as "The Marilla Country Store" owned by Sandra and Paul Grunzweig.

The Marilla Township is about 5 miles wide by 6 miles long and has 17,208 acres of land. A weekly newspaper called "The Marilla Record" was first published on Friday, February 2, 1883. The editor and publisher was Fred C. Webb. Also, a monthly magazine called "Poultry, Garden and Fruits" was edited and published by Harvey Blackman.

A large creamery operated by Adams and Shearing was located at the corner of West Avenue and Bullis Road. One of the owners of this business, Harry Shearing, was also a Marilla Town Supervisor. There was once an ice cream parlor, a shoe shop, and millinery shop on the west side of Two Rod Road. In 1865, a large fire destroyed most of the businesses, which included the sawmill, flourmill, hardware and grocery stores, and a tavern. In 1866, the Town center area was rebuilt, adding a blacksmith shop, wagon shop, and grocery store. Marilla also had at one time, an apple evaporator business, a butcher shop, and a photography shop. The mail was once carried to this tiny town by a stage route, operating between Elma Station and Marilla. There was also a stage route that was operated by F.C. White between Marilla and the Erie Railroad in the Town of Alden.

A Marilla Business Directory of the 1880's included the following: H.T. Foster, General Merchants; J.H.Brooks, General Merchants; Solan A. Goff, Practical Jeweler; Peter Petz, Blacksmith and Horse-shoeing; John M. Fields, Boot and Shoemaker; J.P. Sullivan, Wagon and Carriage Maker; I.G. Wheeler and A.J.Brooks, Physicians and Surgeons; Abram Beamis, Hardware, Coffins and Caskets; J.S. Newland,





Carpenter and Builder; Ellery E. Dennison, Harness Maker; R. G. Willis, Proprietor, “The Willis House”; William Swyers, Proprietor, “The Swyers House”; Adam Bachmann, Proprietor, “The Spring Hotel”; Harrington and Eldridge, Owners, “The Marilla Flour Mills”.

With the advent of the country's industrial revolution and the invention of the horseless carriage, many residents relocated out of Marilla to the rapidly growing industrial community of Buffalo, located 15 miles away. This trend continued until the late 1930's, when the population began to shift away from the crowded urban area and into the suburbs and rural and peaceful countryside of Marilla. In 1937, the Town experienced the worst flooding on record, which did considerable damage to crops. The current population of Marilla is estimated at approximately 5,345 (2015), and while farming is a large part of the town's industry, there are fewer farmers now that operate larger farms.

As shown in the table, incentives for new single-family housing construction caused by the coming of age of the "post-war baby boom" resulted in a substantial increase in the Town's population. The industrial expansion of Erie County, combined with increased mobility of the private automobile and cheap gasoline prices that occurred after 1950, created a significant increase in the non-farm residential development of the Town, particularly in the 1970's and 1980's. The rural "country atmosphere" served as an inducement for people to relocate to the area. All of these factors contributed to an acceleration of scattered non-farm residential development and attendant land speculation activities.

1.2 Planning and Land Use Management Considerations

Policies, plans, and capital improvements instituted by higher levels of government often play a significant role in shaping the future development of local communities. An understanding of how actions by federal, state, and county governments may influence the development of Marilla is essential to the establishment of sound local policy.





Census	Population	% +/-
1860	1,596	--
1870	1,804	13.0
1880	1,825	1.2
1890	1,590	-12.9
1900	1,441	-9.4
1910	1,382	-4.1
1920	1,237	-10.5
1930	1,282	3.6
1940	1,364	6.4
1950	1,482	8.7
1960	2,252	5.2
1970	3,250	44.3
1980	4,861	49.6
1990	5,250	8.0
2000	5,709	8.7
2010	5,327	-6.7
2015 (est.)	5,345	0.6

Source: U.S. Census Bureau

1.2.1 Federal and State

Legislation and policy established by the Federal and State governments have recognized the protection of the natural environment as a major priority. Local policies and actions to protect viable farmlands and farming operations, wetlands, floodplains, water resources, and other environmentally





sensitive areas were strongly supported by Federal and State agencies. Support of agricultural districts, soil erosion control programs, and local land use control programs that foster preservation of the Town's prime farmlands have influenced land use policies in the Town of Marilla.

Federal and State aid programs have placed increased emphasis on conformance with County and regional plans as a prerequisite for funding of local projects or programs. As most communities are dependent on such aid for major capital improvements, local priorities and needs may be sacrificed or deferred to maintain eligibility for funding. State and Federal program funding policies of the New York State Department of Agriculture and Markets and the U.S. Department of Agriculture (USDA) have mandated that program managers evaluate funding proposals to determine if such projects would contribute to the early retirement of farmland. If such a determination is made, only those projects that would correct an existing environmental and/or health problem are to be funded.

1.2.2 County and Regional

There are a number of County and regional plans that provide guidance or lend focus to planning and land use in the Town of Marilla. These include:

- The Framework for Regional Growth for Erie and Niagara Counties
- Erie County Agricultural and Farmland Protection Plan
- Erie County Comprehensive Emergency Management Plan
- One Region Forward – A New Way to Plan for Buffalo Niagara (GBNRTC)
- Western New York Regional Sustainability Plan
- Western New York Regional Economic Development Council Strategic Plan

The Erie County Department of Environment and Planning, the Greater Buffalo Niagara Regional Transportation Council (GBNRTC), and the USDA Natural Resources Conservation Service Western Regional Office, support the planning principle that Marilla should manage growth and protect its





prime farmlands and foster farming operations as an essential component of the areas overall economic development program. In order to accomplish this objective, and to provide opportunities for future growth consistent with local desires and market forces, the Town of Marilla Comprehensive Plan builds upon existing land use patterns, available transportation facilities, and the potential for providing/enhancing utility services, as managed or regulated by these regional agencies.

Furthermore, existing natural resources - prime agricultural areas, soils with limited permeability, wetlands, and steeply sloped areas - have been identified to insure their protection from the effects of future development. In keeping with this concept, the Town of Marilla Comprehensive Plan recommends that the major share of Marilla's future residential development should occur in areas that are zoned R-R Rural Residential, which have experienced a considerable amount of new residential construction in recent decades.

Although none of the agencies cited above have direct land use regulatory powers, they can influence development activities within the Town. Therefore, Town officials and Planning Board members should be cognizant of the regional plans and development policies that have been designed and/or adopted by these agencies in order to ensure that land management and planning decisions in the Town of Marilla are consistent with, and supported by, the programs and policies at other levels of government.

1.2.3 Local Responsibility

Although programs and funding actions by higher levels of government may influence future growth within Marilla, the principal responsibility for controlling land development within New York State has been delegated to local governments (cities, towns, and villages). If the town is to take this responsibility seriously it must, at a minimum: establish policies for guiding future growth; develop a general physical design plan for the community that incorporates these policies and recognizes the importance of the PACE Program and the adopted Agricultural and Farmland Protection Plan; and adopt the necessary zoning, subdivision regulations, and other regulations necessary to carry out the





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strategies set forth in plan. These tools and strategies must be developed in concert with the desires of residents and property owners, and should be discussed with State and County officials, prior to adoption. Local official and Planning Board members should utilize these tools and strategies as part of their decision-making responsibilities. Through the implementation of such a process, the Town can have a positive influence on future growth and development.





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COMPREHENSIVE PLAN UPDATE

SECTION 2

PURPOSES OF PLANNING

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SECTION 2: PURPOSES OF PLANNING

2.1 Reasons for Preparing a Comprehensive Plan

New York State Town Law §272-a authorizes local municipalities to develop and adopt a Comprehensive Plan to help promote the health, safety, and general welfare of the community, with due consideration given to the needs of the people of the community. The Laws state that:

“Among the most important powers and duties granted by the legislature to a town or village government is the authority and responsibility to undertake Comprehensive Planning and to regulate land use for the purpose of protecting the public health, safety, and general welfare of the citizens.”

“The Comprehensive Plan fosters cooperation among governmental agencies planning and implementing capital projects and municipalities that may be directly affected thereby.”

The Town Marilla originally developed the Comprehensive Plan in 1982. Recognizing that this plan was outdated and no longer effectively addressed the issues and opportunities of the community, the Town chose to undertake the preparation of an update to the Comprehensive Plan in 1998. Recognizing that the Comprehensive Plan is the most important document for managing the physical growth of the area and maintaining the rural character of the community, the Town Board has authorized another update to the Plan.

There are many concrete benefits of a Comprehensive Plan. One critical benefit relates to the Town’s zoning authority. Municipalities are given the power to regulate land uses within the community, but these decisions should be based on sound planning principles and developed through a process that represents a consensus of the community. The process of developing a Comprehensive Plan provides a rational basis for decisions regarding zoning and other land use regulations. This helps ensure better decision making, while providing the Town with a powerful tool to help direct growth in a manner and intensity that meets the community’s vision for the future.





A comprehensive plan can help guide continuing planning activities in the Town in the following ways:

1. By providing direction for dealing with minor problems so that they do not become major problems in the long-range future.
2. By limiting the impact of changes that can be foreseen and could occur in the future.
3. By shaping new development to fit the community's needs and desires.
4. By guiding both public and private actions to save money, time, and effort.
5. By providing continuity of future programs for community improvement.
6. By providing a unifying vision for the efforts of all community interests.

A Comprehensive Plan provides a vision for the community's future and establishes goals and objectives that guide long-term growth, reflecting the principles and concepts that a community feels will enhance the character and quality of life therein. Hence, a Comprehensive Plan helps to guide local officials, who can reference the established vision and the goals and objectives, when making land use decisions. These elements of the Plan have an influence on other levels of government. All County, State or Federal governmental agencies that propose capital projects that could affect lands in the Town of Marilla must take the Comprehensive Plan into consideration as part of their own decision-making processes.

The Comprehensive Plan Update, developed with the support and input from both municipal officials and the general public, acts as a standard for ensuring that the Town's land use regulations are built on a solid foundation and represent a consensus of the community. It demonstrates the cooperation and commitment of the community, which is beneficial for seeking governmental grants and other assistance. In short, the Comprehensive Plan Update provides the Town of Marilla with an effective tool for shaping its future and influencing local actions, as well as the actions of County, State and Federal agencies, helping to ensure that the future vision for the Town is achieved.

2.2 How the Comprehensive Plan is Utilized

New York State does not dictate what form a Comprehensive Plan must take, but suggests that it consist of written and graphic materials, including but not limited to maps, charts, studies, resolutions, reports,





and other descriptive materials that identify the goals, objectives, and recommendations that the Town wishes to set forth to attain its vision for the future. It should examine the environmental, demographic, physical, and developmental aspects of the Town, as well as the regulatory setting that guides these factors.

While municipalities are given the power to regulate land uses within their communities, these decisions should be based on sound planning principles, and must not be arbitrary or capricious. Town Law generally indicates that municipal planning, zoning, capital budgeting, and other land use regulation decisions made by the Town should be done so in accordance with the Comprehensive Plan. A Comprehensive Plan provides an accessible and clear guide for entities seeking to undertake an action or project in their community. It also provides greater leverage on land use and planning related activities and programs that are instituted by other governmental authorities, such as State or County agencies, who are required to take local plans into consideration when proposing to undertake capital projects in local communities.

The Comprehensive Plan should address the issues and concerns specific to the Town of Marilla based on input from local residents and stakeholders, gathered through a variety of forums. The Plan provides a vision for the Town and reflects the principals and concepts that the community feels will enhance and protect its character and quality of life.

The goals and objectives, recommendations, and implementation strategy included in the Marilla Comprehensive Plan are designed to address the issues and concerns that are unique to the community. This Plan demonstrates the commitment of the Town, which lends strong support for grant funding opportunities. The Comprehensive Plan provides an assessment of where the Town is and has been, it identifies where the Town would like to be in the future, and includes recommendations and strategies to attain this vision.

When adopted, the Town should begin to implement the Plan by amending any land use regulations, as required, to conform to the Comprehensive Plan and consider the Plan in all of the land use making decisions (site plans, subdivisions and zoning actions) and capital budgeting actions. Copies of the





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completed Comprehensive Plan must be filed with County and State agencies and must be utilized by those agencies in planning projects and actions that could affect the community. The Town should actively utilize the Plan (in conjunction with the adopted Agricultural and Farmland Protection Plan) as a tool, resource and guide for all future land use decisions in an effort to achieve the vision for the future of Marilla.





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COMPREHENSIVE PLAN UPDATE

SECTION 3

BACKGROUND INFORMATION

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SECTION 3: BACKGROUND INFORMATION

3.1 EXISTING CONDITIONS (Map 1)

An understanding of the existing physical, social, and economic resources is important in determining the cause of problems which may exist in a community and to identify policies and actions necessary to prevent future conflicts. A detailed analysis of physical features and environmental conditions within the Town of Marilla has been accomplished. This analysis was undertaken to identify the potential of various areas in the town to support development and to provide the basis for a future land use plan, which is environmentally sound. The maps that were prepared to provide the basis for this analysis can be found in at the end of this section.

The Town of Marilla encompasses approximately 27.5 square miles (17,622 acres) of land area in the east central portion of Erie County (see Map 1). The land form is characterized by steep slopes and hills in the southern portion of town that transcend to gently undulating and nearly level lands in the central and northern portions of town. The steep slopes in the southern portion occur along the banks of Buffalo Creek and frame the hamlet area of Porterville adding great scenic value to this area of the community.

3.1.1 Natural Features (Maps 2 – 8)

The predominant soils series include Blasdel-Farnham, Darien, Orchard Park, Manlius, and Alton-Palmyra-Phelps. These soils range from moderate to very slow permeability below a depth of 11-inches and most have a seasonally high-water table that measures between 12 to 2 feet below the surface. These types of soils have moderate to severe constraints related to the use of private septic systems and wells. Although these limitations to development are apparent, the topsoils have been extensively classified as prime and unique soils for farmland by the Erie County Natural Resources Conservation Service. (Soils and geology are shown on Maps 2, 3 and 4).





High quality agricultural soils include those soil types designated by the USDA Natural Resource Conservation Service (NRCS) as “prime,” “prime when drained” and “other soils of statewide importance. These high-quality soils occupy a total of 14,629 acres in the Town of Marilla and comprise 77% of the Town’s total land area (Map 5). A total of 5,560 acres (38%) of the high-quality farm soils in the Town are actively farmed. The remainder have been developed or are undeveloped wooded lands in the northern portion of the Town is nearly level and gently undulating; steep slopes and hills are common in the southern portion of the Town.

**TABLE 2
AGRICULTURAL SOILS**

Agricultural Soils Classification (from USDA)	Town wide (includes developed, wooded and fallow land)		Active Farmland Only (cropland, pasture, other open)	
	Acres	%	Acres	%
Prime farmland	5,631	32.0%	2,655	45.3%
Farmland of statewide importance	4,920	27.9%	1,571	26.8%
Prime farmland if drained	4,078	23.1%	1,334	22.7%
Total high quality agricultural	14,629	83.0%	5,560	94.8%
Other soils (includes water)	2,993	17.9%	307	5.2%
Total:	17,622	100.0%	5,867	100.0%

Source: *Marilla Agricultural and Farmland Protection, 2013.*

Creek corridors in Marilla include Buffalo Creek, which flows through the southwestern portion of the town; Cayuga Creek, which extends through the northeast corner of the Town; and Little Buffalo Creek, which runs diagonally through the Town, with several tributaries that extend to the east. These creeks are part of the Cayuga Creek watershed, which covers about 75% of the Town (Map 6). The remaining portion of the Town drains to the Buffalo Creek watershed. Both watersheds drain to the Buffalo River.





Wetlands (swamps, marshes and similar areas) are low-lying areas saturated by surface or ground water for extended periods of time sufficient to support distinctive vegetation adapted for life in saturated soil conditions. Wetlands serve as natural habitat for many species of plants and animals and absorb the forces of flooding to prevent loss of upland soils. In New York, wetlands are divided into two categories, those regulated by the NYSDEC, and those designated and regulated by the US Army Corps. of Engineers and the US Fish and Wildlife Service. A wetland can also be regulated by New York State and the federal government concurrently. There are areas of both State and federal freshwater wetlands scattered throughout the Town, as shown on Map 7.

Floodplains, or Special Flood Hazard Areas, are designated by the Federal Emergency Management Agency (FEMA) as areas determined to experience a 0.1% chance of flooding during a 100-year storm event, when excessive precipitation would cause creeks and rivers to overflow their banks. The three creek corridors that flow through the Town are fringed by areas designated as 100-year flood zones (See Map 8). Development in floodplains is regulated pursuant to Chapter 559 of the Town Code.

3.1.2 Demographic Data

The population of the Town has grown steadily, almost tripling in size from 1,497 persons in 1950 to an estimated 5,345 in 2015. The total number of housing units in Marilla more than doubled, increasing from 948 dwelling units in 1970 to 2,164 dwelling units in 2010. While the population decreased between 2000 and 2010, the number of housing units increased. Between 2000 and 2010 the number of housing units increased by 129 units, whereas the population declined by 382 persons during that same timeframe. While the population of the Town is relatively stable, over the next twenty years it is expected to grow, but at a much slower rate. Estimates for 2016 population (the most current year available from the U.S. Census Bureau) indicated an expected population of 5,365 persons, which is a very slight increase over the 2015 estimate of 5,345 persons.





Data estimates for 2011 – 2015 showed an average household size of 2.67 persons per household. The rate of owner occupancy was 93.9%, with a median home value of \$184,300. The median income was \$81,432, with an overall poverty rate of 4.1%. In addition, the average age of Marilla residents has increased from 38.6 years old in 2000 to 45.3 in 2010. The trend toward smaller households and an aging population is happening nationwide and is expected to continue.

3.1.3 Existing Land Use (Map 9)

Land use in the Town includes a mix of agricultural, residential, commercial and civic uses. Map 9 illustrates land use in the Town, with emphasis on agriculture, which is the predominant land use. There is also a limited amount of land in industrial use. The Marilla Town center area, which is located around the intersection of Two Rod Road and Bullis Road, serves as the population and service center to residents of the Town, with the hamlet area of Porterville serving as a neighborhood residential center. Residences are primarily located in Marilla Town center and Porterville hamlet, and in isolated residential subdivisions that are dispersed throughout the central and northern portions of the Town, located within larger rural-agricultural areas.

There are three mobile home parks. One mobile home park - Bush Gardens - is located in the northeastern area, while the other two - Hillside Estates and Log Cabin Mobile Home Parks - are located in the southwestern area along the Elma-Marilla Town Line. Nearly all of the business and employment activities in the town are concentrated in or near the Marilla Town center. The Town's governmental offices, highway facilities, library, elementary school, and fire hall are also located within Marilla Town center. Businesses in the Town are located in the Marilla Center area, and along Clinton Street.





**TABLE 3
EXISTING LAND USE**

<u>Land Use</u>	<u>Acreage</u>	<u>Percent of Total</u>
Agricultural	11,057	63.0
Residential	856	4.5
Forest/Brush/Meadow	7,196	30.5
Outdoor Recreation	213	1.0
Surface Water/Wetlands	112	less than 1
Industrial	51	less than 1
Commercial	37	less than 1
Public /Semi-Public	16	less than 1
Total	17,622	

3.1.4 Zoning (Map 10)

Within the Town of Marilla, land use is regulated by the Zoning Law (Chapter 700 of the Marilla Town Code). Zoning in the Town includes eight district classifications (see Map 10), which include: A – Agricultural, R-R – Rural Residential, M-D – Medium Density Residential, M-H – Manufactured Home Park, B – Business, B-1 – Restricted Business, I – Industrial, and C-O – Conservation Overlay. Nearly all (93%) of the actively farmed land in the Town is zoned A-Agricultural. A total of 314 acres is zoned RR Rural Residential and less than 100 acres are zoned for commercial uses (B or B-1.)

Zoning regulations include provisions for the preservation of natural features and the application process for building permits and special use permits. Special permits may be granted for motor vehicle service stations and public garages, home occupations or home professional occupations, private airstrips, camping grounds, not-for-profit public and semi-public uses and buildings, kennels, rooming houses, wind energy systems, and stables or riding academies. Supplementary regulation govern off-street parking and loading, signage and billboards, highway access and private swimming pools. There are also miscellaneous regulations for amusement arcades and games, gas wells, manufactured housing





and golf courses. The Zoning Law establishes height and bulk regulations for each district, site development standards, and provisions for addressing violations and penalties for offenses.

3.1.5 Agriculture

The predominant land use in the Town is agriculture. Almost the entire area of the Town is included in Agricultural District No.5. Small and large farms contribute to the rural, agricultural character of the Town. Of the 17,622 acres in the Town, 11,057 acres (63%) are in parcels that are used in part for agricultural production. Farms in the Town include large commercial farms, as well as smaller part-time operations. These farms produce dairy products, raise cattle and other livestock, and grow field crops such as corn and soybeans. Two farms specialize in horse breeding and boarding. Most of the parcels with active farmland also include buildings, as well as forested land or hillsides that are not actively farmed.

Farms in and around the Town of Marilla generate revenue each year through the production and sales of farm products and support the regional economy through purchase of supplies and services. Opportunities relating to farming and agricultural production, agri-tourism, agricultural support businesses, and distribution and processing are key to the Town's long-term economic development.

In support of the importance of agriculture in Marilla, the Town Board adopted a "Right to Farm" local law in 1997. This Law states that reasonable agricultural practices are not to be considered public or private nuisances and appoints the Conservation Advisory Board to act as a grievance committee to address disputes that cannot be resolved by the parties alone and are not addressed by other Town laws or regulations.

Beginning in the late 1990s, recognizing the need to protect agricultural lands, the Town of Marilla began to identify parcels for potential permanent protection through voluntary conservation easements. Between 1999 and 2008, the Town established a Purchase of Agricultural Conservation Easements





(PACE) program. This program was funded initially through New York State's Department of Agriculture and Market's Farmland Protection Implementation Grant Program, commonly known as Purchase of Development Rights. As of 2012, the Town had facilitated the acquisition of permanent conservation easements on 17 parcels and 743 acres of farmland. The Western New York Land Conservancy holds and monitors these conservation easements, which limit development on the protected parcels.

In 2013, the Town Board adopted the Town of Marilla Agricultural and Farmland Protection Plan. This plan provides a thorough understanding of agricultural and farming practices in the Town and sets forth policies and provisions for the protection and continued operation of agricultural activities in the community.

3.1.6 Public Facilities and Services (Map 11)

Most of the Town of Marilla is serviced with public water. There are currently five (5) existing water districts in the Town of Marilla. Water District 1 is served by the Town of Elma Water Department; Water Districts 2, 3, 4 & 5 are all served by the Erie County Water Authority, which leases the infrastructure and manages customer service, billing, meter reading and maintenance. The Erie County Water Authority is also responsible for capital improvements. Map 11 indicates the areas served by municipal water service in the Town. Water Districts are generally concentrated in the western and northern portions of the Town and are located to provide municipal water service to the highest density of the Town's population. The areas that do not have public water service are located in the south and southeastern portions of the Town where residents are reliant upon on-site, individual wells, and it is unlikely that public water supply will ever be provided to these areas, as the existing water distribution system limits the potential for such extension. The single pump station and water storage tank that serve the Town's water districts do not have excess capacity. Expanding service to additional areas would require considerable capital investment in a new pump station and storage tank.





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There is no public sanitary sewer service in the Town of Marilla, and there are no plans to extend public sewers into the Town in the future. The Erie and Niagara County Framework for Regional Growth designates Marilla as a “Rural Area” where conservation strategies generally take precedence over plans for development and public investment. In accordance with this regional plan, County investments for the extension of public water and sewer services are to be focused in areas where growth and development are most appropriate (existing urban areas).

3.1.7 Transportation Infrastructure (Map 12)

Roadways are the only means for transportation in the Town of Marilla. There are no public transportation services in the Town; the closest bus lines are in the Town of Elma, to the west. There is also no commercial or passenger rail lines running through the Town. The Rural Transit Service is a not-for-profit transportation services that assists senior citizens, low and moderate-income individuals and the disabled. This service will transport eligible Town residents to medical appointments, work places, grocery stores, and other necessary places that they may not otherwise be able to get to. The jurisdictional responsibilities for the maintenance of highways in the Town of Marilla include:

State Highways	11 miles
County Highways	48 miles
Town Highways	<u>14 miles</u>
Total	73 miles

Table 3 illustrates the functional highway classification system for the Town of Marilla.

3.1.8 Highway and Sanitation Services

The Marilla Highway Department is responsible for the 13.6 miles of Town roads. This includes sweeping, mowing, snow plowing, and any maintenance of these roads. The department also snow plows about 48 miles of Erie County roadways. The Highway Superintendent oversees the Sanitation





Department, the Town Park, and all Town buildings. The department currently employs six full-time employees and several seasonal, part-time employees. The Town currently has two sanitation trucks in use for garbage collection, and three trucks that are used for snow removal on Town and County roads.

**TABLE 4
FUNCTIONAL ROADWAY CLASSIFICATION SYSTEM**

Classifications	Roadways
<i>Major Collector:</i>	Clinton Street (SR 354)
Carries through traffic at relatively high speeds for longer distances	Two Rod Road (CR 547)
	Four Rod Road (CR 356) – north of Clinton Street
	Jamison Road (CR 574)
	Exchange Street (CR 578)
<i>Minor Collector:</i>	Bullis Road (CR 331)
Connects remote rural areas with higher order roadways, handling shorter trips with less volume	Four Rod Road (CR 356) – south of Clinton Street
	Porterville Road (CR 6)
	Liberia Road (CR 402)
<i>Local Collector:</i>	Town Line Road (CR 335)
Collects traffic from a limited number of local roads and provides connections to higher order roadways	Williston Road (CR 349/16)
	Coleman Road
	East Avenue
<i>Local Streets/Roads:</i>	All others (Town jurisdiction)
Carries traffic to adjacent lands at lower volumes and speed, with limited through traffic	

Source: GBNRTC, 2017.

Garbage collections are managed at a transfer station, where they are hauled away by the Town’s municipal waste contractor. The Town also operates a recycling center, which is located on Eastwood Road, east of Marilla Town Park. This center is open to Town residents and accepts glass, mixed paper products/newspaper, plastic with specified recycling emblems, various metals, cardboard/ chipboard, and tin and aluminum cans. Glass and plastic containers must be rinsed clean and have covers/caps and rings removed. Motor oil and vehicle batteries are accepted, as well as yard waste,





brush and tree limbs. A full list of materials that can be recycled, along with materials that are not accepted at the center, is posted on the Town's website. The Town also participates in an electronics recycling program. Electronic items will be picked up at curbside or can be taken to the recycling



center, including computers and computer equipment/accessories, fax machines, scanners, TVs and monitors, cable and satellite boxes, cell phones, VCRs and DVRs, and music playing devices.

3.1.9 Community Services (Map 13)

Community services in the Town of Marilla are located in Marilla Town center, in the vicinity of Two Rod Road and Bullis Road. The Town Hall, Marilla Community Center and Post Office are located on the west side of Two Rod Road, south of Bullis Road.

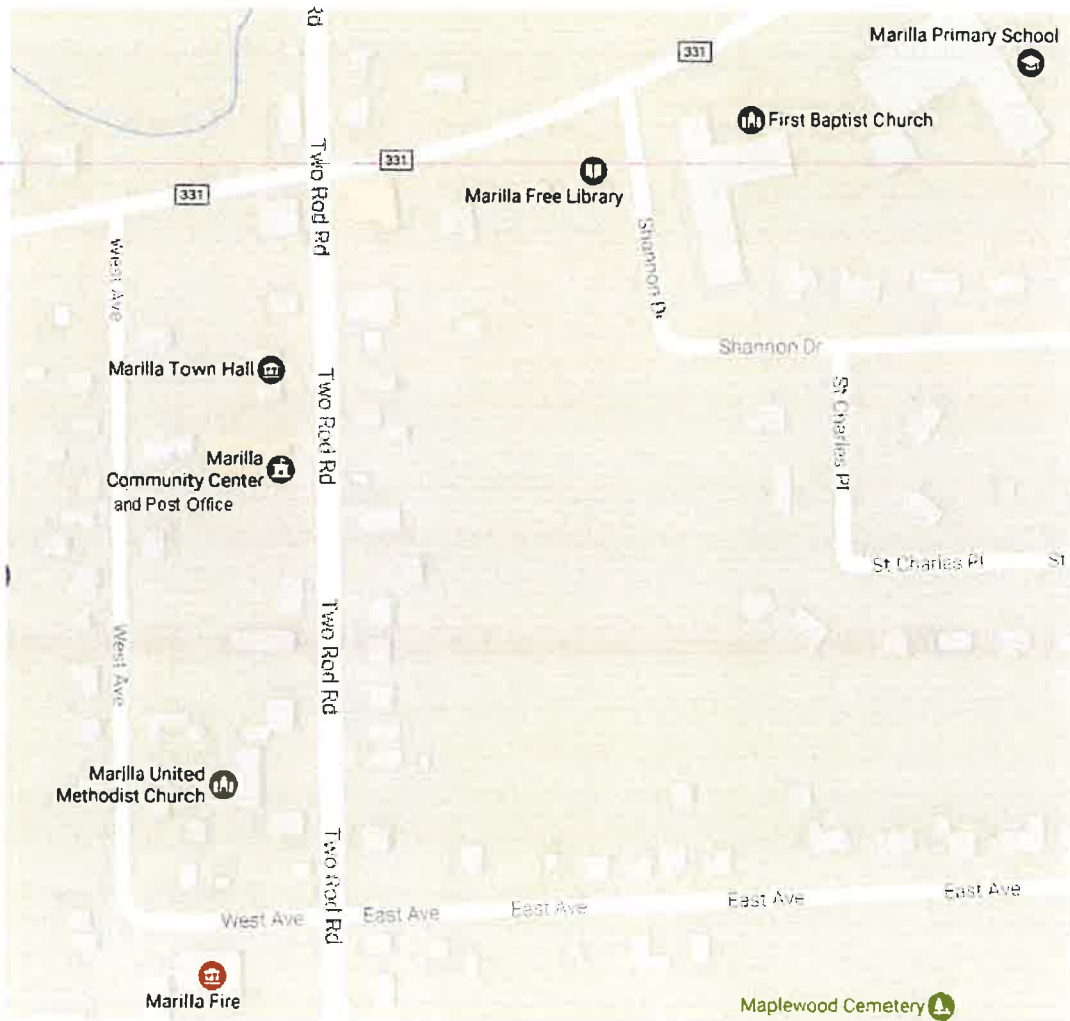


The Community Center is available for use as a meeting location by senior citizens organizations, youth groups or any other not-for-profit groups in Marilla. Scheduling must be done through the Town Clerk's Office. All primary and general elections are held at the Community Center.





Figure 1: Community Services in Marilla Town Center



Fire protection is provided by the Marilla Volunteer Fire Department. The fire hall, located on West Avenue, serves as the local base of fire protection. The Marilla Fire Department has its own ambulance. Emergency medical services are available on an as needed basis. Police protection and town-wide patrol services are provided by the Erie County Sheriff's Department Road Patrol and the New York State Police, who both operate out of the Elma substation.





The Marilla Historical Society is a non-profit organization devoted to the collection and preservation of artifacts relating to the history of the Town of Marilla. The Society maintains a Historical Museum, which is located in Marilla Community Center. It also maintains the Cal Doucette Civil War Library, the historic Roloff House at 1739 West Avenue, and the Marilla Log Cabin at the same location.

3.1.10 Public Schools and Library Services

There are two central school districts (see Figure 1) that offer educational instruction for residents of the Town. They are: The Iroquois Central School District, which services the central and southern portions of Marilla with a high school, intermediate/middle school and three elementary (primary) schools, one of which is located on Bullis Road, in the Town of Marilla; and the Alden Central School District, which services the northern portion of the Town with a high school, middle school, intermediate school and elementary school. The Marilla Free Library, which is part of the Buffalo and Erie County Library system, is located on Bullis Road. In addition to the book collection, the library offers a meeting room, computer access and a copy machine.



3.1.11 Parks and Recreation

There are two Town park facilities in Marilla. They include the Marilla Veterans Memorial, which is located at the corner of West Avenue and Bullis Road and is accessible from Town Hall; and Marilla





Town Park, located on Three Rod Road. The Veterans Memorial Park includes a gazebo and parking area. Marilla Town Park is located on the western portion of an approximately 83-acre Town owned property, which is bisected by a tributary of Little Buffalo Creek. The park offers picnic shelters and a gazebo, a playground, basketball and tennis courts and playfields. It also includes two small ponds, which are popular for catch and release fishing. This property also includes two soccer fields that are located to the east along Eastwood Road, adjacent to the Town's recycling center.



3.2 FINDINGS AND FUTURE OUTLOOK

Precise forecasting of future growth and land use is difficult. The discussion of trends in this section is not intended to provide precise forecasts, but rather a general indication of the potential for future growth and development based upon the continuation of existing policies.

3.2.1 Growth

The Town of Marilla has grown considerably since the 1950's, nearly tripling in population. By 2000, the Town reached a population of 5,709 persons, but has since lost population; the 2015 population estimate is 5,345 persons. This decrease in population growth is representative of a larger scale population decrease in Western New York. Some communities, primarily the City of Buffalo and some first ring suburban towns, have experienced a net decrease in population. The number of





housing units in the Town also increased from 948 units in 1970 to 2,164 units in 2010. Growing at a rate of between 300 and 400 units per decade. However, this growth has slowed in relation to the overall declining population growth. Between 2000 and 2010, the number of housing units only increased by 129 units. Population also declined by 382 persons during that same period. While the Town is still growing, the rate of growth has decreased; this is a trend that is expected to continue for both population and housing.

The Town has made a commitment to agricultural preservation and has zoning regulations in place to control population growth and housing development. For the most part, zoning in the Town promotes low-density land use, with medium density growth planned for the Marilla Town center area, Porterville hamlet and the northwestern corner of the Town.

The actual size and composition of future population and household characteristics are also variable. The most notable factors influencing future growth include regional growth policies, State and regional employment conditions, interest rates, energy availability and individual family lifestyles. While Marilla is a rural community that is attractively located within the region, it could experience growth that exceeds County and area-wide averages; however, regional growth patterns and policies for infrastructure management and extensions are limiting factors. Therefore, rather than attempting to define specific population targets, the Town's planning efforts are directed toward identifying those areas that are suitable for and capable of sustaining new development and establishing /strengthening land use guidance and a regulatory structure to direct growth to these areas. Areas that are environmentally sensitive and cannot support growth, or are classified as prime agricultural production lands, are proposed for protected from future development. This is strongly supported by the Town's Agricultural and Farmland Protection Plan, which was adopted in 2013.

3.2.2 Energy

In general, future energy policy lies outside of the jurisdictional impact of a rural municipality. The





most effective measures that the Town could implement for energy conservation would be the development of land use regulations that encourage orderly compact development and the use of alternative energy systems. The Town of Marilla recognizes that solar and wind energy are clean, readily available sources of renewable energy and that there is growing desire on the part of Town residents, farmers and others to employ alternative energy systems, as well as the need to properly site these systems within the boundaries of the Town. Therefore, the Town has taken steps to adopt local legislation to regulate alternative energy systems. These regulations are designed to protect land uses in the community; protect the health, safety and general welfare of citizens; preserve the overall beauty and character of the Town; and promote effective and efficient use of renewable energy resources.

3.2.3 Government

The rapidly escalating cost of providing services at all levels of government has resulted in a re-evaluation of priorities and merits of many of its programs. Similarly, State and County agencies are under pressure to bring the cost of government under control. Regional planning, as evidenced by the policies set forth in the Erie Niagara Framework for Regional Growth, has shifted away from the support of suburban sprawl to policies that manage growth and discourage infrastructure expansion. In many instances, major projects have been deferred indefinitely or the responsibility for implementation returned to local governments.

In the future, the State and Federal governments will provide guidelines to assist local and county governments to carry out priority projects. An example of this trend is the move toward "Block Grants." Under block grant programs, the Federal government will continue to provide funds for general program categories such as health, social services, or community development, which are favored for low and moderate-income areas and segments of the population. The County would then be responsible for deciding exactly how such funds should be spent. In addition, the Clean Water Act provided a mechanism for funding projects that will have a substantial impact on improving surface and groundwater water quality and protecting watersheds.





3.2.4 Public Facilities and Services

As previously mentioned, there are currently five existing water districts in the Town of Marilla. These extensions of the Erie County Water Authority system from the Town of Elma provide for domestic water supplies and fire protection. As most of the population is already serviced with municipal water, and topography is a constraint, future extensions of the existing system are unlikely.

There are no plans for the extension of sanitary sewer service into the Town of Marilla. The Erie-Niagara Framework for Regional Growth plan considers Marilla as a rural community and does not support sewer extensions. As Erie County owns and manages the system, the costs associated with future extensions are not feasible. Nor could the Town take on the fiscal burdens of building and managing local sewer infrastructure. It is also important to note that public sewer incentivizes residential growth at densities that are not in line with the preservation of rural community character. Such growth is not supported by the Town and would be detrimental to agricultural preservation, which is key to maintaining the rural character, as well as the economy of the community.

3.2.5 Agriculture

Large areas of Marilla are recommended to remain rural or in agricultural use. Farmland land uses and rural areas contribute significantly to the economic well-being of a community, as well as an entire region. Agricultural and rural areas serve to maintain economic stability, are a desirable scenic element in the local environment, and help to maintain an ecological balance. It is important that high quality agricultural soils, which have been determined to be extremely valuable for agricultural protection, be protected and continued for farming use. Once land has been taken out of production and these soils are disturbed, the potential for reversion to agricultural use is very limited.

The most significant threat to farmland and the preservation of rural character in the Town of Marilla is residential development. Residential development along existing roadways and in new subdivisions





can result in the conversion of important agricultural lands. Farms that are susceptible to conversion to other uses may be a higher priority for conservation than other farms. Pressure for conversion may take the form of scattered residential development, residential subdivisions or other development and may be stimulated by infrastructure extensions or nearby development. The extent of development pressure should be a consideration in the evaluation of farm parcels for long-term protection.

Continued growth in residential development – even at a modest pace of 150 new homes per decade – could have significant impacts on farmland and farming if it is not managed effectively.

The Town’s zoning regulations limit the development of residential subdivisions in the A-Agricultural District to a total of three new lots (four including the parent parcel) within any five-year period.

While this provision slows development, agricultural land continues to be vulnerable to conversion to residential development. The subdivision of prime farmland into building lots threatens to reduce the amount of prime and important soils available for agricultural production. The Town may be able to encourage landowners to design future subdivisions in a manner that utilizes the marginal land for building lots and sets aside the most productive land for continued agricultural production. This could be accomplished through design regulations that warrant land conservation. The Town of Marilla Agricultural and Farmland Protection Plan more specifically addresses these concerns.





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COMPREHENSIVE PLAN UPDATE

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Town of
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COMPREHENSIVE PLAN UPDATE

SECTION 4

GOALS AND OBJECTIVES

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SECTION 4: GOALS AND POLICIES

4.1 Introduction

The Goals and policy objectives of a Comprehensive Plan set forth a shared vision for the Town's future. They represent the values and priorities of the community and serve as a guide for evaluating future land use and planning decisions. The shared vision articulated in the goals provides guidance for decision makers at the local, County and State levels. The goals are general in nature, so they can remain relevant over the long-term. These goals form the foundation for the community's vision for the future, as well as for the recommendations and specific actions that the Town will implement to achieve it.

Any planning action or recommendation should be based upon the locally determined goals and policies. While goals provide a sense of direction for the community, policy objectives provide the foundation for implementing ordinances and programs and are designed to guide public actions. This section of the comprehensive plan sets forth a series of goals and policy objectives for the Town of Marilla and serves as a basis for the establishment of specific comprehensive plan recommendations. In order to provide a comprehensive statement for future direction, goals and policies have been delineated for the areas of land use and development, agriculture, open space, conservation and recreation, transportation, and community facilities and services. This portion of the plan is intended to provide a statement of town policies suitable to guide the Town Board and its advisory bodies in making the day-to-day decisions affecting future growth and development and the administration of town programs.

The goals and policies statements included herein are intended to provide direction and guidance to Town decision-makers, other governmental agencies and developers. As a major element in the Town's on-going planning process, the policy objectives provide a workable framework to guide the development of short-range town programs, including capital improvements. Using the goals and policy objectives, developers can determine, in advance, whether specific potential proposals for land development are consistent with the Town's vision for future land use. Similarly, other government agencies can easily assess the





Town's planning objectives with respect to the consistency of their proposed plans and programs in the Town. In the future, based on the achievement of recommendations and action strategies, it may be desirable to modify these goals and policies to conform to new or changing community trends and needs. It is the responsibility of the Town Planning Board and Town Board to recognize changing conditions and development trends, which may necessitate the future revision of the comprehensive plan.

4.2 Goals and Policy Objectives

GOAL 1: Protect lands and resources critical to the long-term success and sustainability of agriculture to enhance and expand the agricultural economy of the Town

Marilla has a long history of farming and agricultural use. Farming in the Town includes large farms that produce dairy, livestock and nursery products, as well as equine operations and vegetable farms. These farms contribute to the local and regional economy and the rural character of the Town. The following objectives support the protection of agricultural resources in the Town:

- Promote diverse agricultural production that supports the business of farming as part of a thriving regional food system, which is in harmony with the community at large.
- Encourage farm related business as a secondary interest and means of support for farmers.
- Protect the viability of the Town's agricultural economy, ensure sufficient areas of high quality farmland, and encourage the protection of prime farm soils and productive agricultural lands to support the agricultural industry.
- Promote organic farming and other methods as a viable form of sustainable agriculture.
- Foster agriculture through the adoption and administration of land use regulations and procedures





that protect and support agricultural production, activities and operations within the Town.

- Permit commercial and industrial land uses in agricultural areas only where such uses would not be detrimental to, or replace, agricultural and farming operations.
-
- Limit residential development in agricultural areas and direct growth to areas not in conflict with existing agricultural operations in order to minimize potential disruption to farming operations.
 - Support State and County programs that foster agricultural growth as part of the region's economic development.
 - Encourage the State and County to renew and sustain the existing agricultural districts formed under the New York State Agricultural Districts Law.
 - Limit the placement of utilities, services, and other land uses that would encourage or incentivize growth and development in areas of the Town zoned for agriculture.
 - Promote the sale of local products by encouraging a farmer's market and farm stands, consumption and utilization of locally grown farm products.
 - Promote support for local farms and farm practices and public education about the benefits of agriculture to the community.
 - Ensure that farmers, farmland owners, farmland neighbors and residents have access to information about the contributions of agriculture locally, and to the regional economy.





GOAL 2: Preserve and protect the rural character and quality of life in the Town

The Town of Marilla is a rural community with two defined hamlets and development scattered throughout the countryside. Elements of the community that contribute to this rural character include low density residential development, lands used for farming and agriculture, open fields, and forested lands. The following objectives support the protection of the quality of life and rural character of the Town:

- Manage growth in the Town to ensure that development occurs at an appropriate scale, style and pace and in locations that are suitable for the type of development being proposed.
- Ensure new development is reasonably compatible with adjacent land uses.
- New development should be located in a manner that minimizes adverse impacts to viable farmland, farm soils and farming activity.
- Maintain and protect the existing high quality of life and small-town identity of Marilla.
- Encourage non-traditional styles of development, such as cluster subdivisions, in residentially zoned areas in order to foster efficient use of land and farmland protection.
- Control the aesthetic character of commercial development with appropriate architectural, landscaping and setback standards and manage the size and scale of commercial development in a manner that is in keeping with the character of the surrounding area.





GOAL 3: Maintain and enhance the vitality of neighborhoods and housing in the Town and encourage diversity of the housing stock to meet the needs of all residents

As the population of the Town changes over time and the economic conditions vary, the housing stock should be diversified to accommodate the changing needs of the community. The following objectives support the maintenance and enhancement of local neighborhoods and encourage diversity of housing throughout the Town:

- Support the preservation of sound residential development and the elimination of blight and/or deteriorated building conditions.
- Encourage the development of housing in a manner that discourages sprawl and enables residents to use existing services and infrastructure efficiently.
- Meet the housing needs of the community by encouraging a variety of choices in new housing and the maintenance and improvement of existing housing.
- Adhere to policies, codes and guidelines to ensure the development of quality living areas through the use of good site planning practices
- Encourage a housing mix that will provide adequate and affordable housing for all age groups and incomes.
- Maintain the integrity of rural residential areas by encouraging uses that are compatible with Marilla's right to farm legislation and the Marilla Agricultural and Farmland Protection Plan.
- Strengthen Marilla's "community center" by reinforcing existing services and amenities and by encouraging the establishment of additional community facilities and activities.





- Limit new residential development in environmentally sensitive areas, including areas subject to natural flooding, erosion, wetlands, steeply sloped areas, and other unsuitable locations.
- Strive to make Marilla a quality community through sustainable development practices, resource conservation and community education.

GOAL 4: Support smart, sustainable and well-planned economic development opportunities

Economic development should be promoted to diversify the Town's economy, provide jobs, and increase the Town's tax base. Local businesses should be supported and protected. Agricultural operations are also an important part of the economy of the Town. The Town should encourage further economic development through the following objectives.

- Encourage the development and maintenance of commercial uses and facilities that serve the needs of residents.
- Encourage commercial uses in areas closer to Marilla Center to promote walkability and connectivity and to support the area as the Town's activity center.
- Support the adaptive reuse and redevelopment of existing vacant buildings.
- Stabilize and improve existing commercial areas through the encouragement of building renovation, parking and access improvements, and landscaping in order to minimize potential traffic hazards and to upgrade the general attractiveness of such areas.
- Promote the establishment of small-scale businesses in appropriate areas that maintain the quality of life in the community.





- Limit commercial uses in residential areas to home occupations that comply with Town regulations and do not diminish the residential character of the property and surrounding area.
- Discourage strip commercial development along the major roads in the town.
- Require adequate landscape screening and separation between residential and commercial uses to minimize land use conflicts and achieve high visual appeal.

GOAL 5: Promote a safe and efficient roadway system in the Town

A well-maintained roadway system is important for public health and safety. The following objectives support a safe and efficient roadway system in the Town:

- Encourage a roadway system that is adequate to accommodate land uses efficiently and is safe for all users.
- Work with the County and State to ensure proper maintenance of roadway infrastructure in the Town.
- Minimize, to the extent feasible and in accordance with the Town Subdivision Law, the number of individual access drives to highways in order to maintain their safety and traffic-carrying capacity by requiring the use of such measures as loop roads for residential development and shared driveways and cross access for commercial uses.





GOAL 6: Support the preservation of important environmental features and the quality of public open space and recreational facilities

The Town of Marilla has numerous natural resources that are deemed important to the community and should be protected. There are a number of creeks and streams, wetlands and floodplain areas that are vital to the environmental quality and resiliency of the community. The following objectives support the protection of natural habitats and other environmental resources throughout the Town.

- Protect the community's important environmental resources (aquifers, wetlands, and floodplains) from the potential adverse effects of development.
- Participate in State and County-sponsored watershed protection programs that affect resources in the Town.
- Encourage public education to promote maintenance of septic systems.
- Encourage a readily accessible program of recreation and facilities for persons of all ages, income levels, and cultural backgrounds in the town.
- Coordinate drainage planning efforts with those of neighboring towns that include the same drainage basins as the Town of Marilla and carefully evaluate the effects on drainage of all proposals for development.
- Require developers to dedicate easements along creeks and other major drainageways to allow for their maintenance and to reduce the risk of flood damages.
- Require, as a condition for development approval, the application of effective measures to minimize erosion, sedimentation, and drainage problems both during and after construction.





- Maintain wetland areas in their natural state by discouraging drainage, filling, and development in these areas, unless it is demonstrated that each of the following two conditions is met:
 - Discourage development within flood hazard areas so that it meets the requirements of the Federal Flood Insurance program and so that it will be resistant to flood damages, will not restrict the flow of flood waters, and will not increase flood hazards.
 - Support improvements to the Town park to enhance user opportunities and enjoyment, such as a walking trail.

GOAL 7: Promote coordinated, high quality, well maintained and cost-effective facilities and services required by residents and businesses in the Town

The Town of Marilla should strive to offer the highest quality and most cost-effective services possible. The following objectives support the provision of cost effective facilities and services in the Town:

- Establish a program for capital improvements that will allow for needed upgrades to be undertaken in a cost-effective manner.
- Implement an ongoing program to insure adequate maintenance, repair, and replacement of existing town lands, buildings, equipment, roads, and drainage facilities.
- Encourage the ECWA to consider the costs/benefits of expanding the public water system to remaining areas of the Town where such service is needed.
- Work closely with County and State officials to ensure that decisions that relate to improvements to County and State highways within the Town take local concerns into consideration.





- Keep abreast of various state and/or federal grant programs as potential sources of revenues to help defray the cost of needed public improvements to local taxpayers.
- Participate in the planning and development of cooperative programs that maximize the availability of public services to residents without placing an undue burden on taxpayers.
- Support programs to provide quality public safety services (police, fire, and emergency medical services) to ensure protection for residents and their property at optimum levels and foster improved communication linkages between public safety providers and the community.

GOAL 8: Enhance the efficiency and efficacy of Town government and planning and strive to improve interaction with other communities and agencies

The Town of Marilla should strive to operate efficiently and interact with surrounding communities to promote cost savings. The following objectives support the efficiency of government in the Town:

- Identify policies and adopt best practices to maintain the Town of Marilla as a safe, prosperous and sustainable community.
- Encourage service providers to undertake infrastructure construction or maintenance projects in a holistic manner rather than one project or utility at a time in any given location.
- Encourage strategic and cost-effective maintenance and replacement of municipal facilities and equipment.
- Keep abreast of, and be responsive to, Federal and State regulations and grant opportunities that could benefit the Town.





- Participate in regional planning efforts to ensure that Town goals and objectives recognize and reflect regional strengths, weaknesses, opportunities and threats.
- Investigate areas where shared services and/or costs between the Town and surrounding communities may be appropriate and to mutual benefit.
- Maintain a high level of collaboration and coordination with the school districts, adjacent communities and other levels of government.

GOAL 9: Promote energy efficiency and conservation and the use of renewable energy resources and systems

The use of renewable resources for energy generation and energy efficiency is the way of the future and should be promoted throughout the community. The following objectives support energy efficiency and conservation in the Town:

- Encourage the utilization and installation of renewable energy systems, such as solar, wind and geothermal in new and existing developments.
- Promote education on energy conservation and alternative energy systems.
- Consider the implementation of energy efficiency programs and practices, and the use of renewable sources of energy for municipal facilities and operations.





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SECTION 5

FINDINGS AND RECOMMENDATIONS

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SECTION 5: COMPREHENSIVE PLAN FINDINGS AND RECOMMENDATIONS

The goals and policy objectives defined in the previous section of this report provide essential guidelines to assist the Town in making decisions relative to future land use and public investments. These goals can be translated into a suggested physical development pattern to establish a basis for future growth and development in the Town.

5.1 Critical Themes and Key Findings

Marilla is a rural, farming community. Elements of the community that contribute to this rural character and heritage include low density residential development, open fields, forested lands and agricultural activity. Farming has been a longstanding land use and activity in the Town of Marilla since the early settlement of the community. In 2013, the Town of Marilla adopted an Agricultural and Farmland Protection Plan that supports the importance of agriculture and outlines recommendations as a means of better managing future growth and development in the community. This Comprehensive Plan Update recognizes the importance of farming in the Town and sets forth specific goals and recommendations for agricultural protection and use sustainability, preservation of rural character, vital neighborhoods and diversity of the housing stock, well planned economic development, safe and efficient transportation, environment protection, quality community services and energy efficiency. In developing this Comprehensive Plan Update, an assessment of existing conditions and trends in the Town was undertaken. This assessment revealed the following:

A thorough analysis of the Inventory of Existing Conditions found in Section 3.0 and consultation with the Marilla Planning Board (who acted in the capacity of a Comprehensive Plan Advisory Committee) has resulted in the development of the following critical themes and key findings. These themes and findings present existing and future issues within the Town and aid in the identification of opportunities that the Town can build upon to help achieve its goals and objectives, as well as constraints that can hold the Town back from achieving its vision for the future.





- The population of the Town is stable, and the number of dwelling units has increased, keeping pace with population growth. There are no large population increases projected in the future.
 - The Town is rural in nature, with agriculture and rural (large-lot) residential uses and extensive areas of open space comprising most of the Town.
-
- Residences are located primarily in the Town center area and the hamlet of Porterville (in the southern portion of the Town), as well as in a number of residential subdivisions and manufactured home parks. Businesses in the Town are located in the Town center and along Clinton Street; this development pattern should be continued in these areas.
 - Future residential development should be focused in and around the Town center and Porterville hamlet, with rural residential development continuing throughout the remainder of the Town.
 - Many community services, including the Town Hall, Highway Department, post office, elementary school, churches and a public library are located in the Town center.
 - State highways include NYS Route 354 (Clinton Street); most other roadways in the Town are under Erie County jurisdiction.
 - Agriculture is the primary land use (63%), followed by open space (30.5%), residential (4.5%) and commercial and other uses (2%).
 - There is extensive public support for the preservation of the rural character of the Town.
 - Zoning in the Town is consistent with existing land use.
 - Agriculture is a large industry in the Town, generating valuable tax revenue while requiring minimal public services, making it the most cost-effective land use.





- The Town borders the Town of Bennington in Wyoming County to the east, the Town of Alden to the north, the Town of Elma to the west, and the Town of Wales to the south, which are all communities where agriculture is a significant component of the community character and local economy. Agricultural protection efforts should be coordinated with these communities.

- Redevelopment of vacant storefronts/commercial properties and the upkeep of property should be a priority in the Town to enhance and protect community character.
- There are many deep properties throughout the Town. Creative measures are needed to ensure that these areas are developed in a manner that maintains the rural character of the community and recognizes infrastructure constraints, but also allows for an economic return for these lands.
- Cluster residential subdivisions or conservation subdivisions offer alternative housing options and a way to protect sensitive resources and preserve rural character. Such development should be utilized to protect the rural character of the Town and integrate backlands into the development and move beyond frontage lot development patterns.
- The Town is included in a designated “rural area” as a part of the planning policy area in the Framework for Regional Growth (due to the lack of public infrastructure, large blocks of contiguous farmland and forest, and compact areas of residential and commercial land use). Rural areas are considered places where conservation strategies should generally take precedence over plans for development and public investment.
- Numerous areas of prime farmland soils exist throughout the east, northeast, central and southeastern portions of the Town. Protection of the important farmland soils in these areas is important for continued and expanded agricultural activity in the Town.
- Watershed and water quality protection are important for the Buffalo Creek, Cayuga Creek and Little Buffalo Creek corridors, which extend through the Town.





- A large unconsolidated groundwater aquifer extends through the east and central portions of the Town. Developed areas within Marilla Town Center and the hamlet of Porterville are located atop this aquifer. Future development and current land use activities should be considerate of this important resource.

- There are numerous Federal and State jurisdictional wetlands and regulated floodplains located throughout the Town, primarily near creek corridors.
- Drainage corridors and patterns should be recognized to protect against the potential for increased flooding (changes to drainage patterns through development), particularly in the vicinity of the creek corridors.
- Most of the roads throughout the Town are in good condition and capable of handling additional traffic without sacrificing safety and level of service.
- Public water has been installed throughout most of the Town, with no further water district expansions planned.
- There is no public sanitary sewer service and all developed lands utilize on-site septic systems for wastewater disposal.
- Residents in the Town of Marilla must pay County taxes, school taxes and special district property taxes; these are significant costs for residents and farmers, in particular.
- The Marilla Comprehensive Plan and its implementation should consider and, as necessary, be coordinated with surrounding communities to ensure that consistent planning occurs across municipal boundaries (such as Comprehensive Plan updates, zoning changes, etc.).
- The Town should coordinate planning efforts with the Erie County Department of Environment





and Planning to ensure common goals, and compatible development and investment policies.

- The expenditure of public funds often provides an inducement for private investments. By timing proposed expenditures consistent with comprehensive plan objectives, the town can act positively to achieve its development goals.

5.2 Analysis of Strengths, Weaknesses, Opportunities and Threats

The following (see Figure 2) analysis of strengths, weaknesses, opportunities and threats (SWOT) was prepared using the comments and other input gathered from discussions with Planning Board and the findings of the analysis of existing conditions. This SWOT analysis identifies what are considered to be the strengths and weaknesses that affect the Town of Marilla (internal factors over which you generally have some measure of control), and the opportunities and threats that come from outside the community (external factors over which you have little or no control). This analysis is useful in helping to identify strategies for helping the Town achieve its goals and objectives for the future.

5.3 Future Land Use and Recommendations (Map 14)

The analysis of strengths, weaknesses, opportunities and threats provides a clearer picture of the direction that should be taken to help the Town of Marilla achieve the goals and objectives for the future. To portray the overall vision for the community, a Vision Map for Future Land Use (Map 14) was created to illustrate the general framework for future land use in the Town. This map is not a zoning map and does not depict existing or proposed zoning districts. It is designed to provide guidance on long-term decision making with respect to future land use and zoning changes.

Map 14 illustrates the Town's desire to remain a rural, agricultural community, with much of land area reserved for this purpose. Residential use, particularly higher density residential development, is encouraged in and around Marilla Town Center, Porterville Hamlet and in the northwest area of the





FIGURE 2: STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS

<u>Strengths</u>	<u>Weaknesses</u>
<p><i>Rural bedroom community atmosphere</i> <i>Town center possesses quaint character and charm</i> <i>Abundant open space</i> <i>Agricultural uses that add character</i> <i>The creek corridors</i> <i>Strong community support and commitment</i> <i>Prime farm soils / well established agricultural districts</i> <i>Community support for agriculture</i> <i>Limited development pressure</i> <i>Few farmer/neighbor conflicts</i> <i>Interest in utilizing alternative energy sources</i> <i>Marilla Town Park</i> <i>Public Library and other “anchors” in Town Center</i></p>	<p><i>Absence of a farmer’s market.</i> <i>Unwillingness on the part of the next generation to continue farming as a career</i> <i>Some agricultural land not in use</i> <i>Lack of identity and need to establish a stronger sense of place for the Town center</i> <i>Commercial district does not have a lot of demand for new development</i> <i>Abandoned structures in the Town Center</i> <i>Lack of a business plan for revitalizing the Town center</i> <i>There is limited infrastructure and utility services in the Town center (cable, Wi-Fi, etc.)</i></p>
<u>Opportunities</u>	<u>Threats</u>
<p><i>Market trends, particularly for agriculture</i> <i>Technical assistance available from the County</i> <i>Well maintained State and County Road</i></p>	<p><i>Long-term urban sprawl / Expanding growth in adjacent Towns to the west</i> <i>Inconsistent development styles that can change the character of the area</i> <i>Local businesses must compete with venues outside Marilla (local and on-line)</i> <i>Immigration</i></p>

Town. Commercial activity is desired in Marilla Town Center, along Clinton Street in the northwest portion of the Town, and near Porterville Hamlet, as shown on the map.





As outlined below, this section of the Comprehensive Plan outlines specific recommendations that, when implemented, will help to guide the Town of Marilla towards realizing its vision and achieving the goals and objectives identified in Section 4.0. The development of recommendations for the Plan is based on the inventory information, the findings, and an assessment of the community's strengths, weaknesses, opportunities and threats (SWOT). These recommendations are organized around the goals and objections for the community and are intended to provide guidance on how the Town can move toward achieving the vision for the community. This section is best thought of as a "tool box" of actions for possible use by the Town; these recommendations represent things that could be done to improve the community. The Implementation section of the Plan prioritizes the recommendations and lends direction on how to make the recommendations a reality.

Section 4.0 of the Comprehensive Plan identifies nine Town-wide goals of the Town of Marilla. For each goal, specific recommendations were developed to guide the Town toward its achievement, as follows:

Goal 1: Protect Lands and Resources Critical to the Long-Term Success and Sustainability of Agriculture to Enhance and Expand the Agricultural Economy of the Town

Goal 2:

Preserve and Protect the Rural Character and Quality of Life of the Town

1. Utilize the Planning Board to assist with implementation of the Comprehensive Plan and to reevaluate the Plan every 5 to 10 years or so and update, as necessary, to conform to changing conditions and to ensure that action items recommended in the Plan are achieving the goals and objectives.
2. Implement the recommendations of the adopted Town of Marilla Agricultural and Farmland Protection Plan.
3. Ensure that properties that have the potential to operate as viable farmland are included in the State-Designated Agricultural Districts and identify other viable areas of farmland that should also be included.
4. Consider the adoption of rural design guidelines and conservation subdivision and open development area regulations to ensure that the development of residential and other buildings, the removal of





vegetation, and/or grading of lands is undertaken in a manner that is consistent with the rural character of the area and preserves resources valuable to the Town.

5. Continue to support local agriculture by promoting the sale of locally grown produce at the local farmers market, festivals, restaurants, wholesalers, and schools.
6. Consider design standards to ensure that the aesthetics of new development in the Clinton Street business area is in keeping with the rural character of the community.
7. Ensure that new development and redevelopment in Marilla Town Center and Porterville hamlets maintains rural and historic character.

Goal 3: Maintain and Enhance the Vitality of Neighborhoods and Housing in the Town and Encourage Diversity of the Housing Stock to Meet the Needs of All Residents

1. Increase the density of residential development within the Marilla Town Center and Porterville Hamlet areas (without harming the rural character of these areas - - utilize hamlet and rural development guidelines).
2. Encourage maintenance of the housing stock to ensure continued quality in residential areas.
3. Locate senior and multi-family housing within the Marilla Town Center area to provide opportunities for housing for seniors and to take advantage of the proximity to amenities and services.
4. Consider different styles of single-family housing that address the needs of all segments of the population (e.g., conservation subdivisions in the rural residential area, senior housing, accessory living units, etc.).

***Goal 4:
Support Smart, Sustainable and Well-Planned Economic Development Opportunities***

1. Pursue development opportunities throughout the Town, particularly along Clinton Street and in Marilla Town Center and coordinate efforts.
2. Explore incentives and programs to help revitalize the hamlets and encourage development along Clinton Street and in other appropriate areas in the Town.





3. Ensure sufficient screening/ buffering of commercial uses from adjacent non-commercial uses.
4. Promote the sale of locally grown produce and other agricultural products to support the agricultural industry in the Town.

Goal 5: Promote a Safe and Efficient Roadway System in the Town

1. Work with County and State transportation officials to address identified transportation problem areas throughout the Town.
2. Adopt rural roadway design guidelines / standards for various roadways throughout the Town to preserve their rural character (context sensitive design).
3. Manage highway access along the section of Clinton Street where commercial development is permitted, including limiting curb cuts, sufficient driveway spacing, cross-access, and shared drives to improve traffic flow and safety.

Goal 6: Support the Preservation of Important Environmental Features and the Quality of Public Open Space and Recreational Facilities

1. Consider adding the locations of existing unconsolidated groundwater aquifer to the Conservation Overlay District Map to help protect important ground water resources.
2. Encourage the use of conservation farming techniques that protect sensitive resources.
3. Encourage organic farming practices that promote sustainable use of farmland.
4. Consider opportunities for additional parks and recreational facilities that would benefit the residents of the Town.
5. Promote educational programs, efforts and opportunities that address water quality issues and practices to protect local surface and groundwater supplies.
6. Encourage efforts that minimize non-point source pollution.





Goal 7: Promote Coordinated, High Quality, Well Maintained and Cost-Effective Facilities and Services Required by Residents and Businesses in the Town

Goal 8: Enhance the Efficiency and Efficacy of Town Government and Planning and Strive to Improve Interaction with Other Communities and Agencies

1. Identify opportunities for shared municipal services and facilities and actively pursue resources for the study and implementation of shared services.
2. Encourage the Marilla Fire Company to continue operation and expand their efforts to coordinate and share services and/or equipment.
3. Coordinate municipal planning efforts with neighboring municipalities.
4. Support and enhance continued senior services offered by the Town to retain and nurture the senior citizen population base of the Town.

Goal 9: Promote Energy Efficiency and Conservation and the Use of Renewable Energy Resources

1. Pursue grant money from NYSERDA for retrofit of municipal vehicles and facilities to alternative energy sources.

5.4 Development Areas

The Comprehensive Plan depicts two major development areas centered around Marilla Town Center and Porterville hamlet. It is recommended that future growth take place within or adjacent to them. By encouraging future growth to occur in these areas, the Town of Marilla should realize the following benefits:





- The disruption of prime agricultural and environmentally sensitive lands will be minimized.
- Public services could be delivered on a cost-effective basis.
- Compact development could increase the potential to implement lower cost innovative sanitary sewer facilities in the long-term future.
- Transportation facilities are in place and are adequate to support new development (Routes 354, 358 and Bullis and Jamison Roads).
- The opportunity to support existing, as well as the potential for new business and service uses, would be increased.
- A stronger sense of community can more readily be established.

5.4.1 Marilla Town Center

This area is the largest of the two developed areas in the Town and serves as the social, economic, and governmental center of the community. Efforts should focus on the preservation and rehabilitation of existing buildings and uses, the provision of additional off-street parking, and the adoption of land use controls that would permit new growth to occur without conflicting with existing uses. New investments that would reinforce Marilla as the center of local activity should be encouraged, while actions that would diminish the areas status as a healthy and functional center should be discouraged.

Residential areas should include a variety of housing types (single-family dwellings, duplexes, and townhouses) adequate to provide housing for families of different sizes and income groups. While a majority of the residents will occupy single-family dwellings, reflecting a nationwide desire to





own a home, trends indicate that the elderly, young couples and single persons will continue the demand for a variety of housing types. The need for alternative housing choices has increased in recent years due to smaller households, an aging population, and changing lifestyles. As such, opportunities should be provided to enable owners of larger dwellings to reconfigure such buildings into rental units to serve the needs of smaller households. Care will have to be taken to ensure that adequate off-street parking is provided and that such conversions do not exert a negative impact on adjacent properties.

Residential densities within this area may range from single-family dwelling units to multi-family dwellings and townhouse developments in appropriately zoned areas. Care must be taken, however, to ensure that sites proposed for multi-family use can support such higher density development. Furthermore, one type or style of residential use should not be permitted to saturate the community center.

The attraction of limited scale commercial development should be encouraged within the Hamlet of Marilla Center. A variety of establishments providing everyday goods and services (for example a food store, barber shop, drug store, liquor store, etc.) would be the most appropriate types of commercial uses in the community center. Such development would reinforce the concept of Marilla as the center of town and serve as a convenience to residents.

Convenience commercial development may occur on individual lots within the Town center area (Bullis and Two Road Roads and West Avenue, which are particularly attractive for such uses) or at the intersections of Two Rod Road with Jamison Road and Two Rod Road with Clinton Street. As a plaza normally requires at least five acres of land with good highway access, it is unlikely that such a development would occur within Marilla Center. Although the Clinton Street site is very close to Marilla, the Jamison Road location could serve residents of the Porterville area, as well as Marilla. Both locations have good highway access and may attract consumers from other towns as they travel through the Town of Marilla.





Commercial development should be limited to meet the convenience retail and service needs of area residents. This plan does not recommend general commercial areas that provide for a much broader range of business establishments (e.g., motels, automobiles, large appliance outlets, theaters, etc.) as such uses would be inconsistent with the character of Marilla and local planning objectives.

Although the Town of Marilla has limited potential for industrial development, the town should not overlook opportunities to retain its existing employers and attract new jobs. Small light industrial uses that are not labor intensive or dependent upon public utilities could be compatible within or adjacent to Marilla Center. As an example, a location along either Jamison Road or Clinton Street would be suitable for warehousing, storage, goods movement and support services for agriculture. New economic activities would help absorb the burden of higher public service costs and provide additional employment to serve an increasing percentage of two-income households.

Commercial and industrial uses are important to create a community center atmosphere. In order to achieve this objective such uses must be provided in a manner which minimizes potential impacts on adjacent land uses and public services. These impacts can be controlled by development regulations that impose strict standards governing off-street parking, buffering, lighting, and other potential nuisances. The Town's existing land use controls should be evaluated, and modifications enacted to achieve required levels of control for such uses.

5.4.2 Porterville Hamlet

This hamlet area is defined as a growth node in the comprehensive plan. The types and densities of residential uses proposed for Marilla Town Center would also be appropriate in Porterville. Porterville is envisioned as a residential neighborhood. Small retail convenience outlets would be consistent with this objective. Development regulations that would increase the attractiveness of





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this area for residential development should be enacted. Large-scale commercial uses and other non-residential development that would be inconsistent with this objective or detract from the character of the area should be discouraged.





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SECTION 6

IMPLEMENTATION

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SECTION 6: IMPLEMENTATION

The Town of Marilla understands that local planning is an on-going process. The preparation of the Town of Marilla Comprehensive Plan update is only a first step. This plan outlines the preferred vision for the Town of Marilla and establishes recommendations for how to achieve that vision. Putting the recommendations into action requires continued work that must occur after the adoption of the Plan. It is strongly recommended that the Town adopt this Plan. By adopting the Comprehensive Plan update, the Town Board has demonstrated their commitment for managing the future of the Marilla community and ensuring stronger compliance with, and use of, the Plan by other municipal agencies.

An effective Comprehensive Plan establishes a process that ensures that the document remains relevant and is continually updated. The Plan, itself, is a roadmap to an actual end product, which is an improved and better community. The Comprehensive Plan cannot be considered a success unless its provisions and recommendations are acknowledged and implemented. Therefore, this section of the Plan outlines an implementation strategy for accomplishing the recommendations contained herein, thereby moving the Town toward achieving its goals.

The recommendations and priorities set forth in Section 5.0 and outlined in this strategy were developed throughout the planning process based on comments and concerns of the Planning Board and other Town officials involved in the process and by applying general planning principles. This implementation strategy reflects current circumstances and current priorities. However, as local conditions change, or as certain elements of this strategy are accomplished, the Town should revisit the priorities to reassess their continued applicability and/or the timing for completing certain actions.

This implementation strategy is set forth in a table (Figure 3) that summarizes and organizes the various recommendations identified in this Plan to help guide the Town in achieving its goals.





Each item contained in Figure 3 also has been assigned a recommended priority ranking of high, medium or low. High priority items are considered to have the greatest importance or urgency and are vital for achieving the goals of the Town. While it may take longer to accomplish some of these items, it is recommended that initial steps be commenced in the near term, after adoption of the Plan, to begin to put the plan into action. Items with medium and low priority rankings are typically those that the Town can address as future actions.

Actions are also categorized based on a time frame, as Immediate, Mid-Term, Long-Term Actions, and On-Going actions. Immediate Actions are those recommendations that would be carried out within the first one to two years after the adoption of the Comprehensive Plan Update. These actions are considered the most important and could impact the success of other recommendations. Mid-term Actions would generally be addressed within 3 to 5 years from the adoption of the Plan and are typically recommendations that are related to some of the more important issues. Long-Term Actions are typically those that would take longer to implement due to their cost, extent of planning involved, or because they are not as critical as other recommended actions. On-Going Actions are recommendations that don't necessarily have a timeframe or targeted completion date and would be undertaken on an on-going basis.

The Implementation Table identifies the type of action that should be undertaken by the Town including: *legislative* actions that require passage of a Local Law or other action by the Town Board; *regulatory* actions that may require amendments or revisions to the Town Code or the creation of new land use regulations; *administrative* actions that are typically clerical work to be completed by the Town Clerk; *procedural* actions that often involve a resolution for creating an advisory board or appointing committee members; *planning* actions that require planning-related work by the Town or other boards and agencies; *education* actions that require the education of the Town representatives or residents by other agencies; or *research* actions that require the Town or another agency to look further into a topic.

The Implementation Table also identifies which responsible party or parties should take the lead or be involved with implementing a particular recommendation. The Town Board and Planning Board would be





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involved in the majority of recommended actions. Additional comments are added, when applicable, in the Comments column and can include more specific ideas or information on funding and grant opportunities for the respective recommendation.

Basically, the following Implementation Table and the actions it contains comprise a “Tool Box” of recommendations to be utilized by the Town to achieve the future vision and respond to changes in the community. Although they have been scheduled for action and ranked in terms of priority, this has been done so as a guide; it is up to the Town to decide which implementation measures should be undertaken at any given time. Based on current circumstances, it could be determined that certain longer-term or low priority items could be accomplished in advance of an immediate, higher priority item that is more complex or costly. For example, should funding become available for a particular action, the Town may choose to reassign it as a higher priority, that would be undertaken in the immediate future in order to take advantage of the funding opportunity. Therefore, the Town may wish to pursue a lower priority action that could be more readily completed, while working to institute larger high priority actions over a long term. Hence, the timeframes and priority rankings of implementation actions should be viewed with flexibility. The idea is that the Town should be continually striving to implement the Comprehensive Plan, monitoring progress and re-prioritizing actions, as necessary, as it moves forward.

To help with the process of monitoring and prioritizing implementation actions on an ongoing basis, it is recommended that the Town maintain the use of the Planning Board as the Comprehensive Plan Advisory Committee (or establish a new committee) to help keep the Comprehensive Plan an active document. As a recommending body to the Town Board, this entity would monitor progress, encourage continued momentum and recommend adjustments to the implementation strategy and priority of actions, over time, as circumstances dictate.





Figure 3:

Implementation of Comprehensive Plan Recommendations

Action	Priority	Type of Action	Time Frame	Responsible Parties/ Participants	Comments
Adopt the Comprehensive Plan Update	High	Legislative	Immediate	Town Board	Requires that land use, zoning and capital improvement actions comply with the Plan
Continue to Utilize the Planning Board as the Comprehensive Plan Committee for implementation of the Plan	High	Procedural	On-going	Town Board Planning Board	To monitor the progress of implementation actions and success of the Plan, and offer recommendations for reprioritization of implementation items
Posting of adopted Comprehensive Plan on the Town's website	High	Administrative	Immediate	Town Clerk	Make the plan available to the public
Distribute Copies of the Plan (Boards, Departments, Erie County, etc.)	High	Administrative	Immediate	Town Clerk	To ensure familiarity with, and use of, the Plan by Town and other municipal agencies
Establish a budget for implementation of the Comprehensive Plan	High	Administrative	Annually	Town Board	Allows for continued implementation of recommended actions, based on the budget
Implement the recommendations of the Marilla Agricultural and Farmland Protection Plan	High	Regulatory	Immediate	Town Board Planning Board Conservation Advisory Board	Enhance the opportunities for growth of agriculture and agricultural businesses, consistent with Goal #1





Action	Priority	Type of Action	Time Frame	Responsible Parties/ Participants	Comments
Continue to work with Erie County to re-evaluate the Town's Agricultural Districts	High	Regulatory	On-going	Town Board Planning Board Erie County NYS Dept. of Agriculture and Markets Conservation Advisory Board	Continue to work with Erie County to re-evaluate the Town's Agricultural Districts to ensure that all viable farmland is included in the districts and to help ensure that existing farmland remains in the districts
Work to provide agri-entrepreneurship programs, as needed	Medium	Education	On-going	Town Board Planning Board Cornell Cooperative Extension NYS Dept. of Agriculture and Markets	Agri-entrepreneurship programs provide farmers with education on business plans, management, financing, marketing, and operations
Encourage the use of sustainable/conservation farming techniques	Medium	Education	On-going	Town Board Planning Board Cooperative Extension Conservation Advisory Board	Such practices help sustain the quality of prime farm soils and promote good land use practices
Ensure that new development in Marilla Town Center and Porterville hamlet maintains rural and historic character	High	Planning Regulatory	On-going	Town Board Planning Board	Preserve small-scale, historic and traditional character of these areas





Action	Priority	Type of Action	Time Frame	Responsible Parties/ Participants	Comments
Adopt rural development guidelines and conservation subdivision regulations	High	Regulatory	Immediate	Town Board Planning Board	Maintains rural character, open space and agricultural land/businesses
Adopt design standards for the section of Clinton Street that is zoned for business to improve aesthetics and visual quality (could use an overlay district)	High	Planning Regulatory	Immediate	Town Board Planning Board Code Enforcement Officer	Improve landscaping, lighting, signage, screening/buffering, etc. to improve community character
Maintain quality housing stock through active Code enforcement	High	Regulatory	On-going	Town Board Planning Board Building Dept.	Enhance community character and address issues of blight
Evaluate adoption of a local Property Maintenance Law	Medium	Regulatory	Mid-term	Town Board Planning Board Building Dept.	Enhance community character and address issues of blight
Locate senior and multi-family housing (denser residential development) in the Marilla Town Center and Porterville hamlets	Medium	Planning	On-going	Town Board Planning Board	Consistent with smart growth policies; promotes connectivity and walkability





Action	Priority	Type of Action	Time Frame	Responsible Parties/ Participants	Comments
Coordinate with the Erie County IDA to identify and pursue development opportunities throughout the Town	Medium	Planning Research Education	On-going	Town Board Planning Board Erie County IDA	Focus efforts on Marilla Town Center and Clinton Street.
Continue to post business listings on the Town's website	High	Administrative	On-going	Town Clerk	To promote local business
Utilize incentives, such as PILOT, an enhanced 485(b) program, Rural Business Opportunity Grants (RBOG) or Rural Business Enterprise Grants (RBEG) to promote development in the Town Center and along Clinton Street	High	Planning	On-going	Town Board Tax Assessor Erie County IDA	These techniques are vital for achieving revitalization in the hamlets and providing exemptions or other incentives for business development
Support local agricultural activity by promoting the sale of locally grown products at local farmers markets, festivals, restaurants, wholesalers, and schools/ colleges	High	Education Planning	On-going	Town Board Erie County School Districts Local businesses Conservation Advisory Board	Provides support to local farmers and other agricultural entities; also helps to market the area.





Action	Priority	Type of Action	Time Frame	Responsible Parties/ Participants	Comments
Adopt a local law that authorizes commercial, business or industrial Real Property Tax exemption, pursuant to NYS Real Property Tax Law, Section 485(b) to incentivize business development	Medium	Regulatory	Mid-term	Town Board Tax Assessor	Provides real property tax exemptions to commercial, business and industrial property owners who make improvements to buildings in targeted areas
Require access management along the section of Clinton Street that is zoned for business	High	Planning Regulatory	On-going	Town Board Planning Board	Control highway access, curb cuts; require cross access, etc. to improve highway operations and public safety
Work with County and State transportation officials to identify and remedy problem intersections and roadways	High	Planning	On-going	Town Board Planning Board Town Highway Superintendent Erie County Highway Dept.	Must coordinate such activity to achieve change; use Comprehensive Plan to support recommendations
Consider opportunities for additional parks and recreational facilities and activities	Medium	Planning	On-going	Planning Board Conservation Advisory Commission	Increase in beneficial public services to residents for active and passive enjoyment





Action	Priority	Type of Action	Time Frame	Responsible Parties/ Participants	Comments
Adopt rural roadway design guidelines and standards (ensure subdivision regulations promote rural roadway character)	Medium	Regulatory	Mid-term	Town Board Town Highway Superintendent Town Engineer	Aimed at maintaining the rural character of local roads and making sure new roads in subdivisions are not too wide and are connected
Identify / establish opportunities for future and improved public access to local creek corridors for passive recreational use	Low	Planning Legislative	Mid – Long Term	Town Board Planning Board Conservation Advisory Commission	Seek permanent access easements or purchase of land and riparian buffers
Include groundwater aquifer as a part of the Conservation Overlay District	High	Regulatory	Immediate	Town Board Planning Board Conservation Advisory Commission	Focus on protection of important groundwater resources
Promote public education programs and other efforts to minimize non-point source pollution and reduce runoff	Medium	Education Regulatory	On-going	Town Board Planning Board Conservation Advisory Board Erie County Soil and Water Conservation District Cooperative Extension	Essential for the protection of surface and groundwater quality





Action	Priority	Type of Action	Time Frame	Responsible Parties/ Participants	Comments
Revise the Town Subdivision Regulations to require testing of soils in areas without public water service and/or public sanitary sewer service to identify problematic soils	Medium	Regulatory	Mid-term	Town Board Planning Board Erie County Health Dept.	Reduces the likelihood that septic systems will fail and helps to protect groundwater resources
Promote programs to identify and mitigate failing septic systems and explore potential funding opportunities to assist residents with corrective actions	High	Regulatory	On-going	Town Board Building Dept. NYSDEC Erie County Health Dept. Erie County Soil and Water Conservation District Conservation Advisory Board	Important for the protection of surface and groundwater quality and the protection of public health
Promote educational opportunities to help residents understand the importance of groundwater protection and septic system maintenance	High	Planning Education	On-going	Town Board Erie County Dept. of Environment and Planning NYSDEC Erie County Soil and Water Conservation District Conservation Advisory Board	Protection of the quality of the groundwater aquifers is essential for potable water supply and septic maintenance can help to avoid long-term costs to residents





Town of Marilla

COMPREHENSIVE PLAN UPDATE

Action	Priority	Type of Action	Time Frame	Responsible Parties/ Participants	Comments
Promote organic and alternative farming practices.	Medium	Education	On-going	Town Board Conservation Advisory Board Erie County Cooperative Extension	Promotes sustainable land use practice
Identify opportunities for shared municipal services and facilities	High	Planning Research Regulatory	On-going	Town Board Planning Board	Work with the surrounding Towns and School Districts, and Erie County; can result in municipal cost savings
Coordinate municipal planning efforts with neighboring municipalities	Medium	Planning	On-going	Town Board Planning Board	Ensures the planning efforts near municipal boundaries are consistent, compliant and seamless
Encourage the local fire company to continue and expand their efforts to coordinate and share services and equipment	Medium	Planning Research	On-going	Fire Companies Town Board	Results in efficiency of service and cost savings
Support and enhance continued provision of senior services to retain and nurture the senior citizen population base and families	Medium	Planning Education	On-going	Town Board Planning Board New York State Office for the Aging Erie County Dept. of Social Services	Helps to address the growing needs of the elderly to make their life easier in the community





Town of Marilla

COMPREHENSIVE PLAN UPDATE

Action	Priority	Type of Action	Time Frame	Responsible Parties/ Participants	Comments
Pursue NYSERDA funding and incentives to retrofit municipal vehicles and facilities for alternative energy.	Medium	Research Planning	On-going	Town Board	Promotes cost savings and energy efficiency

** Additional actions can and will be added to this listing as deemed necessary.



Exhibit 5

Full Environmental Assessment Form (FEAF)

**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Local Law Regarding Animal Processing		
Project Location (describe, and attach a general location map): Agricultural Zoning District -- Town of Marilla, NY		
Brief Description of Proposed Action (include purpose or need): The proposed Action involves the enactment of a Local Law Amending the Zoning Code of the Town of Marilla to allow as an Accessory Use in the Town Agricultural Zoning District Establishment where animals or fowls are slaughtered or butchered for food under the following conditions: (a) The type of animals or fowls to be slaughtered or butchered for food shall be only those animals or fowls permitted to be slaughtered or butchered by the New York State Agriculture and Markets Law or the implementing regulations promulgated by the New York State Department of Agriculture and Markets; (b) The number of animals or fowls to be slaughtered or butchered for food shall not exceed the limit of such as set forth by the New York State Agriculture and Markets Law or the implementing regulations promulgated by the New York State Department of Agriculture and Markets; (c) No establishment where animals or fowls are slaughtered or butchered for food shall be allowed unless a Permit to allow such activity is issued by the New York State Department of Agriculture and Markets; and (d) Operation must be conducted in a fully enclosed structure and shall only occur on property where agricultural or farming activities are being conducted. As part of this Local Law, the phrase "provided that no killing shall be done on the farm other than of animals raised on the farm for the use of farm residents" is proposed to be deleted from Section 700-33(B)(3) of the Zoning Code of the Town of Marilla.		
Name of Applicant/Sponsor: Marilla Town Board		Telephone: 716.652.7293, Extension 403
		E-Mail: egingerich@townofmarilla.com
Address: 1740 Two Rod Road		
City/PO: Marilla	State: NY	Zip Code: 14102
Project Contact (if not same as sponsor; give name and title/role): Earl Gingerich, Town Supervisor		Telephone: 716.652.7293, Extension 403
		E-Mail: egingerich@townofmarilla.com
Address: 1740 Two Rod Road		
City/PO: Marilla	State: NY	Zip Code: 14102
Property Owner (if not same as sponsor): not applicable		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Marilla Town Board -- enactment of Local Law	11.2023
b. City, Town or Village <input type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission		
c. City, Town or <input type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. ii. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No iii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? Yes No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? Yes No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? See Attached Exhibit A Yes No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) Yes No

If Yes, identify the plan(s):

1. Purchase of Agricultural Conservation Easements (PACE Program), 2. Town of Marilla Agricultural and Farmland Protection Plan; and 3. NYS Heritage Areas; West Erie Canal Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? Yes No

If Yes, identify the plan(s):

Town of Marilla Agricultural and Farmland Protection Program

C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district? Agricultural Zoning District / Conservation Overlay District	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the use permitted or allowed by a special or conditional use permit?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action? If Yes, i. What is the proposed new zoning for the site? Zoning Text Amendment (no changes to Town Zoning Map)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
C.4. Existing community services.	
a. In what school district is the project site located? Iroquois and Alden	
b. What police or other public protection forces serve the project site? NYS Police, Erie County Sheriff	
c. Which fire protection and emergency medical services serve the project site? Marilla Fire Company	
d. What parks serve the project site? Marilla Town Park	

D. Project Details

D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?	
b. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres	
c. Is the proposed action an expansion of an existing project or use? <input type="checkbox"/> Yes <input type="checkbox"/> No i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	
d. Is the proposed action a subdivision, or does it include a subdivision? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____ ii. Is a cluster/conservation layout proposed? <input type="checkbox"/> Yes <input type="checkbox"/> No iii. Number of lots proposed? _____ iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will the proposed action be constructed in multiple phases? <input type="checkbox"/> Yes <input type="checkbox"/> No i. If No, anticipated period of construction: _____ months ii. If Yes: <ul style="list-style-type: none"> • Total number of phases anticipated _____ • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year • Anticipated completion date of final phase _____ month _____ year • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____ _____ _____ 	

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) Yes No
 If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

• Do existing sewer lines serve the project site? Yes No
 • Will a line extension within an existing district be necessary to serve the project? Yes No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
 ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

 • If to surface waters, identify receiving water bodies or wetlands: _____

 • Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No
 If Yes:
 i. Estimate methane generation in tons/year (metric): _____
 ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No
 If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No
 If Yes:
 i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.
 ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____
 iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____
 iv. Does the proposed action include any shared use parking? Yes No
 v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____
 vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? Yes No
 vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No
 viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No
 If Yes:
 i. Estimate annual electricity demand during operation of the proposed action: _____
 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____
 iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.
 i. During Construction:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____
 ii. During Operations:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing: _____

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- Urban Industrial Commercial Residential (suburban) Rural (non-farm)
- Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Coverture	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
 i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
 If Yes,
 i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
 If Yes:
 i. Dimensions of the dam and impoundment:
 • Dam height: _____ feet
 • Dam length: _____ feet
 • Surface area: _____ acres
 • Volume impounded: _____ gallons OR acre-feet
 ii. Dam's existing hazard classification: _____
 iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
 If Yes:
 i. Has the facility been formally closed? Yes No
 • If yes, cite sources/documentation: _____
 ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

 iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
 If Yes:
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
 If Yes:
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
 ii. If site has been subject of RCRA corrective activities, describe control measures: _____

 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
 If yes, provide DEC ID number(s): _____
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: _____ %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained: _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____

n. Does the project site contain a designated significant natural community? Yes No
 If Yes:
 i. Describe the habitat/community (composition, function, and basis for designation): _____

 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Currently: _____ acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No
 If Yes:
 i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No
 If Yes:
 i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
 If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No
 i. If Yes: acreage(s) on project site? _____
 ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community Geological Feature
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
 If Yes:
 i. CEA name: _____
 ii. Basis for designation: _____
 iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Yes No
 If Yes:
 i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District
 ii. Name: _____
 iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? Yes No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No
 If Yes:
 i. Describe possible resource(s): _____
 ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No
 If Yes:
 i. Identify resource: _____
 ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____
 iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No
 If Yes:
 i. Identify the name of the river and its designation: _____
 ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? Yes No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

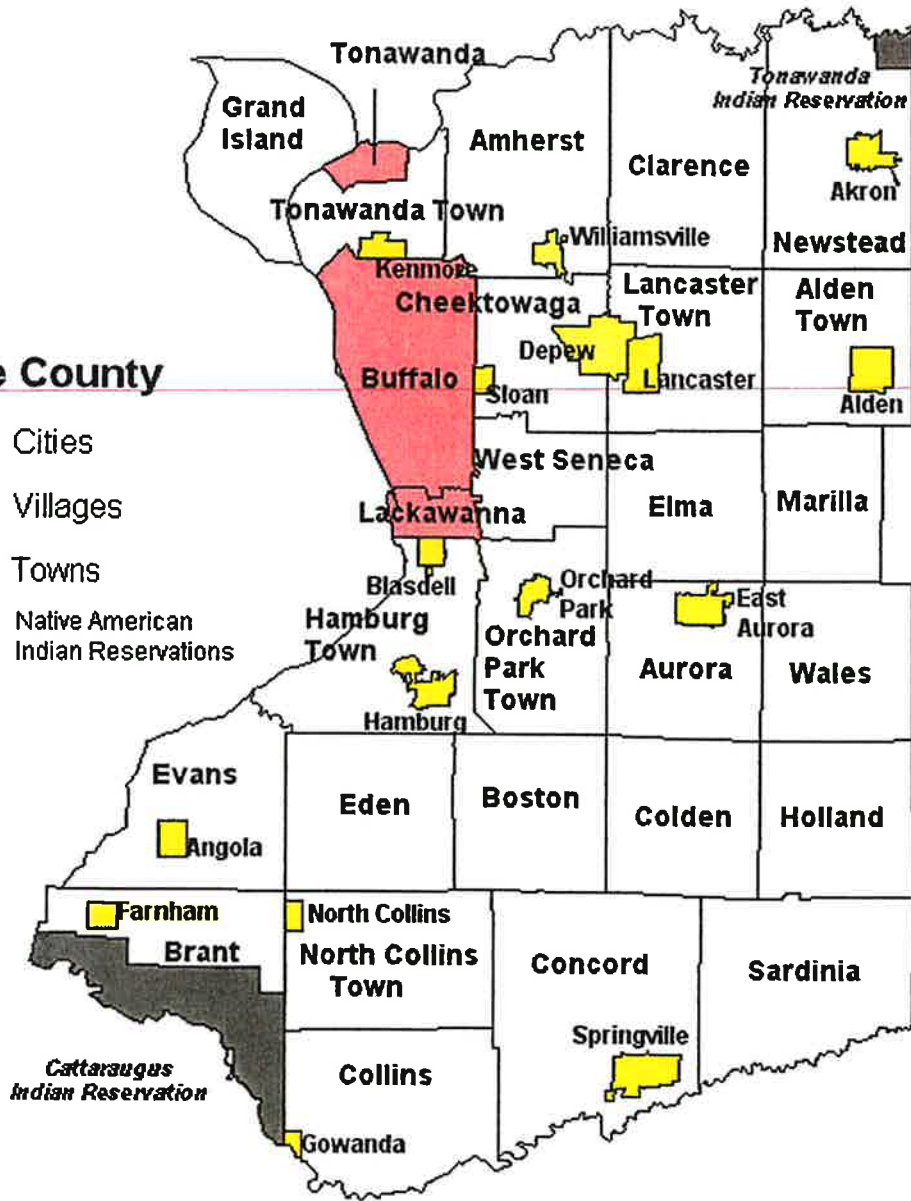
Applicant/Sponsor Name Marilla Town Board Date _____

Signature  Title 11/21/2023

PRINT FORM

Erie County

- Cities
- Villages
- Towns
- Native American Indian Reservations



Agricultural District in GREEN

ZONING

700 Attachment 7

Town of Marilla

Zoning District Map
[Amended 2-13-2014 by L.L. No. 1-2014]

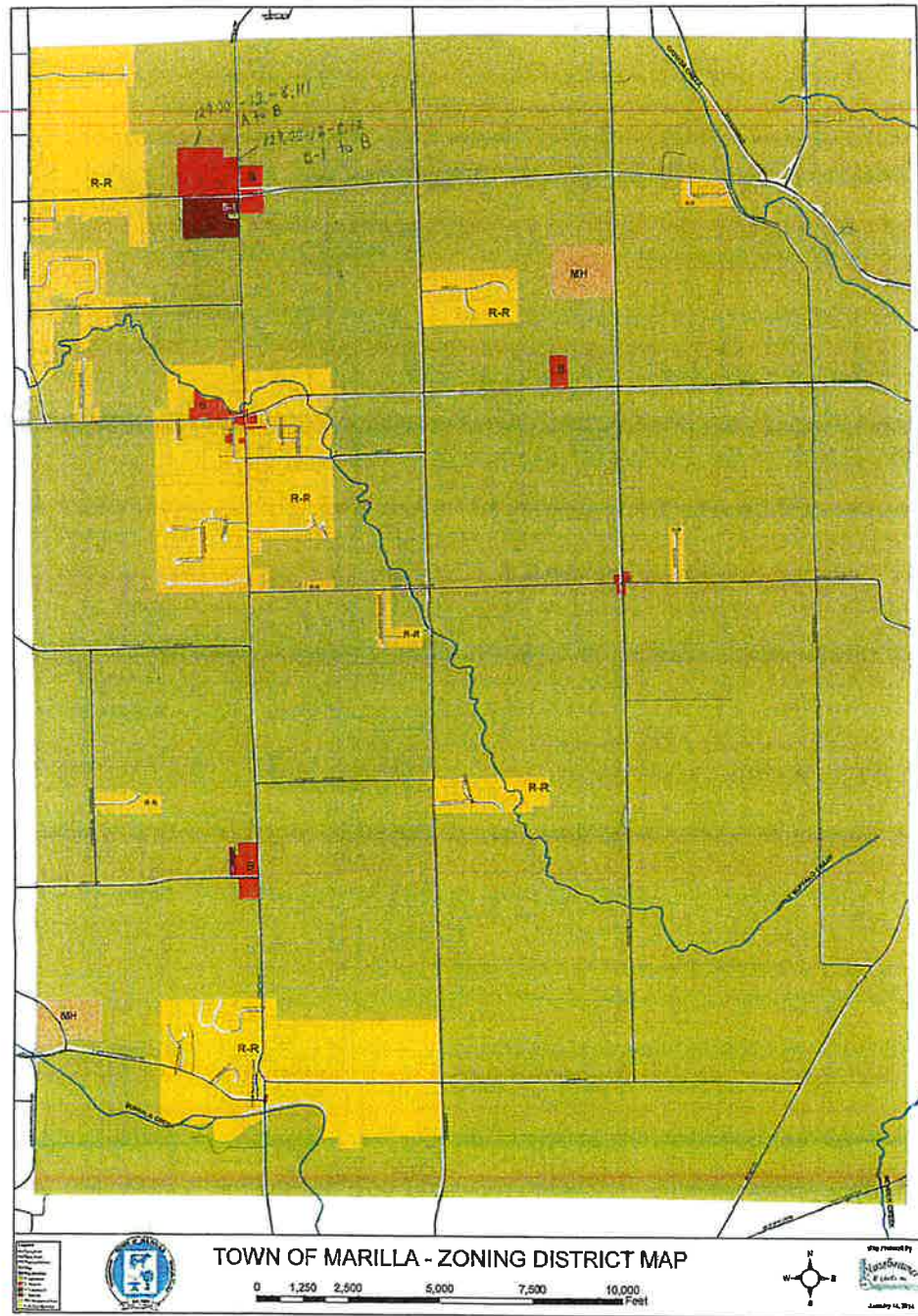


Exhibit A to FEAF

Question C.2 – Adopted Land Use Plans

(does the comprehensive plan include specific recommendations for the site where the proposed action would be located?)

The Town of Marilla Comprehensive Plan Update was enacted by Local Law No. 2-2018 repeatedly demonstrates its commitment to farming and agriculture as follows:

- This document is the Comprehensive Plan Update for the Town of Marilla. The Town prepared the original Comprehensive Plan in 1982, which was updated in 1998 when the Town Board requested that the Planning Board perform a substantial update of the original Plan to reflect the Town's current planning policies. Since that time, the Town has maintained its rural and agricultural character and current views and policies for future land use planning and management have necessitated this update of the Comprehensive Plan. (p. 1).
- The predominant land use in the Town is agriculture. Almost the entire area of the Town is included in Agricultural District No.5. Small and large farms contribute to the rural, agricultural character of the Town. Of the 17,622 acres in the Town, 11,057 acres (63%) are in parcels that are used in part for agricultural production. Farms in the Town include large commercial farms, as well as smaller part-time operations. These farms produce dairy products, raise cattle and other livestock, and grow field crops such as corn and soybeans. Two farms specialize in horse breeding and boarding. Most of the parcels with active farmland also include buildings, as well as forested land or hillsides that are not actively farmed.

Farms in and around the Town of Marilla generate revenue each year through the production and sales of farm products and support the regional economy through purchase of supplies and services. Opportunities relating to farming and agricultural production, agri-tourism, agricultural support businesses, and distribution and processing are key to the Town's long-term economic development.

In support of the importance of agriculture in Marilla, the Town Board adopted a "Right to Farm" local law in 1997. This Law states that reasonable agricultural practices are not to be considered public or private nuisances and appoints the Conservation Advisory Board to act as a grievance committee to address disputes that cannot be resolved by the parties alone and are not addressed by other Town laws or regulations.

Beginning in the late 1990s, recognizing the need to protect agricultural lands, the Town of Marilla began to identify parcels for potential permanent protection through voluntary conservation easements. Between 1999 and 2008, the Town established a Purchase of Agricultural Conservation Easements (PACE) program. This program was funded initially through New York State's Department of Agriculture and Market's Farmland Protection Implementation Grant Program, commonly known as Purchase of Development Rights. As of 2012, the Town had facilitated the acquisition of permanent conservation easements on 17 parcels and 743 acres of farmland. The Western New York Land Conservancy holds and monitors these conservation easements, which limit development on the protected parcel.

In 2013, the Town Board adopted the Town of Marilla Agricultural and Farmland Protection Plan. This plan provides a thorough understanding of agricultural and

farming practices in the Town and sets forth policies and provisions for the protection and continued operation of agricultural activities in the community.

(pp. 18-19).

- The Town has made a commitment to agricultural preservation and has zoning regulations in place to control population growth and housing development. (p. 26).
- Large areas of Marilla are recommended to remain rural or in agricultural use. Farmland land uses and rural areas contribute significantly to the economic well-being of a community, as well as an entire region. Agricultural and rural areas serve to maintain economic stability, are a desirable scenic element in the local environment, and help to maintain an ecological balance. It is important that high quality agricultural soils, which have been determined to be extremely valuable for agricultural protection, be protected and continued for farming use. Once land has been taken out of production and these soils are disturbed, the potential for reversion to agricultural use is very limited. (p. 28).
- Goals and Policy Objectives.

GOAL 1: Protect lands and resources critical to the long-term success and sustainability of agriculture to enhance and expand the agricultural economy of the Town.

Marilla has a long history of farming and agricultural use. Farming in the Town includes large farms that produce dairy, livestock and nursery products, as well as equine operations and vegetable farms. These farms contribute to the local and regional economy and the rural character of the Town. The following objectives support the protection of agricultural resources in the Town:

- Promote diverse agricultural production that supports the business of farming as part of a thriving regional food system, which is in harmony with the community at large.
- Encourage farm related business as a secondary interest and means of support for farmers.
- Protect the viability of the Town's agricultural economy, ensure sufficient areas of high quality farmland, and encourage the protection of prime farm soils and productive agricultural lands to support the agricultural industry.
- Promote organic farming and other methods as a viable form of sustainable agriculture.
- Foster agriculture through the adoption and administration of land use regulations and procedures.

- Permit commercial and industrial land uses in agricultural areas only where such uses would not be detrimental to, or replace, agricultural and farming operations.
- Limit residential development in agricultural areas and direct growth to areas not in conflict with existing agricultural operations in order to minimize potential disruption to farming operations.
- Support State and County programs that foster agricultural growth as part of the region's economic development.
- Encourage the State and County to renew and sustain the existing agricultural districts formed under the New York State Agricultural Districts Law.
- Limit the placement of utilities, services, and other land uses that would encourage or incentivize growth and development in areas of the Town zoned for agriculture.
- Promote the sale of local products by encouraging a farmer's market and farm stands, consumption and utilization of locally grown farm products.
- Promote support for local farms and farm practices and public education about the benefits of agriculture to the community.

(pp. 32-33).

- Ensure that farmers, farmland owners, farmland neighbors and residents have access to information about the contributions of agriculture locally, and to the regional economy.
- Marilla is a rural, farming community. (p. 43).
- This Comprehensive Plan Update recognizes the importance of farming in the Town and sets forth specific goals and recommendations for agricultural protection. (p. 43).
- Agriculture is a large industry in the Town, generating valuable tax revenue while requiring minimal public services, making it the most cost-effective land use. (p. 44).

Erie County Legislature
Meeting Date: 12/07/2023

SUBJECT

COMM. 23M-3	CLERK OF THE NEW STADIUM INCLUSION COMMUNITY TASK FORCE	New Stadium Inclusion Community Task Force Meeting Minutes
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Attachments

23COMM. 23M-3

**MEETING NO. 3
NOVEMBER 27, 2023**

**NEW STADIUM INCLUSION
COMMUNITY TASK FORCE**

**ERIE COUNTY LEGISLATURE
NEW STADIUM INCLUSION
COMMUNITY TASK FORCE
MEETING NO. 3
NOVEMBER 27, 2023**

EC LEG DEC 1 '23 PM 3:25

The Task Force was called to order by Chair Freeman

Present: Richard A. Cummings, Larry Stitts, Janique Curry, Tony Roman, Pat Freeman, Richard C. Cummings

Absent: Sydney Brown, Frank Daniel, Thomas Beauford

Invocation was led by Chair Freeman

Item 1- CHAIR FREEMAN moved for the approval of the minutes for Meeting Number 2 from 2023. MR. STITTS seconded.

CARRIED UNANIMOUSLY

Item 2- MS. CURRY moved for the approval of the Bylaws. MR. STITTS seconded.

CARRIED UNANIMOUSLY

Item 3- MS. CURRY moved for the amendment of the Press Release Request by correcting grammatical errors.

CARRIED UNANIMOUSLY

MS. CURRY moved for the approval of the amended Press Release Request. Seconded by MR. CUMMINGS JR.

CARRIED UNANIMOUSLY

Item 4- MR. ROMAN moved for the approval of the Letter to the Buffalo Bills.

In favor: (5) CHAIR FREEMAN, MR. CUMMINGS, MS. CURRY, MR. ROMAN, MR. CUMMINGS

Abstention: (1) MR. STITTS

MOTION CARRIES

Item 5- MS. CURRY moved for the approval of the letter to Empire State Development.

CARRIED UNANIMOUSLY

Item 6- MS. CURRY made a motion to draft a single letter to Empire State Development and cc Gilbane Turner and the Buffalo Bills.

CARRIED UNANIMOUSLY

Item 7- CHAIR FREEMAN made a motion to appoint MS. CURRY as Chair for the next meeting on December 11 of 2023.

PUBLIC COMMENTS

Public comments were given by Brenda Calhoun and Murray Holman.

ADJOURNMENT

MR. CUMMINGS JR. moved that the Task Force adjourn until Monday December 11, 2023 at 5:30PM. MR STITTS seconded.

CARRIED UNANIMOUSLY

CHAIR FREEMAN declared the Task Force adjourned until Monday December 11, 2023 at 5:30PM.

**SAMIR M. SPENCER
CLERK OF THE NEW STADIUM INCLUSION
COMMUNITY TASK FORCE**