



THE ERIE COUNTY LEGISLATURE

Session No. 24
DECEMBER 21, 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. Kooshoian

PLEDGE OF ALLEGIANCE: Mr. Greene

TABLED ITEMS

ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING

MINUTES OF PREVIOUS MEETING: [Meeting No. 22](#) & [Meeting No. 23](#)

PUBLIC HEARING

MISCELLANEOUS RESOLUTIONS:

VINAL	Honoring and Recognizing Sibiu Nair
VINAL	Honoring and Recognizing the Grand Opening of the Q Seafood and Hotpot
VINAL	Honoring and Congratulating Victoria Reynolds
KOOSHOIAN	Recognizing Riverside High School for Dedicating and Naming their Gymnasium after Bill "Ice" Russell "Legendary" High School Basketball Coach and Teacher
MILLS	Recognizing Justin Chernogorec as Citizen of the Month for His Efforts to Promote Drug-Free Communities
MILLS	Honoring Dr. Kelly Frothingham for Her Dedication to Erie County Soil and Water District
MALCZEWSKI	Recognizing Brian Nolan for 25 Years of Service to the Jamison Road Volunteer Fire Company
MALCZEWSKI	Recognizing Leanne Diehl for 25 Years of Service to the Jamison Road Volunteer Fire Company

LOCAL LAWS:

LL INTRO. 1-1 (2022)	TODARO, GREENE, LORIGO & MILLS	A Local Law Authorizing Twelve and Thirteen-Year-Old Licensed Hunters to Hunt Deer with a Firearm or Crossbow During Hunting Season with the Supervision of a Licensed Adult	Energy & Environment
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. 9-1 (2023)	BASKIN, MEYERS, JOHNSON, VINAL & GILMOUR	The Erie County Language Access Act	Health & Human Services

COMMITTEE REPORTS:

Report No. 15 Energy & Environment Committee

Report No. 14 Health & Human Services Committee

Report No. 17 Economic Development Committee

Report No. 17 Public Safety Committee

LEGISLATOR RESOLUTIONS:

INTRO. 24-1 MAJORITY CAUCUS Appointments to the Arts in Public Places Committee

COMMUNICATIONS DISCHARGED FROM COMMITTEE:

INTRO. 21-2 From the Energy & Environment Committee From Chair Baskin - Modification of Agricultural Districts

SUSPENSION OF THE RULES:

COMM. 24D-4 COUNTY ATTORNEY Opinion as to Form Local Law Intro No. 9-1 (2023)

COMMUNICATIONS FROM ELECTED OFFICIALS:

COMM. 24E-1	COMPTROLLER	EC Cultural Funding Grant Monitoring Program - American Legion Band of the Tonawandas	Finance & Management
COMM. 24E-2	COMPTROLLER	EC Cultural Funding Grant Monitoring Program - Brighton Place Library	Finance & Management
COMM. 24E-3	COMPTROLLER	EC Cultural Funding Grant Monitoring Program - Newstead Historical Society	Finance & Management
COMM. 24E-4	COUNTY EXECUTIVE	Appointment to Western Region OTB Board of Directors	Finance & Management
COMM. 24E-5	COMPTROLLER	EC Cultural Funding Grant Monitoring Program - Shakespeare in Delaware Park, Inc.	Finance & Management
COMM. 24E-6	COUNTY EXECUTIVE	2024 Erie County Budget, As Amended	Finance & Management
COMM. 24E-7	COUNTY CLERK	Resolution to Authorize Entry Into Lease with 4545 Transit LLC for Clarence Satellite Auto Bureau Office	Immediate Consideration Requested
<u>*****AMENDMENT TO COMM. 24E-7*****</u>			
COMM. 24E-8	COUNTY EXECUTIVE	Section 520 Exemption Charges for 2024	Immediate Consideration Requested
COMM. 24E-9	COUNTY EXECUTIVE	Levy and Apportionment of EC Real Property Tax for 2024	Immediate Consideration Requested
COMM. 24E-10	COUNTY EXECUTIVE	Downtown Pedestrian/Transit Mall Special District Adoption of Mall District Service Charge Roll for 2024	Immediate Consideration Requested
COMM. 24E-11	COUNTY EXECUTIVE	2024 Levy of Town and Special District Budgets	Immediate Consideration Requested
COMM. 24E-12	COUNTY EXECUTIVE	Authorization to Contract with MultiMed Ambulance Billing Specialists	Immediate Consideration Requested
COMM. 24E-13	COUNTY EXECUTIVE	Authorization to Accept NYS TB Testing Grant	Immediate Consideration Requested

COMM. 24E-14	COUNTY EXECUTIVE	Health Department Creation of Positions for 608 William	Immediate Consideration Requested
COMM. 24E-15	COUNTY EXECUTIVE	Buffalo & EC Botanical Gardens 2019 Expansion Plan Construction Management Agreement	Immediate Consideration Requested
COMM. 24E-16	COUNTY EXECUTIVE	Amendment of Contract - Rehabilitation & Drainage Improvements, Town of Amherst	Immediate Consideration Requested
COMM. 24E-17	COUNTY EXECUTIVE	Acquisition of Town of Hamburg Section 5310 Passenger Van	Immediate Consideration Requested
COMM. 24E-18	COUNTY EXECUTIVE	Exhale Family Caregiver Initiative Project Grant	Immediate Consideration Requested
COMM. 24E-19	COUNTY EXECUTIVE	Parks Transfer of Funds for Golf Cart Leasing	Immediate Consideration Requested
COMM. 24E-20	COUNTY EXECUTIVE	Southtowns Advanced Wastewater Treatment Facility Expansion Project - Grant Acceptance	Immediate Consideration Requested
COMM. 24E-21	COUNTY EXECUTIVE	Appointments to the Arts in Public Places Committee	Immediate Consideration Requested
COMM. 24E-22	COMPTROLLER	Overtime Compensation for Sheriff Exempt Managerial Confidential Employees	Finance & Management
COMM. 24E-23	COMPTROLLER	Batavia Downs Gaming Advertising and Marketing	Finance & Management
COMM. 24E-24	SHERIFF	Contract with US Marshals Service Prisoner Operations Division	Public Safety
COMM. 24E-25	COMPTROLLER	Audit of the EC Department of Law Grant & Claim Reimbursement for Indigent Legal Services	Finance & Management
COMM. 24E-26	BASKIN	2024 Schedule of Legislative Sessions	RFP
COMM. 24E-27	MINORITY CAUCUS	Letter from Republican Caucus to County Executive	Government Affairs

COMMUNICATIONS FROM THE DEPARTMENTS:

COMM. 24D-1	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County	Government Affairs
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COMM. 24D-2	DIRECTOR OF BUDGET & MANAGEMENT	December Capital Projects Update	Finance & Management
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COMM. 24D-3	DIRECTOR OF BUDGET & MANAGEMENT	Budget Monitoring Report for Period Ending October 2023	Finance & Management
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COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:

COMM. 24M-1	COLUMBIA LAW SCHOOL INTERNS	Transportation Equity Project Report	Economic Development
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COMM. 24M-2	COMMUNITY GROUPS	Proposed Contract with Foit-Albert Associates & DLR Group for Operational Needs Assessment	Public Safety
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COMM. 24M-3	CLERK OF TASK FORCE	New Stadium Community Inclusion Task Force - Meeting Minutes	M/WBE
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COMM. 24M-4	NYS DEC	Brownfield Cleanup Program Application - Public Notice	Energy & Environment
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COMM. 24M-5	HOMELESS ALLIANCE OF WNY	Public Comment Supporting Language Access Bill	Health & Human Services
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COMM. 24M-6	NEW YORK IMMIGRATION COALITION	Testimony from the New York Immigration Coalition on LL Intro. 9-1 (2023)	Health & Human Services
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COMM. 24M-7	TOWN OF MARILLA	Notice of Public Hearing - Town of Marilla Zoning Code	Government Affairs
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COMM. 24M-8	NFTA	Reply to Rate Your Ride Report	Economic Development
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ANNOUNCEMENTS:

MEMORIAL RESOLUTIONS:

ADJOURNMENT:

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

VINAL

Honoring and Recognizing Sibü Nair

Attachments

Sibu Nair

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, DECEMBER 8, 2023

EC LEG DEC 8 '23 AM 11:18

Honoring and Recognizing Sibiu Nair

WHEREAS, *Sibiu Nair* has diligently and went above and beyond to serve our residents throughout Erie County, in particular, the Town of Amherst; and

WHEREAS, Sibiu Nair grew up in a village called Sooranad in Kollam District of Kerala; and

WHEREAS, Sibiu has been a leading activist in the local Indian American community who serves as New York's deputy director for Asian American Affairs has gone above and beyond to create opportunities and provide new experiences for citizens of Erie County; and

WHEREAS, he was the past president of India Association of Buffalo; and

WHEREAS, during his time as president of IAB, Sibiu was able to secure the first cricket ground in Erie County for the community; and

WHEREAS, Sibiu has done a lot with establishing the cricket league in having one at Delaware Park and another one in Williamsville and advocating to have cricket become one of the sports for which you receive scholarships in New York State; and

WHEREAS, through his devoted and dedicated work under CHAI as the founder and current Executive Director, this organization has been doing a lot of charity work, built and inaugurated a Mahatma Gandhi bust in Buffalo, and promote and nurture Indian heritage arts and culture in Western New York; and

WHEREAS, he served as the Vice President of Hindu Cultural Society of Western New York in 2018; and

WHEREAS, Sibu is a visionary who understands the importance of preserving the heritage and rich culture from India; and

WHEREAS, in addition to his commitment towards promoting India in the US, Sibu is actively involved in the American politics; and

WHEREAS, throughout his hard work and dedication to serve our community, Sibu remains a loving husband to his wife Meghana, a scientist at Roswell Park Cancer Institute and throughout their union in marriage, they have two kids –Tanush and Sharanya; and

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

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body recognizes *Sibu Nair* for his robust and consistent community effort to highlight Indian culture and bridge the divide between American and Indian society through education and celebration of diversity.

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

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

VINAL

Honoring and Recognizing the Grand Opening of the Q
Seafood and Hotpot

Attachments

Q Seafood and Hotpot

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

EC LEG DEC 18 '23 PM 12:48

*Honoring and Recognizing the Grand Opening of
The Q Seafood and Hotpot*

WHEREAS, *The Q Seafood and Hotpot* is located at 3300 Sheridan Drive in Amherst, New York; and

WHEREAS, The Q Seafood and Hotpot, the newest dining destination in the Town of Amherst, will be led by a team of four owners; Delong, JZ, Leo and XueChun; and

WHEREAS, their unique concept seamlessly delivers an authentic, bold, and savory world of seafood boils with the comforting warmth of hotpot, allowing you to tailor your dining experience to your heart's content; and

WHEREAS, their unwavering commitment to excellence drives to meticulously choose ingredients of the utmost quality, ensuring that the menu consistently meets the highest standards; and

WHEREAS, Delong, JZ, Leo and XueChun have been working to take advantage of every available opportunity for the purpose of continually advancing their business to the next level to build a solid reputation for The Q Seafood and Hotpot.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize and extend our congratulations and best wishes to Delong, JZ, Leo and XueChun, as they host the official grand opening of The Q Seafood and Hotpot in Amherst today, December 17, 2023; and be it further

RESOLVED, that this Honorable Body extends our appreciation to The Q Seafood and Hotpot for the tremendous contributions and the impact they will provide in the Town of Amherst as they build their clientele throughout Erie County for many years to come.

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

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

VINAL

Honoring and Congratulating Victoria Reynolds

Attachments

Victoria Reynolds

EC LEG DEC 18 '23 PM 12:48

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

Honoring and Congratulating Victoria Reynolds
Named the Small Business Administration's Buffalo District Director

WHEREAS, Victoria Reynolds has been named the Small Business Administration's Buffalo district director, effective immediately; and

WHEREAS, her appointment as district director has placed an experienced and exceptional leader to move SBA's vision and mission forward as this area takes on higher responsibilities to support its expected growth; and

WHEREAS, Reynolds has served SBA's Buffalo district for over 30 years in a variety of capacities from loan processing and servicing to Rochester branch manager and, for the past 16 years, as deputy district director in Buffalo; and

WHEREAS, her years as deputy district director have provided her with the experience needed to further reach out to the historically underserved communities in her district, as well as create additional educational and supportive programs for current and prospective small businesses in Buffalo; and

WHEREAS, Reynolds received the 2014 Administrator's Award for her outstanding service in accomplishing her agency's goals and mission; and

WHEREAS, it is with great admiration that this Honorable Body acknowledges and thanks *Victoria Reynolds* for her leadership, dedication to serve our small businesses and veteran residents, and their commitment to the community through their work and selfless efforts to help those in need.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby honor *Victoria Reynolds* for her exceptional dedication, tireless work ethic and her well-deserved praise as the new district director.

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

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

KOOSHOIAN

Recognizing Riverside High School for Dedicating and
Naming their Gymnasium after Bill "Ice" Russell "Legendary"
High School Basketball Coach and Teacher

Attachments

Riverside High School

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY

BUFFALO, NY, DECEMBER 15, 2023

EC LEG DEC 18 '23 PM 12:48

*Recognizing Riverside High School for
Dedicating and Naming their Gymnasium after Bill “Ice” Russell
“Legendary” High School Basketball Coach and Teacher*

WHEREAS, *Bill “Ice” Russell*, a current Western New York resident and father figure to many, became a very accomplished basketball coach at Riverside High School; and

WHEREAS, Coach Russell was given the nickname “Ice” by his players who said he was “cooler than the other side of the pillow,”; and

WHEREAS, starting as a girls track and basketball coach, he became the boys’ basketball head coach during the final 14 years of his time at Riverside; and

WHEREAS, additionally, Coach Russell was a football aide for 10 years; and

WHEREAS, at Riverside, Russell coached many star players, including former NBA All-Star, the late Cliff Robinson; and

WHEREAS, without question Bill Russell personifies what a great coach is not only on the field, but off the field where he has and will continue to mentor students and what many of his former student- athletes, especially the student-athlete alumni from Riverside who looked up to him as a “father figure”; and

WHEREAS, although he will remain retired from coaching and teaching in Buffalo Public Schools, Coach Russell plans to maintain his presence in high school athletics and will continue to mentor our youth; and

WHEREAS, this Honorable Body desires to acknowledge and recognize individuals such as **Bill “Ice” Russell** who best represent change by way of action and devoting his time and his incredible commitment to this city's culture, paired with his outstanding activism for education and strengthening opportunities for our young men on and off the court, deserves to be fully celebrated.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby applauds and recognizes **Bill “Ice” Russell** on his incomparable accomplishments and decades of profound service throughout the City of Buffalo; and be it further

RESOLVED, that the Erie County Legislature acknowledges and praises **Bill “Ice” Russell** on an amazing career on his contributions in our community and proudly recognize December 5, 2023, as the official naming of the Bill “Ice” Russell, located inside of the Riverside High School Gymnasium.

Hon. Michael Kooshoian
Erie County Legislator, 3rd District

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

MILLS

Recognizing Justin Chernogorec as Citizen of the Month for
His Efforts to Promote Drug-Free Communities

Attachments

Justin Chernogorec

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., DECEMBER 21, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 21st day of December 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Recognizing Justin Chernogorec as Citizen of the Month
For His Efforts to Promote Drug-Free Communities**

WHEREAS, Justin Chernogorec has dedicated over sixteen years of selfless service to the mission of promoting drug-free communities in Western New York; and

WHEREAS, Justin Chernogorec joined the United States Army in 2002 and transitioned to the Army National Guard in 2004, where he has played a pivotal role in the New York National Guard Counterdrug Task Force; and

WHEREAS, through his role as a Drug Demand Reduction Civil Operations Specialist, **Justin Chernogorec** actively supports schools, communities, and coalitions across WNY in their efforts to provide substance abuse prevention; and

WHEREAS, Justin Chernogorec actively reduces youth substance abuse through innovative initiatives like the “Take It to The Box” campaign, providing accessible and responsible prescription drug disposal, utilizing a comprehensive map link to drug drop-off locations throughout the community; and

WHEREAS, Justin Chernogorec has been actively involved with various coalitions, including the Springville Regional Coalition, Alden Substance Abuse Prevention Coalition, and Kids Escaping Drugs Free Coalition serving West Seneca and Orchard Park, and established himself as a leader in addressing substance abuse issues and prevention and fostering collaboration among diverse community sectors throughout Erie County; and

WHEREAS, Justin Chernogorec stands as a testament to diligence and dedication, always the first to arrive and the last to leave at every event. His quiet yet steadfast work ethic has earned a special place in our hearts, cherished for his kindness, generosity, and unparalleled commitment.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to recognize the exceptional contributions of Sergeant First Class **Justin Chernogorec** for his unwavering commitment to creating drug-free communities in Erie County; and

BE IT FURTHER RESOLVED, that this honorable body, declare **Justin Chernogorec** the Erie County Legislature “**Citizen of the Month**” for the 11th Legislative District and proclaim December 21, 2023 as “**Justin Chernogorec Day**” in Erie County.

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

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

MILLS

Honoring Dr. Kelly Frothingham for Her Dedication to Erie
County Soil and Water District

Attachments

Dr. Kelly Frothingham

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

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

**Honoring Dr. Kelly Frothingham for Her Dedication to
Erie County Soil and Water Conservation District**

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

WHEREAS, since May 2012, **Dr. Kelly Frothingham** has served as a dedicated member of the Board of Directors for the Erie County Soil and Water Conservation District, generously contributing her valuable expertise in the conservation and environmental management of watersheds and streams to benefit both the District and the constituents of Erie County; and

WHEREAS, **Dr. Kelly Frothingham** currently holds the position of Interim Dean of the School of Arts and Sciences at SUNY Buffalo State University, having previously served as Associate Dean, Professor, and Chair of the Geography and Planning Department; and

WHEREAS, throughout her career, **Dr. Kelly Frothingham** has supported countless students in their scholastic endeavors and has helped nurture within them a desire for academic excellence; and

WHEREAS, **Dr. Kelly Frothingham** has earned the admiration and respect of her colleagues at SUNY Buffalo State University and Erie County Soil and Water Board of Directors for her dedication, professionalism, kindness, loyalty, hard work; and

WHEREAS, **Dr. Kelly Frothingham** will always be remembered as a distinguished leader, leaving an indelible mark on the Erie County Soil and Water Conservation District, and she will be greatly missed.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to proclaim Tuesday, December 19, 2023, as “**Dr. Kelly Frothingham Day**” in appreciation of her dedicated service and significant contributions to the Erie County Soil and Water Conservation District and her community.

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

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

MALCZEWSKI

Recognizing Brian Nolan for 25 Years of Service to the
Jamison Road Volunteer Fire Company

Attachments

Brian Nolan

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., DECEMBER 21, 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 21st day of December 2023 A.D., a resolution was adopted, of which the following is a true copy:

**Honoring Brian Nolan for 25 Years of Service
to the Jamison Road Volunteer Fire Company**

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

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

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

WHEREAS, the Jamison Road Volunteer Fire Company was incorporated in 1941 to serve residents in a rapidly growing area of southeastern Elma, bordering the Towns of Marilla and Aurora, known as East Elma; and

WHEREAS, since its creation, the members of the Jamison Road Volunteer Fire Company have served the Town of Elma with honor and distinction; and

WHEREAS, since joining as an Explorer on July 5, 1999, **Brian Nolan** has been an enthusiastic and engaged member of the Jamison Road Volunteer Fire Company, becoming a Junior Firefighter in 2001, completing the Firefighter course in 2002, and becoming an Active Member in 2003; and

WHEREAS, throughout his twenty-five years of service, **Brian Nolan** has served as Captain of Engine 6, Assistant Chief for twelve years, Chief for six years, has finished several classes to enhance himself and the company on many levels, and currently serves on the Company's Board of Directors.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor **Brian Nolan** for his twenty-five years of service and dedication to the Jamison Road Volunteer Fire Company.

HON. JAMES MALCZEWSKI
Erie County Legislator, District 10

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

MALCZEWSKI

Recognizing Leanne Diehl for 25 Years of Service to the
Jamison Road Volunteer Fire Company

Attachments

Leanne Diehl

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., DECEMBER 21, 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 21st day of December 2023 A.D., a resolution was adopted, of which the following is a true copy:

**Honoring Leanne Diehl for 25 Years of Service
to the Jamison Road Volunteer Fire Company**

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

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

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

WHEREAS, the Jamison Road Volunteer Fire Company was incorporated in 1941 to serve residents in a rapidly growing area of southeastern Elma, bordering the Towns of Marilla and Aurora, known as East Elma; and

WHEREAS, since its creation, the members of the Jamison Road Volunteer Fire Company have served the Town of Elma with honor and distinction; and

WHEREAS, since joining on January 4, 2000, **Leanne Diehl** has been an active and engaged member of the Jamison Road Volunteer Fire Company, completing her Firefighter course in 2000, and serving in several leadership roles, including ALS Coordinator, Fire Captain, and Line Secretary; and

WHEREAS, in addition to the roles mentioned above, **Leanne Diehl** has remained committed to the company and self-improvement, completing several classes to enhance herself as a firefighter and the Jamison Road Volunteer Fire Company as a whole.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor **Leanne Diehl** for her twenty-five years of service and dedication to the Jamison Road Volunteer Fire Company.

HON. JAMES MALCZEWSKI
Erie County Legislator, District 10

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

MALCZEWSKI

Recognizing Warren Achman for 15 Years of Service to the
Jamison Road Volunteer Fire Company

Attachments

Warren Achman

EC LEG DEC 19 '23 AM 9:10

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., DECEMBER 21, 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 21st day of December 2023 A.D., a resolution was adopted, of which the following is a true copy:

Recognizing Warren Achman for 15 Years of Service to the Jamison Road Volunteer Fire Company

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

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

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

WHEREAS, the Jamison Road Volunteer Fire Company was incorporated in 1941 to serve residents in a rapidly growing area of southeastern Elma, bordering the Towns of Marilla and Aurora, known as East Elma; and

WHEREAS, since its creation, the members of the Jamison Road Volunteer Fire Company have served the Town of Elma with honor and distinction; and

WHEREAS, since joining on January 8, 2009, **Warren Achman** has been an active and engaged member of the Jamison Road Volunteer Fire Company, completing his Firefighter course and incident command training in 2009, serving as a past Secretary (2012), Trustee (2013), and Captain of Engines 2 and 6; and;

WHEREAS, in recognition of his ongoing service and outstanding leadership, **Warren Achman** was reappointed as Treasurer, a position he has had for the past eight years, and re-elected 3rd Assistant Chief for 2024.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to recognize **Warren Achman** for his fifteen years of service and dedication to the Jamison Road Volunteer Fire Company.

HON. JAMES MALCZEWSKI
Erie County Legislator, District 10

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

MALCZEWSKI

Recognizing Benjamin Gilbert for 5 Years of Service to the
Jamison Road Volunteer Fire Company

Attachments

Benjamin Gilbert

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., DECEMBER 21, 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 21st day of December 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Recognizing Benjamin Gilbert for 5 Years of Service
to the Jamison Road Volunteer Fire Company**

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

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

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

WHEREAS, the Jamison Road Volunteer Fire Company was incorporated in 1941 to serve residents in a rapidly growing area of southeastern Elma, bordering the Towns of Marilla and Aurora, known as East Elma; and

WHEREAS, since its creation, the members of the Jamison Road Volunteer Fire Company have served the Town of Elma with honor and distinction; and

WHEREAS, since joining on November 14, 2018, **Benjamin Gilbert** has been an active and engaged member of the Jamison Road Volunteer Fire Company, completing his Apparatus Operator – Pump Ops training in 2020, serving as financial secretary and communications from 2022 through 2023; and

WHEREAS, in recognition of his outstanding service to the company, **Benjamin Gilbert** was elected vice-president for the year 2024.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to recognize **Benjamin Gilbert** for his five years of service and dedication to the Jamison Road Volunteer Fire Company.

HON. JAMES MALCZEWSKI
Erie County Legislator, District 10

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

MALCZEWSKI

Recognizing Zach Di Joseph for 5 Years of Service to the
Jamison Road Volunteer Fire Company

Attachments

Zach Di Joseph

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., DECEMBER 21, 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 21st day of December 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Recognizing Zach Di Joseph for 5 Years of Service
to the Jamison Road Volunteer Fire Company**

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

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

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

WHEREAS, the Jamison Road Volunteer Fire Company was incorporated in 1941 to serve residents in a rapidly growing area of southeastern Elma, bordering the Towns of Marilla and Aurora, known as East Elma; and

WHEREAS, since its creation, the members of the Jamison Road Volunteer Fire Company have served the Town of Elma with honor and distinction; and

WHEREAS, since joining as a Junior Firefighter on March 1, 2018, **Zach Di Joseph** has been an active and engaged member of the Jamison Road Volunteer Fire Company, completing his Firefighter course in 2019, serving as a Trustee in 2023 and 2024, as well as finishing several classes to enhance himself and the company on many levels; and

WHEREAS, in recognition of his outstanding service to the company, **Zach Di Joseph** was elected Captain of Engine 7 and a member of the Board of Directors for 2024.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to recognize **Zach Di Joseph** for his five years of service and dedication to the Jamison Road Volunteer Fire Company.

HON. JAMES MALCZEWSKI
Erie County Legislator, District 10

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

MALCZEWSKI

Honoring Henry Szymula, Jr. for 50 Years of Service to the
Elma Fire Company

Attachments

Henry Szymula, Jr.

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., DECEMBER 21, 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 21st day of December 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring Henry Szymula, Jr.
For 50 Years of Service to the Elma Fire Company

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

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

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

WHEREAS, there is perhaps no better example of what firefighters represent and the dedicated men and women who serve in these essential roles than **Henry Szymula, Jr.**; and

WHEREAS, since joining the Elma Fire Company, Inc. in 1973, **Henry Szymula, Jr.** has been a dedicated and passionate member of the fire service community in Elma, New York; and

WHEREAS, during his 50 years of service, **Henry Szymula, Jr.** has served in several important roles, including Lieutenant, Vigilance Committee, President, Trustee, EMS Captain, Sergeant-at-Arms, Vice-President, Financial Secretary, and Treasurer; and

WHEREAS, **Henry Szymula, Jr.** has been a critical part of the success of the Elma Fire Company over the last 50 years and continues to be a mainstay in the company's day-to-day operations.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor **Henry Szymula, Jr.** for his 50 years of service and dedication to the Elma Fire Company.

HON. JAMES MALCZEWSKI
Erie County Legislator, District 10

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

MALCZEWSKI

Honoring James J. Bach on His Retirement as Supervisor of
the Town of Aurora

Attachments

James J. Bach

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., DECEMBER 21, 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 21st day of December 2023 A.D., a resolution was adopted, of which the following is a true copy:

**Honoring James J. Bach on His Retirement
As Supervisor of the Town of Aurora**

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

WHEREAS, **James J. Bach** has enjoyed a long and distinguished reputation for public service to the Town of Aurora community; and

WHEREAS, **James J. Bach** began his career in public service when appointed as Town Councilman in 2009 and was elected to a second term in 2011; and

WHEREAS, **James J. Bach** was elected Aurora Town Supervisor in 2013 and has remained in that role, being re-elected every four years due to his strong leadership and faithful oversight of programs that consistently strengthened and improved the quality of life for town residents; and

WHEREAS, **James J. Bach** has been a Kiwanis Club member since 1991, serving in leadership roles that eventually led him to become club president in 2002 and 2003; and

WHEREAS, **James J. Bach** has a history of serving his community in various roles, including the East Aurora Cemetery Committee, the Greater East Aurora Chamber of Commerce, and the Aktion Club of East Aurora, which serves adult residents with developmental disabilities.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **James J. Bach** on his retirement from public service after fifteen years of commitment and dedication to the Town of Aurora and its residents.

JAMES MALCZEWSKI
Erie County Legislator, 10th District

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

TODARO

Honoring Ronald Ruffino, Sr. for 22 Years of Public Service
to the Town of Lancaster

Attachments

Ronald Ruffino, Sr.

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., DECEMBER 21, 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 21st day of December 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring Ronald Ruffino, Sr.
For 22 Years of Public Service to the Town of Lancaster

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

WHEREAS, Ronald Ruffino, Sr. moved to the Town of Lancaster in 1993 and raised three children with his wife Sarah; and

WHEREAS, Ronald Ruffino, Sr. was first elected to the Lancaster Town Council in 2001 and served five terms until 2019, when he was elected to the office of Town Supervisor; and

WHEREAS, during his long tenure as an elected official, **Ronald Ruffino, Sr.** was involved with several signature projects in the town, including the creation of the Heritage Hike & Bike Trail, the construction of three iconic clocks in the Villages of Lancaster, Depew, and Westwood Park, the raising of community banners, and many initiatives that have saved taxpayer money and improved the community's infrastructure; and

WHEREAS, Ronald Ruffino, Sr. has volunteered many hours to youth services and youth sports coaching and was recognized by the Lancaster Youth Bureau in 2018 as an Adult Youth Bureau Hall of Fame Award recipient; and

WHEREAS, over two decades, several awards, and many accomplishments in government, **Ronald Ruffino, Sr.** is retiring from public service, leaving an indelible legacy that has improved the quality of life for Lancaster's residents for generations to come.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor **Ronald Ruffino, Sr.,** for his decades of service to our community and congratulate him on retirement.

FRANK J. TODARO

Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

GREENE

Honoring Bunkers in Baghdad for 15 Years of Service to Our
Soldiers Abroad and Veterans

Attachments

Bunkers in Baghdad

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., DECEMBER 21, 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 21st day of December 2023 A.D., a resolution was adopted, of which the following is a true copy:

Honoring Bunkers in Baghdad for 15 Years of Service to Our Soldiers Abroad and Veterans

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

WHEREAS, **Bunkers in Baghdad** is a locally based not-for-profit organization that collects new and used golf balls and equipment and ships them to soldiers stationed overseas; and

WHEREAS, Joe Hanna, founder and President, started **Bunkers in Baghdad** after seeing a news story and reading a magazine article about a makeshift driving range at Camp Victory in Iraq and how golf had become a favorite sport and brought stress relief for soldiers; and

WHEREAS, since sending its first shipment of golf balls to Iraq in November of 2008 with the hope of them reaching soldiers in time for the holidays, **Bunkers in Baghdad** has delivered over fourteen million golf balls and one million golf clubs to soldiers in seventy-six counties around the world and to all fifty states; and

WHEREAS, **Bunkers in Baghdad** operates one hundred percent on donations and relies on community partnerships, including school districts, many national corporations, and golfers on both the PGA and LPGA tours, to continue to grow and support our troops; and

WHEREAS, recognizing the positive impact that the game of golf has had on soldiers abroad, many medical centers have set up golf-centered therapy programs for families, which **Bunkers in Baghdad** also supports through its efforts.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor **Bunkers in Baghdad** for fifteen years of service to soldiers stationed overseas and wish them many more years of continued success.

HON. CHRISTOPHER GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

GREENE

Celebrating Clarence Center Elementary School for 85 Years
Serving the Community

Attachments

Clarence Center Elementary School

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., DECEMBER 21, 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 21st day of December 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Celebrating Clarence Center Elementary School
for 85 Years Serving the Community**

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

WHEREAS, whether it is educating and shaping our youth or instilling a sense of pride that shapes the character of our communities, there is no more influential and impactful institution than a local school district; and

WHEREAS, Clarence Center Elementary School's original school building was opened in 1938 as a school for children in kindergarten through sixth grade; and

WHEREAS, since its opening, Clarence Center Elementary School has had several expansions and remodels to accommodate the modern learning experience and increase student enrollment; and

WHEREAS, despite the everchanging world of childhood education and the growth of the community, Clarence Center Elementary School has continued to be a special place for the students, teachers, and staff that have had the opportunity to pass through its doors; and

WHEREAS, today, Clarence Center Elementary School's sixth and current Principal, Heidie Buffomante, looks to "continue making the school's traditions reflective of the kind of positive characteristics found among its students and which have become part of their school spirit: kindness, responsibility, and respect."

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to celebrate Clarence Center Elementary School for its 85 years of service to our community and thank the teachers and staff for all they do in educating and shaping the youth in our community.

HON. CHRISTOPHER GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

TODARO

Recognizing Supervisor Brett Sitzman for His Public Service
to the Town of Alden

Attachments

Supervisor Brett Sitzman

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., DECEMBER 21, 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 21st day of December 2023 A.D., a resolution was adopted, of which the following is a true copy:

Recognizing Supervisor Brett Sitzman for his Public Service to the Town of Alden

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

WHEREAS, **Brett Sitzman** is a lifelong resident of the Town of Alden, where he raised his two children with his high school sweetheart Dawn and, earlier this year, celebrated forty-two years of marriage; and

WHEREAS, **Brett Sitzman** is the owner of Sitzman Supply, LLC, a regional industrial manufacturing equipment supplier that serves food, dairy, beverage, and pharmaceutical manufacturers across the Northeastern United States; and

WHEREAS, **Brett Sitzman** has served his community for over four decades with the Alden Hook and Ladder Company, filling many different roles, including President, Treasurer, Chief, and Chaplain; and

WHEREAS, in 2021, **Brett Sitzman** decided to take his business and leadership experience and apply it to local government service when he successfully ran for Alden Town Supervisor; and

WHEREAS, during his term, **Brett Sitzman** was able to protect taxpayers by never exceeding the New York State tax cap, played a critical role in giving Alden Meals on Wheels a long-term home in Alden Town Hall, and was an ardent supporter of our local first responders, especially our volunteer firefighters.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor **Brett Sitzman** for his service to our community and the Town of Alden.

FRANK J. TODARO
Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

TODARO

Honoring Diane Benczkowski for a Lifetime of Public Service

Attachments

Diane Benczkowski

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., DECEMBER 21, 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 21st day of December 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring Diane Benczkowski for a Lifetime of Public Service

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

WHEREAS, **Diane Benczkowski** has lived in the Town of Cheektowaga for her entire life, where she raised three daughters with her husband Kenneth of forty years; and

WHEREAS, **Diane Benczkowski** has been a public servant for over two decades, beginning as a member of the Depew School District Board of Education member in 2001 until 2013, when she was elected to serve on the Cheektowaga Town Council and was elected Town Supervisor in 2015, where she has served for the last eight years; and

WHEREAS, as an elected official, **Diane Benczkowski's** accomplishments are innumerable, including bringing in record levels of funding for various projects and initiatives across the town, making government more efficient while maintaining tremendous services, completing countless infrastructure projects, greatly expanding economic and business development, and much more; and

WHEREAS, **Diane Benczkowski** is a strong community advocate, especially for those less fortunate, through serving on the Board of Directors of the Tri-Community Food Pantry, of which she is a founding member, developing affordable housing, bringing the first inclusive playground in Erie County to Stiglmeier Park, and becoming a champion of suicide prevention and mental health awareness; and

WHEREAS, after over two decades, countless awards, and many governmental accomplishments, **Diane Benczkowski** is retiring and leaving a lasting legacy of public service that has improved the quality of life for thousands of residents in the Town of Cheektowaga.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor **Diane Benczkowski** for her decades of service to our community and congratulate her on retirement.

FRANK J. TODARO

Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

GREENE

Recognizing the Rotary Club of Clarence for Its Contributions
to Rotary International and Service to the Community

Attachments

Rotary Club of Clarence

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., DECEMBER 21, 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 21st day of December 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Recognizing the Rotary Club of Clarence for its Contributions
to Rotary International and Service to the Community**

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, Rotary was founded by Paul Harris in Chicago, Illinois, in 1905 to bring together professionals with diverse backgrounds to exchange ideas, form meaningful, lifelong friendships, and give back to their communities; and

WHEREAS, since its founding, Rotary quickly grew into an international organization, with clubs on six continents only 16 years after its founding; and

WHEREAS, Rotary International now encompasses 1.2 million members to form an organization of international scope; and

WHEREAS, the **Rotary Club of Clarence** seeks to exemplify Rotary's highest ideal, "Service Above Self," through its support of charitable and educational projects; and

WHEREAS, as a result of their commitment to the community they serve and Rotary's founding principles, the **Rotary Club of Clarence** has been recognized as an "Every Rotarian, Every Year" club and as a "100% Foundation Giving" club; and

WHEREAS, these honors are in recognition of the **Rotary Club of Clarence's** generosity and financial support, which funds local and international grants to advance the Rotary International Foundation's mission, which is to promote world understanding, goodwill, and peace by improving health, providing quality education, improving the environment, and alleviating poverty.

BE IT FURTHER RESOLVED, the Erie County Legislature pauses in its deliberations to recognize the **Rotary Club of Clarence** for being recognized as an "Every Rotarian, Every Year" club and as a "100% Foundation Giving" club and thank it for its ongoing commitment to serving the community.

HON. CHRISTOPHER GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

BASKIN

Honoring and Recognizing Ja'Meer Thomas Dick Gallagher -
Buffalo News Players of the Year

Attachments

Jaâ€™Meer Thomas

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY

BUFFALO, NY, DECEMBER 14, 2023

*Honoring and Recognizing Ja'Meer Thomas
Dich Gallagher Buffalo News Players of the Year*

WHEREAS, since 2015, a Buffalo Public Schools student-athlete has been named player of the year five times; and

WHEREAS, *Ja'Meer Thomas* worked hard and transformed himself into a talented athlete and excelled on the football field at Bennett High School; and

WHEREAS, Thomas' high school career ended at Bennett, but it began at Health Sciences; and

WHEREAS, Thomas, a three-star recruit and Syracuse University commit, is also the Connolly Cup winner and is the third BPS athlete to win the award, joining Brown (2015) and McDuffie (2016); and

WHEREAS, since 2010, Thomas is the eighth player to win All-WNY Player of the Year and Connolly Cup in the same year; and

WHEREAS, at 5-foot-10 and 165 pounds, Thomas played receiver and running back, and returned kickoffs and punts; and

WHEREAS, in the Section VI Class AA quarterfinals against Orchard Park, Thomas had 12 carries for 250 yards and two touchdowns and against Lancaster in the final, he ran 13 times for 103 yards and a touchdown; and

WHEREAS, in Thomas' final career game in the Far West Regional versus McQuaid Jesuit, he had six carries for 42 yards and two receptions for 92 yards and a touchdown; and

WHEREAS, his coaches and teammates best characterize Ja'Meer's personality as a down-to-earth guy who loves to laugh and always brings so much energy and fun to the game; and

WHEREAS, throughout this recent pandemic and attempting to fulfill his dreams, Ja'Meer continued to show dedication and display their character through good sportsmanship, exceptional athletic ability and it is the desire of this Honorable Body to recognize dynamic young people such as Ja'Meer Thomas for his latest accomplishment on being named the Dick Gallagher Buffalo News Players of the Year

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature congratulates *Ja'Meer Thomas* on a career worth recognizing, for his above and beyond efforts and commends him on his dedication and best wishes on his football career at Syracuse University.

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

Olivia M. Owens
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

KOOSHOIAN

Honoring and Recognizing Austin Zimmerman

Attachments

Austin Zimmerman

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, DECEMBER 18, 2023

EC LEG DEC 19 '23 AM 10:01

Honoring and Recognizing Austin Zimmerman

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

WHEREAS, St. Joseph's senior Austin Zimmerman, a three-time All-Catholic and three-time state Catholic wrestling champion, has added another accomplishment to his list; and

WHEREAS, Zimmerman earned the 100th victory of his career with a first-period pin against South Fayette, Pennsylvania., as part of the Rambler Duals; and

WHEREAS, he is the 13th St. Joe's wrestler to reach the milestone; and

WHEREAS, Zimmerman, an Edinboro University signee, wrestled at 121 pounds because of different Pennsylvania weight classes; and

WHEREAS, his overall record is 102-19, including a 44-5 mark last season that included a fifth-place finish in the Federation tournament; and

WHEREAS, throughout his career, Zimmerman has been awarded the Monsignor Martin Athletic Association's Wrestler of the Year; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature pauses in its deliberations to honor and congratulate Austin Zimmerman and the St.Joes coaching staff for helping Austin achieve his 100th victory and best wishes on his future as a student-athlete at Edinboro University.

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

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

MEYERS

Congratulating and Recognizing Head Coach Glen Graham -
Cleveland Hill High School Football

Attachments

Head Coach Glen Graham

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

*Congratulating and Recognizing Head Coach Glen Graham
Cleveland Hill High School Football*

WHEREAS, when *Glen Graham* became Cleveland Hills football coach, he arrived with a vision to build a program and to build young men into leaders; and

WHEREAS, Cleveland Hill is all Graham knows as he graduated from there in 1978, coached various sports from 1983-'90, was hired full-time as a teacher in 1990 and became the football coach in 2004; and

WHEREAS, Graham coached Cleveland Hill to Section VI Class C championships and had four appearances in the New York State Public High School Athletic Association's Class C semifinals; and

WHEREAS, Glen felt the way he carried himself and his team could affect other African-American coaches in the area whenever they were up for coaching jobs; and

WHEREAS, Graham saw the likes of Ty Parker (Health Sciences), Brian Davis (McKinley), Marcus Rivers (Lackawanna) and Steve McDuffie (Bennett) follow in his footsteps to become coaches with varying levels of success; and

WHEREAS, *Glen Graham* has been dedicated to providing his student athletes with a positive role model and instilling a strong work ethic in his teams.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature congratulates *Glen Graham* on an exceptional career at Cleveland Hill, commends him on his dedication to developing strong student athletes and best wishes on his future endeavors.

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

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

GILMOUR

Congratulating and Honoring Jaiden Harrison - Scoring
2000th Career Point

Attachments

Jaiden Harrison

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

EC LEG DEC 19 '23 AM 10:01

Congratulating and Honoring Jaiden Harrison - Scoring his 2000th Point

WHEREAS, Timon senior *Jaiden Harrison* recently added another accolade to his storied career, accumulating his 2,000-career point; and

WHEREAS, with each game, the 6-foot-4 Harrison moves closer to the Western New York boys career scoring record, held by Cheektowaga alum Dominick Welch, Class of 2017; and

WHEREAS, he also led Bishop Timon (24-4) to its first Manhattan Cup since 2001 en route to a loss to Monsignor Farrell in the state Catholic Class A final; and

WHEREAS, last season, Harrison averaged 22.1 points, 6.9 rebounds, 4 assists and 2.6 steals; and

WHEREAS, he also had six 30-point games and seven double-doubles and was named to the All-Western New York small schools first team; and

WHEREAS, Harrison has Division I offers from the University at Albany and Fairfield, and an offer from Division II Daemen.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize and extend our congratulations to *Jaiden Harrison* on scoring his 2,000th point and wish Jaiden the best on his continued career as a senior at Timon.

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

Olivia M. Owens
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 12/21/2023

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).

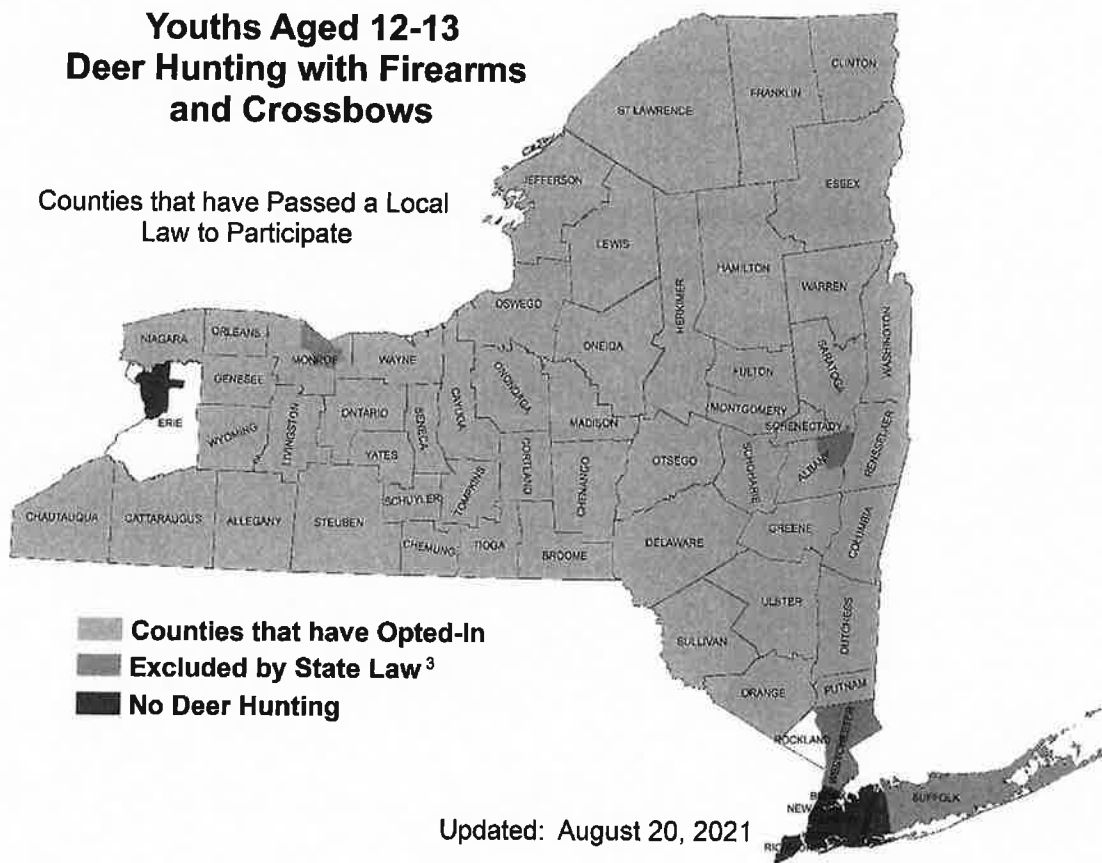
² Reported take value represents raw harvest reports with date of harvest between September 12, 2021 and January 1, 2022. This includes 173 deer reported taken with a bow. Calculated deer harvest was not available at the time of this report, as deer hunting seasons continued in portions of New York until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

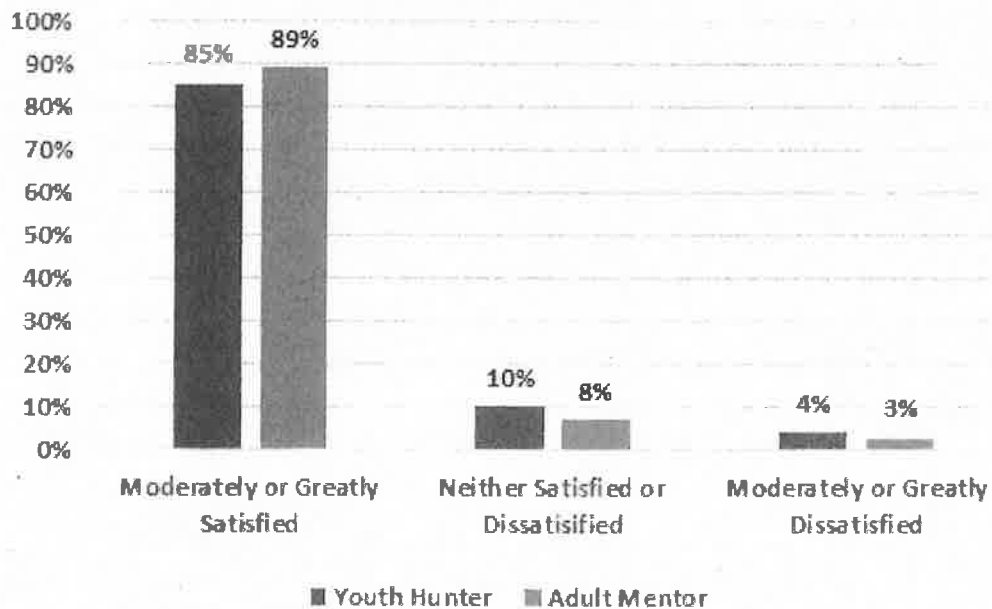
"The youth hunt is great...I think it builds a great trust and cooperation between DEC officers, young hunters and their parents, that extends well beyond the weekend. Great experience."

"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: 12/21/2023

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: 12/21/2023

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: 12/21/2023

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: 12/21/2023

SUBJECT

Report No. 15 Energy & Environment Committee

Attachments

Report No. 15

December 14, 2023

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 15

ALL MEMBERS PRESENT, EXCEPT CHAIR MEYERS.

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

a. COMM. 23E-1 (2023)
LEGISLATURE CLERK: “Minutes – 2023 Assessment Rolls Public Hearing”
(Acting Chair’s Ruling)

b. COMM. 23M-2 (2023)
TOWN OF MARILLA: “Marilla Town Board – SEQR Lead Agency Designation”
(Acting Chair’s Ruling)

2. COMM. 16E-18 (2023) **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the Boards of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5, 6 and 8 have a system of Sewer District User Charges or Fees; and

WHEREAS, as has been done in past years, the Boards have requested and are desirous of collecting said User Charges or Fees in 2024 for properties in the same manner and fashion as the regular sewer district levies.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Director of Real Property Tax Services spread said 2024 Sewer District User Charges or Fees against properties serviced by Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 & 8 as provided by law; and be it further

RESOLVED, that the following amounts be collected:

Sewer District No. 1	\$ 5,886,918.89
Sewer District No. 2	\$ 4,109,643.50
Sewer District No. 3	\$ 11,369,166.45
Sewer District No. 4	\$ 5,685,718.53
Sewer District No. 5	\$ 1,026,209.20
Sewer District No. 6	\$ 2,592,500.48
Sewer District No. 8	\$ 1,014,899.00

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 Real Property Tax Services, Division of Budget and Management, and the Division of Sewerage Management.
(4-0)

3. COMM. 16E-22 (2023) **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, the County of Erie issued a Request for Proposals to retain engineering firms to provide professional services associated with Erie County Sewer District (ECSD) Nos. 1 and 4 Order on Consent Compliance; and

WHEREAS, a review committee evaluated the responses to the Request for Proposals using a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends retaining Hazen and Sawyer (Hazen) for ECSD No. 1 services and Arcadis of New York, Inc. (Arcadis) to complete ECSD No. 4 services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute an agreement with Hazen in an amount not-to-exceed \$434,000.00 for ECSD No. 1 services and Arcadis in an amount not-to-exceed \$443,000.00 for ECSD No. 4 services, subject to approval as to content by the Commissioner of the Department of Environment and Planning, and approval as to form by the County Attorney’s Office; and be it further

RESOLVED, authorization is hereby given for a five-year agreement, with the option to renew annually based on the mutual concurrence of the parties; and be it further

RESOLVED, that \$134,000.00 be allocated in ECSD No. 1 Capital Bond Account C.00057 for cost effectiveness analysis services in Hazen’s agreement; and be it further

RESOLVED, that \$143,000.00 be allocated in ECSD No. 4 Capital Bond Account C.17401 for cost effectiveness analysis services in Arcadis’s agreement; and be it further

RESOLVED, that the remaining amount not to exceed \$300,000.00 each in the Arcadis and Hazen agreements be for “on-call” services; and be it further

RESOLVED, that individual “on-call” services work orders may be funded from any ECSD No. 1 or 4 Sewer Capital Project in Fund 430 or the Sewer Operating Fund 220 (including Business Area 181, Account 516020 (Professional Service Contracts)) as determined by the Deputy Commissioner of the Division of Sewerage Management; and be it further

RESOLVED, that no individual “on-call” services work orders issued under these agreements be greater than \$75,000.00; and be it further

RESOLVED, that the Division of Sewerage Management be required to notify the Legislature of each “on-call” services work order issued under these agreements; and be it further

RESOLVED, that when a Capital Project is selected as the funding source “on-call” services work order, the Division of Sewerage Management shall include in its notice to the Legislature that the County Comptroller has reviewed and certified the availability of sufficient capital appropriations to fund the work order assignment; and be it further

RESOLVED, that the amount not to exceed \$300,000.00 each for “on-call” services may only be increased by a subsequent Legislative resolution; and be it further

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

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this resolution to the Office of the County Executive, the County Comptroller’s Office, the Division of Budget and Management, the Department of Law, and the Division of Sewerage Management.
(4-0)

4. COMM. 21E-9 (2023) AS AMENDED
COUNTY EXECUTIVE

WHEREAS, the County Executive has made appointments to the Erie County Sewer District Boards of Managers pursuant to the power vested to him by Article 5-A of the County Law and Section 2204 of the County Charter.

NOW, THEREFORE BE IT

RESOLVED, that the following appointments to the Erie County Sewer District Boards of Managers are hereby confirmed:

<u>Erie County Sewer District No. 1</u>	<u>Term Expires</u>
Mr. Patrick Bowen, P.E. (Reappointment) Town Engineer, Town of Cheektowaga 275 Alexander Avenue Cheektowaga, New York 14211	12/31/25

Hon. Gary Dickson (Reappointment) Supervisor, Town of West Seneca 1250 Union Road West Seneca, New York 14224	12/31/25
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Hon. Susan Kims (Reappointment) Councilmember, Town of West Seneca 1250 Union Road West Seneca, NY 14224	12/31/25
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Hon. Brian Nowak Supervisor-Elect, Town of Cheektowaga 3301 Broadway Cheektowaga, New York 14227	12/31/25
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Mr. Mutasem Salah, P.E. (Reappointment) Senior Coordinator Sewer Construction Projects Department of Environment and Planning 95 Franklin Street – Room 1034 Buffalo, New York 14202	12/31/25
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Erie County Sewer District No. 2 Term Expires

Hon. Vincent George (Reappointment) Mayor, Village of North Collins 10543 Main Street P.O. Box 459 North Collins, New York 14111	12/31/25
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Ms. Anna Knack (Reappointment) 2505 West Church Street Eden, New York 14057	12/31/25
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Ms. Angela Horton, P.E. (Reappointment) Senior Sanitary Engineer Department of Environment and Planning 95 Franklin Street – Room 1034 Buffalo, New York 14202	12/31/25
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Erie County Sewer District No. 3

Mr. Jason Cozza (Reappointment)
Administrator, Village of Hamburg
100 Main Street
Hamburg, New York 14075

Mr. David Kaczor (Reappointment)
23 Silent Meadow
Orchard Park, New York 14127

Mr. Michael Kasprzyk (Reappointment)
9435 South Protection Road
Holland, New York 14080

Hon. Jason Keding (Reappointment)
Supervisor, Town of Boston
8500 Boston State Road
Boston, New York 14025

Mr. Kenneth Kostowniak
Superintendent of Public Works, Town of Hamburg
6100 South Park Avenue
Hamburg, New York 14075

Mr. David Rood (Reappointment)
59 North Lincoln
Orchard Park, New York 14127

Erie County Sewer District No. 3 (continued)

Hon. Vincent Vacco
Councilmember, Town of Eden
2795 East Church Street
Eden, New York 14057

Mr. Emery Wittmeyer (Reappointment)
Manager of Public Works, Village of Orchard Park
4295 South Buffalo Street
Orchard Park, New York 14127

Term Expires

12/31/25

12/31/25

12/31/25

12/31/25

12/31/25

12/31/25

Term Expires

12/31/25

12/31/25

Mr. David Millar, P.E. (Reappointment)
Assistant Deputy Commissioner
Department of Environment and Planning
95 Franklin Street – Room 1034
Buffalo, New York 14202

12/31/25

Erie County Sewer District No. 4

Term Expires

Hon. Adam Dickman
Councilmember, Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

12/31/25

Hon. Kevin Peterson (Reappointment)
Mayor, Village of Depew
85 Manitou Street
Depew, New York 14043

12/31/25

Mr. William Schutt, P.E.
Village of Lancaster Engineering Consultant
Wm. Schutt & Associates, P.C.
37 Central Avenue
Lancaster, New York 14086

12/31/25

Mr. Edward Shiller, P.E. (Reappointment)
Town of Lancaster Engineering Consultant
Wm. Schutt & Associates, P.C.
37 Central Avenue
Lancaster, New York 14086

12/31/25

Ms. Nadine Wetzal, P.E. (Reappointment)
Sanitary Engineer
Department of Environment and Planning
95 Franklin Street – Room 1034
Buffalo, New York 14202

12/31/25

Erie County Sewer District No. 5

Term Expires

Mr. Jonathan Bleuer (Reappointment)
Director of Community Development, Town of Clarence
One Town Place
Clarence, New York 14031

12/31/25

Mr. Jeffrey Burroughs, P.E. (Reappointment)
Town Engineer, Town of Amherst
455 Tonawanda Creek Road
Amherst, New York 14228
12/31/25

Mr. Timothy Lavocat, P.E. (Reappointment)
Town Engineer, Town of Clarence
6221 Goodrich Road
Clarence Center, New York 14032
12/31/25

Ms. Vaishali Reberholt, P.E.
Assistant Town Engineer, Town of Amherst
1100 North Forest Road
Williamsville, New York 14221
12/31/25

Mr. William Lardo (Reappointment)
Coordinator, Sewer Construction Projects
Department of Environment and Planning
95 Franklin Street – Room 1034
Buffalo, New York 14202
12/31/25

Erie County Sewer District No. 6 Term Expires

Mr. James Balcarczyk (Reappointment)
59 Michelle Drive
Lackawanna, New York 14218
12/31/25

Mr. Mark Kuwik (Reappointment)
Executive Director, Lackawanna Municipal Housing Authority
135 Odell Street
Lackawanna, New York 14218
12/31/25

Mr. Garry Pecak, P.E. (Reappointment)
Assistant Deputy Commissioner
Department of Environment and Planning
95 Franklin Street – Room 1034
Buffalo, New York 14202
12/31/25

Erie County Sewer District No. 8 Term Expires

Mr. Matthew Hoeh (Reappointment)
Superintendent of Public Works, Village of East Aurora
571 Main Street
East Aurora, New York 14052
12/31/25

Hon. Joseph McCann (Reappointment)
Councilmember, Town of Aurora
11 Glenridge Road
Aurora, New York 14052
12/31/25

Mr. Bryan Smith (Reappointment)
Former Town Engineer, Town of Aurora
27 Aurora Mills Drive
East Aurora, New York 14052
12/31/25

Ms. Mary Plesh, P.E. (Reappointment)
Senior Sanitary Engineer
Department of Environment and Planning
95 Franklin Street – Room 1034
Buffalo, New York 14202
12/31/25

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the appointees, and Joseph Fiegl, P.E., Deputy Commissioner of the Department of Environment and Planning.
(4-0)

5. COMM. 23E-3 (2023)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature hereby approves the appointment of 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
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(4-0)

6.. COMM. 23E-15 (2023)

COUNTY EXECUTIVE

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.

(4-0)

**JEANNE M. VINAL
ACTING CHAIR**

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

Report No. 14 Health & Human Services Committee

Attachments

Report No. 14

December 14, 2023

HEALTH & HUMAN SERVICES
COMMITTEE
REPORT NO. 14

ALL MEMBERS PRESENT.

- 1. RESOLVED, the following item is hereby received and filed:
 - a. LL INTRO. 3-1 (2022)
BASKIN, MEYERS, JOHNSON, VINAL & GILMOUR: “The Erie County Language Access Act”

- 2. COMM. 23E-5 (2023)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature hereby approves 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

(5-0)

- 3. COMM. 23E-12 (2023)
COUNTY EXECUTIVE
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.
(5-0)

- 4. COMM. 23E-19 (2023)
COUNTY EXECUTIVE
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.
(5-0)

JOHN J. GILMOUR
CHAIR

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

Report No. 17 Economic Development Committee

Attachments

Report No. 17

December 14, 2023

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 17

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

1. COMM. 23E-8 (2023)
COUNTY EXECUTIVE

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	<u>\$135,000</u>	<u>\$ 0</u>	<u>\$135,000</u>
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	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>
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	<u>\$1,500,000</u>	<u>\$ 0</u>	<u>\$1,500,000</u>
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	<u>\$6,000,000</u>	<u>(\$6,000,000)</u>	<u>\$ 0</u>
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. (5-0)

2. COMM. 23E-9 (2023)
COUNTY EXECUTIVE

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>\$5,750,000</u>	<u>\$ 0</u>	<u>\$5,750,000</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>\$5,750,000</u>	<u>\$ 0</u>	<u>\$5,750,000</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. (5-0)

3. COMM. 23E-10 (2023)
COUNTY EXECUTIVE

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
B.21154	CAP-001.330-21 Alden	\$ 2,405,329
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. (5-0)

4. COMM. 23E-11 (2023)
COUNTY EXECUTIVE

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. (5-0)

5. **COMM. 23E-13 (2023)**
COUNTY EXECUTIVE

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.
(5-0)

6. COMM. 23E-14 (2023)
COUNTY EXECUTIVE

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.
(5-0)

7. COMM. 23E-16 (2023)
COUNTY EXECUTIVE

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.
(5-0)

8. COMM. 23E-17 (2023)
COUNTY EXECUTIVE

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

(5-0)

9. **COMM. 23E-18 (2023)**
COUNTY EXECUTIVE

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.
(5-0)

HOWARD J. JOHNSON, JR.
CHAIR

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

Report No. 17 Public Safety Committee

Attachments

Report No. 17

December 14, 2023

PUBLIC SAFETY COMMITTEE
REPORT NO. 17

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

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 23E-2 (2023)
COUNTY EXECUTIVE: “EC Emergency Medical Services Advisory Board Appointment”
(Chair’s Ruling)
 - b. COMM. 23E-4 (2023)
COUNTY EXECUTIVE: “Appointments to the Fire Advisory Board”
(Chair’s Ruling)
2. COMM. 21E-18 (2023)
COUNTY EXECUTIVE
WHEREAS, Erie County operates the Erie County Holding Center in Buffalo and Erie County Correctional Facility in Alden; and

WHEREAS, the Erie County Holding Center was constructed in the City of Buffalo in the 1930s with major additions in the 1980s; and

WHEREAS, the Erie County Correctional Facility was constructed in the Town of Alden in the 1980s; and

WHEREAS, the Erie County Holding Center and Correctional Facility are in need of major capital improvements to address building maintenance and operational needs of the incarcerated population; and

WHEREAS, in 2019, New York State passed the “Bail Elimination Act of 2019” which eliminated bail requirements for most non-violent crimes; and

WHEREAS, said bill resulted in a substantial decline in the population of incarcerated individuals in the Erie County Holding Center; and

WHEREAS, the repeal of mandatory minimum laws for a variety of offenses and the lessening of sentencing related to drug offenses resulted in a decline of the incarcerated population in the Erie County Correctional Facility; and

WHEREAS, both facilities are currently operating with a population occupancy of approximately half of occupancy limits; and

WHEREAS, Erie County desires to develop a comprehensive facility and operational needs assessment to assess the Erie County detention system as whole; and

WHEREAS, Erie County has solicited proposals from qualified firms for proposals to perform a comprehensive facility and operational needs assessment for the Erie County Holding Center and Correctional Facility system; and

WHEREAS, Erie County has conducted a consultant selection process in conformance with Section 26.08 of the Erie County Administrative Code; and

WHEREAS, Erie County desires to work with Foit–Albert Associates to perform a Comprehensive Facility and Operational Needs Assessment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute a Contract with Foit-Albert Associates in an amount not to exceed \$676,061 to perform a needs assessment for the Erie County Holding Center and Correctional Facility; and be it further

RESOLVED, that authorization is hereby given to allocate \$676,061 from Capital Project A.23078 and an additional amount of \$73,939 be allocated for a Department of Environment and Planning contingency fund with authorization for the County Executive to approve contract amendments with Foit-Albert Associates or DLR Group or other entities as necessary with the source of said funds also being allocated from Capital Project A.23078; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive’s Office, Comptroller’s Office, Sheriff’s Office, Division of Budget and Management; Department of Law and Department of Environment and Planning.
(5-0)

3. COMM. 23E-6 (2023)
COUNTY EXECUTIVE
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.

(5-0)

HOWARD J. JOHNSON, JR.
CHAIR

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

INTRO. 24-1	MAJORITY CAUCUS	Appointments to the Arts in Public Places Committee
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Attachments

23INTRO. 24-1

**A RESOLUTION SUBMITTED BY THE
MAJORITY CAUCUS**

RE: Appointments to the Arts In Public Places Committee

WHEREAS, the Arts In Public Places Committee was created in 2023 via Local Law 4-2023; and

WHEREAS, the law established a variety of appointing authorities for candidates seeking to serve on the Arts In Public Places Committee, including an appointment from the Majority Caucus of the Legislature; and

WHEREAS, the law states that Committee members shall be experts in the fields of art, art history, architecture or architectural history and must be Erie County residents and may not serve on any other County advisory board or be a County employee or officer, as well as the members shall be professionally associated with local visual arts groups, such as art galleries or art schools, or have at least ten (10) years' experience in creating professional art; and

WHEREAS, the Majority Caucus' appointee, Alexa Wajed, is a visual artist with over 10 years' experience, co-founded an arts organization, and currently runs an arts-based non-profit.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body appoints Alexa Wajed as a member of the Arts In Public Places Committee; and

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Commissioner of Public Works, and the Commissioner of Environment and Planning.

Exhibits

- “Blueming Onion” Residency and Solo Exhibit - Book Arts Center, Buffalo, NY 2022
- Live on Five - Buffalo Arts Studio Fundraiser - 2020
- Art off the Wall - Carnegie Arts Center - annual fundraiser - 2020
- The Poeta Project - Buffalo Arts Studio 2019
- Image and Identity IV Featured artist with husband (Edreys Wajed) - 2013

Installations

- Art Installations 2021 - 201 Ellicott Lofts
- Book Arts Center, Buffalo, NY 2022

Freelance/Projects

- Genesee Valley Black Farmers (Food for the Spirit) - Marketing and Branding, 2022
- New York State Office of Mental Health - Curriculum and Training for Healthy Eating 2022
- Pride in Place AARP Community Challenge Grant - LISC WNY 2021
- The Front Seat Life - Coloring Books 2021
- WNY Regional Food System - Consultant Selection 2020
- Mezaland Food, Art & Community - Albright Knox Art Gallery 2020
- Panthfrica 2019

Awards

- Flourish and Thrive Academy - BIPOC Scholarship Winner 2021

Jewelry Consignment

- Wild Things Gift Shop
- Buffalo ShopCraft
- Art Dialogue Gift Shop
- Book Arts Center Gift Shop
- Burchfield Penney Arts Center Gift Shop

Speaking Engagements

- Jamestown Garden Fair - Jamestown Public Market 2021
- Health Fair - Buffalo Center for Health Equity
- <https://www.niagaracc.suny.edu/nfci/savor/testimonials/> 2020
- Creative Mornings Speaker - 2020
- UB Speaker Series with Tabitha Brown (Interview) 2021
- Millennium Collaborative Care Radio Show 2018-2021
- Sunday Insights - We wanted a revolution AKG 2018

Cooking Classes & Demonstrations

- AARP NY - On-Going Cooking Series
- CAI/REACH - On-Going Cooking Series
- BFNC Cooking Demonstration
- ECMC Cooking Demonstration
- Women in Food WNY - Cooking class
- Say Yes Various Cooking Demonstrations
- Child & Family Services - Cooking Demonstrations
- Lexington Coop IG Takeover - 1/2021
- AKA - Pink Goes Red - Syracuse Iota Nu Omega 2/2022
- AKA - Pink Goes Red - Amherst Xi Epsilon OMega 2/2022

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

INTRO. 21-2	From the Energy & Environment Committee	From Chair Baskin - Modification of Agricultural Districts
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Attachments

INTRO. 21-2

A RESOLUTION TO BE SUBMITTED BY LEGISLATOR BASKIN

RESOLUTION TO MODIFY AGRICULTURAL DISTRICTS

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

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

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT

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

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

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

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

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

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

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

Part 2: Impact Assessment

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

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

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

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

PUBLIC HEARING ON PROPOSED MODIFICATION TO AGRICULTURAL DISTRICTS

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

November 1, 2023 – 2:15 PM

MINUTES

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

The Clerk read the Notice of Public Hearing:

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

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

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

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

Dated: Buffalo, New York, October 19 2023

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

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

The Clerk then opened the floor to public comment.

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

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

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

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

Respectfully Submitted,

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

Sarah E. Gatti
Principal Planner

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24D-4	COUNTY ATTORNEY	Opinion as to Form Local Law Intro No. 9-1 (2023)
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Attachments

23COMM. 24D-4

SUSPENSION



COUNTY OF ERIE

December 20, 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 9-1 2023

Dear Chairwoman Baskin:

In accordance with the obligations of the Erie County Attorney set forth in subsection 3, Section 204 of Article 2 of the Erie County Charter, this legal opinion concerns Local Law Intro No. 9-1 2023 (9-1).

Preemption

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

Here, 9-1 does not present any direct conflicts with state statute and since the State Legislature has not taken specific action to assume sole regulatory authority on this topic, 9-1 does not present a preemption issue of concern.

Grammar

The stated purpose of 9-1 is to mandate the development of County Agency-specific language access plans, practices and training in the County of Erie. We find the grammar and usage of 9-1 to be sufficient in order to achieve the stated purpose.

SUSPENSION

Ambiguities

While every hypothetical circumstance or eventuality cannot be addressed in the scope of this opinion, 9-1 does not present any facial ambiguities that would frustrate its implementation and enforcement.

Conclusion

We find that Local Law Intro. 9-1 2023 is sufficient as to form.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney



By: Gregory P Kammer
Assistant Erie County Attorney

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-1	COMPTROLLER	EC Cultural Funding Grant Monitoring Program - American Legion Band of the Tonawandas
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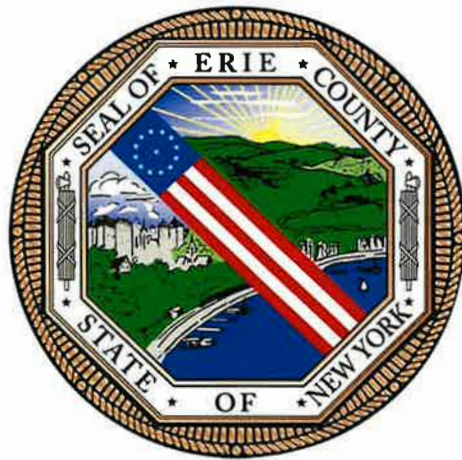
Attachments

23COMM. 24E-1

December 2023

CC LEG DEC 5 '23 12:57

**Erie County Cultural Funding Grant
Monitoring Program
American Legion Band of the Tonawandas
January 1, 2020 through December 31, 2022**



**HON. KEVIN R. HARDWICK
ERIE COUNTY COMPTROLLER**

**HON. KEVIN R. HARDWICK
ERIE COUNTY COMPTROLLER'S OFFICE
DIVISION OF AUDIT & CONTROL
95 FRANKLIN STREET
BUFFALO, NEW YORK 14202**



December 4, 2023

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

Dear Honorable Members:

In 2023, the Erie County Comptroller's Office, Division of Audit & Control initiated a regular Monitoring Program of Erie County Cultural Funding Grants. The Erie County Cultural Funding program provides annual grants to non-profit arts and cultural organizations operating within the County. County funds are intended to be limited in their use to current operating expenses including salaries, program costs, fringe benefits, rents, utilities, office supplies, and equipment. Grant funds may not be used for or applied towards capital projects or physical improvements of buildings or facilities, nor as a revenue offset against accounts receivable. No funds received shall be used for any services provided or activities performed outside Erie County. The County's Department of Environment and Planning executes contracts with organizations and is the primary agency charged with monitoring.

Objective

The objective of the Cultural Funding Monitoring Program is to verify that the recipients have utilized County funds according to the terms and conditions associated with the Erie County Cultural Funding grant process and the recipient's contract with the County. In order to verify the proper use of the grant award, a number of agencies were selected in order to review their expenses and financial records.

Scope and Methodology

Approximately 120 different organizations receive funding annually from Erie County. The Comptroller's Cultural Funding Grant Monitoring Program is intended to review organizations that received a minimum of \$5,000 in funding during any of the three prior years. Approximately 80 agencies were identified as receiving \$5,000 or more in grant funding. The list of recipient organizations was split into two groups of approximately 40 agencies. The first batch of letters announcing the commencement of a review was sent to the selected non-profit organizations during mid-February 2023, with a second batch scheduled to be sent in early October 2023. The review of all agencies is expected to be completed by December 31, 2023.

2023 Program

During the interview phase, the Auditor identifies use of funding to narrow down the expenses to be verified. A table of agencies which meet the criteria for review along with the amount of grant awards can be found on the following page.

Monitoring Program – Phase I

ACT	APPROPRIATION	FUND	FY 2020	FY 2021	FY 2022
517125	Enlightenment Literary Arts Center & Dog Ears Bookstore	152381	\$ 25,400.00	\$ 36,600.00	\$ 53,000.00
518006	African American Cultural Center	111606	\$ 275,450.00	\$ 311,950.00	\$ 200,000.00
518012	Alleyway Theatre	109540	\$ 8,500.00	\$ 8,500.00	\$ 11,000.00
518026	American Legion Board of	100779	\$ 7,500.00	\$ 7,500.00	\$ 45,000.00
518019	Armed Forces Orchestra	100475	\$ 22,500.00	\$ 26,750.00	\$ 28,740.00
518018	Arts Services Initiative of WNY Inc	147159	\$ 26,650.00	\$ 26,000.00	\$ 30,000.00
518028	Ballet Artists Of WNY (legals)	100794	\$ 24,000.00	\$ -	\$ 50,000.00
	Buffalo Arts Studio Arts Studio of				
518040	Western New York, Inc.	101314	\$ 18,000.00	\$ 45,500.00	\$ 53,000.00
518024	Buffalo Inner-City Ballet Co, Inc	100131	\$ 27,000.00	\$ 27,000.00	\$ 27,000.00
518010	Buffalo Music Hall of Fame	113142	\$ 4,500.00	\$ -	\$ 5,000.00
518011	Buffalo Heritage Carousel	167874	\$ 10,000.00	\$ 10,000.00	\$ 15,000.00
518074	Colored Musicians Club	100777	\$ 3,000.00	\$ -	\$ 12,000.00
518076	El Music Gateway	100796	\$ 12,500.00	\$ 8,850.00	\$ 11,000.00
518306	Groundwork Conservancy	101117	\$ 36,200.00	\$ 36,200.00	\$ 60,000.00
518113	Hull House Foundation	104371	\$ 3,775.00	\$ 3,775.00	\$ 7,500.00
	Jewish Community Center Cultural				
518119	Jewish Center of Greater Buff	111219	\$ 14,560.00	\$ 17,700.00	\$ 18,300.00
518120	Just Buffalo Library Center	105377	\$ 73,100.00	\$ 73,100.00	\$ 83,500.00
518112	Lacoste St Neighborhood Art Classes	100988	\$ 29,250.00	\$ 29,250.00	\$ 48,000.00
518116	Martin House Restoration	100481	\$ 175,500.00	\$ 175,500.00	\$ 180,000.00
518119	Music is Art	119815	\$ 48,000.00	\$ 48,000.00	\$ 50,000.00
518114	Parish Arts Club of Buffalo Inc	108112	\$ 1,800.00	\$ 7,800.00	\$ 8,800.00
518147	Preservation Buffalo Niagara	147509	\$ 6,615.00	\$ 6,615.00	\$ 9,000.00
518102	Spinozza Center For The Arts	111319	\$ 20,505.00	\$ 20,505.00	\$ 18,000.00
518154	Southern Wheel	101288	\$ 20,820.00	\$ 20,820.00	\$ 27,000.00
518117	Theodore Roosevelt Inaugural Cn	108552	\$ 32,320.00	\$ 32,320.00	\$ 27,000.00
518176	Uptown Company	100507	\$ 18,000.00	\$ 18,000.00	\$ 21,148.00
518110	Western New York Artists Group	100795	\$ 6,275.00	\$ 6,275.00	\$ 7,500.00
518181	WNY Book Arts Collaborative, Inc	119959	\$ 4,640.00	\$ 4,640.00	\$ 6,000.00
518184	Young Audiences Of WNY	109816	\$ 10,500.00	\$ 10,500.00	\$ 14,000.00
518196	Buffalo Niagara Heritage Village	103998	\$ 18,500.00	\$ 18,500.00	\$ 28,500.00
518200	State of the African American Heritage	102374	\$ 19,000.00	\$ 15,000.00	\$ 22,500.00
518201	General Public Association	100000	\$ 30,000.00	\$ 11,000.00	\$ 17,500.00
518204	Brighton Place, Inc	106194	\$ 10,000.00	\$ 18,000.00	\$ 20,000.00
518211	Hispanic Heritage Council of WNY	109305	\$ 12,000.00	\$ 20,000.00	\$ 24,500.00
	Black Rock Historical Society (Black				
518216	Rock Overseas Alliance	110569	\$ 22,500.00	\$ 7,500.00	\$ 10,000.00
518223	Centro Culturale Italiano di Buffalo	107900	\$ 25,000.00	\$ 20,000.00	\$ 15,000.00
518249	South Buffalo Irish Pk (Can You Dig	112041	\$ 18,000.00	\$ 15,000.00	\$ 15,000.00
518296	Net Positive OGA The Feintory	108005	\$ 5,000.00	\$ -	\$ 5,000.00

Monitoring Program – Phase II

ACT	APPROPRIATION	FUND	FY 2020	FY 2021	FY 2022
517523	Buffalo Olmsted Parks Conservancy	140217	\$ 25,810.00	\$ 25,810.00	\$ 31,000.00
518088	Albright Knox Art Gallery	108797	\$ 278,800.00	\$ 378,000.00	\$ 675,000.00
518009	Albright Knox Public Art Council	147128	\$ 16,250.00	\$ 16,250.00	\$ -
518001	Academy House LLP, Inc	107942	\$ 1,000.00	\$ 1,000.00	\$ 5,500.00
518036	Suffaro & Erie County Station at Garden	105743	\$ 110,000.00	\$ 112,000.00	\$ 150,000.00
518030	Buffalo & Erie Co Historical Society	108772	\$ 417,000.00	\$ 467,000.00	\$ 413,000.00
	Buffalo & Erie County Naval & Service Park				
518051	Tree	109315	\$ 35,000.00	\$ 35,000.00	\$ 50,000.00
518060	Buffalo Philharmonic Orch Society	100112	\$ 938,000.00	\$ 926,000.00	\$ 940,000.00
518043	Buffalo Philharmonic Orchest	109792	\$ 34,500.00	\$ 34,500.00	\$ 35,000.00
518064	Buffalo Society Natural Sciences	109767	\$ 955,000.00	\$ 955,000.00	\$ 955,000.00
518045	Buffalo Siding Works, Inc	108113	\$ 1,500.00	\$ 1,500.00	\$ 3,350.00
518068	Burchfield Penny Art Center	100504	\$ 158,000.00	\$ 158,000.00	\$ 160,000.00
518072	Center for Exploration and Perfor	109934	\$ 33,000.00	\$ 33,000.00	\$ 34,500.00
518080	Danceability	110499	\$ 2,000.00	\$ 5,000.00	\$ 6,000.00
518095	Explo & More Children's Museum	102716	\$ 42,000.00	\$ 42,000.00	\$ 78,000.00
518108	Health's Contemporary Arts Center	106198	\$ 12,800.00	\$ 12,800.00	\$ 40,000.00
518112	Hamburg Flat Prst Soc. (w/Perth Drive	102318	\$ 28,514.00	\$ 26,114.00	\$ 24,214.00
518116	Iron Classical Theatre Company	108722	\$ 85,000.00	\$ 41,500.00	\$ 75,500.00
	Yonville College Laundry Theater				
518124	Yonville College Laundry Theater	12944	\$ 11,750.00	\$ -	\$ 8,300.00
518114	Lancaster Opera House	111861	\$ 65,300.00	\$ 80,300.00	\$ 35,000.00
518142	Magic Theatre	102592	\$ 61,523.00	\$ 61,523.00	\$ 67,000.00
518141	Inner Phoenix Theatre	109342	\$ 7,500.00	\$ 7,500.00	\$ -
518146	Read Less Traveler Productions	112043	\$ 43,300.00	\$ 43,300.00	\$ 67,000.00
518152	Roycroft Campus Corporation	118211	\$ 30,000.00	\$ 40,000.00	\$ 50,000.00
518156	Savoy Opera in The Park	108615	\$ 21,000.00	\$ 18,000.00	\$ 21,000.00
518168	Theatre Of Youth	109488	\$ 88,400.00	\$ 88,400.00	\$ 74,000.00
518173	Tom Scafe Theatre	142673	\$ 20,400.00	\$ 15,400.00	\$ 21,700.00
518188	Zoological Society Of Buffalo	106625	\$ 1,500,000.00	\$ 1,500,000.00	\$ 1,700,000.00
518215	Chicago Park Symphony Orchestra	117742	\$ 4,515.00	\$ 4,515.00	\$ 6,000.00
518226	Buffalo Opera Unlimited Incorporated	109973	\$ 2,300.00	\$ 1,800.00	\$ 10,000.00
518220	Buffalo-Tonawanda Public Media (WNEP/W2FO	112969	\$ 1,710.00	\$ -	\$ 1,000.00
518269	Chautauque County Symphony Orchestra	109177	\$ -	\$ 1,500.00	\$ -
518270	Greenwich Historical Society	105518	\$ 1,500.00	\$ 1,500.00	\$ 1,800.00
518215	Ernst & Young Company Productions	109162	\$ 23,100.00	\$ 23,100.00	\$ 31,500.00
	Amherst State City Club (w/ Rep Brezler				
518221	Art's Circus	105045	\$ 1,000.00	\$ 1,000.00	\$ 6,000.00
518221	Buffalo Center For Arts and Technology	112029	\$ 1,000.00	\$ 1,000.00	\$ 1,500.00
518225	Chautauque Historical Association	108111	\$ 6,200.00	\$ 6,200.00	\$ 8,500.00
518229	Second Generation Theatre Company	104957	\$ 2,000.00	\$ 2,000.00	\$ 5,000.00
518230	Hart Park 11200 (w/ Western New York	107743	\$ 2,000.00	\$ 2,000.00	\$ 3,800.00
518245	Allen Christian Theatre Society	114758	\$ 10,000.00	\$ -	\$ 3,000.00
518314	Livelihood Concert Association	108111	\$ 1,800.00	\$ -	\$ 1,800.00
	Clarence Museum (Historical Soc. of the				
518319	Ward of Clarendo	110887	\$ 2,946.00	\$ -	\$ 4,800.00

BEST PRACTICES

Over the course of the Monitoring Program, the Division of Audit found a number of problematic practices and questionable expense categories on a recurring basis. In order to address issues pertaining to a large number of organizations, certain generally applicable best practices and recommendations are included here.

Alcohol

Several organizations used or appeared to use CGF funds to obtain alcohol. While the Division of Audit does not recommend that CGF awards be made contingent on the absence of alcohol from events hosted by the organization, alcohol should not be purchased with CGF funds. The Division of Audit found dozens of alcohol purchases that appeared to be personal in nature and several more which likely violated NYS Alcoholic Beverage Control Laws. Furthermore, the NYS Comptroller has long held that alcohol is not a “lawful county charge”, meaning that government officials and employees may not use taxpayer funds to purchase alcohol. The Division of Audit sees no reason that organizations receiving taxpayer funds should be treated differently.

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The Division of Audit found a large quantity of small-dollar expenses made with debit cards which appeared personal in nature. If a debit card is used, the money is gone by the time statements are typically reviewed, while a credit card bill often needs to be approved and paid by the organization's board of directors. Thus, the use of credit cards, particularly with smaller organizations, can provide a critical layer of expense control.

Alternate Funding Sources and Segregation of Accounts

Organizations may have several sources of governmental or philanthropic funding. One way to ensure that CGF funds go farthest is to tailor awards to the needs of the organization. Such an assessment would require applicants to provide certain financial documents covering prior years and a disclosure of current year funding applications. Furthermore, accounts received from Erie County should not be comingled with the other funds of the organization. Having source information upfront and requiring the segregation of accounts substantially decreases the likelihood of wasted CGF funds.

AMERICAN LEGION BAND OF THE TONAWANDAS

BACKGROUND

The American Legion "Band of the Tonawandas" (ALBT) is a non-profit, award-winning concert band based in Tonawanda, NY. ALBT was established in 1929 by World War I Veterans and American Legion members. The Band is currently comprised of Western New Yorkers with diverse occupations and backgrounds, including management, engineering, medicine, government, sales, and education. Most members are instrumental music educators, graduates, or students attending university music programs. All members participate on a volunteer basis, and membership is open to any musician based upon evaluation and section vacancies. Members are not required to obtain membership in the local musicians' union.

The Band, with ninety members at full strength, rehearses year-round and performs in many concerts and parades annually. The minimum age to become a member is fifteen.

In 2020 and 2021, ALBT received an annual amount of \$7,500 each in Erie County Cultural Grant (CGF) funding. In 2022, ALBT received \$45,000 in County Cultural Grant funding, which included \$35,000 above the Executive recommendation.

AUDITOR'S FINDINGS

ALBT is an all-volunteer organization. ALBT does not have employees or paid positions, except for a stipend paid to the musical conductor/director. The stipends paid out during the audit period were approximately \$2,000 (2022), \$875 (2021) and \$1,700 (2020). The Auditor was unable to verify if the required IRS Form 1099-Misc was filed for each corresponding year.

ALBT ceased operations during some portions of 2020 and 2021 due to the Covid-19 pandemic. Board meetings and a few band meetings took place, but no live concerts were hosted until July 2021, when in-person gathering restrictions were lifted. The first indoor concert took place in Fall 2021.

The organization provides free summer concerts to the public. ALBT also hosts ticketed performances such as Spring and Winter concerts for which admission is charged. Most performances take place within Erie County, but the band also performs in surrounding counties.

CGF awards are utilized by the organization to cover the cost of general operating expenses. Some of the expenses incurred by the organization include rent, dry-cleaning of band uniforms, printing and mailing expenses and concert hall rentals. ALBT hosts a series of social events each year including an installation dinner and Christmas gathering, whereas approximately 50% of the cost is treated as a program expense while the remaining expense is offset by member contributions.

ALBT was able to provide substantiation for eligible expenses incurred for the years under review. The eligible expenses incurred for TY2020 and TY2021 exceeded the amount of grant funding received by the organization. However, the eligible expenses incurred in TY2022 were found to be less than the amount of grant funding received.

In 2020 and 2021, the operating expenses for the organization were consistent. However, expenses incurred during 2022 were substantially higher than in previous years due to the organization's participation in a band competition that took place out of state.

ALBT frequently participates in national band competitions. The organization did not participate in any band competitions during 2020 or 2021 due to the Covid-19 pandemic restrictions and cancellations of like events. The organization participated in a national band competition in 2022. ALBT indicated the possibility of attending another national competition in 2024 in New Orleans.

AUDITOR'S CONCLUSION

Expenses incurred by ALBT in TY2022 increased by approximately 300%, thus generating a large increase to their operating budget for the year. ALBT participated in a national band competition in Wisconsin. The cost of attending the competition was approximately \$46,000. Expenses incurred to attend the competition included transportation, accommodations, meals, tips, and tours. Band members covered a portion of the cost of attending, and ALBT also received a monetary prize for their participation. After reimbursement by band members and the monetary award, ALBT covered over 50% of the cost of attendance.

Per § 22 of the Erie County Cultural Service Contract, the use of County funds shall be limited to current operating expenses including salaries, program costs, fringe benefits, rents, utilities, office supplies and equipment. Furthermore, "[n]o funds received under the contract shall be used for any service provided or activity performed outside Erie County." § 1 of the contract states that CGF recipients agree to provide public service benefits for and within Erie County. Expenses incurred as part of ALBT's participation in the national competition do not meet the eligible expense requirements as stipulated in the Cultural Service Contract.

Based on an analysis of the organization's tax return and a review of other financial documentation, eligible expenses incurred by the organization did not meet or exceed the amount of the CGF award it received in 2022. ALBT received \$45,000 in funding in 2022, and eligible expenses (excluding cost of the national competition) were determined to be approximately \$32,000.

Erie County Legislators have considerable discretion in allocation certain funds to organizations deemed to benefit their district. However, the Auditor cautions Legislators to be aware of the mechanism through which they appropriate funds to cultural organizations. The Erie County Department of Environment and Planning has a thorough process of vetting and approving CGF recipients. When the Executive recommendation is increased, the organization is still required to comply with all the requirements of the contract. Therefore, a large Legislative increase to an organization's CGF award may put that organization in a place where it is unable to substantiate eligible CGF expenses in the amount awarded.

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-2

COMPTROLLER

EC Cultural Funding Grant Monitoring
Program - Brighton Place Library

Attachments

23COMM. 24E-2

December 2023

EC LEG DEC 5 '23 PM 12:57

**Erie County Cultural Funding Grant
Monitoring Program
Brighton Place Library
January 1, 2020 through December 31, 2022**



**HON. KEVIN R. HARDWICK
ERIE COUNTY COMPTROLLER**

**HON. KEVIN R. HARDWICK
ERIE COUNTY COMPTROLLER'S OFFICE
DIVISION OF AUDIT & CONTROL
95 FRANKLIN STREET
BUFFALO, NEW YORK 14202**



December 4, 2023

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

Dear Honorable Members:

In 2023, the Erie County Comptroller's Office, Division of Audit & Control initiated a regular Monitoring Program of Erie County Cultural Funding Grants. The Erie County Cultural Funding program provides annual grants to non-profit arts and cultural organizations operating within the County. County funds are intended to be limited in their use to current operating expenses including salaries, program costs, fringe benefits, rents, utilities, office supplies, and equipment. Grant funds may not be used for or applied towards capital projects or physical improvements of buildings or facilities, nor as a revenue offset against accounts receivable. No funds received shall be used for any services provided or activities performed outside Erie County. The County's Department of Environment and Planning executes contracts with organizations and is the primary agency charged with monitoring.

Objective

The objective of the Cultural Funding Monitoring Program is to verify that the recipients have utilized County funds according to the terms and conditions associated with the Erie County Cultural Funding grant process and the recipient's contract with the County. In order to verify the proper use of the grant award, a number of agencies were selected in order to review their expenses and financial records.

Scope and Methodology

Approximately 120 different organizations receive funding annually from Erie County. The Comptroller's Cultural Funding Grant Monitoring Program is intended to review organizations that received a minimum of \$5,000 in funding during any of the three prior years. Approximately 80 agencies were identified as receiving \$5,000 or more in grant funding. The list of recipient organizations was split into two groups of approximately 40 agencies. The first batch of letters announcing the commencement of a review was sent to the selected non-profit organizations during mid-February 2023, with a second batch scheduled to be sent in early October 2023. The review of all agencies is expected to be completed by December 31, 2023.

2023 Program

During the interview phase, the Auditor identifies use of funding to narrow down the expenses to be verified. A table of agencies which meet the criteria for review along with the amount of grant awards can be found on the following page.

Monitoring Program – Phase I

ACT #	APPROPRIATION	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 ACTUAL	FY2022 ACTUAL
51725	Enlightenment Literary Arts Center & Cog East Bookstore	152318	\$ 28,400.00	\$ 36,600.00	\$ 55,000.00
51806	African American Cultural Center	112604	\$ 225,450.00	\$ 311,950.00	\$ 200,000.00
51802	All-Play Theatre	105341	\$ 8,500.00	\$ 8,500.00	\$ 11,000.00
51809	American Legion Band of	100879	\$ 7,500.00	\$ 7,500.00	\$ 45,000.00
51807	Investment Symposium Orchestra	100475	\$ 32,300.00	\$ 26,750.00	\$ 28,240.00
51805	Arts Services Initiative of WNY, Inc.	147259	\$ 36,050.00	\$ 26,050.00	\$ 30,000.00
51803	Ballet Artists of WNY (Incap)	100734	\$ 24,000.00	\$ 24,000.00	\$ 30,000.00
	Buffalo Area Studio Arts Studio of				
51800	Western New York, Inc.	101144	\$ 58,000.00	\$ 45,800.00	\$ 55,000.00
51804	Buffalo Inner-City Ballet Co. Inc	100387	\$ 27,000.00	\$ 27,000.00	\$ 27,000.00
51805	Buffalo Music Hall of Fame	113342	\$ 4,500.00	\$ -	\$ 5,500.00
51805	Buffalo Heritage Carousel	148724	\$ 30,000.00	\$ 30,000.00	\$ 35,000.00
518074	Colored Musicians Club	110777	\$ 3,800.00	\$ -	\$ 12,500.00
518084	El Museo Gallery	106494	\$ 12,583.00	\$ 8,383.00	\$ 11,000.00
518104	Grangeville Conservancy	100197	\$ 59,200.00	\$ 59,200.00	\$ 60,000.00
518113	Hill House Foundation	124373	\$ 13,375.00	\$ 3,375.00	\$ 7,500.00
	Jewish Community Center Cultural				
518119	Jewish Ch. of Greater Buff)	111259	\$ 19,500.00	\$ 8,750.00	\$ 15,300.00
518120	Jazz Buffalo Literary Center	105877	\$ 78,300.00	\$ 78,300.00	\$ 83,500.00
518182	Louise St. Neighborhood Art Classes	109985	\$ 29,250.00	\$ 25,250.00	\$ 38,500.00
518124	Martin House Restoration	104651	\$ 175,500.00	\$ 175,500.00	\$ 190,000.00
518139	Music is Art	139615	\$ 48,000.00	\$ 48,000.00	\$ 99,000.00
518144	Polish Am. Club of Buffalo Inc	106132	\$ 2,000.00	\$ 7,000.00	\$ 8,500.00
518147	Preservation Buffalo Niagara	147509	\$ 4,615.00	\$ 4,615.00	\$ 6,000.00
518150	Springville Center For The Arts	113324	\$ 30,501.00	\$ 20,501.00	\$ 36,000.00
518184	Squarely West	101268	\$ 20,930.00	\$ 20,930.00	\$ 27,000.00
518172	Theater & Recreation Institute	106532	\$ 32,320.00	\$ 32,320.00	\$ 37,000.00
518176	Ujima Company	101047	\$ 83,000.00	\$ 83,000.00	\$ 77,749.00
518180	Western New York Artists Guild	114253	\$ 9,275.00	\$ 9,275.00	\$ 7,500.00
518181	WNY Book Arts Collaborative, Inc.	115559	\$ 4,640.00	\$ 4,640.00	\$ 6,000.00
518184	Young Audiences Of WNY	109818	\$ 30,500.00	\$ 10,300.00	\$ 24,000.00
518196	Buffalo Niagara Heritage Village	153996	\$ 18,500.00	\$ 18,500.00	\$ 24,500.00
518200	Mchichyn Sir African River Heritage	151374	\$ 18,000.00	\$ 13,200.00	\$ 12,500.00
518201	Gambus Bulwark Restoration	103060	\$ 10,000.00	\$ 11,000.00	\$ 12,500.00
518204	Sightson Place, Inc	156184	\$ 10,000.00	\$ 16,000.00	\$ 20,000.00
518211	Hispanic Heritage Council of WNY	159000	\$ 12,000.00	\$ 20,000.00	\$ 24,300.00
	Black Rock Historical Society (Black				
518215	Rock Riverarts Alliance	110889	\$ 22,500.00	\$ 7,500.00	\$ 10,000.00
518233	Centro Culturale Italiano di Buffalo	167500	\$ 25,000.00	\$ 30,800.00	\$ 35,000.00
518249	South Buffalo Irish Feis/Can You Dig	113041	\$ 18,000.00	\$ 18,000.00	\$ 35,000.00
518356	Net Postive DBA The Foundry	168005	\$ 5,000.00	\$ -	\$ 5,000.00

Monitoring Program – Phase II

ACT #	APPROPRIATION	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 ACTUAL	FY2022 ACTUAL
51723	Buffalo Christmas Parks Conservancy	140123	\$ 23,930.00	\$ 25,110.00	\$ 33,000.00
51808	Albright Knox Art Gallery	108782	\$ 578,000.00	\$ 575,000.00	\$ 678,000.00
51809	Albright Knox Public Art Director	147273	\$ 18,200.00	\$ 44,300.00	\$ -
518025	Assembly House B&B, Inc	107741	\$ 1,000.00	\$ 1,000.00	\$ 1,500.00
518021	Buffalo & Erie County Suburban Garden	128743	\$ 103,500.00	\$ 115,000.00	\$ 135,000.00
518036	Buffalo & Erie Co Historical Society	108772	\$ 417,000.00	\$ 467,000.00	\$ 413,000.00
	Buffalo & Erie County Naval & Service Center				
518032	Park	109313	\$ 15,000.00	\$ 15,000.00	\$ 50,000.00
518060	Buffalo Philharmonic Ch. Society	101051	\$ 926,000.00	\$ 136,000.00	\$ 940,000.00
51804	Buffalo Philharmonic Chorus	106795	\$ 34,500.00	\$ 34,500.00	\$ 23,000.00
518064	Buffalo Society Natural Sciences	109782	\$ 953,000.00	\$ 953,000.00	\$ 953,000.00
51805	Buffalo String Works, Inc.	101911	\$ 1,500.00	\$ 1,800.00	\$ 3,511.00
518066	Burnfield Penny Art Center	101908	\$ 153,000.00	\$ 153,000.00	\$ 380,000.00
518072	Center for Electricity and Perception	109933	\$ 33,500.00	\$ 11,000.00	\$ 44,000.00
518082	Diversity	115609	\$ 2,800.00	\$ 5,500.00	\$ 3,000.00
518095	Explore & More Children's Museum	102758	\$ 21,000.00	\$ 22,000.00	\$ 28,000.00
518188	Health Contemporary Arts Center	106348	\$ 57,000.00	\$ 57,000.00	\$ 60,000.00
518112	Ho-Ho-Lug Nat. Hist. Soc. of Penn Drive	103282	\$ 4,814.00	\$ 6,814.00	\$ 9,314.00
518156	Irish Classical Theatre Company	108787	\$ 61,500.00	\$ 61,500.00	\$ 64,500.00
518124	D'Youville College Kavanay Theatre	109411	\$ 11,750.00	\$ -	\$ 9,500.00
518128	Lancaster Opera House	111683	\$ 45,300.00	\$ 30,300.00	\$ 35,000.00
518142	Mus. on "A" Theatre	101209	\$ 4,115.00	\$ 8,525.00	\$ 46,000.00
518141	New Prospect Theatre	109042	\$ 7,500.00	\$ 7,500.00	\$ -
518148	Read Less Traveled Productions	112043	\$ 81,300.00	\$ 61,500.00	\$ 87,000.00
518152	Roycroft Campus Cooperation	118211	\$ 20,000.00	\$ 40,000.00	\$ 30,000.00
518155	ShareSpace in The Park	109873	\$ 69,000.00	\$ 42,000.00	\$ 60,000.00
518164	Theatre Of Youth	106868	\$ 49,600.00	\$ 49,600.00	\$ 74,000.00
518173	Town Space Theatre	143813	\$ 20,440.00	\$ 11,440.00	\$ 29,500.00
518188	Zoological Society of Buffalo	108823	\$ 1,500,000.00	\$ 1,500,000.00	\$ 1,798,000.00
518149	Buffalo Park Conservancy	117742	\$ 4,910.00	\$ -	\$ 8,000.00
518182	Buffalo Opera Unlimited Incorporated	150973	\$ 2,200.00	\$ 2,300.00	\$ 18,000.00
518187	Buffalo-Toronto Public Media WNEP/WTD	122968	\$ 8,710.00	\$ -	\$ 8,000.00
518205	Cheekowaga Comm. Symphony Orchestra	108177	\$ -	\$ 7,000.00	\$ -
518209	Historical-Historical Society	105318	\$ 3,500.00	\$ 5,500.00	\$ 8,000.00
518213	O'Connell & Company Products	159182	\$ 23,300.00	\$ 23,100.00	\$ 31,000.00
	Amherst Main Glee Club and Rec. Center				
518219	Men's Chorus	161041	\$ 1,000.00	\$ 2,000.00	\$ 4,000.00
518221	Buffalo Center for Arts and Technology	153287	\$ 3,000.00	\$ 3,000.00	\$ 7,500.00
518225	Cheekowaga Historical Association	148111	\$ 8,200.00	\$ 6,500.00	\$ 8,100.00
518229	Second Generation Theatre Company	164917	\$ 2,000.00	\$ 2,000.00	\$ 3,000.00
518230	Steel Plant Museum of Western New York	147710	\$ 2,000.00	\$ 2,000.00	\$ 3,000.00
518245	Allen Orsborn Theatre Society	118316	\$ 10,000.00	\$ -	\$ 1,000.00
518254	Clarence Centennial Association	107711	\$ 8,000.00	\$ -	\$ 3,000.00
	Clarence Museum Historical Soc. of the				
518315	Town of Cheektow	122967	\$ 4,500.00	\$ -	\$ 4,000.00

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BRIGHTON PLACE LIBRARY

BACKGROUND

The Brighton Place Library (BPL) is a non-profit organization located in Tonawanda, NY. Its stated purpose of providing diverse forms of educational and cultural opportunities that will enhance the lives of community members and those in the surrounding areas. The organization is registered as a 501(c)3 non-profit entity.

BPL was previously called the Brighton Library and was once a part of the Erie County Public Library System. The Brighton Library was closed in 2005. Facing the loss of a local institution, volunteers and community members came together to save what they considered to be a vital community resource. In 2006 the organization re-opened as the Brighton Place Library. BPL is now a privately owned organization. However, the building it occupies is owned by the Town of Tonawanda.

In 2020, BPL received \$10,000 in Cultural Grant Funding (CGF). BPL received \$16,000 in 2021. BPL received \$20,000 in 2022.

AUDITOR'S FINDINGS

BPL ceased operations during most of 2020 due to the Covid-19 pandemic. During that time, BPL continued to incur expenses such as utilities and insurance. The organization re-opened in November 2020 for curb-side service with in-person services starting back up in 2021.

The CGF award was used to offset general operating expenses such as payroll, utility costs, insurance premiums, supplies and the purchase of books. The organization was able to substantiate all operating expenses that it incurred during TY2020, TY2021 and TY2022.

As a privately owned library, BPL raises funds independently through various fundraising efforts. BPL hosts annual events such as a fund drive, chicken BBQ and spaghetti dinner. The Auditor reviewed expenses related to fundraising efforts and found that one event was hosted at a business owned by a member of the board of directors. The Auditor determined that the cost of the event did not exceed fair market value, and therefore did not present as a conflict of interest.

BPL offers a one-time membership fee of \$5.00 to Town of Tonawanda residents to ensure that resources remain accessible to the community at large. BPL also provides low-cost membership options to individuals, families, seniors, students and businesses from the surrounding area in an effort to generate additional revenue and participation. BPL hosts a series of community events such as a Coloring Club, Toddler Time, Book Sales, Knitting Club and Summer Family Concerts to build a greater sense of community.

AUDITOR'S CONCLUSION

The Brighton Place Library has a small group of employees, which includes one full-time employee and two part-time employees. The organization's full-time employee is responsible for most of BPL's administrative functions, such as bookkeeping, cash handling, making purchases and daily operations. The Auditor recommends that the Board of Directors review policies and procedures regarding internal controls to ensure timely review of cash handling, bill paying and reconciliation of BPL's financial records.

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-3

COMPTROLLER

EC Cultural Funding Grant Monitoring
Program - Newstead Historical Society

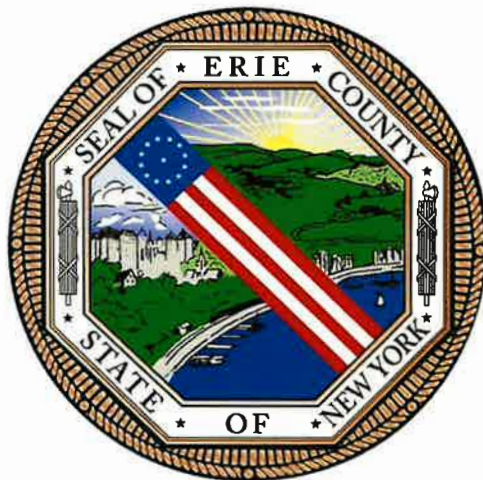
Attachments

23COMM. 24E-3

December 2023

EC LEG DEC 5 '23 PM 12:57

**Erie County Cultural Funding Grant
Monitoring Program
Newstead Historical Society
January 1, 2020 through December 31, 2022**



**HON. KEVIN R. HARDWICK
ERIE COUNTY COMPTROLLER**

HON. KEVIN R. HARDWICK
ERIE COUNTY COMPTROLLER'S OFFICE
DIVISION OF AUDIT & CONTROL
95 FRANKLIN STREET
BUFFALO, NEW YORK 14202



December 4, 2023

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

Dear Honorable Members:

In 2023, the Erie County Comptroller's Office, Division of Audit & Control initiated a regular Monitoring Program of Erie County Cultural Funding Grants. The Erie County Cultural Funding program provides annual grants to non-profit arts and cultural organizations operating within the County. County funds are intended to be limited in their use to current operating expenses including salaries, program costs, fringe benefits, rents, utilities, office supplies, and equipment. Grant funds may not be used for or applied towards capital projects or physical improvements of buildings or facilities, nor as a revenue offset against accounts receivable. No funds received shall be used for any services provided or activities performed outside Erie County. The County's Department of Environment and Planning executes contracts with organizations and is the primary agency charged with monitoring.

Objective

The objective of the Cultural Funding Monitoring Program is to verify that the recipients have utilized County funds according to the terms and conditions associated with the Erie County Cultural Funding grant process and the recipient's contract with the County. In order to verify the proper use of the grant award, a number of agencies were selected in order to review their expenses and financial records.

Scope and Methodology

Approximately 120 different organizations receive funding annually from Erie County. The Comptroller's Cultural Funding Grant Monitoring Program is intended to review organizations that received a minimum of \$5,000 in funding during any of the three prior years. Approximately 80 agencies were identified as receiving \$5,000 or more in grant funding. The list of recipient organizations was split into two groups of approximately 40 agencies. The first batch of letters announcing the commencement of a review was sent to the selected non-profit organizations during mid-February 2023, with a second batch scheduled to be sent in early October 2023. The review of all agencies is expected to be completed by December 31, 2023.

2023 Program

During the interview phase, the Auditor identifies use of funding to narrow down the expenses to be verified. A table of agencies which meet the criteria for review along with the amount of grant awards can be found on the following page.

Monitoring Program – Phase I

ACT	APPROPRIATION	VE NUMBER	TAX YEAR 2020	TAX YEAR 2021	TAX YEAR 2022
	Enlightenment Literary Arts Center & Dog Ears Bookstore	153183	\$ 18,000.00	\$ 16,600.00	\$ 15,000.00
	518004 African American Cultural Center	112804	\$ 275,450.00	\$ 311,500.00	\$ 300,000.00
	518012 Alleyway Theatre	108340	\$ 8,500.00	\$ 8,500.00	\$ 11,000.00
	518016 American Legion Band of	100379	\$ 7,500.00	\$ 7,500.00	\$ 45,000.00
	518017 Amherst Symphony Orchestra	100473	\$ 12,500.00	\$ 26,750.00	\$ 28,740.00
	518019 Arts Services Initiative of WNY Inc	147159	\$ 26,000.00	\$ 26,050.00	\$ 10,000.00
	518028 Ballet Artists of WNY (Regis)	100794	\$ 24,000.00	\$ 24,000.00	\$ 10,000.00
	Buffalo Arts Studio Arts Studio of				
	518040 Western New York, Inc	101244	\$ 38,000.00	\$ 45,500.00	\$ 53,000.00
	518044 Buffalo Inner City Ballet Co. Inc	104937	\$ 27,000.00	\$ 27,000.00	\$ 27,000.00
	518050 Buffalo Music Hall of Fame	115142	\$ 4,500.00	\$ -	\$ 5,500.00
	518051 Buffalo Heritage Carousel	147829	\$ 10,000.00	\$ 10,000.00	\$ 15,000.00
	518074 Colored Musicians Club	130177	\$ 5,000.00	\$ -	\$ 15,500.00
	518084 El Murore Gallery	209338	\$ 12,583.00	\$ 8,535.00	\$ 11,000.00
	518104 Graycliff Conservancy	103197	\$ 58,200.00	\$ 58,200.00	\$ 60,000.00
	518113 Hull House Foundation	143471	\$ 15,375.00	\$ 8,375.00	\$ 7,500.00
	Jewish Community Center Cultural				
	518119 (Levans) Ctr of Greater Buff	111239	\$ 15,500.00	\$ 6,750.00	\$ 15,000.00
	518120 Just Buffalo Literacy Center	108177	\$ 78,100.00	\$ 78,100.00	\$ 81,000.00
	518132 Locust St Neighborhood Art Classes	109989	\$ 29,200.00	\$ 25,200.00	\$ 28,500.00
	518136 Mason House Restoration	104868	\$ 171,500.00	\$ 171,500.00	\$ 190,000.00
	518139 Musicis Art	159615	\$ 48,000.00	\$ 48,000.00	\$ 39,000.00
	518148 Polish Arts Club Of Buffalo Inc	104132	\$ 7,000.00	\$ 7,000.00	\$ 8,000.00
	518147 Preservation Buffalo Niagara	147599	\$ 4,615.00	\$ 4,615.00	\$ 6,000.00
	518160 Springville Center For The Arts	111308	\$ 20,503.00	\$ 20,503.00	\$ 28,000.00
	518164 Squeely White	101368	\$ 20,900.00	\$ 20,900.00	\$ 27,000.00
	518172 Theodore Roosevelt Inaugural Site	104613	\$ 32,320.00	\$ 32,320.00	\$ 37,000.00
	518176 Ujima Company	103047	\$ 83,000.00	\$ 83,000.00	\$ 57,714.00
	518180 Western New York Artists Group	108195	\$ 8,275.00	\$ 8,275.00	\$ 7,100.00
	518181 WNY Book Arts Collaborative, Inc	135959	\$ 4,640.00	\$ 4,640.00	\$ 6,000.00
	518184 Young Audiences Of WNY	108814	\$ 10,500.00	\$ 10,500.00	\$ 14,000.00
	518196 Buffalo Niagara Heritage Village	155996	\$ 14,500.00	\$ 14,500.00	\$ 24,000.00
	518200 Multi-gen Art African Amer Heritage	115171	\$ 15,000.00	\$ 15,000.00	\$ 12,500.00
	518201 General Pulaski Association	103040	\$ 10,000.00	\$ 11,000.00	\$ 12,500.00
	518204 Bi-Region Place, Inc	154194	\$ 10,000.00	\$ 18,000.00	\$ 20,000.00
	518211 Hispanic Heritage Council of WNY	159305	\$ 12,000.00	\$ 20,000.00	\$ 24,500.00
	Black Rock Historical Society (Black				
	518216 Rock Riverside Alliance	170169	\$ 22,500.00	\$ 7,500.00	\$ 10,000.00
	518235 Centro Culturale Italiano di Buffalo	147590	\$ 25,000.00	\$ 20,000.00	\$ 15,000.00
	518249 South Buffalo Irish Fest/Jan You Dig	111041	\$ 18,000.00	\$ 15,000.00	\$ 15,000.00
	518256 Net Positive DBA The Foundry	168005	\$ 5,000.00	\$ -	\$ 5,000.00

Monitoring Program – Phase II

ACT	APPROPRIATION	VE NUMBER	TAX YEAR 2020	TAX YEAR 2021	TAX YEAR 2022
	518231 Buffalo Orchestral Fairs Contemporary	140237	\$ 22,810.00	\$ 22,810.00	\$ 15,000.00
	518208 Albright-Knox Art Gallery	104707	\$ 575,000.00	\$ 575,000.00	\$ 675,000.00
	518209 Albright-Knox Public Art Curator	147228	\$ 48,250.00	\$ 48,250.00	\$ -
	518023 Assembly House SBL Inc	147747	\$ 1,000.00	\$ 1,000.00	\$ 6,500.00
	518034 Buffalo & Erie County Botanical Garden	108741	\$ 101,000.00	\$ 121,000.00	\$ 110,000.00
	518006 Buffalo & Erie Co Historical Society	104774	\$ 417,000.00	\$ 467,000.00	\$ 417,000.00
	Buffalo & Erie County Naval & Seaport				
	518011 Park	109339	\$ 35,000.00	\$ 35,000.00	\$ 50,000.00
	518000 Buffalo Philharmonic Outh Society	101832	\$ 928,000.00	\$ 928,000.00	\$ 960,000.00
	518011 Buffalo Philharmonic Chorus	229794	\$ 48,500.00	\$ 48,500.00	\$ 53,000.00
	518004 Buffalo Society Natural Sciences	109767	\$ 955,000.00	\$ 955,000.00	\$ 955,000.00
	518065 Buffalo String Works, Inc	147833	\$ 1,500.00	\$ 1,500.00	\$ 3,150.00
	518068 Burnfield Penney Art Center	101004	\$ 355,000.00	\$ 355,000.00	\$ 360,000.00
	518071 Center for Embroidery and Reception	209584	\$ 35,000.00	\$ 35,000.00	\$ 42,000.00
	518062 Conspicibility	194649	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
	518094 Explore & More Children's Museum	102758	\$ 42,000.00	\$ 42,000.00	\$ 78,000.00
	518108 Hallewaite Contemporary Arts Center	102099	\$ 57,000.00	\$ 57,000.00	\$ 60,000.00
	518112 Hamburg Nat Hist Society/Phineas Drive	103282	\$ 96,314.00	\$ 96,314.00	\$ 96,314.00
	518106 Irish Classical Theatre Company	102722	\$ 83,500.00	\$ 83,500.00	\$ 83,500.00
	518124 Dr Housley College Kaushay Theatre	109341	\$ 11,750.00	\$ -	\$ 8,500.00
	518128 Lancaster Opera House	111481	\$ 45,300.00	\$ 30,300.00	\$ 35,000.00
	518240 MusicLife Theatre	103308	\$ 53,235.00	\$ 61,525.00	\$ 64,000.00
	518141 New Phoenix Theatre	109443	\$ 7,500.00	\$ 7,500.00	\$ -
	518144 Road Less Traveled Productions	121043	\$ 63,500.00	\$ 63,500.00	\$ 87,500.00
	518153 Reynolds Campus Cooperation	118213	\$ 50,000.00	\$ 40,000.00	\$ 50,000.00
	518156 Renaissance in the Park	109671	\$ 11,000.00	\$ 11,000.00	\$ 19,000.00
	518084 Theatre Of Youth	109888	\$ 98,400.00	\$ 98,400.00	\$ 74,000.00
	518171 Tom Spies Theatre	141471	\$ 20,100.00	\$ 11,400.00	\$ 28,500.00
	518108 Zoological Society Of Buffalo	104622	\$ 1,300,000.00	\$ 1,300,000.00	\$ 1,700,000.00
	518193 Orchard Park Symphony Orchestra	147747	\$ 4,615.00	\$ 4,615.00	\$ 6,300.00
	518202 Buffalo Opera Unlimited Incorporated	155828	\$ 2,300.00	\$ 2,300.00	\$ 3,000.00
	518203 Buffalo-Tonawanda Public Media WHD/WSPD	172004	\$ 1,750.00	\$ -	\$ 3,000.00
	518205 Onestage Opera Company Orchestra	109177	\$ -	\$ 7,500.00	\$ -
	518209 Newstead Historical Society	105518	\$ 5,000.00	\$ 3,500.00	\$ 5,000.00
	518113 O'Connell & Company Productions	159162	\$ 23,100.00	\$ 23,100.00	\$ 31,500.00
	Amherst Male Glee Club aka Red Brazer				
	518215 Men's Chorus	142045	\$ 3,000.00	\$ 3,000.00	\$ 8,500.00
	518211 Buffalo Center for Arts and Technology	152307	\$ 1,000.00	\$ 1,000.00	\$ 7,500.00
	518226 Cherokeetaga Historical Association	141122	\$ 3,250.00	\$ 8,250.00	\$ 4,100.00
	518229 Second Generation Theatre Company	146927	\$ 2,000.00	\$ 2,000.00	\$ 3,000.00
	518230 Steel Plant Museum of Western New York	147176	\$ 2,025.00	\$ 2,025.00	\$ 5,000.00
	518241 Alden Orphanage Theatre Society	114258	\$ 10,000.00	\$ -	\$ 3,000.00
	518124 Clarence Concert Association	141711	\$ 1,000.00	\$ -	\$ 5,000.00
	Clarence Museum Historical Soc. of the				
	518015 Town of Clarence	119867	\$ 3,300.00	\$ -	\$ 8,000.00

BEST PRACTICES

Over the course of the Monitoring Program, the Division of Audit found a number of problematic practices and questionable expense categories on a recurring basis. In order to address issues pertaining to a large number of organizations, certain generally applicable best practices and recommendations are included here.

Alcohol

Several organizations used or appeared to use CGF funds to obtain alcohol. While the Division of Audit does not recommend that CGF awards be made contingent on the absence of alcohol from events hosted by the organization, alcohol should not be purchased with CGF funds. The Division of Audit found dozens of alcohol purchases that appeared to be personal in nature and several more which likely violated NYS Alcoholic Beverage Control Laws. Furthermore, the NYS Comptroller has long held that alcohol is not a "lawful county charge", meaning that government officials and employees may not use taxpayer funds to purchase alcohol. The Division of Audit sees no reason that organizations receiving taxpayer funds should be treated differently.

Debit Cards

The Division of Audit found a large quantity of small-dollar expenses made with debit cards which appeared personal in nature. If a debit card is used, the money is gone by the time statements are typically reviewed, while a credit card bill often needs to be approved and paid by the organization's board of directors. Thus, the use of credit cards, particularly with smaller organizations, can provide a critical layer of expense control.

Alternate Funding Sources and Segregation of Accounts

Organizations may have several sources of governmental or philanthropic funding. One way to ensure that CGF funds go farthest is to tailor awards to the needs of the organization. Such an assessment would require applicants to provide certain financial documents covering prior years and a disclosure of current year funding applications. Furthermore, accounts received from Erie County should not be comingled with the other funds of the organization. Having source information upfront and requiring the segregation of accounts substantially decreases the likelihood of wasted CGF funds.

NEWSTEAD HISTORICAL SOCIETY

BACKGROUND

The Newstead Historical Society (NHS) is a non-profit volunteer organization established in 1958 with the mission of ensuring a sense of community in the Town of Newstead by preserving and interpreting the Town's social and cultural history through educational programming. The organization is registered as a 501(c)3 non-profit entity.

NHS owns and operates the Rich-Twinn Octagon House (Octagon House) and the Knight-Sutton Museum (Museum). The Octagon House was built sometime between 1850-1855 and had approximately four owners before it was acquired by NHS in 1981. The Octagon House was restored and placed on the National Register of Historic Places in 1995. In 1997, the Museum was established in an effort to house and display the extensive collection of artifacts that have outgrown the Octagon House. The Museum has offered an annual rotating exhibit on the history of Akron and Newstead since 2006.

In 2020, NHS received \$5,500 in County Cultural Grant funding. \$3,500 was received in 2021; \$5,000 was received in 2022.

AUDITOR'S FINDINGS

NHS is an all-volunteer non-profit organization. NHS does not have any paid positions or personnel receiving stipends.

NHS operates the Museum which displays artifacts and materials related to the history of Akron and Newstead. Museum exhibits are displayed for approximately six to eight months, and visitors are admitted free of charge. In addition to exhibits at the Museum, NHS has created a resource room within the museum. The resource room holds a collection of manuscripts and other antiquarian written material.

The NHS also operates the Octagon House, which is a circular-style home, built in the 1800s and restored to its original state. NHS charges a fee for entry and provides guided tours of the property.

NHS ceased operation of the Museum and the Octagon House during portions of 2020 and 2021 due to the Covid-19 pandemic. All programming previously scheduled for 2020 was shifted to the second half of 2021. NHS used the shutdown period to catalog their museum artifact inventory.

In 2020, the Octagon House suffered major water damage due to a malfunction in its air conditioning system. The malfunction caused approximately \$150,000 in damages, which were covered by NHS's insurance policy. In addition to conducting a full review of the Museum's artifacts, NHS used the shutdown period to repair the damage to the Octagon House.

The funding received pursuant to the Erie County Cultural Grant (CGF) is currently the only source of public funding received by the organization. CGF is utilized by the organization to offset the cost of operating expenses at the Octagon House and the Museum. NHS was able to substantiate operating expenses incurred, which exceeded the amount of grant funding received.

In addition to its CGF award, NHS hosts a series of fundraising events throughout the year including an Amish quilt raffle and pie sales. NHS also receives funding in the form of corporate sponsorship, memberships, and private donations.

Finally, during 2020, NHS started a new project to restore parts of the Maple Lawn Cemetery, which is owned by the Town of Newstead. The cemetery is the final resting place for many of the town's founders, including veterans of the Revolutionary War and the War of 1812. NHS has received a series of donations for this project. The organization has set up a separate bank account to hold funds that are being raised for this project.

AUDITOR'S CONCLUSION

The Newstead Historical Society will be undergoing several capital improvement projects, including foundation repairs to the Octagon House and an expansion of the Museum's storage space. The Auditor informed members of the NHS board of the availability of Erie County Cultural Service Grants for capital improvements, which could provide the necessary financial assistance. The organization should refer to the New York State Council for the Arts (NYSCA) for additional information on funding availability, application requirements and deadlines¹.

With regard to the Maple Lawn Cemetery project undertaken by NHS, the organization could not say whether the cemetery is listed on the National Register of Historic Places. The Auditor suggested that NHS inquire with the State Historic Preservation Office (SHPO) for additional information on the nomination process and what funding sources may be available. In addition, the Auditor suggested that NHS inquire about Historic Cemetery Preservation Programs and the options that exist for funding public benefit preservation projects, including public and non-for-profit grant programs².

Finally, based on a review of the organization's website and social media accounts, the Auditor was not able to identify an acknowledgment of County support. However, the Auditor was able to verify an acknowledgment of County support on the organization's quarterly newsletter. The Auditor suggests that the organization make the necessary updates to their webpage and social media accounts in order to comply with Erie County Cultural Service Contract § 21. That section stipulates that an "Organization agrees to acknowledge in any and all promotional material the fact that the Organization receives financial support from the County, including, but not limited to the Organization's website, marketing materials and/or publications."

cc: Daniel Castle, Commissioner of Environment and Planning
Robert Keating, Director of Budget and Management

¹ New York State Council for the Arts (NYSCA) - <https://arts.ny.gov/>

Arts Service Initiative of WNY - www.asiwny.org

² National Register of Historic Places - <https://nps.gov/subjects/nationalregister/what-is-the-national-register.htm>

NYS Parks State Parks, Recreation and Historic Preservation - <http://parks.ny.gov/shpo/>

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-4

COUNTY EXECUTIVE

Appointment to Western Region OTB Board
of Directors

Attachments

23COMM. 24E-4



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

December 5, 2023

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

Re: Appointment to Western Region OTB Board of Directors

Dear Honorable Members,

Please be advised that pursuant to legislation adopted in the 2023-2024 New York State budget and the resignation of my office's current appointee, I hereby appoint the following individual to the Board of Directors of Western Region OTB:

Timothy C. Callan
73 Kenton Road
Kenmore, NY 14217

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: Appointee
Western Region OTB
Kevin Hardwick, County Comptroller
Thomas P. DiNapoli, New York State Comptroller
New York State Gaming Commission

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-5

COMPTROLLER

EC Cultural Funding Grant Monitoring
Program - Shakespeare in Delaware Park, Inc.

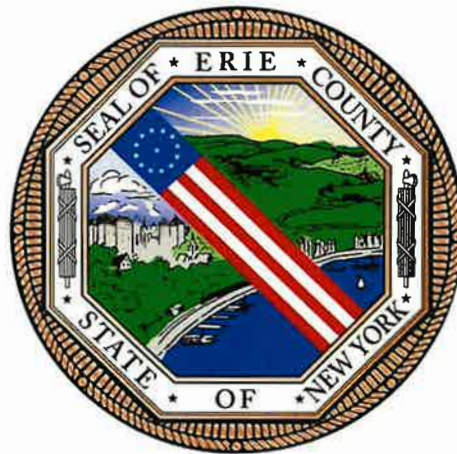
Attachments

23COMM. 24E-5

December 2023

EC LEG DEC 11 '23 13:48

**Erie County Cultural Funding Grant
Monitoring Program
Shakespeare in Delaware Park, Inc.
January 1, 2020 through December 31, 2022**



**HON. KEVIN R. HARDWICK
ERIE COUNTY COMPTROLLER**

**HON. KEVIN R. HARDWICK
ERIE COUNTY COMPTROLLER'S OFFICE
DIVISION OF AUDIT & CONTROL
95 FRANKLIN STREET
BUFFALO, NEW YORK 14202**



December 11, 2023

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

Dear Honorable Members:

In 2023, the Erie County Comptroller's Office, Division of Audit & Control initiated a regular Monitoring Program of Erie County Cultural Funding Grants. The Erie County Cultural Funding program provides annual grants to non-profit arts and cultural organizations operating within the County. County funds are intended to be limited in their use to current operating expenses including salaries, program costs, fringe benefits, rents, utilities, office supplies, and equipment. Grant funds may not be used for or applied towards capital projects or physical improvements of buildings or facilities, nor as a revenue offset against accounts receivable. No funds received shall be used for any services provided or activities performed outside Erie County. The County's Department of Environment and Planning executes contracts with organizations and is the primary agency charged with monitoring.

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2023 Program

During the interview phase, the Auditor identifies use of funding to narrow down the expenses to be verified. A table of agencies which meet the criteria for review along with the amount of grant awards can be found on the following page.

Monitoring Program – Phase I

ACT #	APPROPRIATION	FUNDING AWARD	TAX YEAR 2016	TAX YEAR 2017	TAX YEAR 2017
	Enrichment Library Arts Center &				
511125	Dog Park Boat House	151133	\$ 28,000.00	\$ 36,600.00	\$ 35,000.00
518004	African American Cultural Center	112604	\$ 275,400.00	\$ 331,950.00	\$ 200,000.00
518012	Artway Theatre	106340	\$ 8,500.00	\$ 8,500.00	\$ 11,000.00
518018	American Legion Band of	106379	\$ 7,500.00	\$ 7,500.00	\$ 43,000.00
518017	Amherst Symphony Orchestra	106475	\$ 32,000.00	\$ 24,750.00	\$ 28,740.00
518019	Arts Services Initiative of WNY Inc.	147159	\$ 36,000.00	\$ 24,000.00	\$ 30,000.00
518018	Ballet Artists Of WNY (Nightingale)	100794	\$ 24,000.00	\$ 24,000.00	\$ 10,000.00
	Buffalo Arts Studio (Fors Studio of)				
518040	Western New York, Inc.	101244	\$ 38,000.00	\$ 45,500.00	\$ 34,000.00
518044	Buffalo Inner City Baiter Co. Inc.	106207	\$ 27,000.00	\$ 27,000.00	\$ 27,000.00
518050	Buffalo Music Hall of Fame	113144	\$ 4,500.00	\$ -	\$ 5,500.00
518051	Buffalo Heritage Carousel	167829	\$ 30,000.00	\$ 20,000.00	\$ 35,000.00
518074	Colored Musicians Club	130377	\$ 5,000.00	\$ -	\$ 13,500.00
518104	El Museo Gallery	102816	\$ 12,585.00	\$ 8,835.00	\$ 11,000.00
518104	Gracilly Conservancy	103197	\$ 59,200.00	\$ 59,200.00	\$ 60,000.00
518113	Hull House Foundation	143473	\$ 15,375.00	\$ 5,375.00	\$ 7,500.00
	Jewish Community Center Cultural				
518119	(Jewish Ch of Greater Buff)	111229	\$ 15,500.00	\$ 8,750.00	\$ 15,500.00
518120	Just Buffalo Literary Center	106377	\$ 78,100.00	\$ 78,100.00	\$ 27,500.00
518132	Lodest St Neighborhood Art Classes	109945	\$ 29,250.00	\$ 35,250.00	\$ 38,500.00
518136	Martin House Restoration	104645	\$ 175,500.00	\$ 175,500.00	\$ 190,300.00
518139	Music Is Art	139615	\$ 48,000.00	\$ 48,000.00	\$ 39,000.00
518146	Polish Arts Club Of Buffalo Inc.	106112	\$ 7,000.00	\$ 7,000.00	\$ 8,800.00
518147	Preservation Buffalo Niagara	147009	\$ 4,815.00	\$ 4,815.00	\$ 4,000.00
518150	Springville Center For The Arts	111303	\$ 30,555.00	\$ 30,555.00	\$ 34,000.00
518164	Southern Wheat	301248	\$ 30,910.00	\$ 30,910.00	\$ 27,000.00
518172	Theodore Roosevelt Inaugural Site	106512	\$ 12,120.00	\$ 12,120.00	\$ 27,000.00
518176	Ujima Company	301047	\$ 80,000.00	\$ 80,000.00	\$ 77,740.00
518180	Western New York Amvets Group	102421	\$ 6,175.00	\$ 6,175.00	\$ 7,500.00
518181	WNY Book Arts Collaborative, Inc.	135959	\$ 4,640.00	\$ 4,640.00	\$ 4,000.00
518186	Young Audiences Of WNY	104818	\$ 18,500.00	\$ 18,500.00	\$ 14,000.00
518196	Buffalo Niagara Heritage Village	151994	\$ 18,500.00	\$ 18,500.00	\$ 24,900.00
518200	Multiplan Inc African American Heritage	352378	\$ 19,000.00	\$ 19,000.00	\$ 22,500.00
518201	General Public Association	103660	\$ 10,000.00	\$ 11,000.00	\$ 12,500.00
518204	Brighton Place, Inc.	156154	\$ 10,000.00	\$ 18,000.00	\$ 20,000.00
518211	Historic Heritage Council of WNY	159305	\$ 12,000.00	\$ 20,000.00	\$ 24,500.00
	Black Rock Historical Society (Black				
518218	Rock-Riverside Alliance)	176169	\$ 12,500.00	\$ 7,500.00	\$ 10,000.00
518233	Centro Culturale Italiano di Buffalo	167500	\$ 25,000.00	\$ 20,000.00	\$ 15,000.00
518549	South Buffalo Irish Feis/Can You Dig	112041	\$ 18,000.00	\$ 15,000.00	\$ 15,000.00
518556	Net Positive DBA The Foundry	148005	\$ 5,000.00	\$ -	\$ -

Monitoring Program – Phase II

ACT #	APPROPRIATION	FUNDING AWARD	TAX YEAR 2016	TAX YEAR 2017	TAX YEAR 2017
512541	Buffalo Olmsted Park Conservancy	140237	\$ 25,910.00	\$ 25,910.00	\$ 35,700.00
518004	Albright-Knox Art Gallery	108707	\$ 575,000.00	\$ 575,000.00	\$ 675,000.00
518009	Albright-Knox Public Art Council	147128	\$ 84,250.00	\$ 84,250.00	\$ -
518025	Assembly House USA, Inc.	167747	\$ 1,000.00	\$ 1,000.00	\$ 5,500.00
518074	Buffalo & Erie County Botanical Garden	158743	\$ 103,000.00	\$ 125,000.00	\$ 110,000.00
518035	Buffalo & Erie Co Historical Society	108772	\$ 417,000.00	\$ 667,000.00	\$ 417,000.00
	Buffalo & Erie County Naval & Veterans				
518217	Peak	158188	\$ 11,000.00	\$ 11,000.00	\$ 10,000.00
518004	Buffalo Philharmonic Chh Society	131011	\$ 928,000.00	\$ 928,000.00	\$ 940,000.00
518017	Buffalo Philharmonic Chorus	129798	\$ 34,500.00	\$ 34,500.00	\$ 35,000.00
518064	Buffalo Society Natural Sciences	149742	\$ 955,000.00	\$ 955,000.00	\$ 925,000.00
518067	Buffalo Young Men's Yc	141911	\$ 1,500.00	\$ 1,500.00	\$ 1,118.00
518088	Southfield-Penney Art Center	131004	\$ 155,000.00	\$ 155,000.00	\$ 180,000.00
518077	Center for Experimental and Kinetic	129934	\$ 53,500.00	\$ 53,500.00	\$ 44,300.00
518082	OrionHerbivory	158678	\$ 2,200.00	\$ 5,500.00	\$ 7,000.00
518091	Samuel & Abner Childs's Museum	103718	\$ 42,500.00	\$ 42,500.00	\$ 29,000.00
518108	Westlawn Contemporary Arts Center	308398	\$ 17,000.00	\$ 17,000.00	\$ 60,000.00
518117	Hamburg Nat Hist Society Ferns Club	101282	\$ 98,114.00	\$ 98,114.00	\$ 98,114.00
518124	Buffalo Historical Warehouse Company	103727	\$ 89,500.00	\$ 89,500.00	\$ 82,000.00
518124	Orchard Park Garage Band/DJ/AV/DI	129341	\$ 1,740.00	\$ -	\$ 9,500.00
518128	Lancaster Opera House	111881	\$ 45,300.00	\$ 30,300.00	\$ 35,000.00
518140	Musica Nova Theatre	125302	\$ 41,125.00	\$ 41,125.00	\$ 44,700.00
518141	New Peoples Theatre	109342	\$ 3,000.00	\$ 3,000.00	\$ -
518144	Road Less Travelled Productions	111041	\$ 41,500.00	\$ 41,500.00	\$ 47,500.00
518145	Reposit Campus Cooperation	118213	\$ 88,000.00	\$ 88,000.00	\$ 50,000.00
518146	Shakespeare in The Park	129875	\$ 95,000.00	\$ 95,000.00	\$ 95,000.00
518146	Thames Of Youth	104888	\$ 88,400.00	\$ 88,400.00	\$ 74,000.00
518171	Team Space Theatre	148178	\$ 20,400.00	\$ 15,100.00	\$ 29,000.00
518188	International Society of Buffalo	108623	\$ 1,500,000.00	\$ 1,500,000.00	\$ 1,700,000.00
518195	Orchard Park Symphony Orchestra	147247	\$ 4,815.00	\$ 4,815.00	\$ 5,000.00
518201	Buffalo Opera Unlimited Incorporated	157973	\$ 2,300.00	\$ 2,300.00	\$ 10,000.00
518201	Buffalo-Toronto Public Media Alliance (BT/AT/TF)	172908	\$ 1,740.00	\$ -	\$ 5,000.00
518205	Chesterwaga Comm Symphony Orchestra	209777	\$ -	\$ 7,500.00	\$ -
518206	International Professional Soloists	125518	\$ 1,500.00	\$ 1,500.00	\$ 5,000.00
518213	OSpennell & Company Productions	155642	\$ 21,100.00	\$ 21,100.00	\$ 31,900.00
	Amherst Main Green Club (the Red Brain)				
518229	Men's Chorus	162045	\$ 1,000.00	\$ 1,000.00	\$ 6,000.00
518231	Buffalo Center for Arts and Technology	161249	\$ 9,000.00	\$ 1,000.00	\$ 7,500.00
518234	Theekwaga - Local Association	181121	\$ 1,100.00	\$ 6,310.00	\$ 6,100.00
518239	Second Generation Theatre Company	304957	\$ 1,020.00	\$ 1,020.00	\$ 5,000.00
518240	Steel Frame Studios of Western New York	147740	\$ 2,020.00	\$ 2,020.00	\$ 5,000.00
518501	Alton Christian Theatre Society	114206	\$ 80,000.00	\$ -	\$ 3,000.00
518514	Clarence Concert Association	107121	\$ 1,100.00	\$ -	\$ 1,400.00
	Clarence Museum Historical Soc. of the				
518515	Union of Clergymen	113667	\$ 3,300.00	\$ -	\$ 4,000.00

BEST PRACTICES

Over the course of the Monitoring Program, the Division of Audit found a number of problematic practices and questionable expense categories on a recurring basis. In order to address issues pertaining to a large number of organizations, certain generally applicable best practices and recommendations are included here.

Alcohol

Several organizations used or appeared to use CGF funds to obtain alcohol. While the Division of Audit does not recommend that CGF awards be made contingent on the absence of alcohol from events hosted by the organization, alcohol should not be purchased with CGF funds. The Division of Audit found dozens of alcohol purchases that appeared to be personal in nature and several more which likely violated NYS Alcoholic Beverage Control Laws. Furthermore, the NYS Comptroller has long held that alcohol is not a "lawful county charge", meaning that government officials and employees may not use taxpayer funds to purchase alcohol. The Division of Audit sees no reason that organizations receiving taxpayer funds should be treated differently.

Debit Cards

The Division of Audit found a large quantity of small-dollar expenses made with debit cards which appeared personal in nature. If a debit card is used, the money is gone by the time statements are typically reviewed, while a credit card bill often needs to be approved and paid by the organization's board of directors. Thus, the use of credit cards, particularly with smaller organizations, can provide a critical layer of expense control.

Alternate Funding Sources and Segregation of Accounts

Organizations may have several sources of governmental or philanthropic funding. One way to ensure that CGF funds go farthest is to tailor awards to the needs of the organization. Such an assessment would require applicants to provide certain financial documents covering prior years and a disclosure of current year funding applications. Furthermore, accounts received from Erie County should not be comingled with the other funds of the organization. Having source information upfront and requiring the segregation of accounts substantially decreases the likelihood of wasted CGF funds.

SHAKESPEARE IN DELAWARE PARK, INC.

BACKGROUND

Shakespeare in Delaware Park (SDP) is a 501(c)(3) not-for-profit professional theater company located in Buffalo. The organization's mission is to provide high-quality professional theater performances to the public free of charge. SDP's goal is to enrich, educate and entertain through the works of William Shakespeare.

Each summer, SDP presents two works of William Shakespeare, typically one historical tragedy and one comedy. Productions run for approximately 3.5 weeks. A full season typically consists of 44 performances.

SDP was founded in 1976 by Dr. Saul Elkin. The program originally began in 1969 as a university initiative while Dr. Elkin taught theater at the State University of New York at Buffalo (UB).

SDP received \$95,000 in County Cultural Grant (CGF) funding annually in 2020, 2021, and 2022.

AUDITOR'S FINDINGS

SDP continued to operate during the Covid-19 pandemic, but in a limited capacity. SDP hosted one production in 2020 and two abridged productions in 2021. SDP had its first full post-pandemic season in 2022.

In addition to the productions held at Delaware Park each year, SDP offers several touring shows in neighboring towns such as Clarence, Angola Tonawanda, Williamsville and East Aurora.

SDP's average operating budget is approximately \$600,000 per year. The largest source of funding for the organization comes from membership sales and corporate sponsorships. CGF amounts received by SDP are allocated to offset the cost of general operating expenses, primarily the cost of staffing related expenses. The organization incurs a large amount of payroll during its production season as all actors and support staff are paid employees of the organization.

SDP provided the Auditor with substantiation for payroll expenses and other operating expenses, such as insurance, advertising, equipment storage, transportation, production, and per diem expenses. A review of SDP's payroll expenditures and returns concluded that payroll expenses alone annually exceeded the amount of the organization's CGF award.

The organization indicated that meals and entertainment expenses were incurred during the course of conducting regular business. Examples provided to the Auditor included meetings with vendors, staff meetings, and long rehearsal days where meals were provided. A review of the organization's meals and entertainment expenses revealed that adequate documentary evidence, as required per § 274(d) of the Internal Revenue Code, is not being retained. While the organization provided the Auditor with a series of invoices to substantiate meal expenses, there was no evidentiary documentation as to who attended, the business purpose or the business relationship.

In addition to monetary contributions, SDP receives many in-kind donations from supporters such as rental space, advertising, and programming support.

Starting in year 2022, SDP began the hosting of an annual holiday staff party as a way of thanking its staff for a year of hard work and to celebrate the end of the production season. The event is limited to members of the staff including actors, administrators and production support staff.

SDP does not currently have any major plans for structural improvements or expansions. The organization's next large event will be their 50th anniversary, for which they anticipate raising funds through a capital endowment campaign.

AUDITOR'S CONCLUSION

The Auditor recommends that SDP review requirements as established in §§ 162 and 274 of the Internal Revenue Code. IRC § 162(a) requires a trade or business expense to be both ordinary and necessary in relation to the taxpayer's trade or business in order to be considered deductible. Expenses must be customary, usual and of common or frequent occurrence in the taxpayer's trade or business. The IRC also requires that expenses are appropriate and helpful for the development of the business. IRC § 274(d) provides that no deduction or credit shall be allowed with respect to meals and entertainment expenses unless the taxpayer substantiates those expenses are supported by adequate documentation or sufficient evidence corroborating the taxpayer's own statements. Necessary information includes the expense amount, date of purchase, legitimate business purpose, and formal business relationship as it relates to each separate expenditure for meals and entertainment.

cc: Daniel Castle, Commissioner of Environment and Planning
Robert Keating, Director of Budget and Management

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-6 COUNTY EXECUTIVE 2024 Erie County Budget, As Amended

Attachments

23COMM. 24E-6



EC LEG DEC 13 '23 PM 12:35

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

December 11, 2023

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

Re: 2024 Erie County Budget, As Amended

Dear Honorable Legislators:

Pursuant to Section 2508(b) of the Erie County Charter, I have reviewed the amendments to the 2024 Erie County Budget approved by your Honorable Body on December 7, 2023.

I hereby formally state that I have no objections to the additions made by your Honorable Body and, as such, deem the 2024 Erie County Budget adopted.

Sincerely yours,

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

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mc

cc: Erie County Fiscal Stability Authority
Erie County Comptroller Kevin R. Hardwick, PhD
Robert W. Keating, Director of Budget and Management

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-7	COUNTY CLERK	Resolution to Authorize Entry Into Lease with 4545 Transit LLC for Clarence Satellite Auto Bureau Office
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[*****AMENDMENT TO COMM. 24E-7*****](#)

Attachments

23COMM. 24E-7



EC LOG DEC 15 '23 PM 1:40

COUNTY OF ERIE

MICHAEL P. KEARNS
COUNTY CLERK

IMMEDIATE CONSIDERATION REQUESTED

December 15, 2023

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

**Re: Resolution to Authorize Entry into Lease with 4545 Transit LLC for Clarence
Satellite Auto Bureau Office**

Dear Honorable Members:

The attached proposed Resolution seeks authorization for the Erie County Executive to execute a five-year lease with 4545 Transit LLC for the continuation of space for the Erie County Auto Bureau at the Eastern Hills Mall, located at 4545 Transit Road, Clarence, New York, and to authorize the transfer of funds within the Erie County Clerk's Office and the expenditure of said funds for necessary improvements to the Leased Premises.

Enclosed please find the proposed Resolution referenced above as well as a memorandum of support. Immediate consideration and approval are requested in order to expedite approval of the Lease to take effect on January 1, 2024, so that Auto Bureau services for residents of Clarence and surrounding areas are not hindered.

Thank you for your consideration of this matter. If your Honorable Body requires further information, kindly contact the Office of the Erie County Clerk.

Respectfully submitted,


MICHAEL P. KEARNS
Erie County Clerk

MPK/wal

Encl.

IMMEDIATE CONSIDERATION REQUESTED

MEMORANDUM

TO: Honorable Members of the Erie County Legislature
FROM: Michael P. Kearns, Erie County Clerk
RE: Lease for Erie County Auto Bureau – Clarence Office
Date: December 15, 2023

SUMMARY

The Erie County Clerk’s Office is requesting authorization to enter into a lease in the Eastern Hills Mall, located at 4545 Transit Road, Clarence, New York, with 4545 Transit LLC (the “Lease”). The purpose of this Lease is to continue the presence of the Erie County Auto Bureau at the Eastern Hills Mall, which has operated there since 2009. This is the same landlord from whom space was previously leased and the same location that was previously leased. Due to the converting of the Eastern Hills Mall into a mixed-use town center, and the inherent value of the Auto Bureau at the location, the landlord has offered the Auto Bureau the opportunity to stay along with additional square footage for the creation of an Outreach Center separate from the Auto Bureau. The Lease shall be in place for sixty (60) months, and includes approximately 4,800 rentable square feet.

FISCAL IMPLICATIONS

The first five-year term of the Lease will include a Monthly Rent containing a Base Rent of \$10.00 per square foot, with an annual 3% increase, and an estimated Additional Rent of \$539.00 per month with 3% interest, which covers the financing over five (5) years of landlord improvements of approximately \$29,900.00 and all services contemplated in the Lease Agreement including, but not limited to, rubbish removal and water & sewer.

REASONS FOR RECOMMENDATION

The inherent value of the Auto Bureau to the residents of Clarence and surrounding areas is appreciated by both the Erie County Clerk’s Office and the Landlord, and it is why the Auto Bureau is only one of a handful of tenants being offered the opportunity to stay. The current lease for space of the Erie County Auto Bureau at the Eastern Hills Mall is set to expire on December 31, 2023, however it is understood between both sides that the Auto Bureau may remain in the space without interruption while the new Lease is being approved.

CONSEQUENCES OF NEGATIVE ACTION

The Clerk’s Office will no longer have an Office to provide in-person Auto Bureau services that is convenient to access for residents of the Clarence area.

STEPS FOLLOWING APPROVAL

The Erie County Clerk will work with the Erie County Attorney and Division of Budget and Management to enter into a Lease Agreement with the Landlord.

* REQUEST FOR IMMEDIATE PASSAGE

**STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NEW YORK**

**A Resolution Submitted by the Erie County Clerk
Re: Clarence Satellite Auto Bureau at Eastern Hills Mall**

WHEREAS, pursuant to New York State Vehicle and Traffic Law §205, the Erie County Clerk shall act as an agent of the Commissioner of the Department of Motor Vehicles and in such capacity the Erie County Clerk operates the Erie County Auto Bureau; and

WHEREAS, the Erie County Auto Bureau, at full operations, maintains six (6) branch locations and one (1) mobile unit throughout the County of Erie to provide convenient services to Erie County residents; and

WHEREAS, the Erie County Auto Bureau has occupied space at the Eastern Hills Mall located at 4545 Transit Road, Clarence, New York since 2009; and

WHEREAS, the current lease expires December 31, 2023; and

WHEREAS, the Erie County Clerk's Office has determined that the best course of action is offer continued service to Auto Bureau customers by remaining at its current location in the Eastern Hills Mall; and

WHEREAS, the owners of the Eastern Hills Mall have determined that that the Erie County Auto Bureau is one of a few tenants that should remain at the property as it is converted into a mixed-use town center, due to the inherent value of the Auto Bureau; and

WHEREAS, additional space has been offered to the Erie County Clerk's Office at the Eastern Hills Mall as part of the continued business relationship between the two sides for the creation of an additional Outreach Center separate from the Auto Bureau; and

WHEREAS, additional construction at the Eastern Hills Mall location is necessary to facilitate the new Outreach Center and continued operation of the Auto Bureau; and

WHEREAS, the Erie County Clerk's Office is requesting authorization to enter into a lease agreement with 4545 Transit LLC for the purpose of keeping the Erie County Auto Bureau at the Eastern Hills Mall.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is hereby authorized to enter into an Agreement with 4545 Transit LLC for the purpose of keeping the Erie County Auto Bureau in Clarence at the Eastern Hills Mall; and be it further

* REQUEST FOR IMMEDIATE PASSAGE

RESOLVED, that said Lease Agreement shall be for a term of five (5) years and include approximately 4,800 rentable square feet of space, with a Monthly Rent to include a Base Rent of \$10.00 per square foot, with 3% interest; and an estimated Additional Rent of \$539.00 per month with 3% interest, which covers the financing over five (5) years of landlord improvements of approximately \$29,900.00 and all services contemplated in the Lease Agreement including, but not limited to, rubbish removal and water & sewer; and be it further

RESOLVED, that the Erie County Executive, or the Deputy County Executive, is authorized to authorize the said Lease Agreement with the fundamental terms set forth above, subject to a form of the final Lease Agreement being approved by the County Attorney; and be it further

RESOLVED, that provided the County is not in default of the terms of the Lease Agreement, and subject to authorization by the County Legislature, the County shall be entitled to renew the lease for one (1) consecutive five-year term, at the County's sole discretion upon written notice to the landlord; and be it further

RESOLVED, that the account from which the said Lease Agreement may be paid is identified herein as: General Account 1132015 (Auto Bureau); with the general ledger being GL 545000; and be it further

RESOLVED, that certified copies of this Resolution be sent to the Erie County Clerk, the Director of Budget and Management, the Erie County Attorney, and the Erie County Comptroller.

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-8 COUNTY EXECUTIVE Section 520 Exemption Charges for 2024

Attachments

23COMM 24E-8



COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

EC LEG DEC 15 '23 PM 12:4

December 15, 2023

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

Re: Section 520 Exemption Charges for 2024
IMMEDIATE CONSIDERATION REQUIRED

Dear Honorable Members:

Enclosed please find a resolution and accompanying memorandum with regard to the Section 520 Exemption Charges for 2024. A schedule of tax revenues to be realized under Section 520 of the Real Property Tax Law dealing with exemption removals is attached.

The resolution directs the Director Real Property Tax Services to spread the taxes on the tax rolls of several municipalities and to include the schedule in the Abstract of Taxes levied by your Honorable Body for the year 2024.

Should your honorable body require further information, I encourage you to contact Director Scott A. Bylewski at the Department of Real Property Tax Services. Thank you for your consideration on this matter.

Sincerely yours,

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

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/sab
Enclosure

cc: Scott A. Bylewski, Director, Department of Real Property Tax Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Real Property Tax Services
Re: Section 520 Exemptions Charges for 2024
Date: December 15, 2023

SUMMARY

It is recommended that the Legislature approve the attached resolution providing for the adoption of the Section 520 Exemptions Charges for 2024.

FISCAL IMPLICATIONS

Positive for County and Towns, as taxes due on property receiving total or partial exemption from taxation that has been transferred to a person, corporation, or association not entitled to an exemption from taxation shall be levied for said fiscal year.

REASONS FOR RECOMMENDATION

Adoption of the Section 520 Exemption Charges for 2024, will allow the Director of Real Property Tax Services to spread the amount of taxes on the rolls of several municipalities where taxes are due from exemption removal on properties transferred in the past year.

BACKGROUND INFORMATION

Real Property Tax Law Section 520 states that any property receiving total or partial exemption from taxation has been transferred to a person, corporation or association not entitled to an exemption from taxation shall be re-levied for said fiscal year.

CONSEQUENCES OF NEGATIVE ACTION

Section 520 Exemption removals will not be levied and taxes due from those removals will not be collected.

STEPS FOLLOWING APPROVAL

520 charges get applied to the affected parcels and included as part of the 2024 Town and County tax levy.

A RESOLUTION SUBMITTED BY:
REAL PROPERTY TAX SERVICES

RE: Section 520 Exemption Charges for 2024

WHEREAS, Section 520 Exemption Charges for 2024 have been calculated as indicated on the attached schedule.

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature hereby directs the Erie County Director of Real Property Tax Services to spread the amount of taxes, as indicated on the attached schedule, upon the tax rolls of the several municipalities in Erie County, being taxes due from the exemption removal on properties transferred during the past year, pursuant to Section 520 of the Real Property Tax Law; and be it further

RESOLVED, that certified copies of this resolution shall be sent to the County Executive's Office, Comptroller's Office, Department of Law, Department of Real Property Tax Services and Division of Budget and Management.

EXEMPTION REMOVALS FOR 2024 COUNTY TAX

Town	County	Town	Total
Buffalo	\$ 116,733.12	\$ -	\$ 116,733.12
C. Lack	\$ 19,800.84	\$ -	\$ 19,800.84
C. Ton	\$ 21,806.32	\$ -	\$ 21,806.32
Alden	\$ 13,523.83	\$ 5,185.41	\$ 18,709.24
Amherst	\$ 66,851.69	\$ 62,624.33	\$ 129,476.02
Aurora	\$ 16,886.78	\$ 8,170.82	\$ 25,057.60
Boston	\$ 5,143.98	\$ 1,341.19	\$ 6,485.17
Brant	\$ 2,008.84	\$ 845.65	\$ 2,854.49
Cheektowaga	\$ 127,771.45	\$ 146,344.23	\$ 274,115.68
Clarence	\$ 22,675.36	\$ 8,622.23	\$ 31,297.59
Colden	\$ 5,383.09	\$ 2,029.76	\$ 7,412.85
Collins	\$ 2,706.82	\$ 838.81	\$ 3,545.63
Concord	\$ 4,604.06	\$ 1,281.47	\$ 5,885.53
Eden	\$ 10,701.20	\$ 4,800.10	\$ 15,501.30
Elma	\$ 7,471.80	\$ 372.04	\$ 7,843.84
Evans	\$ 28,395.63	\$ 34,413.43	\$ 62,809.06
Grand Island	\$ 8,294.31	\$ 4,010.05	\$ 12,304.36
Hamburg	\$ 60,987.69	\$ 42,023.05	\$ 103,010.74
Holland	\$ 1,740.80	\$ 1,477.68	\$ 3,218.48
Lancaster	\$ 25,655.99	\$ 23,680.82	\$ 49,336.81
Marilla	\$ 4,034.89	\$ 193.65	\$ 4,228.54
Newstead	\$ 2,989.59	\$ 708.31	\$ 3,697.90
North Collins	\$ 10,144.65	\$ 7,186.50	\$ 17,331.15
Orchard Park	\$ 28,255.15	\$ 17,800.18	\$ 46,055.33
Sardinia	\$ 4,499.60	\$ -	\$ 4,499.60
Tonawanda	\$ 84,423.72	\$ 75,897.88	\$ 160,321.60
Wales	\$ 2,281.27	\$ 176.58	\$ 2,457.85
West Seneca	\$ 99,175.59	\$ 130,995.54	\$ 230,171.13
	\$ 804,948.06	\$ 581,019.71	\$ 1,385,967.77

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-9	COUNTY EXECUTIVE	Levy and Apportionment of EC Real Property Tax for 2024
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Attachments

23COMM. 24E-9



EC LEG DEC 15 '23 PM 12:48

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

December 15, 2023

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

Re: **Levy and Apportionment of Erie County Real Property Tax for 2024**
IMMEDIATE CONSIDERATION REQUIRED

Dear Honorable Members:

Enclosed please find a resolution and accompanying memorandum for the levy and apportionment of Erie County Real Property Tax for 2024, which shall be approved upon adoption of the 2024 Erie County Budget.

Should your honorable body require further information, I encourage you to contact Director Scott A. Bylewski at the Department of Real Property Tax Services. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/sab
Enclosure

cc: Scott A. Bylewski, Director, Department of Real Property Tax Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Real Property Tax Services
Re: Levy and Apportionment of Erie County Real Property Tax for 2024
Date: December 15, 2023

SUMMARY

Pursuant to the Erie County Tax Act and Real Property Tax Law, the Erie County Legislature levies the County Tax and the Director of Real Property Tax Services is directed to apportion said taxes to be raised for such budget against the taxable property liable.

FISCAL IMPLICATIONS

The Erie County tax levy is needed for the 2024 budget to be in balance.

REASONS FOR RECOMMENDATION

Property tax revenue is necessary to balance the budget.

BACKGROUND INFORMATION

Pursuant to the Erie County Tax Act, the Erie County Legislature levies the County Tax and the Director of Real Property Tax Services is hereby authorized to apportion the 2024 county property taxes.

CONSEQUENCES OF NEGATIVE ACTION

A budget deficit equal to the amount of property taxes failed to be levied.

STEPS FOLLOWING APPROVAL

The Director of Real Property Tax Services will apportion the County Tax, and prepare the 2024 County tax bills.

**A RESOLUTION SUBMITTED BY:
REAL PROPERTY TAX SERVICES**

RE: Levy and Apportionment of the Erie County Real Property Tax for 2024

WHEREAS, the Erie County budget for the year 2024 has been adopted by the Erie County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the amounts in said County budget that are required to be raised by taxes, by the Legislature's adoption of the Erie County Budget for 2024, are hereby levied upon and shall be collected from the taxable property situated within the County of Erie and liable therefore, effective January 1, 2024; and; be it further

RESOLVED, that the Director of Real Property Tax Services is hereby directed to apportion said taxes to be raised for such budget against the taxable property liable, therefore, as provided by law; and be it further

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

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-10	COUNTY EXECUTIVE	Downtown Pedestrian/Transit Mall Special District Adoption of Mall District Service Charge Roll for 2024
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Attachments

23COMM. 24E-10



FILED DEC 15 '23 12:47

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

December 15, 2023

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

**Re: Downtown Pedestrian/Transit Mall Special District Adoption of Mall District
Service Charge Roll for 2024
IMMEDIATE CONSIDERATION REQUIRED**

Dear Honorable Members:

Enclosed please find a resolution and accompanying memorandum for approval for the adoption of the Downtown Pedestrian Transit Mall Special District Service Charge Roll for 2024.

Should your honorable body require further information, I encourage you to contact Director Scott A. Bylewski at the Department of Real Property Tax Services. 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/sab
Enclosure

cc: Scott A. Bylewski, Director, Department of Real Property Tax Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Real Property Tax Services
Re: Downtown Pedestrian/Transit Mall Special District -
Adoption of Mall District Service Charge Roll for 2024
Date: December 15, 2023

SUMMARY

It is recommended that the Legislature approve the attached resolution providing for the adoption of the 2024 mall district service roll transmitted herewith as required by Erie County Local Law No. 8-1984.

FISCAL IMPLICATIONS

Mall district service charges for 2024 in the sum of \$1,832,457 as previously determined by the Legislature, plus payment in lieu of \$54,429, shall be assessed, due and be a lien upon properties within the mall district as of January 1, 2024. Service charges defray the cost of mall district services.

REASONS FOR RECOMMENDATION

Adoption of the 2024 mall district service charge roll established by the Director of Real Property Tax Services is necessary for purposes of assessing and levying 2024 service charges for the downtown pedestrian/transit mall special district.

BACKGROUND INFORMATION

The downtown pedestrian transit mall special district was established pursuant to special act of the State Legislature (L.1983, Ch. 673) and by Erie County Local Law No. 8-1984. The said laws authorize the annual assessment of service charges against properties located within the mall district. Following a public hearing held October 24, 2023 by Buffalo Place Inc. and on due notice to property owners within the district, the Legislature by adoption of Intro. 20M-4, determined that the total amount to be raised by mall district service charges for 2024 would be the sum of \$1,832,457. Plus, a payment in lieu of taxes in the amount of \$54,429. The Director of Real Property Tax Services has now established a mall district service charge roll apportioning between benefited properties the total amount to be raised by mall district service charges for 2024. The mall district service charge roll must be adopted by the Legislature so that collections may take place during the ensuing fiscal year.

CONSEQUENCES OF NEGATIVE ACTION

The downtown pedestrian/transit mall special district would be without operating funds and would be unable to provide mall services during 2024.

STEPS FOLLOWING APPROVAL

Mall district service charge bills will be prepared and transmitted to property owners.

**A RESOLUTION SUBMITTED BY:
REAL PROPERTY TAX SERVICES**

RE: Downtown Pedestrian/Transit Mall Special District Adoption of Mall District Service Charge Roll for 2024

WHEREAS, after a public hearing, held on October 24, 2023 by Buffalo Place Inc., and upon adoption of Intro 20M-4, the Erie County Legislature determined that the total amount to be raised by mall district service charges for 2024 for the downtown pedestrian/transit mall special district shall be the sum of \$1,832,457; and

WHEREAS, the 2024 Mall District Budget requires that the amount to be raised by Mall District payments in lieu for 2024 for the downtown pedestrian/transit mall special district shall be the sum of \$54,429.00; and

WHEREAS, the Director of Real Property Tax Services has established the 2024 mall district service charge and payment in lieu roll apportioning the amount to be raised and has transmitted such roll to the Erie County Legislature for adoption.

NOW THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby adopt the mall district service charge and payment in lieu roll established by the Director of Real Property Tax Services for the purpose of assessing 2024 service charges for the downtown pedestrian/transit mall special district; and be it further

RESOLVED, that 2024 mall district service charges and payment in lieu amounts shall be assessed, due and a lien on benefited properties within the downtown pedestrian/transit mall special district on and as of January 1, 2024 and shall be payable to the Director of Real Property Tax Services as provided in Erie County Local Law No. 8-1984; and be it further

RESOLVED, that late fees shall be collected on payments made after the dates provided in Erie County Local Law No. 8-1984, and an interest budget line of \$10,000.00 shall be added to the Mall Budget for collection of these late fees; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish the 2024 Downtown Mall Budget in the amount \$1,896,886 which includes \$1,832,457 for service charges, \$54,429 for payment in lieu, and \$10,000 for interest earnings; and be it further

RESOLVED, that the Director of Real Property Tax Services is hereby authorized to make adjustments and modifications as deemed appropriate; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, Department of Law, Department of Real Property Tax Services and the Division of Budget and Management.

S-B-L	PROP	LOCATION	SPECIAL CHG
111.13-7-4	20	BROADWAY	\$418.60
111.61-2-6	12	CHURCH	\$0.00
111.61-2-13	46	CHURCH	\$13,156.15
111.13-9-1.1	92	CLINTON	\$0.00
111.13-5-8	17	COURT	\$3,811.51
111.53-3-3.1	30	COURT	\$473.62
111.13-17-1	67	EAGLE EAST	\$0.00
111.53-3-6	53	EAGLE WEST	\$0.00
111.31-13-1.11	520	ELLCOTT	\$5,027.35
111.17-15-1	90	ERIE	\$0.00
111.61-1-4	95	FRANKLIN	\$0.00
111.53-3-1	153	FRANKLIN	\$0.00
111.46-12-1	187	FRANKLIN	\$1,865.78
111.30-2-14	369	FRANKLIN	\$4,301.04
111.46-9-1.1	5	GENESEE	\$1,855.06
111.46-9-3	9	GENESEE	\$1,216.17
111.46-9-4	11	GENESEE	\$0.00
111.46-4-1	46	GENESEE	\$1,937.54
111.46-12-3.1	31	GENESEE WEST	\$6,171.43
111.46-9-5	5	HURON EAST	\$1,646.73
111.46-7-1.1	20	HURON EAST	\$16,902.66
111.13-6-2	14	LAFAYETTE SQ	\$22,724.26
122.05-6-2.1	15	MAIN	\$0.00
111.17-16-1.11	50	MAIN	\$0.00
111.17-13-2.1	75	MAIN	\$165,480.53
111.17-7-1.3	99	MAIN	\$481.28
111.17-7-1.1	101	MAIN	\$0.00
111.17-14-1.2	106	MAIN	\$1,109.90
111.17-7-1.2	125	MAIN	\$71,180.73
111.17-14-1.1	130	MAIN	\$0.00
111.17-6-3	222	MAIN	\$1,076.41
111.70-1-7.1	233	MAIN	\$65,455.72
111.69-3-4.1	234	MAIN	\$1,636.15
111.69-3-3	246	MAIN	\$16,714.81
111.70-1-8	251	MAIN	\$13,690.90
111.69-3-2	256	MAIN	\$12,375.02
111.70-1-1.1	259	MAIN	\$2,655.15
111.69-3-1	270	MAIN	\$1,387.38
111.70-1-2	273	MAIN	\$243.99
111.13-24-1	283	MAIN	\$33,966.79
111.61-2-10	284	MAIN	\$23,876.31

111.61-2-9	298	MAIN	\$25,877.30
111.61-2-8	300	MAIN	\$1,675.44
111.61-2-7	306	MAIN	\$0.00
111.13-16-1	345	MAIN	\$68,557.50
111.13-15-4.1	350	MAIN	\$68,818.64
111.13-15-4.1/A	360	MAIN	\$9,795.35
111.13-14-2	377	MAIN	\$11,960.14
111.13-14-1	395	MAIN	\$31,827.21
111.13-15-3	410	MAIN	\$4,771.25
111.13-8-1	415	MAIN	\$0.00
111.13-15-1.1	424	MAIN	\$18,440.38
111.13-5-7	436	MAIN	\$22,136.77
111.13-6-3	447	MAIN	\$46,836.99
111.13-5-6	450	MAIN	\$3,713.33
111.13-5-4.1	456	MAIN	\$17,276.03
111.13-6-4.311	465	MAIN	\$52,890.62
111.13-5-3	472	MAIN	\$2,415.95
111.13-6-8	477	MAIN	\$2,085.96
111.13-5-1.1	478	MAIN	\$8,611.30
111.13-6-5	483	MAIN	\$1,859.71
111.13-6-6	487	MAIN	\$4,363.26
111.46-9-8	495	MAIN	\$1,064.58
111.46-10-9	496	MAIN	\$3,163.46
111.46-10-2.11	500	MAIN	\$21,062.58
111.46-9-9	501	MAIN	\$1,441.05
111.46-9-10.1	505	MAIN	\$1,046.21
111.46-9-12	513	MAIN	\$1,822.72
111.46-9-13	515	MAIN	\$1,444.06
111.46-9-14	521	MAIN	\$2,056.83
111.46-9-15.1	523	MAIN	\$1,468.12
111.46-9-16	525	MAIN	\$976.14
111.46-9-7.121	529	MAIN	\$1,341.31
111.46-10-1.11	532	MAIN	\$55,016.63
111.46-9-17	535	MAIN	\$2,286.53
111.46-9-18	537	MAIN	\$2,945.49
111.46-10-1.12	540	MAIN	\$3,490.28
111.46-2-6.1	560	MAIN	\$29,633.42
111.46-2-1.11	564	MAIN	\$89,744.79
111.46-3-1.111	575	MAIN	\$90,039.56
111.46-2-1.12	580	MAIN	\$0.00
111.38-3-11.2	598	MAIN	\$8,978.17
111.38-4-6.112	601	MAIN	\$7,176.08

111.38-3-9.111/102	610	MAIN	\$108.97
111.38-3-9.111/104	610	MAIN	\$810.22
111.38-3-9.111/1001	610	MAIN	\$527.33
111.38-3-9.111/1002	610	MAIN	\$533.13
111.38-3-9.111/1003	610	MAIN	\$538.71
111.38-3-9.111/1004	610	MAIN	\$504.13
111.38-3-9.111/100	610	MAIN	\$418.18
111.38-3-9.111/1101	610	MAIN	\$600.03
111.38-3-9.111/1103	610	MAIN	\$1,240.55
111.38-3-9.111/1104	610	MAIN	\$504.13
111.38-3-9.111/1201	610	MAIN	\$527.33
111.38-3-9.111/1202	610	MAIN	\$533.13
111.38-3-9.111/1203	610	MAIN	\$538.71
111.38-3-9.111/1204	610	MAIN	\$504.13
111.38-3-9.111/1301	610	MAIN	\$891.65
111.38-3-9.111/1302	610	MAIN	\$781.40
111.38-3-9.111/1401	610	MAIN	\$1,016.25
111.38-3-9.111/1402	610	MAIN	\$1,448.46
111.38-3-9.111/200	610	MAIN	\$1,770.25
111.38-3-9.111/301	610	MAIN	\$1,074.91
111.38-3-9.111/400	610	MAIN	\$1,705.98
111.38-3-9.111/501	610	MAIN	\$447.24
111.38-3-9.111/502	610	MAIN	\$468.98
111.38-3-9.111/503	610	MAIN	\$515.37
111.38-3-9.111/504	610	MAIN	\$388.30
111.38-3-9.111/505	610	MAIN	\$330.39
111.38-3-9.111/601	610	MAIN	\$275.01
111.38-3-9.111/602	610	MAIN	\$468.98
111.38-3-9.111/603	610	MAIN	\$515.37
111.38-3-9.111/604	610	MAIN	\$388.30
111.38-3-9.111/605	610	MAIN	\$417.08
111.38-3-9.111/701	610	MAIN	\$361.71
111.38-3-9.111/702	610	MAIN	\$468.98
111.38-3-9.111/703	610	MAIN	\$515.37
111.38-3-9.111/704	610	MAIN	\$388.30
111.38-3-9.111/705	610	MAIN	\$330.39
111.38-3-9.111/801	610	MAIN	\$361.71
111.38-3-9.111/802	610	MAIN	\$412.37
111.38-3-9.111/803	610	MAIN	\$515.37
111.38-3-9.111/804	610	MAIN	\$388.30
111.38-3-9.111/805	610	MAIN	\$519.11
111.38-3-9.111/901	610	MAIN	\$275.01

111.38-3-9.111/902	610	MAIN	\$468.98
111.38-3-9.111/903	610	MAIN	\$515.37
111.38-3-9.111/904	610	MAIN	\$389.74
111.38-3-9.111/905	610	MAIN	\$417.08
111.38-3-9.111/300	610	MAIN	\$871.01
111.38-4-20	615	MAIN	\$7,654.49
111.38-3-8	618	MAIN	\$4,753.81
111.38-3-6.112	622	MAIN	\$12,644.22
111.38-4-21	625	MAIN	\$3,811.58
111.38-4-6.12	639	MAIN	\$11,481.73
111.38-3-5	642	MAIN	\$0.00
111.38-3-4	650	MAIN	\$0.00
111.38-4-4.12	653	MAIN	\$3,958.52
111.38-4-4.111	663	MAIN	\$23,623.46
111.38-3-3	664	MAIN	\$0.00
111.38-4-3	667	MAIN	\$0.00
111.38-4-2	671	MAIN	\$1,304.23
111.38-3-2	674	MAIN	\$2,621.56
111.38-3-1	678	MAIN	\$4,217.73
111.38-4-1	681	MAIN	\$5,262.46
111.30-5-6	686	MAIN	\$6,960.94
111.30-4-3	689	MAIN	\$2,687.51
111.30-5-4.1	690	MAIN	\$1,411.30
111.30-4-1.1	695	MAIN	\$0.00
111.30-5-3	698	MAIN	\$4,784.05
111.30-5-2	710	MAIN	\$0.00
111.30-3-11	715	MAIN	\$1,999.65
111.30-2-3	716	MAIN	\$11,003.33
111.30-3-10	723	MAIN	\$1,461.93
111.30-3-8.12	731	MAIN	\$2,645.19
111.30-3-7	733	MAIN	\$4,428.70
111.30-2-2.2	736	MAIN	\$3,636.64
111.30-3-6	739	MAIN	\$2,148.95
111.30-3-5	743	MAIN	\$3,131.91
111.30-2-1.11	752	MAIN	\$2,368.11
111.30-3-4	753	MAIN	\$478.41
111.30-3-3	761	MAIN	\$845.30
111.30-3-2	763	MAIN	\$7,467.63
111.30-3-1	777	MAIN	\$16,151.24
111.46-2-1.11/UA	562	MAIN UNIT A	\$5,182.27
111.46-2-1.11/UB	562	MAIN UNIT B	\$20,116.76
111.46-2-1.11/UC	562	MAIN UNIT C	\$30,610.33

111.17-16-1.12	1	MARINE	\$0.00
111.17-16-1.13	2	MARINE	\$0.00
111.17-16-1.14	3	MARINE	\$0.00
111.13-6-7	5	MOHAWK EAST	\$89.94
111.13-6-4.112	11	MOHAWK EAST	\$2,866.71
111.17-5-3	70	PEARL ST	\$0.00
111.69-2-6.1	72	PEARL ST	\$3,530.99
111.69-2-5	82	PEARL ST	\$2,048.32
111.69-2-4	86	PEARL ST	\$0.00
111.69-2-3	92	PEARL ST	\$6,003.50
111.69-3-6	93	PEARL ST	\$3,731.56
111.69-2-2	100	PEARL ST	\$540.60
111.69-2-1	110	PEARL ST	\$3,467.97
111.61-2-12	128	PEARL ST	\$2,457.71
111.61-2-11	132	PEARL ST	\$1,630.53
111.61-2-5	140	PEARL ST	\$13,214.67
111.53-3-4.13	194	PEARL ST	\$0.00
111.53-3-4.11	212	PEARL ST	\$0.00
111.53-3-4.11/Z	212	PEARL ST	\$238.09
111.13-5-9	283	PEARL ST	\$275.08
111.46-12-2	318	PEARL ST	\$1,262.31
111.46-1-1.11	364	PEARL ST	\$0.00
111.38-9-4	388	PEARL ST	\$3,013.08
111.38-9-3	396	PEARL ST	\$799.42
111.38-2-11	406	PEARL ST	\$287.04
111.38-2-10	416	PEARL ST	\$968.40
111.38-2-9	420	PEARL ST	\$155.48
111.38-3-11.1	421	PEARL ST	\$2,473.04
111.38-2-8.1	424	PEARL ST	\$867.94
111.38-3-7.1	425	PEARL ST	\$212.89
111.38-2-8.2	426	PEARL ST	\$780.47
111.38-2-7	430	PEARL ST	\$112.90
111.38-2-4.1	432	PEARL ST	\$717.61
111.38-3-6.12	439	PEARL ST	\$856.35
111.38-2-2.1	452	PEARL ST	\$942.91
111.38-2-1.1	470	PEARL ST	\$1,674.42
111.30-6-21.11	478	PEARL ST	\$287.04
111.30-6-20	484	PEARL ST	\$2,085.67
111.30-6-19	492	PEARL ST	\$512.70
111.30-6-18	494	PEARL ST	\$163.00
111.30-6-25	496	PEARL ST	\$730.65
111.30-6-11.11	500	PEARL ST	\$62,772.58

111.30-5-1	505	PEARL ST	\$0.00
111.30-2-2.1	538	PEARL ST	\$645.85
111.30-2-1.211	554	PEARL ST	\$432.96
111.30-2-15	558	PEARL ST	\$238.49
111.30-2-16	560	PEARL ST	\$102.38
111.17-6-4	1	SENECA	\$153,310.18
111.17-6-1.111/A	3	SENECA	\$14,352.16
122.05-2-1.11	1	SEYMOUR H KNOX III	\$0.00
111.17-5-1.1	61	TERRACE	\$0.00
111.30-3-8.21	12	TUPPER EAST	\$1,403.60
111.70-3-1.2	177	WASHINGTON	\$7,750.17
111.70-3-1.1	263	WASHINGTON	\$0.00
111.13-23-6	285	WASHINGTON	\$344.45
111.13-23-7	295	WASHINGTON	\$353.39
111.13-23-8	297	WASHINGTON	\$267.91
111.13-23-1	303	WASHINGTON	\$239.20
111.13-23-9	325	WASHINGTON	\$0.00
111.54-4-6.1	369	WASHINGTON	\$10,060.30
111.54-4-10.1	385	WASHINGTON	\$50.23
111.54-4-11.12	387	WASHINGTON	\$102.86
111.54-4-1./1	391	WASHINGTON	\$8,151.35
111.54-4-1./2	391	WASHINGTON	\$17,121.86
111.13-7-5.1	451	WASHINGTON	\$1,315.62
111.13-6-4.312	464	WASHINGTON	\$27.51
111.13-7-7	465	WASHINGTON	\$10,502.83
111.13-6-1	468	WASHINGTON	\$0.00
111.46-8-9	477	WASHINGTON	\$0.00
111.46-9-15.2	500	WASHINGTON	\$168.44
111.46-8-10.1	501	WASHINGTON	\$4,622.90
111.46-9-7.11	504	WASHINGTON	\$1,062.79
111.46-9-6	510	WASHINGTON	\$3,594.82
111.46-8-6.1	515	WASHINGTON	\$813.29
111.46-8-14	517	WASHINGTON	\$339.67
111.46-8-15.1	519	WASHINGTON	\$0.00
111.38-6-1	571	WASHINGTON	\$4,461.13
111.38-5-2	573	WASHINGTON	\$0.00
111.30-3-9	630	WASHINGTON	\$486.74
111.38-5-1.1	677	WASHINGTON	\$5,410.38
111.31-13-2	699	WASHINGTON	\$133.71
111.31-13-3	703	WASHINGTON	\$1,022.81

\$1,832,457.00

122.05-2-1.1/MALL
111.17-12-1.21/MALL

1 SEYMOUR KNOX PLAZA
95 WASHINGTON

\$18,000.00
\$36,429.00

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-11	COUNTY EXECUTIVE	2024 Levy of Town and Special District Budgets
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Attachments

23COMM. 24E-11



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

December 15, 2023

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

Re: 2024 Levy of Town and Special District Budgets
IMMEDIATE CONSIDERATION REQUIRED

Dear Honorable Members:

Enclosed please find a resolution and accompanying memorandum regarding the Levy of the 2024 Town and Special District Budgets.

Should your honorable body require further information, I encourage you to contact Director Scott A. Bylewski at the Department of Real Property Tax Services. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/sab
Enclosure

cc: Scott A. Bylewski, Director of Real Property Tax Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Real Property Tax Services
Re: 2024 Levy of Town and Special District Budgets
Date: December 15, 2023

SUMMARY

It is recommended that the Legislature approve the attached resolution providing for the adoption and levy of the 2024 Town and Special District Budgets.

FISCAL IMPLICATIONS

Positive as Town and Special District Taxes will be collected.

REASONS FOR RECOMMENDATION

Adoption of the 2024 Town and Special District Budgets will allow the Director of Real Property Tax Services to create the County and Town Tax Rolls and Bills, and provide the warrants to the Town Officer's responsible for such collection.

BACKGROUND INFORMATION

Pursuant to Article VI of the Erie County Tax Act, proposed taxes to raise county, town, and special district budgets shall be received and the budgets of the several towns, fire districts, and local improvement districts shall be certified to the Erie County Legislature, and upon the adoption of the county budget for the ensuing fiscal year, such Legislature shall levy and cause to be spread the taxes to be raised for such town, fire district, and local improvement district budgets, and shall, at the same time, levy and cause to be spread the county taxes pursuant to law for the ensuing fiscal year.

CONSEQUENCES OF NEGATIVE ACTION

Taxes will not be collected therefore leaving a negative balance in the 2024 Town and Special District Budgets.

STEPS FOLLOWING APPROVAL

Town and Special District tax rolls and bills will be prepared and transmitted to the Towns.

A RESOLUTION SUBMITTED BY:
REAL PROPERTY TAX SERVICES

RE: 2024 Levy of Town and Special District Budgets

WHEREAS, Pursuant to Article VI of the Erie County Tax Act, proposed taxes to raise county, town, and special district budgets shall be received and the budgets of the several towns, fire districts, and local improvement districts shall be certified to the Erie County Legislature, and upon the adoption of the county budget for the ensuing fiscal year, such Legislature shall levy and cause to be spread the taxes to be raised for such town, fire district, and local improvement district budgets, and shall, at the same time, levy and cause to be spread the county taxes pursuant to law for the ensuing fiscal year.

NOW, THEREFORE BE IT

RESOLVED, that the following abstracts of the adopted Town and Special District Budgets for the year 2024, as certified and presented to this Legislature by the appropriate Town Officers; be printed by the Clerk in the minutes of the proceedings of this Legislature; and be it further

RESOLVED, that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and Districts and liable therefore; and be it further

RESOLVED, that the Director of Real Property Tax Services is hereby authorized to make adjustments and modifications as deemed appropriate; and be it further

RESOLVED, that the Director of Real Property Tax Services is hereby directed to spread said taxes to be so raised for such budgets against the taxable property liable therefore as provided by Article VI of the Erie County Tax Act, as amended; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Director of Budget and Management, County Comptroller, County Attorney and Scott A. Bylewski, Director of Real Property Tax Services.

ALDEN

FOR THE YEAR 2024	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Townwide	1,682,373.00	806,819.00	875,554.00
General Town Outside	293,775.00	293,775.00	-
Highway Town Outside	1,171,121.00	877,400.00	293,721.00
Total Town & Highway	3,147,269.00	1,977,994.00	1,169,275.00
Fire Protection District	820,644.00	500.00	820,144.00
Lighting District	62,700.00	250.00	62,450.00
Garbage District	475,300.00	1,700.00	473,600.00
Sewer District #1	13,000.00	2,550.00	10,450.00
Sewer District #2	76,839.00	3,650.00	73,189.00
Water Districts	168,148.00	3,600.00	164,548.00
Total Special Districts	1,616,631.00	12,250.00	1,604,381.00
Premium Assessment (ECSA)	17,193.16	-	17,193.16
Unpaid Water	153.58	-	153.58
Weed Mowing	366.00	-	366.00
Total Other Items	17,712.74	-	17,712.74
GRAND TOTALS	4,781,612.74	1,990,244.00	2,791,368.74

AMHERST

FOR THE YEAR 2024	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund Town Only	82,699,859.37	46,123,087.55	36,576,771.82
General Fund Village Only	3,901,913.66	630,739.83	3,271,173.83
General Fund Outside Village	5,994,715.39	4,070,422.01	1,924,293.38
Highway Outside Village	16,821,227.66	5,607,704.21	11,213,523.45
Central Alarm	1,640,373.14	497,328.48	1,143,044.66

Total Town & Highway	111,058,089.22	56,929,282.08	54,128,807.14
Community Environment	9,189,377.95	483,309.63	8,706,068.32
Lighting Districts	3,888,226.83	324,042.30	3,564,184.53
Fire Protection District	6,833,591.09	48,605.04	6,784,986.05
Fire Districts	3,033,732.00	-	3,033,732.00
Sanitary Sewer Districts	25,836,626.22	4,344,729.64	21,491,896.58
Storm Sewer Districts	6,202,605.53	280,941.61	5,921,663.92
Water Districts	1,872,118.44	148,955.05	1,723,163.39
Combined Snow Relief District	44,950.50	-	44,950.50
Total Special Districts	56,901,228.56	5,630,583.27	51,270,645.29
Delinquent Water - ECWA	9,396.95	-	9,396.95
Delinquent Sewer – Village	1,785.50	-	1,785.50
Code Violations	78,557.72	-	78,557.72
Pretreatment Surcharge	296,955.00	-	296,955.00
Total Other Items	386,695.17	-	386,695.17
GRAND TOTALS	168,346,012.95	62,559,865.35	105,786,147.60

AURORA

FOR THE YEAR 2024	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Townwide	3,733,440.00	1,500,060.00	2,233,380.00
General Town Outside	1,896,379.00	930,500.00	965,879.00
Highway Townwide	67,249.00	75.00	67,174.00
Highway Town Outside	2,129,842.00	1,574,496.00	555,346.00
Total Town & Highway	7,826,910.00	4,005,131.00	3,821,779.00
Cemetery Special Reserve	1,185.00	1,185.00	-
Fire Protection District	407,890.00	150.00	407,740.00

Lighting District	14,000.00	3,075.00	10,925.00
Garbage (Refuse) District	856,065.00	6,850.00	849,215.00
Rubbish District	80,006.00	100.00	79,906.00
Sewer Districts	56,375.00	51,575.00	4,800.00
Water Districts	1,208,088.00	98,752.00	1,109,336.00
Fire Districts	598,259.93	-	598,259.93
Total Special Districts	3,221,868.93	161,687.00	3,060,181.93
Delinq. Water Aurora	629.95		629.95
Delinq. Water ECWA	423.40		423.40
Delinq. Water Orchard Park	366.39		366.39
Total Other Items	1,419.74	-	1,419.74
GRAND TOTALS	11,050,198.67	4,166,818.00	6,883,380.67

BOSTON

FOR THE YEAR 2024	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund	2,208,250.00	2,066,691.00	141,559.00
Highway Fund	1,580,898.00	716,795.00	864,103.00
Total Town & Highway	3,789,148.00	2,783,486.00	1,005,662.00
Fire Protection District	1,001,035.00	191,986.00	809,049.00
Lighting District	14,051.00	2,783.00	11,268.00
Ambulance	192,399.00	90,400.00	101,999.00
Refuse & Garbage	947,173.03	3,400.00	943,773.03
Water Districts	492,270.00	19,565.00	472,705.00
Total Special Districts	2,646,928.03	308,134.00	2,338,794.03
Delinquent Water - Town	2,121.36	-	2,121.36
Total Other Items	\$2,121.36	-	2,121.36

GRAND TOTALS	6,438,197.39	3,091,620.00	3,346,577.39
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BRANT

FOR THE YEAR 2024	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund Townwide	1,360,772.00	875,964.00	484,808.00
General Fund Town Outside	256,522.00	256,522.00	-
Highway Fund Townwide	182,003.00	159,097.00	22,906.00
Highway Fund Town Outside	158,080.00	158,080.00	-
Capital Projects	-	-	-
Total Town & Highway	1,957,377.00	1,449,663.00	507,714.00
Fire Protection District	279,951.00	-	279,951.00
Lighting District	36,000.00	-	36,000.00
Sewer Districts	-	-	-
Water District	25,820.00	-	25,820.00
Total Special Districts	341,771.00	-	341,771.00
GRAND TOTALS	2,299,148.00	1,449,663.00	849,485.00

CHEEKTOWAGA

FOR THE YEAR 2024	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Townwide	56,922,156.00	12,401,928.00	44,520,228.00
General Town Outside	2,667,415.00	2,667,415.00	-
Highway Town Outside	14,511,114.00	14,174,608.00	336,506.00
Total Town & Highway	74,100,685.00	29,243,951.00	44,856,734.00
Consolidated Garbage	10,392,590.00	791,350.00	9,601,240.00
General Lighting	2,887,875.00	66,365.00	2,821,510.00
Risk Retention	17,427,069.00	17,427,069.00	-

Debt Service Fund	6,932,200.00	6,932,200.00	-
Sanitary Sewer	14,940,942.00	1,962,831.00	12,978,111.00
Storm Sewer (Drainage)	565,580.00	91,775.00	473,805.00
Hydrant Districts	508,576.00	10,320.00	498,256.00
Fire Districts	8,795,529.00	2,400.00	8,793,129.00
Sidewalks & Curbs	11,675.52	-	11,675.52
Total Special Districts	62,462,036.52	27,284,310.00	35,177,726.52
Premium Assessment (ECSD)	70,406.68	-	70,406.68
Cleanup Debris	136,154.55	-	136,154.55
Admin Fees Cleanup Debris	67,800.00	-	67,800.00
Delinquent Refuse	400.00	-	400.00
Demo Charges	71,791.12	-	71,791.12
Total Other Items	346,552.35	-	346,552.35
GRAND TOTALS	136,909,273.87	56,528,261.00	80,381,012.87

CLARENCE

FOR THE YEAR 2024	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Townwide	16,627,759.00	13,050,795.00	3,576,964.00
Highway Townwide	6,993,190.00	2,066,936.00	4,926,254.00
Total Town & Highway	23,620,949.00	15,117,731.00	8,503,218.00
Central Alarm	313,674.00	41,875.00	271,799.00
Aquatic Growth Control	1,000.00	775.00	225.00
Drainage District	634,158.00	119,500.00	514,658.00
Clarence Fire District 1	1,069,889.00	-	1,069,889.00
Fire Protection Districts	3,141,025.00	1,200.00	3,139,825.00
Lighting Districts	12,500.00	850.00	11,650.00

Sewer Districts	1,313,230.00	196,550.00	1,116,680.00
Townwide Water District	456,226.00	15,500.00	440,726.00
Town Special Assessments	4,554.34	-	4,554.34
Property Maintenance	1,994.40	-	1,994.40
Demolition	42,216.50	-	42,216.50
Total Special Districts	6,990,467.24	376,250.00	6,614,217.24
GRAND TOTALS	30,611,416.24	15,493,981.00	15,117,435.24

COLDEN

FOR THE YEAR 2024	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund	1,352,726.00	1,352,726.00	-
Highway Fund	991,245.00	282,545.00	708,700.00
Total Town & Highway	2,343,971.00	1,635,271.00	708,700.00
Lighting District	20,000.00	1,525.00	18,475.00
Refuse District	331,055.00	18,200.00	312,855.00
Water District	224,862.00	99,350.00	125,512.00
Colden Fire District	404,068.00	-	404,068.00
Aurora Colden Fire District	40,765.00	-	40,765.00
Unpaid Water	4,934.45	-	4,934.45
Demolition	21,515.00	-	21,515.00
Total Special Districts	1,047,199.45	119,075.00	928,124.45
GRAND TOTALS	3,391,170.45	1,754,346.00	1,636,824.45

COLLINS

FOR THE YEAR 2024	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund Townwide	1,335,419.00	835,693.00	499,726.00
General Fund Town Outside	497,584.00	497,584.00	-

Highway Fund Townwide	8,000.00	8,000.00	-
Highway Fund Town Outside	1,715,279.00	1,715,279.00	-
Total Town & Highway	3,556,282.00	3,056,556.00	499,726.00
Collins Fire Districts	273,428.00	15,350.00	258,078.00
Rosenburg Fire District	21,810.00	-	21,810.00
Lighting District	11,500.00	750.00	10,750.00
Helmuth Fire Control	36,198.00	500.00	35,698.00
Refuse District	148,950.00	44,000.00	104,950.00
Water Districts	357,649.00	277,157.00	80,492.00
Total Special Districts	849,535.00	337,757.00	511,778.00
Delinquent Water	29,981.86	-	29,981.86
Total Other Items	29,981.86	-	29,981.86
GRAND TOTALS	4,435,798.86	3,394,313.00	1,041,485.86

CONCORD

FOR THE YEAR 2024	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund Townwide	1,493,103.99	420,790.00	1,072,313.99
General Fund Town Outside	1,019,299.00	1,019,299.00	-
Highway Fund Townwide	35,000.00	(14,463.00)	49,463.00
Highway Fund Town Outside	1,516,708.46	1,280,651.16	236,057.30
Total Town & Highway	4,064,111.45	2,706,277.16	1,357,834.29
Joint Projects	187,219.00	187,219.00	-
Library Fund	4,000.00	480.00	3,520.00
Fire Protection District	733,988.02	3,500.00	730,488.02
Lighting District	24,999.63	600.00	24,399.63
Sewer District	186,532.08	15,000.00	171,532.08

Kissing Bridge Sewer	66,999.78	1,600.00	65,399.78
Kissing Bridge Water	23,470.80	60.00	23,410.80
Trevett Road Water District	2,400.06	-	2,400.06
Cattaraugus Street Water	5,454.83	-	5,454.83
Total Special Districts	1,235,064.20	208,459.00	1,026,605.20
Omitted Tax - County	2,970.07	-	2,970.07
Omitted Tax - Town	944.51	-	944.51
Total Other Items	3,914.58	-	3,914.58
GRAND TOTALS	5,303,090.23	2,914,736.16	2,388,354.07

EDEN

FOR THE YEAR 2024	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund	3,204,407.00	2,200,540.00	1,003,867.00
Highway Fund	2,109,400.00	683,000.00	1,426,400.00
Total Town & Highway	5,313,807.00	2,883,540.00	2,430,267.00
Fire Protection District	506,875.00	-	506,875.00
Lighting District	61,650.00	-	61,650.00
Water Districts	890,383.99	2,788.03	887,595.96
Refuse & Garbage	680,159.00	10,700.00	669,459.00
Total Special Districts	2,139,067.99	13,488.03	2,125,579.96
Premium Assessment	1,000.00	-	1,000.00
Unpaid Water	1,596.21	-	1,596.21
Total Other Items	2,596.21	-	2,596.21
GRAND TOTALS	7,455,471.20	2,897,028.03	4,558,443.17

ELMA

FOR THE YEAR 2024	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund	3,329,605.00	3,329,605.00	-
Highway Fund	1,825,283.00	1,423,492.00	401,791.00
Total Town & Highway	5,154,888.00	4,753,097.00	401,791.00
Water Districts	3,841,014.00	3,841,014.00	-
Sewer Districts	372,105.00	180.00	371,925.00
Drainage	12,516.00	-	12,516.00
Lighting District	40,100.00	-	40,100.00
Fire Protection District	969,461.00	23,082.00	946,379.00
TFPD Service Award	194,991.00	-	194,991.00
Springbrook Fire District	506,700.00	-	506,700.00
Springbrook Fire Service Award	106,000.00	-	106,000.00
Refuse User Fee	335,680.00	-	335,680.00
Delinquent Water	649.89	-	649.89
Premium Assessments	1,797.80	-	1,797.80
Total Special Districts	6,381,014.69	3,864,276.00	2,516,738.69
GRAND TOTALS	11,535,902.69	8,617,373.00	2,918,529.69

EVANS

FOR THE YEAR 2024	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Townwide	11,452,276.00	2,345,928.00	9,106,348.00
General Town Outside	1,119,653.00	1,119,653.00	-
Highway Town Outside	2,995,865.00	2,487,625.00	508,240.00
Total Town & Highway	15,567,794.00	5,953,206.00	9,614,588.00
Water Districts	39,173.00	-	39,173.00
Water District Eden Extension 3	1,528.03	-	1,528.03

Fire Protection District	862,500.00	37,095.00	825,405.00
Lighting Districts	297,060.00		297,060.00
Water Fund	1,492,157.00	1,492,157.00	-
Refuse & Garbage	1,428,180.00	10,000.00	1,418,180.00
Debt Services	1,128,824.00	1,128,824.00	-
Indep/PeppTree Admin Fee	3,000.00		3,000.00
N. Evans Fire District	1,021,213.00	28,000.00	993,213.00
Total Special Districts	6,273,635.03	2,696,076.00	3,577,559.03
Delinq. Water (Evans)	7,615.58	-	7,615.58
Delinq. Water (ECWA)	24,120.32	-	24,120.32
ECWA Surcharge	23,880.38	-	23,880.38
Demolition/Cleanup Charges	507,830.00	-	507,830.00
Premium Assessment (ECSA)	700.00	-	700.00
Total Other Items	564,146.28	-	564,146.28
GRAND TOTALS	22,405,575.31	8,649,282.00	13,756,293.31

GRAND ISLAND

FOR THE YEAR 2024	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund	11,177,934.00	8,942,799.00	2,235,135.00
Highway Fund	4,131,750.00	964,599.00	3,167,151.00
Total Town & Highway	15,309,684.00	9,907,398.00	5,402,286.00
Debt Service	384,762.00	384,762.00	-
Fire Protection District	1,766,534.00	96,255.00	1,670,279.00
Lighting Districts	205,600.00	15,646.00	189,954.00
Water Districts	4,401,732.00	3,230,212.00	1,171,520.00
Sewer District	5,208,450.00	3,521,488.00	1,686,962.00

Garbage	1,835,214.00	4,819.00	1,830,395.00
Total Special Districts	13,802,292.00	7,253,182.00	6,549,110.00
		-	
Delinquent Water	322,140.71	-	322,140.71
Delinquent Sewer	316,569.13	-	316,569.13
Lighting Charge	1,179.00	-	1,179.00
Omitted Tax - Town	4,054.00	-	4,054.00
Total Other Items	643,942.84	-	643,942.84
GRAND TOTALS	29,755,918.84	17,160,580.00	12,595,338.84

HAMBURG

FOR THE YEAR 2024	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund Townwide	21,561,798.00	9,691,703.00	11,870,095.00
General Fund Outside Village	16,856,730.00	11,224,441.00	5,632,289.00
Highway Fund Bridges	500,000.00	-	500,000.00
Highway Fund Outside Village	7,215,467.00	968,373.00	6,247,094.00
Total Town & Highway	46,133,995.00	21,884,517.00	24,249,478.00
Lighting Districts	1,403,675.00	3,000.00	1,400,675.00
Town Hydrant	447,720.00	-	447,720.00
Insurance Reserve	1,010,000.00	1,010,000.00	-
Fire Protection District	3,970,400.00	(10,000.00)	3,980,400.00
Sewer Districts	1,144,165.00	216,990.00	927,175.00
Water Districts	11,500.00	-	11,500.00
Lake View Fire District	1,053,131.00	180,800.00	872,331.00
Total Special Districts	9,040,591.00	1,400,790.00	7,639,801.00
Delinquent Water ECWA	5,301.50	-	5,301.50

Delinquent Sewer	217.51	-	217.51
Premium Assessment	11,150.00	-	11,150.00
Grass Cutting	58,164.00	-	58,164.00
Board-Ups	58,768.00	-	58,768.00
Total Other Items	133,601.01	-	133,601.01
GRAND TOTALS	55,308,187.01	23,285,307.00	32,022,880.01

HOLLAND

FOR THE YEAR 2024	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund	1,329,212.60	803,924.00	525,288.60
Highway Fund	1,703,988.05	757,733.18	946,254.87
Total Town & Highway	3,033,200.65	1,561,657.18	1,471,543.47
Water Districts	232,150.00	232,150.00	-
Lighting District	17,000.00	-	17,000.00
Refuse & Garbage	387,789.26	-	387,789.26
Holland Fire District	538,331.58	53,475.00	484,856.58
Java Sheldon Fire Protection	12,500.00	-	12,500.00
Total Special Districts	1,187,770.84	285,625.00	902,145.84
Delinquent Water	18,613.34	-	18,613.34
Unpaid Refuse	176.00	-	176.00
Total Other Items	18,789.34	-	18,789.34
GRAND TOTALS	4,239,760.83	1,847,282.18	2,392,478.65

LANCASTER

FOR THE YEAR 2024	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Townwide	11,852,869.00	3,304,060.00	8,548,809.00

General Town Outside	1,683,897.00	1,600,095.00	83,802.00
Police Fund	13,414,804.00	9,018,300.00	4,396,504.00
Highway Fund Townwide	902,709.00	22,800.00	879,909.00
Highway Town Outside	5,609,620.00	1,688,200.00	3,921,420.00
Misc Special Revenue	191,700.00	191,700.00	-
Total Town & Highway	33,655,599.00	15,825,155.00	17,830,444.00
Refuse District	2,759,610.00	57,300.00	2,702,310.00
Lighting District	293,810.00	3,500.00	290,310.00
Fire Protection District	3,876,500.00	10,000.00	3,866,500.00
Water Districts	1,233,971.00	267,572.00	966,399.00
Total Special Districts	8,163,891.00	338,372.00	7,825,519.00
Premium Assessment (ECSA)	105,107.67	-	105,107.67
Delinq. Water ECWA	5,122.70	-	5,122.70
Property Clean Up	150.00	-	150.00
Total Other Items	110,380.37	-	110,380.37
GRAND TOTALS	41,929,870.37	16,163,527.00	25,766,343.37

MARILLA

FOR THE YEAR 2024	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund	1,153,100.00	1,153,100.00	-
Highway Fund	633,100.00	509,600.00	123,500.00
Total Town & Highway	1,786,200.00	1,662,700.00	123,500.00
Sanitation	462,625.00	7,300.00	455,325.00
Fire Protection District	463,450.00	13,450.00	450,000.00
Water Districts	261,500.00	8,150.00	253,350.00
Total Special Districts	1,187,575.00	28,900.00	1,158,675.00

Community Development	-	-	-
Unpaid Water	1,017.31	-	1,017.31
Total Other Items	1,017.31	-	1,017.31
GRAND TOTALS	2,974,792.31	1,691,600.00	1,283,192.31

NEWSTEAD

FOR THE YEAR 2024	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund Townwide	2,279,143.00	1,133,691.00	1,145,452.00
General Fund Town Outside	283,450.00	283,450.00	-
Highway Fund Townwide	2.00	2.00	-
Highway Fund Town Outside	1,847,216.00	1,607,216.00	240,000.00
Total Town & Highway	4,409,811.00	3,024,359.00	1,385,452.00
Water Districts	786,746.00	222,127.00	564,619.00
Fire Protection Districts	702,430.00	42,465.00	659,965.00
Refuse & Garbage	435,900.00	34,393.00	401,507.00
Drainage District	81,520.00	700.00	80,820.00
Sewer Districts	23,012.00	23,012.00	-
Total Special Districts	2,029,608.00	322,697.00	1,706,911.00
Delinquent Water	57.54	-	57.54
Unpaid Refuse	266.25	-	266.25
Omitted Tax - Town	500.00	-	500.00
Emergency Repair	260.00	-	260.00
Total Other Items	1,083.79	-	1,083.79
GRAND TOTALS	6,440,502.79	3,347,056.00	3,093,446.79

NORTH COLLINS

FOR THE YEAR 2024	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund Townwide	1,036,118.00	502,088.00	534,030.00
General Fund Town Outside	270,934.00	37,541.00	233,393.00
Highway Fund Townwide	65,100.00	-	65,100.00
Highway Fund Town Outside	835,056.00	632,605.00	202,451.00
Total Town & Highway	2,207,208.00	1,172,234.00	1,034,974.00
Fire Protection District	200,648.00	8,000.00	192,648.00
Refuse District	212,483.00	-	212,483.00
Water District	30,580.00	30,580.00	-
Unpaid Water	1,826.53	-	1,826.53
Demolition	35,100.00	-	35,100.00
Total Special Districts	480,637.53	38,580.00	442,057.53
GRAND TOTALS	2,687,845.53	1,210,814.00	1,477,031.53

ORCHARD PARK

FOR THE YEAR 2024	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Townwide	19,855,273.00	12,322,939.00	7,532,334.00
General Town Outside	1,112,540.00	1,112,540.00	-
Highway Town	5,830,144.00	740,029.00	5,090,115.00
Debt Service Fund	2,983,134.00	2,983,134.00	-
Total Town & Highway	29,781,091.00	17,158,642.00	12,622,449.00
Sanitary Sewer Districts	1,687,332.00	416,604.00	1,270,728.00
Water Districts	1,074,834.00	170,999.00	903,835.00
Drainage Districts	534,993.00	-	534,993.00
General Lighting	404,775.00	75,800.00	328,975.00
Consolidated Garbage	3,157,456.00	181,146.00	2,976,310.00

Fire Protection District	4,851,257.00	351,257.00	4,500,000.00
Total Special Districts	11,710,647.00	1,195,806.00	10,514,841.00
Delinq. Water ECWA & OP	861.52	-	861.52
Prorated/Delinq. Garbage	4,858.43	-	4,858.43
Property Maintenance	1,375.00	-	1,375.00
Code Enforcement Fee	275.00	-	275.00
Ag Conversion	8,318.24	-	8,318.24
Total Other Items	15,688.19	-	15,688.19
GRAND TOTALS	41,507,426.19	18,354,448.00	23,152,978.19

SARDINIA

FOR THE YEAR 2024	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund	4,678,037.00	4,678,037.00	-
Highway Fund	1,406,000.00	1,406,000.00	-
Total Town & Highway	6,084,037.00	6,084,037.00	-
Fire Protection	465,500.00	465,500.00	-
Street Lighting	17,100.00	1,800.00	15,300.00
Total Special Districts	482,600.00	467,300.00	15,300.00
GRAND TOTALS	6,566,637.00	6,551,337.00	15,300.00

TONAWANDA

30,130,832.00

FOR THE YEAR 2024	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Townwide	35,199,998.00	17,765,530.00	17,434,468.00
General Town Outside	28,061,253.00	15,364,889.00	12,696,364.00
Highway Town Outside	9,876,864.00	2,605,478.00	7,271,386.00
Total Town & Highway	73,138,115.00	35,735,897.00	37,402,218.00

Lighting Districts	2,010,814.00	334,300.00	1,676,514.00
Water Acq. & Storage	12,598,992.00	12,598,992.00	-
Fire Protection District	932,395.00	-	932,395.00
Fire Districts	3,979,020.00	524,501.00	3,454,519.00
Sewer Consolidated	17,677,876.00	15,318,000.00	2,359,876.00
Drainage Consolidated	715,928.00	12,000.00	703,928.00
Refuse & Garbage Cons.	9,852,051.00	411,100.00	9,440,951.00
Total Special Districts	47,767,076.00	29,198,893.00	18,568,183.00
Cleanup Spec. Assmt.	58,171.41	-	58,171.41
Unpaid Water	1,080,609.86	-	1,080,609.86
Total Other Items	1,138,781.27	-	1,138,781.27
GRAND TOTALS	122,043,972.27	64,934,790.00	57,109,182.27

WALES

FOR THE YEAR 2024	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund	980,941.00	980,941.00	-
Highway Fund	801,226.00	720,377.00	80,849.00
Total Town & Highway	1,782,167.00	1,701,318.00	80,849.00
Fire Protection	318,377.00	7,200.00	311,177.00
Lighting District	5,700.00	70.00	5,630.00
Refuse District	268,680.00	2,000.00	266,680.00
South Wales Fire District	120,510.16	-	120,510.16
Total Special Districts	713,267.16	9,270.00	703,997.16
Unpaid Water	294.84	-	294.84
Unpaid Refuse	726.68	-	726.68

Total Other Items	1,021.52	-	1,021.52
GRAND TOTALS	2,496,455.68	1,710,588.00	785,867.68

WEST SENECA

FOR THE YEAR 2024	APPROPRIATIONS	ESTIMATED REVENUE & FB	TAX LEVY PER BUDGET
General Fund	33,424,628.00	17,004,322.00	16,420,306.00
Highway Fund	13,394,992.00	2,002,867.00	11,394,670.83
Highway Credit (68005)	-	-	(2,545.83)
Total Town & Highway	46,819,620.00	19,007,189.00	27,812,431.00
Sewer Districts	11,898,524.00	2,275,961.00	9,622,563.00
Water Districts	325,034.00	5,233.00	319,801.00
Special Assessment	1,000.00	-	1,000.00
Gas Lighting Districts	17,188.00	1,839.00	15,349.00
Electric Lighting Districts	134,509.00	9,404.00	125,105.00
Fire Districts	5,109,816.00	11,339.00	5,098,477.00
Total Special Districts	17,486,071.00	2,303,776.00	15,182,295.00
Delinquent Water	1,303.27	-	1,303.27
Demolition	8,700.00	-	8,700.00
Grass Cutting	10,815.00	-	10,815.00
Administration Fees	6,800.00	-	6,800.00
Premium Assessment	1,065,062.21	-	1,065,062.21
Total Other Items	1,092,680.48	-	1,092,680.48
GRAND TOTALS	65,398,371.48	21,310,965.00	44,087,406.48

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-12	COUNTY EXECUTIVE	Authorization to Contract with MultiMed Ambulance Billing Specialists
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Attachments

23COMM. 24E-12



EC LEG DEC 15 '23 PM 12:47

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

December 15, 2023

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

**RE: Authorization to contract with MultiMed Ambulance Billing Specialists
IMMEDIATE CONSIDERATION REQUESTED**

Dear Honorable Members:

The Erie County Department of Health (ECDOH) is seeking authorization to enter into a contract with MultiMed Ambulance Billing Specialists to provide the billing service for Erie County's ambulance service.

Should your Honorable Body require further information, I encourage you to contact Gale Burstein, Commissioner of the Department of Health. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/jah
Enclosure

cc: Gale R. Burstein, MD, Commissioner of Health

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Health
Re: Authorization to contract with MultiMed Ambulance Billing Specialists
Date: December 15, 2023

SUMMARY

Erie County Department of Health is seeking authorization to enter into contract with Multimed Ambulance Billing Specialists to provide the billing service for the Erie County Ambulance Service. MultiMed, a New York State company, was the top scored out of the four proposals received that meets the department's needs. MultiMed only does ambulance billing and is well versed in the compliance around medical billing for ambulance services.

FISCAL IMPLICATIONS

Positive. Erie County will begin to generate revenue from the ambulance services for transports given by its crews. MultiMed will be compensated as a result of the claiming process. For non-Medicaid claims they will receive a commission of 5.75% of the amount collected; for Medicaid primary claims a \$20 flat fee per claim collected; for Medicaid secondary claims a \$10 flat fee for claims collected.

REASONS FOR RECOMMENDATION

Erie County will be able to bill for ambulance transports within Erie County. Allowing this service to be done externally ensures compliance with medical billing rules and ambulance staff to focus on patient care.

BACKGROUND INFORMATION

In September of 2023, Erie County launched its ambulance service to provide a safety net for residents of some rural towns by being the backup to first responding agencies. Medical billing for ambulance services is specialized billing that would be beyond the expertise of ECDOH staff and therefore better to be handled by a professional billing company such as MultiMed. While call volume starts to increase for Erie County's Ambulance Service, the county has the rights and duties to bill patients for prehospital care and transportation. Erie County and MultiMed will focus on billing relevant insurance companies for ambulance transport claims.

CONSEQUENCES OF NEGATIVE ACTION

Erie County will not be able to bill for prehospital care and transportation provided by its ambulance service.

STEPS FOLLOWING APPROVAL

ECDOH will work with the Division of Budget and Management and County Attorney's Office to execute all terms of the contract.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF HEALTH

RE: Authorization to contract with MultiMed Ambulance Billing Specialists

WHEREAS, in September of 2023, Erie County launched its own ambulance service to be the safety net for residents and provide backup to first responding agencies such as volunteer fire departments; and

WHEREAS, the ambulance service operates in 8 rural towns and expanding to cover 2 additional towns by 2024; and

WHEREAS, requests for transport and response to call continues to increase week over week for the ambulance service; and

WHEREAS, Erie County has rights and duties to bill and collect from its patients for prehospital care and transportation; and

WHEREAS, Erie County's Emergency Medical Services issued a request for proposals for a medical billing company to provide ambulance billing services for Erie County; and

WHEREAS, a request for proposals review committee reviewed the 4 submissions and selected MultiMed Ambulance Billing Specialists; and

WHEREAS, contracting with MultiMed ensure compliance in billing services and allows EMS staff to focus on patient care; and

WHEREAS, there will be no upfront costs to contract with MultiMed as they will be compensated as a result of the claiming process.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with MultiMed Ambulance Billing Specialists for a 5 year period (3 years plus two 1 year renewals) to provide billing services for the ; and that it be 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's Office, Comptroller's Office, Department of Law, Department of Health and Division of Budget and Management.

	PAB	Multi Med	Amb Billing	EMS MGT
Reviewer 1	50	82.5	70	60
Reviewer 2	72.5	100	67.5	50
Reviewer 3	86.25	93.75	85	81.25

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-13	COUNTY EXECUTIVE	Authorization to Accept NYS TB Testing Grant
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Attachments

23COMM. 24E-13



EC LEG DEC 15 '23 PM12:47

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

December 15, 2023

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

RE: Authorization to Accept NYS TB Testing Grant
IMMEDIATE CONSIDERATION REQUESTED

Dear Honorable Members:

The Erie County Department of Health (ECDOH) is seeking authorization accept an award from New York State for \$500,000 to cover the costs of tuberculosis testing and other expenses for asylum seekers in Erie County.

Should your Honorable Body require further information, please contact Commissioner of Health Gale Burstein. Thank you for your consideration on this matter.

Sincerely yours,

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

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/jah
Enclosure

cc: Dr. Gale Burstein, Commissioner of Health

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Health
Re: Authorization to Accept NYS TB Testing Grant
Date: December 15, 2023

SUMMARY

ECDOH has been awarded a one time grant for \$500,000 from New York State Department of Health (NYSDOH) to reimburse past and cover future expenses related to those seeking asylum here in Erie County related to tuberculosis testing, treatment, and other expenses.

FISCAL IMPLICATIONS

Positive. This money was awarded to reimburse Erie County for expenses and cover future ones related to asylum seekers.

REASONS FOR RECOMMENDATION

There have been over 500 asylum seekers relocated to Erie County from New York City. This award from NYSDOH intends to reimburse and cover future expenses for Erie County related to the tuberculosis testing, screening, treatment, and other related expenses for asylum seekers.

CONSEQUENCES OF NEGATIVE ACTION

Erie County would leave funding unclaimed and have to use its own funds to cover the costs related to tuberculosis testing, screening, treatment, and other expenses for 500 plus asylum seekers.

STEPS FOLLOWING APPROVAL

ECDOH will work with Budget and Management to add the award to their operating budget.

**A RESOLUTION SUBMITTED BY:
DEPARTMENT OF HEALTH**

Re: Authorization to Accept NYS TB Testing Grant

WHEREAS, the Erie County Department of Health (ECDOH) is responsible to protect public health by stopping the spread of communicable diseases such as tuberculosis; and

WHEREAS, over 500 asylum seekers have been relocated to Erie County by New York City through 2023; and

WHEREAS, ECDOH has screened, tested, and treated as mandated the asylum seekers for tuberculosis and other communicable diseases to prevent any community spread; and

WHEREAS, Erie County has been awarded \$500,000 by New York State Department of Health to reimburse the costs associated with these mandated services and cover future expenses.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with the New York State Department of Health in order to accept \$500,000 in grant awards from New York State Incentive Program as follows:

Department of Health
Fund 281, Funds Center 12700
127TBASYLUM2324
04/01/23 - /03/31/24

<u>Account</u>	<u>Revenue</u>	<u>Budget</u>
409000	State Aid Revenues	<u>\$500,000</u>
	TOTAL	<u>\$500,000</u>
<u>Account</u>	<u>Appropriation</u>	<u>Budget</u>
500000	Full Time - Salaries	\$ 24,763
502000	Fringe Benefits	12,380
505800	Medical & Health supplies	50,000
510000	Local Mileage Reimbursement	5,000
516020	Professional Services Contracts & Fees	335,357
516050	Dept Payments to ECMCC	50,000
530000	Other Expenses	2,500
561410	Lab & Technical Equipment	<u>\$ 20,000</u>

TOTAL	<u>\$500,000</u>
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and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust grant appropriations and revenues in accordance with the final grantor funding levels or grantor authorized changes to award amounts, provided there are no changes to authorized personnel levels and county share amounts; and be it further

RESOLVED, that authorization is hereby given to the County Executive to amend contracts as necessary to implement any no-cost extension that may be permitted by the grantor; and be it further

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

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive's Office, Comptroller's Office, Department of Health, and Division of Budget and Management.

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-14	COUNTY EXECUTIVE	Health Department Creation of Positions for 608 William
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Attachments

23COMM. 24E-14



04:16:00 DEC 15 '23 PM 12:47

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

December 15, 2023

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

**RE: Health Department Creation of Positions for 608 William
IMMEDIATE CONSIDERATION REQUESTED**

Dear Honorable Members:

The Erie County Department of Health (ECDOH) is seeking the creation of a two (2) Physician Assistant and one (1) Senior Nurse Practitioner positions to continue vital services to Erie County residents at the Jesse Nash Health Center located at 608 William Street in Buffalo.

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: Health Department Creation of Positions for 608 William
Date: December 15, 2023

SUMMARY

ECDOH is seeking the creation of 2 Physician Assistant and 1 Senior Nurse Practitioner positions for the Jesse Nash Health Center located at 608 William Street to continue providing vital services in the Family Planning, Tuberculosis, STI, and Prep clinics. Demand for these services continues to grow and is not currently being met by the clinics' current structure of using independent contractors.

FISCAL IMPLICATIONS

The \$492,282 in total funding necessary for these positions will come from 2023 surplus funds from accounts #414035 – FED LATCF Revenue #486010 – Residual Equity Transfers In and #525160 – Indigent Care Adjustment – DSH, which will be carried forward into the Health Division's 2024 General Fund Budget. Below are the new positions:

Physician Assistant (JG 16, Step 1)

<u>Annualized Salary</u>	\$101,561
<u>Salary for Balance of Year</u>	\$0
<u>Funding Source</u>	<u>2023 Surplus Carryforward</u>

Physician Assistant (JG 06, Step 1)

<u>Annualized Salary</u>	\$101,561
<u>Salary for Balance of Year</u>	\$0
<u>Funding Source</u>	<u>2023 Surplus Carryforward</u>

Senior Nurse Practitioner (JG 16, Step 1)

<u>Annualized Salary</u>	\$125,066
<u>Salary for Balance of Year</u>	\$0
<u>Funding Source</u>	<u>2023 Surplus Carryforward</u>

REASONS FOR RECOMMENDATION

The services currently provided at 608 William Street is being done by multiple independent contractors that are paid out of the Health Division's Professional Services line. Creating 3 full time county positions brings in needed structure, organization, and accountability for providing these necessary public health services to residents of Erie County. Adding these positions will mean the clinic will be able to run more efficiently and provide consistent high-level care to patients.

CONSEQUENCES OF NEGATIVE ACTION

Erie County will be unable to provide these necessary, and some mandated, public health services to the most at-risk residents.

STEPS FOLLOWING APPROVAL

ECDOH will work with Personnel and Budget and Management to add and fill the new positions.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF HEALTH

Re: Creation of Positions for 608 William

WHEREAS, the Erie County Department of Health (ECDOH) operates the Jesse Nash Health Center located at 608 William Street in Buffalo that provides vital public health services through its Family Planning, Tuberculosis, STI, and Prep clinics; and

WHEREAS, services are currently being provided by independent contractors and demand for the various services provided at 608 William continues to grow; and

WHEREAS, ECDOH is seeking the creation of 2 Physician Assistant and 1 Senior Nurse Practitioner positions to not only meet the needs of the community but become more efficient and consistent at providing high-level care to patients of the clinic; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of two (2) full-time Physician Assistant, Job Group 16, Step 1, CSEA (B100# 13982) effective January 1, 2024; and be it further

RESOLVED, that authorization is hereby given to create one (1) full-time Senior Nurse Practitioner, Job Group 16, Step 1, NYSNA (B100# 13983) effective January 1, 2024; and be it further

RESOLVED, that authorization is hereby given for the recognition of \$100,000 in previously unbudgeted revenue in Fund 110, Funds Center 14010, Account #414035 – FED LATCF Revenue and \$228,188 in previously unbudgeted revenue in Fund 110, Funds Center 14010, Account #486010 – Residual Equity Transfers In and the appropriation of a like amount of funding into the Health Department’s 2023 General Fund Budget (Fund 110, Funds Center 12700) Account #500000 Full Time - Salaries as follows:

2023 Budget
Fund 110, Funds Center 14010
Countywide Budget Accounts

REVENUES

414035 – FED LATCF Revenue	\$100,000
486010 – Residual Equity Transfers In	<u>\$228,188</u>
TOTAL	<u>\$328,188</u>

2023 Budget
Fund 110, Funds Center 12700
Health Division

APPROPRIATIONS

500000 Full Time – Salaries	<u>\$328,188</u>
TOTAL	<u>\$328,188</u>

and be it further

RESOLVED, that authorization is hereby given to transfer \$164,094 in unanticipated health care cost savings in the Department of Social Services' 2023 General Fund Budget (Fund 110, Funds Center 120), Account #525160 – Indigent Care Adjustment – DSH to the Department of Health's 2023 General Fund Budget (Fund 110, Funds Center 12700) Account #502000 Fringe Benefits as follows:

2023 Budget
Fund 110, Funds Center 120
Department of Social Services

APPROPRIATIONS

525160 – Indigent Care Adjustment - DSH	<u>(\$164,094)</u>
TOTAL	<u>(\$164,094)</u>

2023 Budget
Fund 110, Funds Center 12700
Health Division

APPROPRIATIONS

502000 Fringe Benefits	<u>\$164,094</u>
TOTAL	<u>\$164,094</u>

and be it further

RESOLVED, that authorization is hereby given to re-appropriate \$492,282 in funding from the Health Division's 2023 General Fund Budget into 2024 as follows:

2024 Budget
Fund 110, Funds Center 12700
Health Division

APPROPRIATIONS

500000 – Full Time – Salaries	\$328,188
502000 – Fringe Benefits	<u>\$164,094</u>
TOTAL	<u>\$492,282</u>

and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to make any technical adjustments necessary to appropriate and carry-forward sufficient funding to cover the personnel costs associated with the aforementioned creation of new positions; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive's Office, Department of Personnel, Department of Health, and Division of Budget and Management.

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-15	COUNTY EXECUTIVE	Buffalo & EC Botanical Gardens 2019 Expansion Plan Construction Management Agreement
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Attachments

23COMM. 24E-15



ECLEG DEC 15 '23 rpt2:47

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

December 15, 2023

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

**RE: Buffalo and Erie County Botanical Gardens 2019 Expansion Plan
Construction Management Agreement
IMMEDIATE CONSIDERATION REQUESTED**

Dear Honorable Members:

This resolution is requesting authorization for the County Executive to enter into an Agreement with Turner Construction Company LLC to provide *Construction Manager as Advisor* services for the Buffalo and Erie County Botanical Gardens 2019 Expansion Plan project. This contract shall be funded entirely by the Botanical Gardens Society.

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

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/nt
Enclosure

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

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Buffalo and Erie County Botanical Gardens 2019 Expansion Plan
Construction Management Agreement
Date: December 15, 2023

SUMMARY

The Department of Public Works is requesting authorization for the County Executive to enter into an Agreement with Turner Construction Company LLC (“Turner”) for the Buffalo and Erie County Botanical Gardens 2019 Expansion Plan project (“Botanical Gardens Expansion project”), located at 2655 South Park Avenue, Buffalo, New York 14218.

The County previously approved Savarino Companies LLC (“Savarino”) to provide *Construction Management as Advisor* services per COMM. 23E-2 (November 21, 2019). However, Savarino Companies is no longer able to fulfil this obligation, and as such, based on proposals solicited from construction management firms at the original RFQ/P proposal submissions received on September 6, 2019; Turner and their sub-consultants scored number 2 based on the consultant selection committee collective decision. Therefore, it is recommended to proceed with Turner as best suited firm to serve as *Construction Manager as Advisor for use on a Sustainable Project*, to provide construction management services for the addition to the existing conservatory building located at the Buffalo and Erie County Botanical Gardens (“Botanical Gardens” considering Savarino is no longer able to fulfill these duties.

FISCAL IMPLICATIONS

The Construction Management services contract shall be funded entirely by the Botanical Gardens Society through donations from government, corporations, individuals and foundations. No County monies shall be involved.

REASONS FOR RECOMMENDATION

The services of the Construction Manager as Advisor are necessary to provide preconstruction and construction phase services for the Expansion project; and provide logistical expertise such that the Botanical Gardens can remain fully operational for the public during construction.

Services shall include providing the usual and customary construction coordination and scheduling, constructability review, cost estimating and allocation of construction activities among the Multiple Prime Contractors; and performing Sustainable Measures in the approved Sustainability Plan. This shall be as identified in the American Institute of Architects (“AIA”) Document C132-2009 SP, *Standard Form of Agreement Between Owner and Construction Manager as Advisor, for use on a Sustainable Project*, and as modified to meet County’s requirements.

BACKGROUND INFORMATION

The County and Botanical Gardens Society solicited proposals from construction management firms on September 6, 2019 which were reviewed by a selection committee. Turner and Savarino were ranked #1 and #2 respectively. Based on further interviews with both firms, Savarino at that time was recommended based on their nuanced understanding of ETFE construction schedule, their recent successful local projects, and potentially provide more hands-on guidance and flexibility to the project. Savarino's contract was never formally executed with the County due to budgetary issues with the original Masterplan design.

Since then, Savarino is unable to fulfil their obligation for this project as it is ceasing operations due to costs related to a project that the company's surety had to complete, a recent termination of work and the company's inability to obtain surety bonding or acceptance of alternative performance guaranties for 2023 work. As such, Turner is recommended to serve as *Construction Manager as Advisor for use on a Sustainable Project*, to provide construction management services for the project.

CONSEQUENCES OF NEGATIVE ACTION

If this approval is not obtained, the Botanical Gardens Expansion project will not be able to proceed to construction and therefore delaying the project.

STEPS FOLLOWING APPROVAL

Upon Legislative approval, the County Executive will enter into an Agreement with Turner Construction Company LLC for the Buffalo and Erie County Botanical Gardens 2019 Expansion Plan project.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS

RE: Buffalo and Erie County Botanical Gardens 2019 Expansion Plan Construction Management Agreement

WHEREAS, the Botanical Gardens are pursuing a large-scale addition to the existing Buffalo and Erie County Botanical Gardens in effort to increase event space allowing for more revenue-generating events, provide more efficient operation work-flow, provide additional training, classroom and education spaces, promote growth south of Buffalo by attracting tourism and business to the area, and provide considerable cost savings by allowing for the demolition of existing non-historic houses that have fallen into disrepair which require substantial investment to remain operational; and

WHEREAS, the services of the Construction Manager as Advisor *for use on a Sustainable Project* are necessary to provide preconstruction and construction phase services for the Buffalo and Erie County Botanical Gardens 2019 Expansion Plan project (“Botanical Gardens Expansion project”); and provide logistical expertise such that the Botanical Gardens can remain fully operational for the public during construction; and

WHEREAS, this Construction Management services contract will be funded entirely by the Botanical Gardens Society; and

WHEREAS, the County and Botanical Gardens Society solicited proposals from construction management firms and received proposal submissions on September 6, 2019 to the Request for Proposals/ Qualification advertised on August 6, 2019, which were reviewed by a selection committee, and previously recommended Savarino Companies LLC (“Savarino”) and their sub-consultants per COMM. 23E-2 (2019); and

WHEREAS, Savarino advised the Botanical Garden Society that their firm would no longer able to fulfill their duties as they were ceasing operations and DPW was made aware of the news on in fall 2023 by the Botanical Garden Society; and

WHEREAS, Turner Construction Company LLC (“Turner”) and their sub-consultants was previously ranked overall #2 by the selection committee as per the previous consultant selection process described above; and

WHEREAS, the County and Botanical Gardens Society have collectively recommended Turner replace Savarino to provide construction management services; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement with Turner to provide Construction Management as Advisor *for use on a Sustainable Project* services for the Botanical Gardens Expansion project; and

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an Agreement as an interested party with Turner Construction Company LLC to provide Construction Management as Advisor services *for use on a Sustainable Project* for the Botanical Gardens Expansion project; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, Department of Environment and Planning, Commissioner's Office and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Botanical Gardens Society c/o Mark Mortenson.



**ERIE COUNTY DEPARTMENT OF PUBLIC WORKS - Buildings and Grounds
Botanical Gardens 2019 Expansion Plan - RFP for CM Services
PROPOSAL REVIEW COMMITTEE RATINGS - SUMMARY**

Proposer	Evaluation Criteria													Weighted Average Qualifications Score (1 - 10)	Qualifications Ranking																																			
	Understanding of Work to be Done			Experience with Similar Kinds of Projects and/or Work			Experience and Qualifications of Proposed Staff			Experience of Proposed Team			Logistics and Familiarity with the Project Area			Percentage of Proposed M/WBE Participation																																		
	Weight = 20%			Weight = 20%			Weight = 30%			Weight = 15%			Weight = 10%			Weight = 5%																																		
	Committee Member Raw Score (1 - 10)	Avg. Score	Committee Member Raw Score (1 - 10)	Avg. Score	Committee Member Raw Score (1 - 10)	Avg. Score	Committee Member Raw Score (1 - 10)	Avg. Score	Committee Member Raw Score (1 - 10)	Avg. Score	Committee Member Raw Score (1 - 10)	Avg. Score	Committee Member Raw Score (1 - 10)			Avg. Score	Committee Member Raw Score (1 - 10)	Avg. Score																																
#1	#2	#3	#4	#5	#6	#7	#1	#2	#3	#4	#5	#6	#7	#1	#2	#3	#4	#5	#6	#7	#1	#2	#3	#4	#5	#6	#7	#1	#2	#3	#4	#5	#6	#7																
Buffalo Construction Consultants	10	10	9	8	8	7	4	8.00	6	8	7	6	7	5	6.57	7	9	7	7	7	8	5	7.14	6	7	7	7	7	6	4	6.43	6	7	8	8	7	7	8	7.29	10	10	8	8	8	10	7	8.71	7.19	4	
Savarino Companies, LLC	10	5	6	10	10	8	10	8.43	6	9	9	8	10	7	5	7.71	6	8	8	8	9	8	7	7.71	8	8	9	9	9	8	8	8.43	9	5	8	9	9	8	2	7.14	10	10	10	8	10	10	8	9.43	7.99	2
LiRo Engineers, Inc.	10	9	9	9	7	9	9	8.86	8	7	9	7	8	8	7.86	8	7	7	7	8	8	3	6.86	8	9	7	7	8	8	4	7.29	10	10	10	8	8	7	8	8.43	10	10	7	8	10	10	7	8.86	7.78	3	
McSquire Development Co	3	5	5	3	7	1	4.14	3	5	8	5	3	6	4	4.86	3	3	5	5	3	7	1	3.86	3	5	5	5	3	6	1	4.00	6	5	5	5	3	7	1	4.57	10	10	8	6	3	6	3	6.57	4.34	5	
Turner Construction Company	9	9	8	10	8	4	8.14	10	10	9	8	10	8	9	9.14	10	9	9	9	10	8	8	9.00	10	9	9	9	8	9	8	9.86	10	5	7	8	8	8	3	7.00	10	10	10	8	10	10	9	9.57	8.66	1	
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It is my opinion in recommending Savarino Companies, LLC, 500 Seneca Street, Suite 508, Buffalo NY 14204, the Erie County Department of Public Works has complied with all applicable provisions of Section 19.08 of the Erie County Administrative Code. Scoring sheets and other materials related to this matter are available for review at the Department of Public Works' office during regular business hours.

Jonathan Rivera
 Deputy County Executive

Marla R. Winick
 Deputy County Executive

9/23/19

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-16	COUNTY EXECUTIVE	Amendment of Contract - Rehabilitation & Drainage Improvements, Town of Amherst
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Attachments

23COMM. 24E-16



EC LOG DEC 15 '23 PM 12:47

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

December 15, 2023

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

**RE: Amendment of Wendel WD Architecture,
Engineering, Surveying and Landscape Architect PC
Professional Services Agreement for
New Road (CR186)
Rehabilitation and Drainage Improvements
Town of Amherst
IMMEDIATE CONSIDERATION REQUESTED**

Dear Honorable Members:

We are forwarding for your approval a proposed resolution seeking authorization for the County Executive to execute an amendment to the existing Engineering Design Services Agreement with Wendel WD Architecture, Engineering, Surveying and Landscape Architect PC.

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

Sincerely yours,

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

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/gmh/cw
Enclosure

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

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Amendment of Wendel WD Architecture, Engineering, Surveying and
Landscape Architect PC Professional Services Agreement for New Road (CR186)
Rehabilitation and Drainage Improvements
Town of Amherst
Date: December 15, 2023

SUMMARY

The accompanying resolution requests authority for the County Executive to execute an amendment to Wendel WD Architecture's professional services agreement for the New Road (CR186) Rehabilitation and Drainage Improvements (the "Agreement"). This agreement was authorized under COMM. 6E-20 (2022) dated April 7, 2022.

Wendel is required to perform additional engineering services including utility locating test pits verifying underground utility locations; prepare a joint permit application to NYSDEC and USACE for impacts to wetlands along the project corridor; prepare plans for design of waterline relocation to accommodate proposed storm sewer and extra work required for phased construction documents (Phase I - Dodge to Smith and Phase II – Smith to Niagara County line).

FISCAL IMPLICATIONS

Funding for this Amendment is not to exceed \$155,000.00 and is available in Fund 420, Funds Center 123, as follows:

B.21150 – 2021 Capital Overlay	\$155,000
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REASONS FOR RECOMMENDATION

Wendel WD Architecture, Engineering, Surveying and Landscape Architect PC is required to perform additional design work required to construct the project.

BACKGROUND INFORMATION

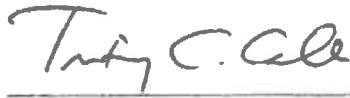
This project includes the rehabilitation of travel lanes, fully reconstruct, and widen shoulders, install a closed drainage system, and provide water quality and quantity control measures.

STEPS FOLLOWING APPROVAL

The County Executive will execute an amendment to the Professional Services Agreement with Wendel WD Architecture, Engineering, Surveying and Landscape Architect PC. Upon full execution, payment for services provided will be made.

COMPTROLLER'S OFFICE REVIEW

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

 12/8/27

Timothy C. Callan
Deputy Comptroller
Comptroller's Office

Project B.211150 – 2021 Capital Overlay

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

RE: Amendment of Wendel WD Architecture, Engineering, Surveying and
Landscape Architect PC Professional Services Agreement for New Road (CR186)
Rehabilitation and Drainage Improvements
Town of Amherst

WHEREAS, your honorable body authorized an engineering contract with Wendel WD Architecture for New Road (CR186) Rehabilitation and Drainage Improvements (the "Agreement"), via COMM. 6E-20 (2022) dated April 7, 2022 with Wendel WD Architecture, Engineering, Surveying and Landscape Architect PC; and

WHEREAS, is requesting the authority for the County Executive to execute an amendment for additional engineering services and subsurface investigation to the Agreement; and

WHEREAS, the total cost of the amendment shall not exceed \$155,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute an amendment to the engineering contract with Wendel WD Architecture for the New Road Rehabilitation and Drainage Improvements project in an amount not to exceed \$155,000; and be it further

RESOLVED, the funds for the amendment are available in Fund 420, Funds Center 123, Capital Project B.21150, 2021 Capital Overlay; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Department of Public Works, Division of Highways, and one (1) certified copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

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

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

<u>REQUESTING DEPARTMENT</u>	<u>COMPLETE ITEMS 1 THROUGH 5</u>
1. CONTRACTOR'S NAME	<u>Wendel WD Architecture, Engineering, Surveying and Landscape Architect PC</u>
2. AMOUNT OF CONTRACT	<u>\$155,000</u>
3. PROJECT NUMBER	<u>B.21150-2021 Capital Overlay</u>
4. PROJECT TITLE	<u>Amendment of Wendel WD Architecture, Engineering, Surveying and Landscape Architect PC Professional Services Agreement for New Road (CR186) Rehabilitation and Drainage Improvements Town of Amherst</u>
5. DEPARTMENT CONTACT	<u>Funding questions: Darlene Svilokos at 7801</u> <u>Letter pickup: Christy Weber at 8301</u>

<u>COMPTROLLER'S OFFICE</u>	<u>COMPLETE ITEMS 6 AND 7</u>
6. AVAILABILITY OF FUNDS	<u>\$1,428,456.04</u>
7. PERFORMED BY	<u><i>Christy Weber</i></u>
Date Sent to Comptroller's Office:	<u>12/7/2023</u>

[55 compt_10]

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-17

COUNTY EXECUTIVE

Acquisition of Town of Hamburg Section
5310 Passenger Van

Attachments

23COMM. 24E-17



CC LEG DEC 15 '23 PM 12:47

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

December 15, 2023

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

Re: **Acquisition of Town of Hamburg Section 5310 Passenger Van**
IMMEDIATE CONSIDERATION REQUESTED

Dear Honorable Members:

The attached resolution requests authorization for the Department of Senior Services to pay \$9,201 to the Town of Hamburg and accept the ownership transfer of a 2022 model year passenger van, which the Town obtained through a New York State Department of Transportation (NYSDOT) Section 5310 grant program. The Department of Senior Services will utilize the van, driven for less than 140 miles, as a replacement vehicle in our Going Places fleet in compliance with NYSDOT 5310 program requirements.

Should your Honorable Body require any further information, I encourage you to contact Commissioner Angela Marinucci in the Department of Senior Services. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mc
Enclosure

cc: Angela Marinucci, Commissioner, Department of Senior Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Senior Services
Re: Acquisition of Town of Hamburg Section 5310 Passenger Van
Date: December 15, 2023

SUMMARY

The attached resolution requests authorization for the Department of Senior Services to pay \$9,201 to the Town of Hamburg and accept the ownership transfer of a 2022 model year passenger van, which the Town obtained through a New York State Department of Transportation (NYSDOT) Section 5310 grant program. The Department will utilize the van, driven for less than 140 miles, as a replacement vehicle in our Going Places fleet in compliance with NYSDOT 5310 requirements.

FISCAL IMPLICATIONS

No additional County funds are required. Funds are available in its 163CSE2324 grant's Moter Vehicle account (# 561440) to cover the cost of the van.

REASONS FOR RECOMMENDATION

The Department's Going Places transportation program provides older adults, without other means of transportation, rides to medical appointments, grocery shopping, and to senior centers for congregate meals.

Since the start of the Covid pandemic obtaining new passenger vans has proven problematic for the County. To be able to acquire this nearly new van, with 80% of the cost covered by NYSDOT 5310 grant monies is a great opportunity. The Department already has a relationship with, and currently has as part of its fleet, four existing 5310 vans previously awarded by NYSDOT.

BACKGROUND INFORMATION

NYSDOT periodically makes available to eligible applicants on a competitive basis 5310 federal grant monies for the purchase of vehicles for the transportation of elderly individuals. Through this NYSDOT grant program the Town of Hamburg had been awarded this van, with 80% of the cost covered by NYSDOT grant funds and 20% by the Town. Since the Town of Hamburg no longer needs the van, they have obtained NYSDOT approval to transfer it to the Department of Senior Services which also operates a transportation program for the elderly that includes existing NYSDOT 5310 grant program vehicles.

CONSEQUENCES OF NEGATIVE ACTION

The Department of Senior Services would not be able to accept this van to provide transportation services to elderly residents of Erie County.

STEPS FOLLOWING APPROVAL

The Department of Senior Services will accept the transfer of the van, pay the town of Hamburg, and comply with the NYSDOT 5310 program's operating requirements.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SENIOR SERVICES

RE: Acquisition of Town of Hamburg
Section 5310 Passenger Van

WHEREAS, the Department of Senior Services, purchases replacement vehicles for its Going Places senior transportation fleet, which provides older adults, who have no other means of transportation, with rides to medical appointments, grocery shopping, and to senior centers for congregate meals; and

WHEREAS, the Town of Hamburg (Town) no longer needs a 2022 Passenger Van (VIN 1FDEE3FK7NDC42281), obtained through a New York State Department of Transportation (NYSDOT) Section 5310 grant program that covers 80% of the cost of vehicles used for transportation of elderly individuals; and

WHEREAS, the Town has obtained NYSDOT and board permission to transfer ownership of the van to the Department of Senior Services, which desires to utilize it as a replacement vehicle in our Going Places fleet, which already operates four Section 5310 vehicles previously awarded by NYSDOT; and

WHEREAS, the Department of Senior Services would pay the Town of Hamburg \$9,201 for its 20% share of the van, utilizing existing appropriations in the Department's 163CSE2324 grant's Motor Vehicle account (#561440).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept the transfer of ownership and NYSDOT Section 5310 program requirements, from the Town of Hamburg to the County of Erie, for the 2022 Model year passenger van VIN 1FDEE3FK7NDC42281; and be it further

RESOLVED, that authorization is hereby given that the Department of Senior Services utilize appropriations in its 163CSE2324 grant's Motor Vehicle account #561440 to pay \$9,201 to the Town of Hamburg for its 20% share of the van; and be it further

RESOLVED, that authorization is hereby given that the 80% share of the van's cost (\$36,807) covered by NYSDOT Section 5310 federal grant monies also be reflected in Erie County's financial records; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the: County Executive's Office, Division of Budget and Management, Comptroller's Office, Division of Fleet Services, and the Department Senior Services.

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-18	COUNTY EXECUTIVE	Exhale Family Caregiver Initiative Project Grant
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Attachments

23COMM. 24E-18



EC LEG DEC 15 '23 PM 12:47

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

December 15, 2023

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

Re: **Exhale Family Caregiver Initiative Project Grant**
IMMEDIATE CONSIDERATION REQUESTED

Dear Honorable Members:

Please find enclosed a resolution from the Department of Senior Services seeking legislative authorization to accept \$16,550 of grant funds from the Buffalo Federation of Neighborhood Centers (BFNC) to participate in their Exhale Family Caregiver Initiative Project.

Should your Honorable Body require any further information, I encourage you to contact Commissioner Angela Marinucci. Thank you for your consideration in this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mc
Enclosure

cc: Angela Marinucci, Commissioner, Department of Senior Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Senior Services
Re: Exhale Family Caregiver Initiative Project Grant
Date: December 15, 2023

SUMMARY

Approve the attached resolution to allow the Department of Senior Services to accept \$16,550 of grant funds, for the period October 1, 2023, through August 31, 2025, from the Buffalo Federation of Neighborhood Centers (BFNC) to participate in their Exhale Family Caregiver Initiative Project. The Department of Senior Services will provide caregivers with both community and faith-based supports through programming for participants that do not have their own transportation to attend Aging Mastery classes. This programming will allow caregivers and their loved ones to create peer connections with other caregivers.

FISCAL IMPLICATIONS

No additional County funds are required. The grant is 100% funded by the BFNC.

REASONS FOR RECOMMENDATION

To support caregivers in the City of Buffalo, the BFNC has created “A Gathering Place”, a unique respite program where caregivers have the opportunity for respite provided by community and faith-based organizations. Caregivers are also able to participate in support groups so they can share struggles and successes with other caregivers and support one another. Through this partnership with the Department of Senior Services, the caregivers and their loved ones will be provided the opportunity to participate in the Department’s Aging Mastery Program, a series of fun and engaging educational and behavioral change incentive classes to support aging well.

CONSEQUENCES OF NEGATIVE ACTION

The Department of Senior Services would not be providing these services for Caregivers and their loved ones.

STEPS FOLLOWING APPROVAL

The Department of Senior Services will contract with BFNC and begin providing services.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SENIOR SERVICES

RE: Exhale Family Caregiver Initiative Project Grant

WHEREAS, the Department of Senior Services continually looks to enhance services for older adults in Erie County and for ways to fund such services; and

WHEREAS, Buffalo Federation of Neighborhood Centers (BFNC), has received funding to create a program to provide programming and supports to Caregivers and their loved ones; and

WHEREAS, BFNC now seeks to partner with the Department of Senior Services to create supports and programming for Caregivers and their loved ones; and

WHEREAS, BFNC has awarded the Department of Senior Services up to \$16,550, to provide programming and supports, for the period of October 1, 2023, through August 31, 2025, with an option to extend for up to a one-year period at no additional cost if mutually agreed upon by both parties; and

WHEREAS, no additional County funds are required.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with the BFNC to accept the \$16,550 of grant funding, for the period October 1, 2023, to August 31, 2025, with an option to extend for up to a one-year period at no additional cost if mutually agreed upon by both parties; and be it further

RESOLVED, that authorization is hereby given and made available as a multi-year grant to Department of Senior Service in Fund 281, Funds Center 1632010 as follows:

Exhale Family Caregiver Initiative Project
163EFCIP2325
10/1/23 - 8/31/25

REVENUES		BUDGET
Account	Description	
417060	Other Income Senior Services	<u>\$16,550</u>
TOTAL REVENUES		<u>\$16,550</u>

APPROPRIATIONS		BUDGET
Account	Description	
505400	Food & Kitchen Supplies	\$1,040
516019	Transportation Services	\$8,710
530000	Other Expenses	\$5,150
916390	ID Senior Srvs Grant	<u>\$1,650</u>
	TOTAL APPROPRIATIONS	<u>\$16,550</u>

; and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to adjust grant budget appropriations and revenues in accordance with final grantor funding levels or grantor authorized changes to award amounts, provided there are no changes to authorized personnel levels and county share amounts; and be it further

RESOLVED, that authorization is hereby given to the County Executive to amend contracts as necessary to implement any no-cost extension that may be permitted by the grantor; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the: County Executive's Office, Division of Budget and Management, Comptroller's Office, Purchasing and the Department of Senior Services.

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-19 COUNTY EXECUTIVE Parks Transfer of Funds for Golf Cart Leasing

Attachments

23COMM. 24E-19



COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

December 15, 2023

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

Re: Parks Transfer of Funds for Golf Cart Leasing
IMMEDIATE CONSIDERATION REQUESTED

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Parks, Recreation & Forestry to transfer unbudgeted gaming facilities revenue to cover the increased cost of leasing golf carts necessary for the 2024 season.

Should your Honorable Body require further information, I encourage you to contact Troy P. Schinzel, Commissioner of the Department of Parks, Recreation & Forestry. Thank you for your consideration on this matter.

Sincerely yours,

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

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/kc
Enclosure

cc: Troy P. Schinzel, Commissioner, Department of Parks, Recreation and Forestry

MEMORANDUM

To: The Honorable Members of the Erie County Legislature
From: Erie County Department of Parks, Recreation and Forestry
Re: Parks Transfer of Funds for Golf Cart Leasing
Date: December 15, 2023

SUMMARY

The Department of Parks, Recreation and Forestry (Parks) requests authorization to lease new golf carts for the 2024 season to be utilized at Grover Cleveland and Elma Meadows Golf Courses through MTE Equipment Solutions Inc. MTE Equipment Solutions Inc. was the only vendor to place a bid for Bid #230268-004. The current bid ended at the end of the 2023 Golf season.

FISCAL IMPLICATIONS

As a result of this bid, the cost for leasing golf carts for the 2024 season will increase by \$175,000 for the 2024 season, which was not budgeted for by the Parks Department in their 2024 Operational Budget. As a result, Parks will cover this cost through use of unbudgeted 2023 gaming facilities aid revenue (Fund 110, Funds Center 14010, Revenue Account #402520) which will then be carried forward into the 2024 Budget.

REASON/BACKGROUND INFORMATION

The transfer of funds is going to allow the Department of Parks, Recreation and Forestry to lease 115 golf carts at \$1,521.74 per cart per year for the next three years.

CONSEQUENCES OF NEGATIVE ACTION

The Department of Parks, Recreation and Forestry will not be able to supply golf carts to the public in the 2024 golf season.

STEPS FOLLOWING APPROVAL

The Department of Parks, Recreation and Forestry will initiate the transfer of funds in coordination with the Division of Budget and Management.

A RESOLUTION SUBMITTED BY THE
ERIE COUNTY DEPARTMENT OF PARKS, RECREATION &
FORESTRY

RE: Parks Transfer of Funds for Golf Cart Leasing

WHEREAS, the Department of Parks, Recreation & Forestry need updated Golf Carts for Grover Cleveland Golf Course & Elma Meadows Golf Course, to improve the quality provided to the public. The current golf carts are older, outdated and need replacement. The current bid expired at the end of this golf season; and

WHEREAS, the bid process showed MTE Equipment Solutions Inc.as the only vendor who submitted a bid for Bid #230268-004; and

WHEREAS, 115 Golf Carts at \$1,521.74 per cart, per year for the next three years; and

WHEREAS, in order to receive the requested amount (115) of 2024 Golf Carts for the 2024 golfing season, the Purchase Order needs to be executed before the end of December 2023; and

WHEREAS, there is a shortfall of funding in the 2023 Operating Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the recognition of \$175,000 in previously unbudgeted revenue in Fund 110, Funds Center 14010, Account #402520 - Gaming Facilities Aid and the appropriation of a like amount of into the Department of Parks, Recreation & Forestry's 2023 General Fund Budget, Fund 110, Funds Center 16410 Account #545000 Rental Charges as follows:

2023 Budget
Fund 110, Funds Center 14010
Countywide Budget Accounts

REVENUE

402520 Gaming Facilities Aid	<u>\$175,000</u>
TOTAL	<u>\$175,000</u>

2023 Budget
Fund 110, Funds Center 16410
Department of Parks, Recreation & Forestry

APPROPRIATIONS

545000 Rental Charges	<u>\$175,000</u>
TOTAL	<u>\$175,000</u>

and be it further

RESOLVED, that authorization is hereby given to the Director of the Division of Budget and Management to re-appropriate \$175,000 in 2023 funding into 2024; and be it further

RESOLVED, that authorization is hereby given to the Director of Purchasing to create all necessary documents to allow for the lease of golf carts; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive's Office, Comptroller's Office, Department of Law, Department of Parks, Recreation & Forestry, Division of Budget and Management, and Division of Purchasing.

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-20	COUNTY EXECUTIVE	Southtowns Advanced Wastewater Treatment Facility Expansion Project - Grant Acceptance
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Attachments

23COMM. 24E-20



EC LEG DEC 15 '23 PM 12:46

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

December 15, 2023

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

**RE: Southtowns Advanced Wastewater Treatment Facility Expansion Project
Water Infrastructure Improvement Act Grant Acceptance
IMMEDIATE CONSIDERATION REQUESTED**

Dear Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning pertaining to acceptance of a Water Infrastructure Improvement Act grant for the Southtowns Advanced Wastewater Treatment Facility expansion project.

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

Sincerely yours,

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

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:jf
Encl.

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

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Environment & Planning
Re: Southtowns Advanced Wastewater Treatment Facility Expansion Project
Water Infrastructure Improvement Act Grant Acceptance
Date: December 15, 2023

SUMMARY

It is requested that Your Honorable Body authorize the acceptance of a Water Infrastructure Improvement Act (WIIA) grant of up to \$17 million for the Southtowns Advanced Wastewater Treatment Facility (AWTF) Expansion Project.

FISCAL IMPLICATIONS

There are no fiscal implications to the County's General Fund. This grant will decrease the amount Erie County Sewer District No. 3 will need to finance for the Southtowns AWTF expansion project.

REASONS FOR RECOMMENDATION

The County of Erie must confirm its acceptance of the WIIA grant and its intent to proceed with the Southtowns AWTF expansion project by completing an "Acknowledgment and Acceptance of WIIA Grant Award" form no later than January 19, 2024.

BACKGROUND INFORMATION

The Department of Environment and Planning (ECDEP) completed a WIIA grant application in August 2023. On December 12, 2023, the County of Erie was notified by the New York Environmental Facilities Corporation that it was awarded a grant of up to \$17 million for the "ECDEP Southtowns Advanced Wastewater Treatment Facility Expansion" project (Clean Water Project No. C9-6647-06-00).

CONSEQUENCES OF NEGATIVE ACTION

The County of Erie would not be able to accept the WIIA grant, requiring additional monies for the Southtowns AWTF expansion project to be financed through a long-term borrowing.

STEPS FOLLOWING APPROVAL

The County Executive, or his designee, will sign the required "Acknowledgment and Acceptance of WIIA Grant Award" form.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Southtowns Advanced Wastewater Treatment Facility Expansion Project
Water Infrastructure Improvement Act Grant Acceptance

WHEREAS, the County of Erie was notified by the New York Environmental Facilities Corporation that it was awarded a Water Infrastructure Improvement Act (WIIA) grant of up to \$17 million for the “ECDEP Southtowns Advanced Wastewater Treatment Facility Expansion” project (Clean Water Project No. C9-6647-06-00); and

WHEREAS, the County of Erie must complete an “Acknowledgment and Acceptance of WIIA Grant Award” form indicating that it accepts the WIIA grant and intends to proceed with the Southtowns Advanced Wastewater Treatment Facility Expansion project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive, or his designee, to sign the “Acknowledgment and Acceptance of WIIA Grant Award” form for the “ECDEP Southtowns Advanced Wastewater Treatment Facility Expansion” project (Clean Water Project No. C9-6647-06-00); and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive’s Office, the Erie County Comptroller’s Office, the Division of Budget and Management, and the Division of Sewerage Management.

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-21

COUNTY EXECUTIVE

Appointments to the Arts in Public Places
Committee

Attachments

23COMM. 24E-21



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG DEC 15 '23 PM 12:46

December 15, 2023

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

Re: Appointments to the Arts in Public Places Committee
IMMEDIATE CONSIDERATION REQUESTED

Dear Honorable Members,

Please be advised that, pursuant to Erie County Local Law No. 4 of 2023, I hereby submit for your confirmation the following individuals to be appointed as members of the Arts in Public Places Committee. Their terms shall expire December 31, 2025.

Bernice Radle
351 Massachusetts Avenue
Buffalo, NY 14213
New Appointment

Donald Siuta
233 Anderson Place
Buffalo, NY 14222
New Appointment

Edreys Wajed
51 Roswell Road
Buffalo, NY 14215
New Appointment

Monica Boutin
387 Baynes Street
Buffalo, NY 14213
Ex-Officio Appointment

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,

Mark C. Poloncarz, Esq.
Erie County Executive

cc: Appointees
Daniel Castle, Commissioner Environment and Planning

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-22

COMPTROLLER

Overtime Compensation for Sheriff Exempt
Managerial Confidential Employees

Attachments

23COMM. 24E-22



DEC 18 '23 12:44

ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

December 15, 2023

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

Immediate Consideration Requested

Re: Overtime Compensation for Sheriff Exempt Managerial Confidential Employees

Dear Honorable Members:

As you know, overtime and compensatory time compensation for County managerial confidential employees designated as exempt under the federal Fair Labor Standards Act (FLSA) was eliminated with the passage of 2023 Budget Resolution #99. Furthermore, all the employees designated as FLSA exempt in that resolution received pay upgrades in the 2023 Budget with significant salary increases (separate from cost-of-living adjustments) for which I previously advocated.

At the same time, Sheriff FLSA exempt employees covered by Budget Resolution 99 received one-to-two job group upgrades and have a higher pay scale than other County managerial confidential employees. This was done in reflection of the work they perform and the elimination of overtime and compensatory time. I believed these raises were warranted and well deserved, given the seriousness of the jobs they do. As we all know, the Sheriff's Office is a 24/7 operation that provides a tremendous public service in Erie County.

Recently, however, an issue has arisen regarding whether holiday worked pay is the same as overtime. My assumption was that overtime is overtime and the 2023 budget resolution prohibited it. The Sheriff has a different view. According to the County's accounting system, through December 1, 2023, FLSA exempt employees in the Sheriff's Office have still been receiving overtime pay through the "Holiday Worked 1.5x" wage type.

I understand the confusion surrounding the many different categories of compensation the County offers and met recently with the Sheriff to discuss the issue. Our meeting occurred a few days after The Commissioner of Personnel issued a revised policy for managerial confidential employees titled "Time and Attendance Policy for FLSA Exempt Employees" (attached) that bars covered employees from receiving any overtime other than that provided at Highmark Stadium and KeyBank Arena which is fully reimbursed by the Buffalo Bills/Buffalo Sabres and coded as "Stadium Pay" or "Arena Pay". This policy will ostensibly preclude the

future provision of Holiday Worked overtime pay and any additional pay category to these FLSA employees.

Although the Sheriff and I disagree on the interpretation of the budget resolution relative to Holiday Pay worked, we would both feel more comfortable if the clarification would come from the Legislature. Accordingly, I am asking you to clarify this matter in a resolution so that it is unquestionable in the years to come. Given schedule constraints and timing, we are requesting immediate consideration to ensure that the upcoming holidays are included in such a rule. My staff and I are available for any questions or concerns you may have and welcome the chance to discuss this matter at your work session on December 21, 2023 if you desire.

Thank you in advance for your consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. R. Hardwick".

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

cc: Dr. Brian Bray, Commissioner of Personnel
Robert W. Keating, Director of Budget and Management
Erie County Sheriff John Garcia

MEMORANDUM

To: Erie County Legislature
Fr: Erie County Comptroller's Office
Date: December 15, 2023
Re: Overtime Compensation for Sheriff Exempt Managerial Confidential Employees

SUMMARY OF RECOMMENDED ACTION/BACKGROUND

It is recommended that the Erie County Legislature clarify 2023 Budget Resolution #99 prohibiting additional cash compensation (overtime, holiday worked 1.5x, or other cash overtime) to managerial-confidential employees of the Erie County Sheriff's Office and all Fair Labor Standards Act (FLSA) exempt employees in the County.

This policy would not prohibit overtime payments for Sheriff managerial confidential employees in the form of the Stadium Pay or Arena Pay wage types when those employees' overtime is **fully reimbursed** to the County by the Buffalo Bills/Buffalo Sabres or their business entities.

FISCAL IMPLICATIONS

Approval of this resolution and the prohibition of holiday worked overtime pay for Sheriff managerial confidential employees will save the County tens of thousands of dollars annually.

REASONS FOR RECOMMENDATION

Overtime compensation for County managerial confidential employees designated as exempt under the federal Fair Labor Standards Act (FLSA) is prohibited under 2023 Budget Resolution #99 adopted by the Erie County Legislature on December 1, 2022. That resolution identified the managerial confidential titles in the County workforce, including Sheriff employees, who are classified as exempt, salaried employees under the Fair Labor Standards Act. In exchange for losing overtime or compensatory time, County managerial confidential employees received wage increases in 2023.

However, throughout 2023, Sheriff managerial confidential employees have also been receiving cash overtime through the Holiday Worked 1.5x wage type and have been paid for working on County observed holidays ranging from New Years' Day to Thanksgiving.

It is our belief this form of overtime, like the other wage types such as Overtime 1.5x, was intended to be prohibited by 2023 Budget Resolution 99, but the Holiday Worked 1.5x wage type was not specifically stated in the resolution. Sheriff managerial confidential employees have been putting in for and receiving cash overtime at the rate of time and a half on observed County holidays.

To address this discrepancy and clarify the intentions of Budget Resolution 99, the Commissioner of Personnel issued a memorandum on December 12, 2023 updating the County's Time and Attendance Policy for FLSA Exempt Employees that prohibits "premium overtime, straight overtime, or compensatory time for (FLSA exempt employees) working during a weekend, holiday, or an emergency or disaster."

However, after consultations with the Sheriff and the County Administration, it is recommended that your Honorable Body adopt a resolution expressly barring any form of overtime for the Sheriff's FLSA exempt employees other than that earned for working on the Highmark Stadium and KeyBank Center which is fully reimbursed by the professional sports teams or their business entities that occupy the facilities and pay the County for security services.

CONSEQUENCES OF NEGATIVE ACTION

Erie County will continue to pay Sheriff appointees overtime at a cost of tens of thousands of dollars annually.

STEPS FOLLOWING APPROVAL

The Department of Personnel will coordinate with the Sheriff's Office to bar Sheriff managerial confidential employees from receiving the Holiday Worked 1.5x overtime and prohibit such entries separate from Stadium Pay and Arena Pay in the SAP system.

**A RESOLUTION SUBMITTED BY
THE COMPTROLLER**

WHEREAS, overtime compensation for County managerial confidential employees designated as exempt under the federal Fair Labor Standards Act (FLSA) is prohibited under 2023 Budget Resolution #99 adopted by the Erie County Legislature on December 1, 2022; and

WHEREAS, that resolution identified the managerial confidential titles in the County workforce, including Sheriff employees, who are classified as exempt, salaried employees under the Fair Labor Standards Act; and

WHEREAS, in exchange for losing overtime or compensatory time, County managerial confidential employees received significant and commensurate wage increases in 2023; and

WHEREAS, throughout 2023, Sheriff Office managerial confidential employees have been receiving cash overtime through the Holiday Worked 1.5x wage type and have been paid for working on County observed holidays ranging from New Years Day to Thanksgiving, which was intended to be barred by Budget Resolution 99; and

WHEREAS, the Commissioner of Personnel issued a memorandum on December 12, 2023, updating the County's Time and Attendance Policy for FLSA Exempt Employees that prohibits "premium overtime, straight overtime, or compensatory time for (FLSA exempt employees) working during a weekend, holiday, or an emergency or disaster"; and

WHEREAS, to clarify the policy, it is recommended that the Erie County Legislature codify and expressly state the policy prohibiting overtime.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby prohibits all covered Fair Labor Standards Act-exempt County employees, including those in the Sheriff's Office, from receiving any form of overtime, including, but not limited to Holiday Worked pay, effective upon the passage of this resolution; and be it further

RESOLVED, that this resolution does not impede the ability of County managerial confidential employees from receiving overtime under the Stadium Pay or Arena Pay wage types when working at Highmark Stadium or KeyBank Center during events in which those employees' overtime is wholly reimbursed to the County by the Buffalo Bills or Buffalo Sabres or their business entities; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, County Attorney, Director of Budget and Management, Commissioner of Personnel, the Sheriff, and the Office of the Comptroller.

Fiscal Impact: Positive to the County through lower overtime expense.

MANAGERIAL/CONFIDENTIAL POLICY

SUBJECT: TIME AND ATTENDANCE POLICY FOR FLSA EXEMPT EMPLOYEES

EFFECTIVE DATE: JANUARY 1, 2023

RESIVED DATE: DECEMBER 8, 2023 (Changes Underlined)

PURPOSE

The purpose of this policy is to direct salaried exempt employees on how they must track their time and attendance. The purpose of the time and attendance program for salaried employees is to allow the Personnel Department to track the use of accrued paid leave and to ensure that salaried employees receive appropriate service credit in the New York State & Local Retirement System.

POLICY

Salaried exempt employees are employees whom the County Legislature has made exempt from the FLSA minimum wage and overtime provisions based on the duties performed and the manner of compensation. Exempt employees are paid an established salary and are expected to fulfill the duties of their positions regardless of the number of hours worked and the time at which work was performed. They do not receive premium overtime, straight overtime, or compensatory time for working more than 40 hours in a work week or working during a weekend, holiday, or an emergency or disaster. The only pay in addition to salary an employee may receive is as part of an agreement to provide services at Highmark Stadium or KeyBank Center and in which Erie County is being completely reimbursed for the salary expenses.

Salaried exempt employees who work any time during a work period or use accrued time benefits are entitled to their full base pay. However, exempt employees will not be paid for any week in which they did not work nor use accrued paid leave.

Salaried exempt employees do not use the SwipeCard System and do not record their time at the commencement and conclusion of the workday. Salaried exempt employees will report their time work to the Personnel Department on an Exempt Employee Time and Attendance Tracking Form.

Erie County has an eight-hour standard workday. Erie County expects its salaried exempt employees to work five days each week. Workdays for salaried exempt employees may include special and regular meetings and events outside of normal hours and away from County premises. Work performed at home (i.e., the employee's domicile) entirely outside of traditional weekday business hours (i.e., 7 AM – 5 PM) shall not be considered part of the standard workday unless pre-approved by the Commissioner of Personnel.

ACCRUALS

1. Salaried exempt employees will accrue vacation, sick, and personal time at the same rate as hourly managerial confidential employees.
2. Employees may use their accrued vacation, sick, or personal time or other time banks in quarter-day increments (i.e., two hours). (Salaried exempt employees should round to the closest quarter-day increment when they determine how much accrued time he or she must use. For example, if an employee works 6.5 hours and then leaves for a medical appointment, he or she should record as being present a partial day and use a quarter-day sick leave. However, if the employee works 7.5 hours and then leaves for a medical appointment, he or she does can record him- or herself as present the entire day.)
3. Employees who do not work five full days in a week can use their accrued vacation, sick, or personal time to reach the full five days.
4. Any salaried exempt employee who works (or uses accruals in lieu of working) fewer than five days per week shall not accrue any vacation or sick time.
5. When an employee is absent for a full week (i.e., performs no work) and does not have sick (regular or catastrophic), personal, or vacation leave, the Personnel Department will make the proper payroll deduction (dock).

PAYROLL DEDUCTIONS

Erie County shall make a proper payroll deduction for any of the below circumstances if the employee does not have sufficient accruals:

1. The employee is absent due to a disciplinary suspension.
2. The absences occurred in the initial or terminal week of employment.
3. The employee is on unpaid leave under the Family and Medical Leave Act.

EXEMPT EMPLOYEE TIME AND ATTENDANCE TRACKING FORM

Salaried Exempt Employees must complete an Exempt Employee Time and Attendance Tracking Form every pay period and return it to the Personnel Department before noon on the Tuesday following the end of the pay period. Failure to submit a tracking form may result in not receiving full service credit with the New York State Retirement System and forfeits the employee's ability to accrue vacation and sick time for that pay period.

TYPE OF DAY

The employee must select if each day in the pay period is a Day Off, Present Entire Day, Present Partial Day, or Absent.

- Day Off: The employee did not work that day and was not expected to work that day. Employee may alter their Day Off as needed to complete their job responsibilities that week.
- Present (Entire Day): The employee worked a full day.
- Present (Partial Day): The employee worked less than a full day.

- Absent: The employee did not work at all that day and is using accruals in lieu of working that day.

If an employee worked a partial day or was absent, the employee must select the time bank (e.g., vacation, sick, etc.) or leave type (paid or unpaid) for the portion of the day they did not work.

Employees may apply time worked in excess of eight hours from a day they recorded as present for an entire day onto a day they would otherwise be present for a partial day. For example, an employee who works ten hours on Monday and six hours on Tuesday is permitted to record him- or herself as present the entire day for both days.

ABSENCE TYPES

1. Accrued Time: Salaried employees earn accrued leave at the same rate as non-salaried employees. An employee can use these time banks by increments of 25 percent of a day – which is equivalent to two hours.
2. Leave Type: If an employee works less than five full days or does not use an accrual bank for an amount equal to five days, the employee must designate if the difference is paid or unpaid leave. Under no condition will an employee be paid for more than five days in a week. The employee may not receive time in their accrual bank or receive full service credit with the New York State Retirement System when using either leave type.
 - a. Paid – An employee will receive their full pay even though he or she did not work a full day or use accruals. Must be approved by either the employee's Department Head or the Personnel Department.
 - b. Unpaid - An employee will be docked pay for their absence.

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-23

COMPTROLLER

Batavia Downs Gaming Advertising and
Marketing

Attachments

23COMM. 24E-23



EC LEG DEC 15 '23 PM 2:45

ERIE COUNTY COMPTROLLER

KEVIN R. HARDWICK

December 13, 2023

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

Re: Batavia Downs Gaming Advertising and Marketing

Mr. Wojtaszek:

I am writing to request data from Western Regional Off Track Betting Corporation (WROTB) concerning your advertising and marketing expenses.

Over the past six months, I have observed many new television advertisements featuring you and WROTB Directors David Bassett (currently the interim chair of the board) and Susan May. Recently, I watched a new holiday television advertisement featuring you and Mr. Bassett. This has led me to ponder the costs of such marketing.

Please provide the following information:

1. The marketing and advertising budgets and actual spending for WROTB for 2021, 2022 and 2023.
2. The marketing and advertising budget for 2024.
3. A list of all television and radio stations where such advertising has been aired.
4. Documentation concerning payments to WBBZ-TV for airing segments featuring you and Tony Farina and any payments to that outlet for holding Polka Buzz episodes at Batavia Downs.
5. Payments to any consultants for marketing, publicity and advertising, including but not limited to Thurman Thomas and Tony Farina. Please identify if any are paid employees of WROTB or a paid consultants.
6. A listing of any non-television or radio media outlets which WROTB is paying, such as online publications or print media and how much they are being paid.

Thank you in advance for your anticipated cooperation.

Sincerely,

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

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

cc: Jacqueline Leach, Chief Financial Officer, Western Regional Off Track Betting Corporation
Ryan Hasenauer, Director of Marketing, Western Regional Off Track Betting Corporation
Erie County Legislature

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-24

SHERIFF

Contract with US Marshals Service Prisoner
Operations Division

Attachments

23COMM. 24E-24

JOHN C. GARCIA
SHERIFF
WILLIAM J. COOLEY
UNDERSHERIFF



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

SHERIFF OF ERIE COUNTY

CC LEG DEC 18 '23 PM 12:22

December 13, 2023

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

Re: Contract with US Marshals Service Prisoner Operations Division

Dear Honorable Members:

Attached please find a proposed resolution and accompanying memorandum requesting authorization for the Erie County Sheriff's Office and the County Executive to enter into an agreement with the United States Marshals Service for the reimbursement of housing costs for incarcerated individuals.

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

Very truly yours,

John C. Garcia
Sheriff of Erie County

Attachments

ACCOMPANYING MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Sheriff's Office
Re: Contract with US Marshals Service Prisoner Operations Division
Date: December 13, 2023

Summary of Recommended Action

This resolution requests authorization for the Sheriff's Office and the County Executive to enter into an agreement with the United States Marshals Service for the reimbursement of housing and medical costs for incarcerated individuals.

Fiscal Implications of the Proposal

The County of Erie will be reimbursed at a rate of \$150 per day for Federal arrestees that are in the custody of the Erie County Sheriff's Office. Additionally, the agreement provides for the payment of medical costs associated with the inmate's medical care outside of the facility.

Reasons for Recommendation

The Erie County Sheriff's Office currently has no contract with the United States Marshal's Service for the housing of incarcerated individuals and the reimbursement of the costs of said service. This agreement would codify the responsibilities of each party and provide for a revenue source for the County.

Consequences of Negative Action

The Erie County Sheriff's Office would be unable to receive reimbursement from the Federal Government for the housing of incarcerated individuals.

Steps Following Approval of Measure

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

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

Re: Contract with US Marshals Service Prisoner Operations Division

WHEREAS, the United States Marshals Service Prisoner Operations Division is desirous of entering into an agreement with the County of Erie and the Erie County Sheriff's Office for the housing of incarcerated individuals that are in Federal Custody and awaiting trial in Buffalo Federal Courts; and

WHEREAS, the County of Erie currently has no agreement for reimbursement of costs associated with the incarceration of Federal arrestees; and

WHEREAS, the housing of Federal arrestees without an appropriate financial agreement has become a burden on local taxpayers; and

WHEREAS, the proximity of the Erie County Holding Center to the Federal Court House makes the facility the appropriate location to house Federal arrestees while on trial; and

WHEREAS, this resolution will positively impact on the 2024 budget as it will provide a new revenue source to the Erie County Sheriff's Office,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive and the Erie County Sheriff's Office to enter into a contract with the United States Marshals Service Prisoner Operations Division for the reimbursement of costs associated with the housing and care of Federal arrestees; and be it further

RESOLVED, that said agreement shall be for a minimum of \$150 per day for each arrestee housed at the Erie County Holding Center and be it further

RESOLVED, that said agreement is required to cover the costs of arrestee health care provided to the individual outside of the facility, and be it further

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

FISCAL IMPACT: Positive for the 2024 budget.

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

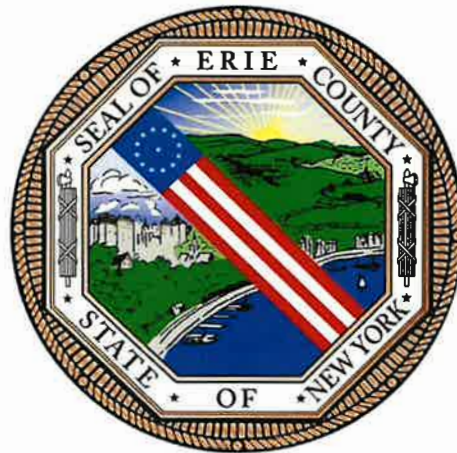
COMM. 24E-25	COMPTROLLER	Audit of the EC Department of Law Grant & Claim Reimbursement for Indigent Legal Services
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Attachments

23COMM. 24E-25

December 2023

**Audit of the Erie County Department of Law
Grant and Claim Reimbursement for
Indigent Legal Services
January 1, 2015, through December 31, 2022**



**KEVIN R. HARDWICK
ERIE COUNTY COMPTROLLER**

**HON. KEVIN R. HARDWICK
ERIE COUNTY COMPTROLLER'S OFFICE
DIVISION OF AUDIT & CONTROL
95 FRANKLIN STREET
BUFFALO, NEW YORK 14202**



December 18, 2023

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

Dear Honorable Members:

The Erie County Comptroller's Office, Division of Audit has completed an audit of the Erie County Department of Law's Indigent Services Grant Claims and Reimbursements for the period of January 1, 2015, through December 31, 2022.

The Auditor's objective was to test and evaluate the Indigent Legal Services grant claims approval, disbursement and reimbursement processes to determine if the internal controls over the relevant period were adequate and whether the Erie County Department of Law (Law Department) adhered to Erie County Policies during that time.

The scope of the audit included testing and evaluation of the disbursement of payments to grant recipients to facilitate the performance of legal services relating to criminal and family defense matters – collectively referred to as "indigent legal services" – and the claims reimbursement from the grant provider: the New York State Office of Indigent Legal Services (ILS). The internal controls surrounding the processes for grant approvals, payments to vendors providing indigent legal services, along with the preparation and submission of claims for reimbursement, were evaluated and tested for compliance, completeness, and efficiency.

The Law Department management is responsible for establishing and maintaining a system of internal controls. The objectives of such a system are to provide management with reasonable, but not absolute assurance that transactions are properly recorded and executed in accordance with authorization received from ILS. Due to the inherent limitations in the Law Department's system of internal controls, errors or irregularities could occur and may not be detected.

The Division of Audit's responsibility is to express an opinion based on the facts obtained during the course of the audit. The Auditor conducted this audit in accordance with the Generally Accepted Government Auditing Standards (GAGAS). Those standards require the Auditor to plan and perform the audit in a manner that is designed to obtain sufficient, appropriate evidence that will provide a reasonable basis for the results of the audit and present conclusions based on stated audit objectives. The Division of Audit believes that based on those objectives, the evidence obtained provides a reasonable basis for the results, findings, comments, and recommendations contained herein.

BACKGROUND

The Law Department principally consists of three major practice areas: (1) Litigation, (2) Transactional, and (3) Family Court¹. The Indigent Defense Program, funded through the Law Department², provides legal services to individuals participating in certain legal proceedings in Erie County Courts who are financially unable to retain an attorney to represent them in the matter. These legal proceedings include all criminal charges faced in Erie County Court – as required by the Sixth Amendment of the United States Constitution – as well as certain matters handled in Erie County Family Court where the New York State Legislature has created a right to counsel³. The Indigent Defense Program strives to help those who are financially unable to afford their own legal representation.

Unlike the majority of counties in New York State, Erie County does not perform indigent legal services itself⁴. Instead, the Law Department administers the Indigent Defense Program and satisfies its constitutional obligations by entering contractual relationships with two not-for-profit agencies qualified to provide indigent legal services. The two agencies currently contracted by Erie County are the Erie County Bar Association Aid to Indigent Prisoners Society, Inc. Assigned Counsel Program (ACP) and the Legal Aid Bureau of Buffalo, LLC (LAB)⁵. The former is an assigned counsel program, while the latter takes the form of what is commonly known as an “institutional provider”. Per Article 18-B of the New York County Law, which governs Erie County’s relationship with both entities, the contracts that Erie County has entered with ACP and LAB are an indispensable precondition to either agency performing indigent legal services on behalf of Erie County. A resolution authorizing the County to engage in the aforementioned contracts is approved each year by the Erie County Legislature. Prior to 2023, Erie County spent approximately \$15,000,000.00 per year. Roughly two-thirds of that annual amount is disbursed to ACP, while the remaining one-third is disbursed to LAB.

While most of the funds allocated to the Indigent Defense Program are County charges subsidized by Erie County’s local share, both agencies are indirectly funded in part through ILS⁶. County charges are not eligible for reimbursement while ILS grant funds are. Once a grant award letter is received by the Law Department, it is submitted to the Erie County Legislature for contract approval. The Law Department enters separate contracts with each agency and serves as the administrative entity managing grant funds ultimately destined for ACP and LAB. Erie County fronts the funds to the agencies on behalf of ILS upon receipt of

¹ The Law Department performs various other functions such as providing advice to County departments, arranging for the retention of outside counsel when necessary, and housing the County’s Medicaid Inspector General.

² Specifically, IDP is funded through the Law Department Cost Center 10610, Fund 281.

³ Coverage also includes misdemeanors prosecuted brought in local courts among the various cities and towns.

⁴ It should be noted that among counties with populations similar to or greater than Erie, only Monroe County has a Public Defender.

⁵ At all times during the audit period, ACP and LAB served in the capacity described.

⁶ ILS funding typically comprises between 10% and 15% of the agencies’ total operating budgets. The vast majority is funded directly by Erie County.

expense invoices delivered by the agencies. Invoices must be supported by detailed documentation that describes expenses incurred and validates services performed by the agencies⁷. Typically, these transactions occur on a quarterly basis aligning with the calendar year. Once expense reports are received and reviewed, the Law Department prepares a claim for reimbursement to be reviewed and approved by the Trust Department within the Erie County Comptroller's Office. From there, claims are submitted to ILS for reimbursement of grant funds that were fronted to the agencies by the County.

It must also be noted that the Division of Audit completed a separate audit of the Law Department's Indigent Defense Program operating budget in June 2023, which focused on contract-based expenditures⁸. During this review, the Auditor determined that the scope of the initial audit was insufficient to properly understand the nature of the relationship between ILS, the County, and the agencies. Nevertheless, the Auditor determined that the audit's scope should be expanded to include the grant reimbursement process. Expansion would allow the Auditor to have complete understanding of how the Erie County operating budget funds and the ILS funds awarded for the Indigent Defense Program are determined and if overlap or duplication existed. The Law Department was notified of the expanded scope via letter and subsequently informed that the second audit would be separate and distinct from the initial audit and would commence upon the completion thereof.

This audit focused on two substantial components of the grant-reimbursement process. First, the audit reviewed payments relating to the Indigent Defense Program and the steps toward reimbursement taken by the agencies, the Law Department, and the Comptroller's Accounting Division. Second, the audit tested the adequacy of internal controls related to applicable Erie County policies and how well those policies were followed by the Law Department and the Accounting Division during the relevant period⁹.

AUDIT RESULTS

All audit results were communicated to the Law Department during the audit as required by GAGAS.

Auditor's Opinion:

In the Auditor's opinion, the internal controls governing grant claim transactions and those related to applicable policies, contracts and ILS regulations are adequately designed but are not universally adhered to. Inconsistencies between policy and practice contributed to a revenue deficiency of approximately five hundred and ninety thousand dollars (\$590,000.00) that the Auditor discovered during fieldwork. No other specific issues adversely affecting procedures, internal controls, or compliance came to the Auditor's attention. The audit was conducted for the purposes previously discussed and would not necessarily reveal or disclose all instances of noncompliance with respect to operational areas not within the scope of the audit.

⁷ Erie County Accounting Policy – Special Applications – Grants at 2.

⁸ See Erie County Comptroller - Division of Audit, *Audit of the Erie County Department of Law Contract Expenditures for Indigent Services January 1, 2022 through December 31, 2022*. (June 2023).

⁹ Copies of the relevant policies can be found on: <https://ernie.erie.gov/policies/Accounting%20Policies/Forms/AllItems.aspx>

Auditor's Findings & Recommendations

FINDING #1: Reimbursable Claims and Recoverable Overpayments due Erie County total \$592,774.33

While testing and evaluating claims, accounts payable, and accounts receivable, the Auditor established that Erie County is currently due a total of \$592,774.33 related to the ILS claims reimbursement process under the Indigent Defense Program. While the Auditor established that a wide variety of acts and omissions contributed to the outstanding amounts discovered, these amounts, shown in Table 1 below, can be divided for the purposes of this review into two categories: reimbursable claims and recoverable overpayments.

Table 1

Reimbursable Claims and Recoverable Overpayments Due Erie County		
Table 2 - Summary of Finding #1a	2020 and 2021 Reimbursable Claims from ILS	\$ 462,723.66
Table 3 - Summary of Finding #1b	2021 Recoverable Overpayments from LAB	\$ 130,050.67
Total Reimbursable Claims from ILS and Recoverable Overpayments from LAB		\$ 592,774.33

Finding #1a - Reimbursable Claims Totaling \$462,723.66 Have Not Been Completed

The Auditor examined individual transactions conducted under the Indigent Defense Program as they pertained to any claims for reimbursement under eligible ILS grants. A review of aged receivables, defined as amounts owed to the County which are over 90 days past due, revealed two (2) outstanding reimbursable claims with ILS. These two amounts are shown in Table 2 below.

Table 2

2020 and 2021 Reimbursable Claims to be submitted to ILS							
Item #	Document Date	SAP Posting Date	Document Number	Grant	Contract	Claim Period	Amount in local currency
1	11/23/2020	11/30/2020	1800061431	160HHEXPILS1823	CSTWIDEHH14	July-Sept. 2019	\$172,126.15
2020 Claim total to be submitted to ILS							\$172,126.15
2	4/27/2021	5/3/2021	1800063325	160HHEXPILS1823	CSTWIDEHH14	July-Sept. 2020	\$219,647.05
Increase in Claim for additional incurred costs from LAB							\$ 70,950.46
2021 Claim total to be submitted to ILS							\$290,597.51
Total							\$462,723.66

The first claim dates to the third quarter of 2019 and amounts to \$172,126.15. When asked, ILS informed the Auditor that it had never received a claim from Erie County corresponding with the third quarter of 2019. According to the County's accounting system, this claim was due in November 2020 and has remained outstanding for over three (3) years.

The second claim dates to the third quarter of 2020 and amounts to \$219,647.05. On this claim, ILS informed the Auditor that a claim was received from the County but could not be processed because the total amount submitted for reimbursement was inconsistent with the total derived from the attached supporting documentation. In the following quarterly report, LAB would have been informed that there was a discrepancy of \$70,950.46 between the amount claimed and the amount that was corroborated by supporting documentation. LAB never notified the County of the discrepancy, and the Law Department did not discover the issue until informed by the Auditor during fieldwork. As a result, the County received no reimbursements from ILS relating to this particular claim, which has remained outstanding in the County's accounting system since May 2021.

The Auditor determined that aged receivables were not being reviewed and account reconciliations were not being performed by the Law Department during the audit period. The Law Department is obligated by contract to pay the agencies full amounts up front. Furthermore, Erie County Accounting Policy designates the Law Department responsible for assuring that all claims submitted to ILS are received and that those claims reconcile to the amounts paid to agencies¹¹. Therefore, the responsibility to reconcile accounts and pursue payment lies with the County.

Recommendation: The Auditor recommends that the Law Department formally request revised invoices supporting the claims for \$172,126.15 and \$290,597.51 from LAB in the next thirty (30) days, along with the supporting documentation for each invoice. The Auditor further recommends that the Law Department promptly resubmit each claim for reimbursement to ILS along with the supporting documentation. Copies of each invoice and supporting documentation must be maintained by the Law Department for six years in accordance with New York State Record Retention Schedule.

To address future claim reimbursement, the Auditor recommends that the Law Department develop a written protocol for ILS grant reimbursement. Such guidelines must also explain how to perform the ILS processes in compliance with Erie County Policy. Lost revenue will be kept at a minimum while also reducing the likelihood that staff turnover will hinder a detailed and complicated process going forward.

The Auditor further recommends that the Law Department effectively implement the County's internal control policy by performing quarterly managerial review of outstanding aged receivables for claims submitted to ILS for reimbursement. The Comptroller's Accounting Division should also perform periodic reviews of aged receivables and follow up with the Law Department, as necessary.

The Law Department should perform quarterly reconciliations of the invoices received from the agencies to claims reimbursed from ILS for accuracy and timeliness, which are key internal control objectives outlined in Erie County Policy. Performing regular reconciliations will help to ensure that processes are adequately implemented.

Finding #1b: Undetected Overpayments to LAB due Erie County total \$130,050.67

During the course of fieldwork, the Auditor determined that two amounts totaling \$130,050.67 due Erie County represent overpayments to LAB that the agency failed to return. Prior to the Auditor's finding, LAB had not communicated the overpayment to the Law Department. To date, no attempt has been made by LAB to reimburse Erie County for the overpayment.

¹¹ See Erie County Accounting Policy – Accounts Receivable – Claims

These overpayments had gone undetected by the Law Department and the Accounting Division since 2021. The Auditor established that the amounts shown below in Table 3, were properly categorized as aged receivables at the time they were made.

Table 3

Erie County Recoverable Overpayments to Vendor - LAB										
Item #	Document Date	SAP Posting Date	Document Number	Check #	Check Payment Date	Check Encashment Date	Grant	Contract	Claim Period	Amount in local currency
1	5/10/2021	5/24/2021	1901696902	0691272	6/9/2021	6/2/2021	*160QID8ILS1820	C800014	April-June 2020	\$ 107,614.95
2	5/10/2021	5/24/2021	1901696903	0691272	6/9/2021	6/2/2021	*160CR2ILSF1720	C2ND614	July-Sept. 2020	\$ 22,435.72
Total Recoverable Overpayments due Erie County from LAB										\$ 130,050.67

The Auditor contacted ILS concerning the overpayments to discern how the discrepancy could have occurred. ILS informed the Auditor that in 2021, LAB received a Payroll Protection Program (PPP) loan from the federal government in the amount of \$130,050.57. Therefore, LAB had already been compensated in the amount of \$130,050.67 by the federal government. LAB submitted a reconciliation of the PPP loans received to ILS but did not inform the Law Department that it received an overpayment from the County.

The facts of these transactions changed the character of their status concerning the County's accounting records. Because the payments could not be expected from ILS, these transactions could no longer be considered accounts receivable, and needed to be recategorized. However, there is no way that the Law Department could have known that these amounts were no longer receivable because neither ILS nor LAB notified the Law Department of the unique and largely unforeseeable circumstances regarding these specific transactions.

At the same time, the Law Department should have realized that something was amiss when the reimbursement remained outstanding. At that point, the Law Department had an obligation to follow up with ILS and inquire about the status of the claim. Because the Law Department makes payments to LAB under the Indigent Defense Program up front and seeks reimbursement from ILS at the end of the claim period, the County was the party at risk when ILS reduced the amount of reimbursement.

Recommendation: To address the immediate issue, the Auditor recommends that the Law Department initiate collection efforts for LAB to reimburse the County in separate payments of \$107,614.95 and \$22,435.72, totaling \$130,050.67. Addressing each overpayment separately allows for proper application to the relevant grant claim period. In its request, the Law Department should also ask for accurate invoices and supporting documentation to substantiate full reimbursement of both claims¹². In addition, the Law Department should ensure that proper accounting techniques are used to rectify outstanding debits and credits in the County's accounting system.

The Auditor further recommends that the Law Department reconcile quarterly vendor payments to claims reimbursed from ILS. Quarterly reconciliations will work to ensure Indigent Defense

¹² Copies of all documents must be maintained by the Law Department for six years to comply with New York State's record retention regulations.

Program transactions are being accurately recorded in a timely manner. In addition, Erie County Internal Control Policy requires periodic managerial review of the invoices received from the agencies to reimbursement claims for accuracy, compliance, and timeliness.

Finally, the Auditor recommends that LAB make every conceivable effort to practice full transparency with the Law Department. As recipients of government aid, LAB should be intimately familiar with the applicable laws, rules, regulations, contractual agreements, and administrative guidance that govern its financial operations. By quietly retaining extra funds in 2021, LAB exposed itself not only to liability under its contract with Erie County, but to potential criminal liability as well¹³.

Finding #2: Policy Violations Resulted in Aged Receivables.

The Auditor established that over the course of the audit, each outstanding receivable would have been resolved had the Law Department adhered to the Erie County Accounts Receivable Policy for Claims¹⁴. For the purposes of testing, the Auditor defined an outstanding amount owed to the County is considered “aged” when steps have been taken rendering the amount “receivable”¹⁵, but over ninety (90) days have elapsed since the receivable became due¹⁶.

Five aged receivables, shown in Table 4 below, were recorded in the County’s accounting system as due from ILS. To date, these amounts have yet to be recovered.

Table 4

Aged Receivables								
Item #	Document Date	SAP Posting Date	Document Number	Grant	Contract	Claim Period	Status of Claim	Amount in USD
1	5/10/2021	5/19/2021	1800063587	160QID8ILS1820	C800014	April-June 2020	Uncollectable	\$ 107,614.95
2	5/10/2021	5/19/2021	1800063588	160CR2ILSF1720	C2nd614	July-Sept 2020	Uncollectable	\$ 22,435.72
3	4/27/2021	5/3/2021	1800063325	160HHEXPILS1823	CSTWIDEHH14	July-Sept 2020	Rejected	\$ 219,647.05
4	11/23/2020	11/30/2020	1800061431	160HHEXPILS1823	CSTWIDEHH14	July-Sept 2019	Not filed with ILS	\$ 172,126.15
5	12/13/2016	12/22/2016	1800044716	160ILSF3Y1415	C000214	2015-2016	Uncollectable	\$ 19,050.00
								\$ 540,873.87

Per Erie County policy, the Law Department must prepare claims for reimbursement no later than thirty (30) days following the end of the claim period¹⁷. After a claim is created, the Law Department is responsible for “initial collection efforts”¹⁸.

¹³ See, i.e., *Matter of Carroll*, 194 A.D.2d 921 (3d Dep’t 1993); *People v. Bel Air Equipment Corp.*, 46 A.D.2d 773 (2d Dep’t 1974).

¹⁴ Specifically, Erie County Accounting Policy – Accounts Receivable – Claims.

¹⁵ Per Erie County Accounting Policy – Accounts Receivable – Claims, “accounts receivable should be recorded for all receivables owed to the County which have been claimed, billed, or invoiced.”

¹⁶ Erie County policy does not specifically define when a receivable becomes “aged”. In order to ensure testing consistency, the Auditor deferred to the industry standard of receivable aging schedules.

¹⁷ See Erie County Accounting Policy – Accounts Receivable – Claims; Erie County Accounting Policy – Special Applications – Grants at 2.

¹⁸ See Erie County Accounting Policy – Accounts Receivable – Claims at 1.

If a claim has a rate change or disallowance, the Law Department must investigate, reconcile and resubmit a corrected claim. The Auditor was able to determine that no effort was made to investigate and resolve the above aged receivables.

Only after the Accounting Division receives a "written notification of non-payment" will the Comptroller's Office initiate its own collection proceedings¹⁹. The Auditor established that during the audit period, neither the Law Department nor the Accounting Division were reviewing or managing aged receivables.

Recommendation: In the immediate term, the five aged receivables require resolution by the Law Department with ILS and LAB. The Auditor further recommends that the Law Department adhere to applicable Erie County Policy²⁰ when handling claims for reimbursement from ILS, especially in light of the fact that the amount of money at issue is substantial and the services provided are critical.

The Auditor further recommends that the Comptroller's Office, as the provider of accounting services and guidance under the County Charter, institute procedures to review and manage aged receivables and other relevant considerations pertaining specifically to the Indigent Defense Program. At the outset, the Law Department should open a direct line of communication with the Comptroller's Accounting Division in order to ensure that aged receivables are not left outstanding and that agency overpayments or claims that are returned, reduced, paused, or disallowed are promptly addressed.

Finding #3: Unrecoverable Grant Reimbursement Claim due Erie County from ILS totaling \$19,050.

During the review of aged receivables, the Auditor noted a grant claim that was submitted for reimbursement to ILS in 2016 that has remained an aged receivable²¹.

The Auditor asked the Law Department about this claim and was told that there is no record in the Law Department regarding that submission. In a later conversation with ILS, the Auditor was informed that ILS had no record of the claim. ILS noted, however, that the point was moot, since the window for claiming amounts pursuant to that grant had long since closed, meaning that the claim is no longer reimbursable²². Given the Auditor's findings, the amount of the claim must be considered a loss to Erie County.

Recommendation: In the immediate term, the Auditor recommends that the Law Department provide the Accounting Division with an entry to charge off the aged accounts receivables for \$19,050. Further, the Law Department should inform the Office of Budget and Management that the value of the claim – totaling \$19,050.00 – can no longer be considered a budgeted amount in the Grant Budget Consumption Report.

¹⁹ *Id.* at 2.

²⁰ Specifically, Erie County Accounting Policy – Accounts Receivable – Claims.

²¹ For reference, the amount described was posted in December 2016 and refers to Document No. 1800044716, Grant No. 160ILSF3Y1415, and Contract No. C000214.

²² See also, Agreement Between the New York State Office of Indigent Legal Services and County of Erie, New York, C000214, Appendix C, February 26, 2013.

In addition, the Auditor recommends that office management in the Law Department perform a managerial review of all open ILS grants on a quarterly basis. Such a review should look for outstanding claims, ensure accurate and timely submission of claims, review aged receivables and confirm grant closing dates as per Erie County Internal Control Policy.

The Auditor further recommends that the Accounting Division perform a similar periodic review and promptly communicate to the Law Department the presence of any outstanding claims.

FINDING #4: Outstanding Payables to Vendor total \$74,843.88

The Auditor confirmed that two invoices sent to the Law Department during the Audit period were not paid. As a result, LAB received nearly \$75,000.00 less from the County than it was entitled to. To date, these amounts have yet to be paid.

Table 5

Erie County Outstanding Payables to Vendor - LAB					
Item #	Grant	Contract	Claim Period	Invoice Date	Invoice Amount
1	160HHEPILS1823	CSTWIDEHH14	July-Sept 2020	4/27/2021	\$ 70,950.46
2	160CR2ILSF1720	C2ND614	July-Sept. 2021	7/13/2023	\$ 3,893.42
Total Outstanding Payables to LAB from Erie County					\$ 74,843.88

The Auditor tested the accounts payable claims' process in part to ensure that the agencies were paid correct amounts owed. As Table 5 above demonstrates, the Auditor established the existence of two outstanding invoices payable to LAB in the amounts of \$70,950.46 and \$3,893.42. LAB provided the Auditor with copies of the invoices reflecting both amounts that were sent to the Law Department in 2021 and 2023, respectively. After searching the County's accounting system for the two invoices at issue, the Auditor established that there is no record of the two invoices recorded in the system.

Recommendation: The Auditor recommends that the Law Department promptly contact LAB in order to review the invoices representing outstanding payables for \$70,950.46 and \$3,893.42. The Auditor further recommends that the Law Department resolve each amount independently of one another as well as other amounts distributed to LAB going forward. In this instance, if supporting documentation demonstrates that LAB is entitled to the full amount, the Law Department should pay it via two separate ACH payments.

The Auditor also recommends that the Law Department abstain from resolving these outstanding amounts by adding to future payments or offset future reimbursements. While convenient, crediting outstanding payables to existing debts or debiting refunds against future distributions pose several risks. First the Indigent Defense Program reimbursement process is complex on its face. Second, it is unclear whether the Law Department's contracts with the agencies, grant agreements, or ILS regulations permit the application of funds from one claim period to another.

FINDING #5: Vendor Invoices Were Paid Without Supporting Documentation

Quarterly invoices submitted by the agencies were approved and paid by the Comptroller's Office without supporting documentation substantiating the invoice.

During fieldwork, the Auditor sampled fifty-eight (58) accounts payable transactions. Out of the fifty-eight (58), it was determined that forty (40) transactions fell within the NYS retention schedule and were eligible for further testing. The Auditor established that out of those forty (40) transactions, four (4) transactions would not be considered since the Auditor was unable to obtain a precise date in 2018 when both the Law Department and Accounting Division had full access to the OnBase electronic documentation function.²⁴ It should be noted that the Law Department could not provide copies of any supporting documentation for transactions occurring in the first and second quarters of 2018. While the Auditor did not test the 2018 transactions for the purpose of compliance with County policy requiring documentation be uploaded to OnBase, the Law Department should have been able to produce paper copies of supporting documentation corresponding with invoices paid during that time. The Auditor tested the remaining thirty-six (36) transactions described in Table 6 below and found that each transaction lacked any form of supporting documentation.

Table 6

Accounts Payable - Invoices Paid without Supporting Documentation						
Claim Period	Amount	Invoice Attached	Document Date	Supporting Documentation Attached	Transactions falls within the NYS retention period	
2017 April-June	\$47,095 38	N	3/29/2018	N	Y - OnBase not available	
Nov 2016 Jan 2017	\$76,569 85	N	9/7/2018	N	Y - OnBase not available	
2017 May - Oct	\$164,832 02	N	7/9/2018	N	Y - OnBase not available	
2018 Jan-March	\$73,348 97	N	4/30/2018	N	Y - OnBase not available	
2019 July-Sept	\$251,020 06	Y	2/25/2020	N	Y	
2019 July-Sept	\$34,257 56	Y	12/31/2019	N	Y	
2021 April-June	\$115,543 69	Y	5/19/2022	N	Y	
2020 July-Sept	\$474,179 34	Y	2/9/2021	N	Y	
2018 July-Sept	\$102,841 22	Y	4/3/2019	N	Y	
2022 April-June	\$101,285 00	Y	9/13/2022	N	Y	
2019 July-Sept	\$57,798 23	Y	3/23/2020	N	Y	
2020 Jan-March	\$8,205 01	Y	11/18/2020	N	Y	
2021 April-June	\$501,779 06	Y	7/15/2022	N	Y	
2022 Oct-Dec	\$107,107 51	Y	3/26/2023	N	Y	
2022 Oct-Dec	\$66,459 43	Y	2/15/2023	N	Y	
2021 July-Sept	\$41,048 08	Y	3/24/2022	N	Y	
2020 July-Sept	\$19,409 09	Y	3/9/2021	N	Y	
2022 Jan-March	\$47,043 67	Y	8/2/2022	N	Y	
2022 July-Sept	\$58,469 00	Y	11/1/2022	N	Y	
2021 Jan-March	\$397,551 44	Y	3/1/2022	N	Y	
2018 July-Sept	\$13,162 08	Y	3/23/2020	N	Y	
2020 April-June	\$56,444 91	Y	8/4/2021	N	Y	
2018 Oct-Dec	\$69,623 31	Y	3/19/2020	N	Y	
2022 Oct-Dec	\$21,123 99	Y	3/13/2023	N	Y	
2022 July-Sept	\$92,101 70	Y	11/10/2022	N	Y	
2020 Jan-March	\$24,029 63	Y	12/22/2020	N	Y	
2019 Jan-March	\$68,430 96	Y	8/28/2019	N	Y	
2023 Jan-March	\$94,905 38	Y	4/13/2023	N	Y	
2019 April-June	\$25,046 73	Y	12/31/2019	N	Y	
2019 July-Sept	\$72,466 59	Y	11/5/2020	N	Y	
2019 Jan-March	\$28,577 34	Y	12/31/2019	N	Y	
2020 Oct-Dec	\$427,074 56	Y	3/11/2021	N	Y	
2022 July-Sept	\$25,790 90	Y	10/20/2022	N	Y	
2020 Oct-Dec	\$168,000 04	Y	8/27/2021	N	Y	
2019 Oct-Dec	\$67,181 71	Y	11/16/2020	N	Y	
2020 Jan-March	\$73,235 19	Y	11/10/2020	N	Y	
2019 April-June	\$171,932 75	Y	3/19/2020	N	Y	
2021 Oct-Dec	\$688,444 15	Y	6/21/2022	N	Y	
2022 April-June	\$555,505 85	Y	7/5/2023	N	Y	
2022 July-Sept	\$496,171 09	Y	7/12/2023	N	Y	

During fieldwork, the Auditor established that the Law Department was not maintaining – in physical or electronic form – the supporting documentation that the agencies are required to submit with their quarterly invoice. Per the Auditee, only the invoices are being retained while the supporting documentation is simply forwarded to ILS without being reviewed or maintained by the Law Department. Without supporting documentation, the Accounting Division is prevented from properly reviewing and approving the transactions, which is one of the primary disbursement internal controls the County has in place.

Erie County policy prohibits the Comptroller's Accounts Payable Department from approving and paying an invoice without verifying the supporting documentation. Therefore, if an invoice is sent

²⁴ It should be noted that invoices for Quarters 1 and 2 of FY2018 were not in OnBase, while Quarters 3 and 4 of FY2018 were. However, because the specific date that OnBase was fully implemented for this purpose by the Law Department and the Accounting Division cannot be definitively ascertained, the Auditor could not determine that policies were or were not fully complied with in 2018.

to the Accounts Payable Department for approval and it finds that supporting documentation is missing or inadequate, the Department has a duty to request the supporting documentation from the Law Department. Erie County policies require the invoice and all included supporting documentation to be retained in paper form or uploaded to OnBase²⁵, while New York State record retention regulations require the Law Department to maintain this information for six years²⁶.

One consistent explanation provided by the Auditee for the lack of supporting documentation is the volume thereof. Per the Auditee, the volume of supporting documentation has exponentially increased over the past five years, to the point where a cart is needed to transport quarterly invoices from the Law Department to the Accounting Division for approval. While the Auditor understands the tension between the increasing volume of documentation and the Law Department's limited resources, County policies and State regulations demand compliance nonetheless.

Recommendation: In order to reduce the administrative burden that compliance with applicable policy places on the Law Department, the Auditor recommends that provisions be inserted into contracts subsequently entered into by the Law Department under the Indigent Defense Program requiring the agencies to submit all supporting documentation to the Law Department in paper and electronic form. This will alleviate the burden of scanning thousands of documents into OnBase when the Law Department submits the claim for reimbursement to ILS.

Placing the obligation of converting required documents into electronic form is unlikely to cause an undue burden on the agencies, since the Auditor observed that the agencies already scan the majority of those documents for their own purposes and the agencies are reimbursed by the grant for office administrative costs.

FINDING #6: Claims Submitted to ILS for Reimbursement without Final Approval

Claims submitted to ILS for reimbursement require the Law Department to prepare a Claim for Payment Form (AC3253-S) that is to be signed by the Comptroller's Office. The signature by the Comptroller or his designee serves not only as approval to process the claim, but verification that the amount to be paid is substantiated by supporting documentation.

Of the fifty-eight (58) transactions tested by the Auditor, thirty-seven (37) fell within the required retention period as depicted in Table 7 on the following page. Out of the thirty-seven (37) we established that thirty-three (33) transactions would be further tested for purposes of compliance with Erie County policies applicable to claims submission, the Auditor did not consider four (4) transactions occurring in 2018 for the same reasons described in Finding #5.

During the additional testing of the thirty-three (33) remaining transactions, the Auditor found that for two (2) AC3253-S forms could not be provided preventing verification of approval and sixteen (16) AC3253-S forms were submitted without approval from the Comptroller's Office and should not have been processed.

²⁵ See County of Erie Accounting Policy – Accounts Payable Overview; see also County of Erie Accounting System Policy – Internal Controls.

²⁶ See, i.e., C00214 § VI(C).

Table 7

Accounts Receivables - Claims for Reimbursement - Missing Approvals & Supporting Documentation						
Grant	Claim Period	Amount	Claim Form Attached	Claim Form Approval by Comptroller's	Supporting Documentation attached	Within the NYS Retention Period
160QID6ILS1517	2018 Jan-March	\$73,348.97	N	N	N	Y- OnBase not available
160QID6ILS1517	2018 July-Sept	\$102,841.22	N	N	N	Y- OnBase not available
160QID7ILS1719	2018 July-Sept	\$13,162.08	Y	N	N	Y- OnBase not available
160QID7ILS1719	2018 Oct-Dec	\$68,623.31	Y	N	N	Y- OnBase not available
160HHEXPILS1823	2019 July-Sept	\$261,020.06	Y	N	N	Y
160QID7ILS1719	2019 July-Sept	\$34,257.56	Y	N	N	Y
160CR2ILSF1720	2019 April-June	\$25,049.73	Y	N	N	Y
160HHEXPILS1823	2019 April-June	\$171,932.75	Y	N	N	Y
160QID6ILS1517	2019 Jan-March	\$48,430.98	N	N	N	Y
160QID7ILS1719	2019 Jan-March	\$28,577.34	N	N	N	Y
160QID7ILS1719	2019 July-Sept	\$67,798.23	Y	N	N	Y
160QID9ILS1921	2019 July-Sept	\$72,406.58	Y	N	N	Y
160QID7ILS1719	2019 Oct-Dec	\$67,181.71	Y	N	N	Y
160QID7ILS1719	2020 April-June	\$56,444.91	Y	N	N	Y
160CR2ILSF1720	2020 Jan-March	\$24,020.63	Y	N	N	Y
160QID6ILS1818	2020 Jan-March	\$8,205.01	Y	N	N	Y
160QID9ILS1921	2020 Jan-March	\$73,236.19	Y	N	N	Y
160QID6ILS1517	2020 July-Sept	\$10,400.00	N	N	N	Y
160HHEXPILS1823	2020 July-Sept	\$474,179.34	Y	N	N	Y
160HHEXPILS1823	2020 Oct-Dec	\$427,074.58	Y	N	N	Y
160HHEXPILS1823	2020 Oct-Dec	\$108,990.04	Y	N	N	Y
160QID8ILS1820	2021 April-June	\$115,543.89	Y	Y	N	Y
160HHEXPILS1823	2021 April-June	\$501,779.08	Y	Y	N	Y
160HHEXPILS1823	2021 Jan-March	\$397,551.44	Y	Y	N	Y
160QID8ILS1820	2021 July-Sept	\$41,948.08	Y	Y	N	Y
160HHEXPILS1823	2021 Oct-Dec	\$899,444.15	Y	Y	N	Y
160CAFAJILS2022	2022 April-June	\$101,285.00	Y	Y	N	Y
160HHEXPILS1823	2022 April-June	\$655,606.85	Y	N	N	Y
160QID9ILS1921	2022 Jan-March	\$47,043.67	Y	Y	N	Y
160HHEXPILS1823	2022 July-Sept	\$496,171.09	Y	Y	N	Y
160QID10ILS2022	2022 July-Sept	\$58,489.00	Y	Y	N	Y
160QID11ILS2123	2022 July-Sept	\$92,101.70	Y	Y	N	Y
160QID7ILS1719	2022 July-Sept	\$25,790.90	Y	Y	N	Y
160QID8ILS1820	2022 Oct-Dec	\$107,107.51	Y	Y	N	Y
160QID9ILS1921	2022 Oct-Dec	\$65,459.43	Y	Y	N	Y
160UFDILS2224	2022 Oct-Dec	\$21,123.99	Y	Y	N	Y
160QID6ILS1921	2023 Jan-March	\$94,905.38	Y	Y	N	Y

The Comptroller's Office is required to submit the AC3253-S to ILS along with all supporting documentation substantiating the claim. Once the claim and supporting documentation have been completed by the Law Department and uploaded into OnBase, a copy of the file must be delivered to the Comptroller for approval with a properly addressed mailing envelope. The original, in whatever form, should be kept by the Law Department for their records. Once properly reviewed and signed by the Comptroller's Office, the claim amount is approved and the signed claim form along with supporting documentation are to be promptly mailed to ILS by the Comptroller's Office. The Accounting Division is responsible for uploading a signed copy of the AC3253-S into OnBase.

The Auditor established that this is not the process that the Law Department and the Accounting Division followed during the relevant period. Instead, the Law Department completed the AC3253-S form, and the Accounting Division did not review supporting documentation prior to signing and approving the claim. Once it was signed, neither department maintained supporting documentation. Rather, the Law Department forwarded the supporting documentation directly to ILS.

RECOMMENDATION: The Auditor recommends that the Law Department and Accounting Division adhere to applicable Erie County Policy as written²⁷. The Auditor further recommends that management in each office conduct periodic oversight to ensure the proper internal controls are being followed and performed correctly. It should be noted that the ILS accepts claims for reimbursement and all supporting documentation electronically.

AUDITOR'S COMMENTS & RECOMMENDATIONS

Comment #1: Noncompliance with Erie County Accounting Grants Policy

Because money paid to the agencies by the Law Department, constitute the expenditure of taxpayer funds, the amount of the annual distribution requires approval by the Erie County

²⁷ See County of Erie Accounting Policy – Accounts Payable Overview; see also County of Erie Accounting System Policy – Internal Controls.

Legislature. To create a grant fund in the County's accounting system, the requesting department is required to submit evidence of legislative approval with its request. Once a completed grant application is received and legislative approval can be confirmed, the Comptroller's Office creates the proper entry in the County's accounting system.

The Auditor established that those approval documents are not being provided to the Trust Department in the Comptroller's Office. Therefore, the Trust Department is not verifying that amounts being paid to the agencies have the requisite Erie County Legislative approval prior to processing payment and establishing a Grant in the County's accounting system.

Recommendation: In accordance with Erie County Policy²⁸, the Auditor recommends that the Trust Department verify that legislative approvals are included in supporting documentation.

Comment #2: Noncompliance with Erie County Accounting Policies and State Laws Relating to Receipt and Maintenance of Supporting Documentation

The vast majority of the Auditor's findings can be connected, directly or indirectly, to failures on the part of the Law Department and Accounting Division to demand, review, economize, or maintain supporting documentation.

Recommendation: The Auditor recommends that both the Law Department and the Accounting Division take advantage of the reliability and convenience that the Erie County Document Management System (OnBase) provides that lends to better internal controls.

For the Law Department, the Auditor recommends that payable entries are not made in the County's accounting system without first uploading supporting documentation that accompanies an invoice into OnBase. The Law Department should develop a policy to ensure that, once received, invoices are promptly uploaded with complete supporting records. The Auditor further recommends that the Law Department, as the "originating department"²⁹ develop a checklist describing documents that need to be maintained in connection with the Indigent Defense Program reimbursement process. These documents include but are not limited to award documents, contracts, correspondences, accounting reports, and other financial documents generated during the course of grant administration.

The Auditor also recommends that the Law Department implement a policy requiring contractors submitting documents to the County to do so in electronic form. The Law Department is particularly well-suited to address this issue, since all contracts executed by the County must be approved as to form by the County Attorney. An e-delivery requirement could be easily added to the list of required clauses included in contracts between the County and its vendors. Thus, a policy requiring documents to be submitted in electronic form would not only address several issues revealed during this audit but could lead to improved internal controls and record keeping practices throughout the County generally.

For the Accounting Division, the Auditor recommends that the Comptroller require the Accounting Division to verify that both invoice and a complete supporting record are present in OnBase in compliance with Erie County policy. No payments should be made without verifying the presence of all necessary records and the approval of the Comptroller or his designee.

²⁸ Specifically, the Erie County Accounting Policy – Special Applications – Grants.

²⁹ See Erie County Accounting Policy – Special Applications – Grants.

CONCLUSION

Given the unique nature of Erie County's arrangements for providing indigent legal services, ensuring that accurate supporting documentation is accounted for serves a critical internal control function. Unlike many Counties which have Offices of Public and Conflict Defender, the agencies providing indigent legal services in Erie County are not under the direct supervision of County officials. Therefore, maintaining meticulous records relating to the Indigent Defense Program is an indispensable responsibility of the Law Department. This is important for multiple reasons.

First, the County is ultimately responsible for the legal services provided. Even though performance is outsourced to non-governmental organizations, it is the County that bears responsibility for complying with the mandates of the United States Constitution and other statutes guaranteeing the right to counsel.

Second, ILS requires the agencies to submit documents and provide information in addition to the County. Thus, ILS can and does confirm that claimed amounts are supported. One of the outstanding claims described in Finding #2 serves as a paradigmatic example of the consequences that can arise from the County's failure to review supporting documentation. Ultimately, the agencies are funded by the County up front, so any discrepancy in an agency's financial records results in funds being withheld from the County.

Third, it is imperative that aged receivables are not left to languish in the County's accounting system for periods of years. It must be noted that under regular circumstances, the amount discussed in Finding #3 would not have been the lone unrecoverable claim. Due to the extended, at times disjointed rollout of the *Hurrell-Harring* settlement implementation, ILS has been lenient with counties from 2015 to 2023³⁰. This leniency is grounded in the understanding that the overlap of *Hurrell-Harring* distributions (which operated on a five-year schedule) and most other ILS grants (which operate on a three-year schedule) had the potential to create considerable confusion for local governments and agencies. The period of overlapping grants is set to end in 2023. Patricia Warth, the Executive Director of ILS, has warned that ILS is prepared to strictly enforce its claim reimbursement windows going forward.

Finally, consistent and proper monitoring of financial and accounting information regarding the Indigent Program is critically necessary in order for the Executive and Comptroller to make informed decisions about current and prospective administration. A thorough accounting review is essential in helping the Director of Budget and Management make regular determinations regarding the value and viability of the current arrangement. As previously noted by this office in 2023, the State Legislature doubled the rates at which assigned counsel are paid, half of which the County is responsible for covering. Failing to adequately review submissions, maintain records, and communicate leaves the County in a vulnerable position.

RESULTS OF EXIT CONFERENCE

An exit conference was held on November 30, 2023, with the Erie County Attorney, members of his staff, the Deputy Budget Director, and the Deputy Comptroller. The audit draft report was reviewed and discussed.

³⁰ It is not lost on the Auditor that the \$19,050 claim is unrecoverable despite the window of reimbursement remaining open for multiple times longer than it typically would have.

The Erie County Comptroller's Office would like to thank the Erie County Attorney, the Director of Budget and Management, the Deputy Comptroller and their respective participating staff members for the courtesy extended to the Division of Audit during the course of the review. The Erie County Comptroller's Office would also like to thank the Erie County Bar Association Aid to Indigent Prisoners Society, Inc. and the Legal Aid Bureau of Buffalo, LLC for taking the time to meet with the Auditor and being transparent and responsive throughout the fieldwork and document acquisition stages of the audit. Finally, the Division of Audit would like to thank Patricia Warth, Executive Director of the New York State Office of Indigent Legal Services and her staff for taking time to provide valuable context for the Division of Audit and for answering questions throughout the fieldwork period.

ERIE COUNTY COMPTROLLER'S OFFICE

cc: Jeremy C. Toth, Erie County Attorney

Hon. Mark C. Poloncarz, Erie County Executive

Hon. Kevin R. Hardwick, Erie County Comptroller

Robert. W. Keating, Director, Division of Budget and Management

Erie County Fiscal Stability Authority

APPENDIX

Appendix A:

Audit Methodology

The Auditor's objective in this review was to test and evaluate the Indigent Legal Services Grant claims approval, disbursement and reimbursement processes to determine if the internal controls over the relevant period (January 1, 2015 – December 31, 2022) were adequate and whether the Law Department adhered to County Policies during that time.

The scope of the audit included testing and evaluation of the disbursement of payments to grant recipients for legal services performed under the Law Department's Indigent Defense Program and the claims reimbursement process necessary to recoup the money from ILS. The internal controls surrounding the processes for grant approvals, payments to vendors providing indigent legal services, and the preparation and submission of claims for reimbursement to ILS, were reviewed, evaluated, and tested for compliance, completeness, and efficiency.

In addition, Internal Control Questionnaires (ICQ) were used to obtain a baseline, document discussions and procedures related to policy and processes followed by the Law Department and Accounting Division. These discussions related to contracts between the County and the agencies, processing and submitting claims for reimbursement with ILS, and recording approved financial transactions in the County's accounting system ("SAP") related to both accounts receivable and accounts payable.

To achieve this objective, the Auditor tested twenty (20) grant awards spanning the relevant period which included testing of the approval process for all twenty (20) grants. Also tested were fifty-eight (58) transactions randomly selected from a population of 276 quarterly claims. For all fifty-eight (58) transactions, the vendor payment process to ACP and LAB was tested. These transactions were also tested as part of the claim reimbursement process relating to ILS.

In addition, Internal Control Questionnaires were used to document discussions and procedures related to policy and procedures followed by the Department of Law and the Comptroller's Office to contract, claim process and record approved financial transactions in the accounting system ("SAP") related to both accounts receivable and accounts payable.

Tests of controls were designed, executed, and then reviewed for adequacy. The audit methodology was executed by testing the fifty-eight (58) out of the total population of 276 claim reimbursement transactions from twenty (20) grants recorded in SAP over the relevant period and comparing them to documentation that included:

- 1) The Grant Award Letters;
- 2) Approvals by the Erie County Legislature;
- 3) The Grant Request Packets from New York State;
- 4) Documentation in SAP showing Aged Receivables;
- 5) The Accounts Receivable Approval Process;
- 6) The Claims Submission and Reimbursement Process from ILS;
- 7) Documentation in SAP showing ACH Payments Received from ILS;

- 8) Supporting Documentation Substantiating Invoices/Payment Transactions between the County, LAB or ACP;
- 9) Canceled Checks for Payments made to LAB and ACP;
- 10) Authorization of Payments to LAB and ACP;
- 11) A/R and A/P transactions within the test sample comply with New York State Retention Schedule.

This documentary evidence and conversations with relevant individuals within the Law Department, Accounting Division, ILS, ACP, and LAB, taken as a whole, were used to form an opinion based on the audit objectives.

APPENDIX B

Auditee's Response to the Draft Audit Report



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

December 15, 2023

Hon. Kevin R. Hardwick, PhD
Erie County Comptroller
95 Franklin St, Floor 11
Buffalo, NY 14202

**RE: Response to Draft Audit of Erie County Department of Grants
for Indigent Services January 1, 2015 through December 31, 2022**

Dear Comptroller Hardwick:

The Erie County Department of Law (Law) writes to respond to the Draft Audit of Erie County Department of Law's Indigent Services Grant Claims for the period of January 1, 2015 through December 31, 2022.

We thank you and your Audit Division for their thorough analysis and thoughtful recommendations related to the numerous grants the Law Department handles for the Erie County Bar Association Aid to Indigent Prisoners Society, Inc. for the Assigned Counsel Program (ACP) and the Legal Aid Bureau of Buffalo, LLC (LAB). While we generally agree with the recommendations your office has offered to better monitor these grants, I would like to highlight some contextual information that will likely get lost in the dissemination of this audit.

First, while these programs have been existence for over 50 years, it is my understanding the Law Department has never had an accountant. In fact, our sole employee responsible for both the grant proceeds to the local programs, as well as the reimbursement process from New York State, has a whole host of other responsibilities totally unrelated to any type of accounting activities.

Your audit tested 20 grants Law has received related to Indigent Legal Services during the period of January 1, 2015 through December 31, 2023, which have a total award of more than \$71 million. While no deficiency is acceptable, and we are already working towards remedying those identified, I think it is important to point out that your findings are related to only \$686,668 of a total \$32 million claimed over 7 of 276 quarterly claiming periods. That

means that just over 2% of the funding and claims your auditors examined presented an issue. Stated differently, 98% of the funding and claims your auditors examined presented no issue at all. Similarly, of the 58 transactions reviewed by the audit, only two claims presented deficiencies. Again, that is two too many, but given the age of these programs, the complexity of these programs, and the historical understanding that the Law Department is merely a “pass-through” for these programs, I am relieved that more problems were not uncovered. Indeed, given the fact that only one employee in the Law Department is responsible for the administering of these grants, and has been responsible for administering these grants for the past several decades as a small part of her overall workload, it is a testament to her capabilities that there are not more significant problems.

It is also critically important to note just how complex New York State has made the funding of indigent legal services. This complexity is exacerbated by the County’s long-standing policy of funding two separate programs as well as significant changes made by New York State in the past five years. Your own audit calls these recent changes “extended and at times disjointed...” Your audit goes on to explain how New York State’s Office of Indigent Services recognizes how complicated these grants are for administration purposes.

This leniency is grounded in the understanding that the overlap of *Hurrell-Harring* distributions (which operated on a five-year schedule) and most other ILS grants (which operate on a three-year schedule) had the potential to create considerable confusion for local governments and agencies. The period of overlapping grants is set to end in 2023.

I would point out that, while not mentioned in the audit, your auditing team required months just to come to understand the various grants, the reimbursement processes and the way in which New York State has changed its own administration of these funds in recent years.

In addition, while neither of your audits from this year mention this fact, there was an audit performed of these contracts by your predecessor in 2020. That audit found no deficiencies. At the recent exit conference related to the 2023 audit, your auditors explained that the 2020 audit’s scope was so limited that its findings were entirely meaningless. While I understand this now, at the time, in October of 2020, I sincerely took that audit’s lack of findings as a seal of approval as to how these programs were being administered, as did the previous County Attorney. It is disheartening that an audit that required significant work on behalf of Law Department staff was utterly useless and gave this Department an entirely false impression that there were no areas in which we could improve on managing these programs.

Finally, as explained, these programs have been in existence for over 50 years. As best as I can tell, until this audit, every previous County Attorney relied upon the two individual programs, and their accounting staff, to properly account for their own budget. Obviously, that

reliance was misplaced. While I now understand the responsibilities of the Law Department to more closely monitor the claims and the reimbursements, this is a paradigm shift for this office. As such, the 2024 budget includes an accounting position for the Law Department. While we will strive to implement all of the recommendations immediately, in cooperation with your office and the Budget Department, it is likely that until we are able to hire an accountant, we will not reach optimum efficiency.

Our responses follow the audit and use the same section titles.

Finding #1: Reimbursable Claims and Recoverable Overpayments due Erie County total \$592,774.33

Finding #2: Policy Violations Resulted in Aged Receivables

Finding #3: Unrecoverable Grant Reimbursement Claim due Erie County from ILS totaling \$19,050

Findings #1-3 are all issues related to “aged receivables.” While the reason why each of these became an “aged receivable” is different, some of which were completely outside of the Department’s control, we ultimately agree that each of these would have been resolved had the Department adequately adhered to the County’s Accounts Receivable Policy for Claims. The Department will immediately take steps to follow your outlined recommendations that include:

- seeking reimbursement for \$462,724 in eligible claims from ILS;
- seeking recovery of \$130,051 in overpayments made to LAB; and
- authoring an entry with the Comptroller’s Accounting Division to write off \$19,050 that is no longer reimbursable.

Additionally, we will institute a regular process to regularly verify our outstanding accounts receivable entries to ensure that any future issues or miscommunications between Law, ILS and LAB are promptly resolved.

I would like to take a moment to acknowledge that because your office chose to engage in this audit, we are in a position to rather easily resolve most of these issues with only \$19,050 of \$611,824 remaining uncollectable. Again, I am acutely aware of the value of every dollar, and in no way mean to minimize the loss of nineteen thousand dollars, but given the enormous dollar amount of funding that flows in and out of this office for these programs, this is literally a very small fraction. Moreover, it is worth repeating, that had the Comptroller Audit from 2020 actually been helpful, we may have been alerted to the loss of these funds when it was still possible to recover them from New York State.

Finding #4: Outstanding Payables to Vendor Total \$74,843.88:

We agree with this finding and will implement your recommendation to promptly contact LAB in order to review the invoices representing the outstanding payables. We also agree that these should be addressed separately from other findings and not simply offset by future reimbursements.

Finding #5: Vendor Invoices Were Paid Without Supporting Documentation:

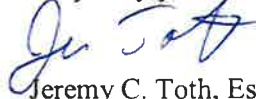
Finding #6: Claims Submitted to ILS for Reimbursement without Final Approval:

Findings #5-6 are a result of the same issue, with #5 relating specifically to the invoice payment process with LAB and #6 the claim reimbursement process with ILS. While we understand current County policy does not allow for exceptions to be made, the volume of hard copy documentation that is presented by LAB and EC Bar for each of their claims and subsequently presented to ILS for reimbursement of those claims has made it impractical to convert to a digital form for upload into OnBase in accordance to official policy. A long-standing arrangement has existed with the Comptroller's Office Accounting Division in acknowledgement of that impracticality and they have consistently posted AR and IR documents allowing invoices to be paid and claims to be reimbursed without any objection. As such, it was our impression that, though technically outside of official County policy, we were engaging in an otherwise officially approved process.

Nonetheless, we will accept these findings and work towards creating a better process with your office that allows for all supporting documentation to be specifically presented and maintained in OnBase going forward. We have already instructed the two programs to submit claims in hard copy and digital form and I have met with your Deputy Comptroller of Accounting to ensure that we follow an agreed upon process that allows us to send these claims on to New York State expeditiously, as well as maintain back up documentation in our own custody.

I look forward to working with the Comptroller's Office going forward to address these issues that will undoubtedly better facilitate the administration of the Indigent Defense Program.

Very truly yours,



Jeremy C. Toth, Esq.
Erie County Attorney

cc: Hon. Mark C. Poloncarz, County Executive
Robert Keating, Budget Director

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-26

BASKIN

2024 Schedule of Legislative Sessions

Attachments

23COMM. 24E-26

ERIE COUNTY LEGISLATURE



92 Franklin Street - 4th Floor
Buffalo, New York 14202

2024 SCHEDULE OF LEGISLATIVE SESSIONS

JANUARY

4
18

JULY

11
25

FEBRUARY

1
15

AUGUST

Recess

MARCH

7
21

SEPTEMBER

12
26

APRIL

11
25

OCTOBER

10
24

MAY

9
23

NOVEMBER

7
21

JUNE

6
20

DECEMBER

5 - Session & Budget Vote
19 - Session & Budget Override

All Regular Sessions will begin at 12:00 p.m. in the Legislature Chambers unless notice is provided for meeting(s) to be conducted via video conferencing. Pre-Session Joint Caucus Meetings held on the day of Session begin at 10:00 a.m. All Meetings are open to the public.

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24E-27	MINORITY CAUCUS	Letter from Republican Caucus to County Executive
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Attachments

23COMM. 24E-27



ERIE COUNTY LEGISLATURE REPUBLICAN CAUCUS

December 19, 2023

**Hon. Mark Poloncarz
Erie County Executive
95 Franklin Street, 16th Floor
Buffalo, NY 14202**

Dear County Executive Poloncarz,

We are writing to you to express deep concern over a social media post made by you the weekend of December 16-17. In that post on the platform X, formerly known as Twitter, you wrote:

"I'm enjoying the replies from out-of-state trolls to my posts about who are essential personnel authorized to drive during a snowstorm travel ban. Here's the deal, since you hate government so much, don't call 911 after getting stuck and demand we save your sorry patriot butts."

Mr. Poloncarz, this post is unbecoming of a County Executive. Moreover, it reflects poorly on Erie County. As the County Executive, 911 dispatch center operations fall under your control and leadership. Making this statement would suggest that you would advise the county 911 dispatch employees to disregard emergency calls from those who might not share the same political beliefs as you. That is dangerous. We should remind you that as County Executive you serve all residents of Erie County, even those you ideologically disagree with. Public safety is one of the most important functions of government, if not the most important, and suggesting a segment of the population is undeserving or unworthy of receiving aid in an emergency is beyond the pale.

We are requesting that you issue a statement, in writing, clarifying the purpose of the county 911 dispatch center, and the role it serves in keeping all residents and visitors to Erie County safe. We also request that you apologize for your destructive and mean-spirited social media post. This in no way reflects the good work of our dispatchers and first responders who we are certain give no thought to a person's political preferences when answering their calls for help. But this shameful rhetoric coming from someone in a position of power and influence shall not be tolerated.

Sincerely,



Minority Leader, John J. Mills



Legislator Frank J. Todaro



Legislator Christopher D. Greene



Legislator James Malczewski

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24D-1	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County
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Attachments

23COMM. 24D-1



COUNTY OF ERIE

EC LEG DEC 6 '23 AM 9:39

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

MEMORANDUM

TO: Robert M. Graber, Clerk, Erie County Legislature

FROM: Jeremy C. Toth, Erie County Attorney

DATE: December 4, 2023

RE: Transmittal of New Claims Against Erie County

JCT/dew

Mr. Graber:

In accordance with the Resolution passed by the Erie County Legislature on June 25, 1987 (Int. 13-14), attached please find 12 new claims brought against the County of Erie. The claims are as follows:

Claim Name

1. Samuel Tillman v. County of Erie, et al.;
2. Raveela Jain v. County of Erie, et al.;
3. Jennifer Longo v. County of Erie, et al.;
4. Annette King v. County of Erie, et al.;
5. David Morris v. County of Erie, et al.;
6. David Wiles v. County of Erie, et al.;
7. Wisam Elmalik, MD by Dalia Etoum v. County of Erie, et al.;
8. Dylan Davis v. County of Erie, et al.;
9. General Casualty Company of Wisconsin v. County of Erie, et al.;
10. Nicole Curcio v. County of Erie, et al.
11. Amy Corson v. County of Erie; and
12. Carolyn Biggar v. County of Erie.

JCT:dld
Attachments



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

October 12, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Tillman, Samuel v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Samuel Tillman ICN #114510b Erie County Correctional Facility 11581 Walden Avenue Alden, New York 14004
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

Notice of Claim

To: Erie County Executive
County Attorney for the County of Erie
Erie County Sheriff

PLEASE TAKE NOTICE that Samuel Tullman ION#114510, the claimant, hereby makes claim against the County of Erie, State of New York, for damages sustained by him for personal injury as follows:

The claimant's post-office address is Erie County Correctional Facility 11581 Walden Ave Alden, N.Y. 14004

The date upon which the injury complained of occurred was the 18 day of July, 2022 on or about the hour of 1 P.M and continuing thereafter.

The injuries sustained by the claimant by reason thereof are more particularly described as follows: Vision Problems/Loss, Persistent Migraines, Thinking/Memory Problems, pain and suffering, Mental Anguish

The injuries complained of were sustained as a result of the negligence of said county in its care and management of the Erie County Correctional Facility, 11581 Walden Avenue, Alden New York 14004 which said facility was wholly under its operation and control. Claimant was incarcerated at said facility, and thus in the care and custody of said Erie County sheriff. Claimant requested Compensation for eye examination, Eye Surgery, Pain and suffering, Mental Anguish

Due to the wrongful denial of See Attachment marked Exhibit A#1 Claimant was to suffer the above described injuries.

By reason thereof, the claimant sustained injury to his person due to said county's negligence and/or wrongful denial of See Attachment marked A#2

The Claimant presents this claim and demand for adjustment and payment and gives notice that unless his claim is adjusted and paid within the time provided by law from the date of its presentation, it is claimant's intention to commence an action thereon.

Dated 1/2, 2023

Samuel Tullman Pro Se
11581 Walden Ave
Alden, New York, 14004



RONALD DOLYK
COMMISSIONER OF DEEDS
in and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2024



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

October 24, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Jain, Raveela v. County of Erie and Jennifer Longo</i>
Document Received:	NYS Division of Human Rights Complaint
Name of Claimant:	Raveela Jain 58 Haverford Lane Williamsville, New York 14221
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

JENNIFER LONGO,

Complainant,

v.

COUNTY OF ERIE, KENNETH SIMMONS,

Respondents.

COMPLAINT
Pursuant to Executive Law,
Article 15

Case No.
10230033

I, Jennifer Longo, residing at 218 Lovering Avenue, Buffalo, NY, 14216, charge the above named respondents, whose address is Attn: Jeremy C. Toth, Esq. First Assistant County Attorney 95 Franklin St., Rm. 1634, Buffalo, NY, 14202 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of opposed discrimination/retaliation.

Date most recent or continuing discrimination took place is 10/11/2023.

The allegations are:

SEE ATTACHED

Based on the foregoing, I charge respondents with an unlawful discriminatory practice relating to employment because of opposed discrimination/retaliation, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

**New York State Division of Human Rights
Employment Complaint Form**

RECEIVED

OCT 18 2023

Although workers, interns and volunteers of all ages are protected, you must be 18 years or older to file a complaint. A parent, guardian or other person having legal authority to act in the minor's interests must file on behalf of a person under the age of 18.

1. Your contact information:			
First Name <u>Jennifer</u>		Middle Initial/Name <u>NA</u>	
Last Name <u>Longo</u>			
Street Address/ PO Box <u>218 Lovering Avenue</u>		Apt or Floor #: <u>Lower</u>	
City <u>Buffalo</u>		State <u>Ny</u>	Zip Code <u>14216</u>
If you are filing on behalf of another, provide the name of that person: <u>N/A</u>		Date of birth: <u>12/02/1969</u>	Relationship: <u>self</u>
2. Regulated Areas: Check the area where the discrimination occurred: (If you wish to file against multiple entities, for example employer and temp agency, please file a separate complaint against each.)			
<input checked="" type="checkbox"/> Employment (including paid internship)		<input type="checkbox"/> by a Labor Organization	
<input type="checkbox"/> Internship (unpaid)		<input type="checkbox"/> Apprentice Training	
<input type="checkbox"/> Contract Work (independent contractor, or work for a contractor)		<input type="checkbox"/> by a Temp or Employment Agency	
<input type="checkbox"/> Volunteer Position		<input type="checkbox"/> Licensing	
3. You are filing a complaint against:			
Employer, Worksite, Agency or Union Name <u>Erie County DSS/Youth Services</u>			
Street Address/ PO Box <u>810 East Ferry Street</u>			
City <u>Buffalo</u>		State <u>New York</u>	Zip Code <u>14211</u>
Telephone Number: <u>716-536-9085</u>			
In what county or borough did the violation take place? <u>Erie</u>			
Individual people who discriminated against you:			
Name: <u>Kenneth Simmons</u>		Title: <u>Deputy Commissioner</u>	
Name: <u>Raveela Jain</u>		Title: <u>Chief Financial Records</u>	
If you need more space, please list them on a separate piece of paper.			
4. Date of alleged discrimination (must be within one year of filing):			
The most recent act of discrimination happened on: <u>October</u> <u>11</u> <u>2023</u> month day year			
5. For employment and internships, how many employees does this company have?			
<input type="checkbox"/> 1-14 <input type="checkbox"/> 15-19 <input checked="" type="checkbox"/> 20 or more <input type="checkbox"/> Don't know			

<input type="checkbox"/> Yes. Date of hire: <u>10</u> / <u>24</u> / <u>2014</u> month / day / year	What is your position: Principal Clerk
<input type="checkbox"/> No. Last day of work: _____ month / day / year	What was your position?
<input type="checkbox"/> I was never hired. Date of application: _____ month / day / year	What position did you apply for?

7. Basis of alleged discrimination:

Check **ONLY** the boxes that you believe were the reasons for discrimination, and fill in specifics only for those reasons. Please look at page 2 of "Instructions" for an explanation of each type of discrimination.

<input type="checkbox"/> Age: Date of Birth: _____	<input type="checkbox"/> Familial Status:
<input type="checkbox"/> Arrest Record	<input type="checkbox"/> Military Status: <input type="checkbox"/> Active Duty <input type="checkbox"/> Reserves <input type="checkbox"/> Veteran
<input type="checkbox"/> Conviction Record	<input type="checkbox"/> Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed
<input type="checkbox"/> Creed/ Religion: Please specify: _____	<input type="checkbox"/> National Origin: Please specify: _____
<input type="checkbox"/> Disability: Please specify: _____	<input type="checkbox"/> Predisposing Genetic Characteristic:
<input type="checkbox"/> Domestic Violence Victim Status	<input type="checkbox"/> Pregnancy-Related Condition: Please specify: _____
<input type="checkbox"/> Gender Identity or Expression, Including the Status of Being Transgender	<input type="checkbox"/> Sexual Orientation: Please specify: _____
<input type="checkbox"/> Race/Color or Ethnicity: Please specify: _____ <input type="checkbox"/> Trait historically associated with race such as hair texture or hairstyle	<input type="checkbox"/> Sex: Please specify: _____ Specify if the discrimination involved: <input type="checkbox"/> Pregnancy <input type="checkbox"/> Sexual Harassment
<input type="checkbox"/> Use of Guide Dog, Hearing Dog, or Service Dog	

If you believe you were treated differently after you filed or helped someone file a discrimination complaint, participated as a witness to a discrimination complaint, or opposed or reported discrimination due to any category above, check below:

Retaliation: How did you oppose discrimination: _____

If you believe you were discriminated against because of your relationship or association with a member or members of a protected category listed above, indicate the relevant category(ies) above, and check below.

Relationship or association

8. Acts of alleged discrimination: *What did the person/company you are complaining against do? Check all that apply*

8. Acts of alleged discrimination: What did the person/company you are complaining against do? Check all that apply

<input type="checkbox"/> Refused to hire me	<input checked="" type="checkbox"/> Gave me a disciplinary notice or negative performance review	<input type="checkbox"/> Denied my request for an accommodation for my disability, or pregnancy-related condition	<input type="checkbox"/> Sexual harassment
<input type="checkbox"/> Fired me/laid me off	<input type="checkbox"/> Suspended me	<input type="checkbox"/> Denied me an accommodation for domestic violence	<input type="checkbox"/> Harassed or intimidated me on any basis indicated above
<input type="checkbox"/> Demoted me	<input type="checkbox"/> Did not call back after lay-off	<input type="checkbox"/> Denied me an accommodation for my religious practices	<input type="checkbox"/> Denied services or treated differently by a temp or employment agency
<input checked="" type="checkbox"/> Denied me promotion/pay raise	<input type="checkbox"/> Paid me a lower salary than other co-workers doing the same job	<input checked="" type="checkbox"/> Denied me leave time or other benefits	<input type="checkbox"/> Denied a license by a licensing agency
<input type="checkbox"/> Denied me training	<input type="checkbox"/> Gave me different or worse job duties than other workers doing the same job	<input type="checkbox"/> Discriminatory advertisement or inquiry or job application	<input checked="" type="checkbox"/> Other: requested through the chain for help regarding Ruby harrass

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory. TYPE OR PRINT CLEARLY.

Personnel was denying use of comp time. you are allowed a choice to receive cash or comp time. comp time can be used in minutes. Raveela/Ruby stated that it was ordered from higher ups that she was unable to approve it for being late. I felt it was wrong but then let it go, but then on 7/12/23 or 7/13/23 the lady that just happens to work 2 office doors away from me W.H. walked in 2 minutes late with me. i asked her what are you going to do now and she said put in comp time. i asked her was it mentioned it to her that you cant use it for late, she said no, put it in and showed me the approval she received on her computer. 9/25/23 I was late 3 minutes stuck at the scene of a car acc. An unusual circumstance, I asked my Supervisor if I could please put in for comp time, I explained how there was a car accident at a 3way street with no way to turn around, i provided emails about this day, she actually accused me of it being a routine and not a rare occurrence. this was not routine, you can pull payroll to see that and see all the comp minutes approved by others. i felt she was inhumane that she lost her compassion, her listening, and communication skills. I have worked side by side with Ruby since 2017. i work in the far back of the office now. im lucky if i get a hello and goodbye in a single day. i am the only one in Admin that does her work, meaning claims and billing it wasnt until 10/2022 that we began having issues. as she moved into her new chief financial record position, not sure of the exact date, she began handing me more and more of her work. the last meeting we had as a team was in 10/2022. she said we all need upgrades. I was bothered by that and told her later not to compare me to others because the other 2 girls had only been there about a year and dontdo anything i do, in fact no one does but Ruby. i would go to her office to ask a question or ask for guidance and be told do it yourself, im too busy, treating me like a burden, would leave and never even let me know she was leaving. its embarrassing when you have to tell people from agencies excuse after excuse why your supervisor wont return a call, answer an email. i have addressed her attitude and disregard to her and through the chain and am still being ignored, she is unapproachable now she didnt like my honesty, my call for help. To her credit i can say the possible cause of this could have been the lack of a Deputy Commissioner. it wasnt until july 5, 2023 that we gained Deputy Simmons. she had alot of things on her plate that I think she forgot how much i had on mine, but nothing i said mattered and then came the contract review sheet. When Deputy Simmons came on, he didnt and still doesnt know what i really do. he only knows what rubytells him, you can see that in the email, but the contract review sheet was where i decided to draw the line and ruby didnt like it. one day I had noticed the line i signed had changed. i show it to you in an attachment. i never really knew why i signed, but found out when i realized it is an actual form with a policy, so I read the policy and it was never told to me i had to find out on my own. the form explains that Fiscal Management is supposed to sign it. i told Ruby i was uncomfortable signing it because im not fiscal management, i brought it to the attention of carrie godfrey who created the form, who actually works with head commisioner Marie Cannon, and she said that per Commissioner Cannon, the form will be signed by Peggy in Legal. please see the attachments of the policy and emails. Both Deputy Simmons and Ruby had no regard for what the Commissioner said see emails and still decided to bring in my job title stating that i would review the budget. it should have never been brought into it, because when you read the policy, reviewing the budget was part of fiscal management completing the review sheet. Jamie Seymour in Legal said she was reverting back to the old sheet, but when contracts, see attached

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. DO NOT WRITE IN THE MARGINS OR ON THE BACK OF THIS FORM.

Signature (Declaration or Oath)

Additional Sheet

Individual who discriminated
Against you

Deidre Brown -
Personnel Department.

It would need to be
investigated to see who brought
about the comp-time rejection.

Subj includes Deidre in another
email. No one else from Personnel
has ever been mentioned. I am
not sure if I was her.

Deputy Sumner - failed to respond
to my call for help. Retaliation -
phone in email / multiple emails.

In response to my concerns. As you can
see in my email what do I need resolution

for? I hope that in the same email all
concerns were stated. I would normally have
the HR department to deal with him. He disregarded
my concerns. I am sure about retaliation
and I am sure about discrimination.

Enclosure / 2nd additional sheet

A) Description of Alleged Discrimination

Due to the past, recent, and on going issues I am filled with anxiety when I go to work. The job I love is no longer. I sit in my vehicle every day, and pray to God that I won't have a question or someone that needs to be addressed because I have to ask my Supervisor if my questioning will she answer me or ignore me. I requested multiple times for help. This is an unhealthy work environment and unhealthy for my well being. Please reach out if you have any questions.

Thank you
Jennifer Longo

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

By filing this complaint, I understand that I am also filing my employment complaint with the United States Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment). This complaint will protect my rights under federal law.

I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice. (If you have another action pending and still wish to file, please contact our office to discuss.)

PLEASE INITIAL JL _____

Human Rights Law § 297.1 requires that a complaint filed with the Division of Human Rights must be "under oath or by declaration." You must complete either the "declaration" or "oath" sections below. The declaration requires only your signature and does not need to be notarized. The oath requires that you sign it before a notary.

DECLARATION

I affirm this 17 day of October (month), 2023 (year) at Buffalo (city), NY (state), under penalties of perjury, that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and know the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believe the same to be true.

Jennifer Longo

[Complainant name]

OATH

STATE OF NEW YORK)
COUNTY OF) SS:

_____, being duly sworn, deposes and says: that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and knows the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believes the same to be true.

Complainant signature

Subscribed and sworn to
before me this day
of , 20

Signature of Notary Public

Please note: Once this form is completed and returned to the New York State Division of Human Rights, it becomes a legal document and an official complaint with the Division.



Additional Information, Page 1: This page is for the Division's records and will not be sent to the company or person(s) whom you are filing against.



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

October 24, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

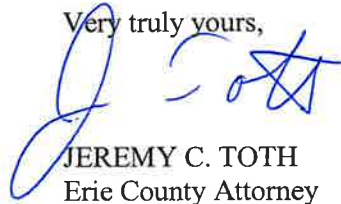
Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Longo, Jennifer v. County of Erie and Kenneth Simmons</i>
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Jennifer Longo 218 Lovering Avenue Buffalo, New York 14216
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,



JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

RAVEELA JAIN,

Complainant,

v.

COUNTY OF ERIE, JENNIFER LONGO,

Respondents.

COMPLAINT

Pursuant to Executive Law,
Article 15

Case No.

10229732

Federal Charge No. 16GC400141

I, Raveela Jain, residing at 58 Haverford Lane, Williamsville, NY, 14221, charge the above named respondents, whose address is Attn: Jeremy C. Toth, Esq.
First Assistant County Attorney
95 Franklin St., Rm. 1634, Buffalo, NY, 14202 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of race/color, sex.

Date most recent or continuing discrimination took place is 10/4/2023.

The allegations are:

SEE ATTACHED

Based on the foregoing, I charge respondents with an unlawful discriminatory practice relating to employment because of race/color, sex, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

I also charge the above-named respondents with violating Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex relating to employment). I hereby authorize SDHR to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission (EEOC) subject to the statutory limitations contained in the aforementioned law(s).

New York State Division of Human Rights Complaint Form

Individual filing the complaint

Please provide the information requested below.

First Name

RAVEELA

Middle Initial

Last Name

JAIN

Street Address

58 Haverford Lane

City

WILLIAMSVILLE

State

NY

Zip

14221

Are you completing this form for someone else?

No

Your complaint

Jurisdiction

Employment

Employment

Please specify where the discrimination occurred

Employment (including paid internship and domestic workers)

Are you currently working for the employer you are filing against?

Yes

Date of hire

05/25/2010

Position held or applied for

CHIEF OF FINANCIAL RECORDS

For employment and internships, how many employees does this person/company have?

20 or more

Acts of alleged discrimination: What did the person/company you are complaining against do? Check all that apply

Harassed or intimidated me on any basis indicated here

Basis

RECEIVED

OCT 06 2023

Buffalo EFAX/INBOX

Basis of alleged discrimination in employment:

Race/Color (because you are Asian, Black, White, etc.; includes ethnicity; includes traits historically associated with race such as hair texture or hairstyle)

Sex (because of your gender, includes sexual stereotyping, sexual harassment, pregnancy)

Please specify sex:

female

Please specify race/color:

Indian/brown

You are filing a complaint against

Entity that discriminated against you:

Name of entity

ERIE COUNTY YOUTH DETENTION EMPLOYEE

Street Address

810 east ferry

City

buffalo

State

New York

Zip

14211

In what county or borough did the violation take place?

Erie

Phone Number

716-858-8000

Email address

Fax Number

Company Website

WWW.ERIE.GOV

Please provide the name, last name, and title of individual people who discriminated against you.

JENNIFER LONGO - PRINCIPAL CLERK

Please provide the email addresses of individual people who discriminated against you.

JENNIFER.LONGO@ERIE.GOV

Date of the most recent act of alleged discrimination

10/04/2023

Description of discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and other details. You must explain why you think these acts were discriminatory and how these acts are connected to the protected class (race, color, sex, disability, etc.) you selected previously. If you have supporting documentation or evidence, you may provide it later.

It is my opinion that Jennifer's behavior demonstrates that she is prejudice against a woman of color being in a position

of authority. Her actions and words are demeaning.

This behavior is offensive conduct and mistreatment. I believe it constitutes harassment based on a protected class (gender and race) to the point of a hostile work environment.

After attending a training on July 3rd, 2023, I had a conversation with each of my direct reports about time and attendance policy. I specifically stated that I will not be approving comp time for lateness beyond the 5 minutes grace period. I also stated that if there was an accident or unsafe situation that the first priority is safety and then they can let me know afterwards.

On July 14th, I emailed Jennifer :

From: Jain, Ruby <Raveela.Jain@erie.gov>

Sent: Friday, July 14, 2023 7:34 AM

To: Longo, Jennifer <Jennifer.Longo@erie.gov>

Subject: comp time rejected

Good Morning Jennifer,

Please note, I rejected your comp time request for lateness.

Per our conversation on July 3rd, I will no longer approve comp time for lateness.

Since July 5th, you have been late the following days:

07/10 - 8:39

07/12 - 8:37

07/13 - 8:37

If you would like to change your work hours from 8:30-4:30 to 9:00 - 5:00, please let me know.

Thank you.

--

Ruby Jain | Chief Financial Record Services

Erie County | Youth Services Division

810 E Ferry St., | Buffalo, NY 14211

P:+1(716)923-4047 | F:+1(716)893-7929

Raveela.Jain@erie.gov | <http://www.erie.gov>

Jennifer emailed back:

From: Longo, Jennifer <Jennifer.Longo@erie.gov>

Sent: Friday, July 14, 2023 8:44 AM

To: Jain, Ruby <Raveela.Jain@erie.gov>

Cc: Brockmyre, Mary Ellen <Mary.Brockmyre@erie.gov>

Subject: RE: comp time rejected

Does this include all CSEA employees? Who is the higher up that approved this please? You said to not call and put in and I explained. What did I do wrong. I would like the explanation further. Thank you

--

Jennifer Longo | Principal Clerk

Erie County | Youth Services Division | Erie County Dept of Social Service

810 E Ferry St., | Buffalo, NY 14211

P:+1(716)923-4064 | F:+1(716)893-7929

Jennifer.Longo@erie.gov | <http://www.erie.gov>

I then went to her office and had a conversation with her. She yelled back at me that "who is the higher up that made this decision? Was it Deidre (African American female)? She is not even upper management." I did not confirm or deny. I walked away.

Several days later, a shift supervisor (white, Italian male) let me know that Jennifer discussed the situation with him and he advised her to show up on time. To which she called him a traitor.

In addition, Wanda Hillman (African American female) came to me about Jennifer's unprofessional behavior and persistent requests that were not within Wanda's duties. I spoke with Jennifer about this and asked her to come directly to myself with any contracted agency questions/concerns. Jennifer got agitated and very loudly said that she will never go to Youth Bureau about anything again.

Jennifer came to my desk yesterday, Oct 4th at about 3 p.m. She asked if I received a reply from legal on contract review sheet. I stated no. She very loudly and angrily said that she didn't know why I didn't just sign the review sheets. I said she should sign it. You have been doing it for years now.

She said that she did not like the way I threw the contracts on her desk. I said I did not throw them. I put them on her desk. I would have put them in your box, but thought it would be good to just give to her since she was there. She screamed that this is ridiculous...I don't understand why you can't just sign them.

She yelled that she wanted everyone to hear and that I was a terrible supervisor. She said that since she did not get an upgrade that she no longer wanted to sign the contract review sheet. I responded that it has nothing to do with an

upgrade. She yelled back that she was told to sign it and should not have been signing it as it should be signed by the fiscal team. I said she is part of the fiscal team.

She yelled back: Do you want me to send the Commissioner an email. I said go ahead. She said very loudly again do you want me to email the Commissioner everything.

I said you can do what you want. I am not having this conversation. I am not having this conversation.

She yelled back that I was a terrible supervisor. I'm sick of you. Write me up. Go ahead. I want everyone to hear. Speak louder.

In between her saying all this, I was saying she needs to go. I am not having this conversation.

She wailed her hands in the air and screamed and walked away.

Below latest emails relevant to this matter:

From: Longo, Jennifer <Jennifer.Longo@erie.gov>
Sent: Wednesday, October 4, 2023 4:51 PM
To: Simmons, Kenneth <Kenneth.Simmons@erie.gov>
Cc: Brockmyre, Mary Ellen <Mary.Brockmyre@erie.gov>; Jain, Ruby <Raveela.Jain@erie.gov>
Subject: Request Conversation

Hi Deputy Simmons,

I don't know if you're here or not, but if you are can you please have a conversation with me about Ruby? I can't bear how she is treating me anymore. I don't know why she continues to act this way time and time again, it's making me sick to my stomach. She has no consideration and refuses to have a civil conversation. She won't help resolve this current situation and said it's up to me to find out. With this said, I would like you to be aware of the recent incident. After, I was told by her that there are other Principal Clerks in the County that I can gladly leave, and others heard her.

She purposely didn't sign 5 contract review sheets (B-5429-A (Rev. 5/22) today for pending contracts for agencies that received awards. The review sheet has been revised. I will forward over an email I sent to Youth Bureau and Ruby showing the policy and what it states. We all have been signing this in the past, and speaking for myself, I never knew why I was just told I had to sign there. Where I would sign, the policy specifically states that Fiscal Management is the one who signs there. I let Ruby know that I was uncomfortable signing because I am not Fiscal Management, so she started to sign them, but she was still having me put the other information in there (the description of the contract, amount of contract, etc). Legal ended up sending these specific contracts that I'm talking about today with different review sheets. She signed a few that had the revised sheet and brought me back the 5 with the other previous sheet. She tossed them on my desk and said you can sign them because they were old ones, that I had signed them before and walked out without considering my feeling nor wanted to hear anything. I wound up reaching out to Carrie Godfrey, (she is the person that creates forms). I spoke with her and explained about my concerns and she was going to respond back in an email to me and Ruby. So later in the day about an hour ago, I asked Ruby if she heard anything back because I hadn't. She said no. I had wanted to have a simple talk with her to explain why I didn't want to sign the 5 and she , it's hard to explain, gets defensive every time, and initiates a disagreement. I felt it was very childish for her to sign some and not others. What point is she trying to prove? This could cause a delay in getting them to Legal now, these were Primetime, there is a deadline coming soon. I had requested her to find out about these sheets prior and she didn't. Why was this up to me? I've tried to explain about her behavior towards me recently to you and others. This has been going on for about a year, that I've adjusted to working without guidance because I have none. I can't believe I have to complain like this. I never complain. Please hear me.

Miss Brockmyre, I included you because I reached out to the County EEO and they asked if I said my complaint through the chain. I really hope this can be resolved.

Respectfully,

--

Jennifer Longo | Principal Clerk
Erie County | Youth Services Division | Erie County Dept of Social Service
810 E Ferry St., | Buffalo, NY 14211
P:+1(716)923-4064 | F:+1(716)893-7929
Jennifer.Longo@erie.gov | <http://www.erie.gov>

From: Longo, Jennifer
Sent: Monday, September 25, 2023 12:15 PM
To: Jain, Ruby <Raveela.Jain@erie.gov>; Simmons, Kenneth <Kenneth.Simmons@erie.gov>; Brockmyre, Mary Ellen <Mary.Brockmyre@erie.gov>; 'Cannon, Marie (DFA)' <marie.cannon2@dfa.state.ny.us>
Subject: RE: Accident

Ruby,

Thank you again for not answering my request with a simple yes or no, and @ 11:54. Also, there was no need to include, Miss Brockmyre, below she said she is no longer involved. Obviously, I'm sorry I think you're a terrible Supervisor. No more listening and understanding. It is no longer an option for you. It's a game with you on how many points you score. You have become inhumane; which unfortunately makes others happy with. Have I not been seen as trying harder than I ever have. If I had a police report would that have made a difference. All for three minutes. I think about my dedication to you, to this department, why. A rare occurrence, shame on you for saying that, it's the truth. I appreciate your fairness and understanding. I'm glad I didn't report for duty in those 3 minutes, because it could have been me in that accident. I guess there's a good and an evil in everything.

Thank you again.

--
Jennifer Longo | Principal Clerk
Erie County | Youth Services Division | Erie County Dept of Social Service
810 E Ferry St., | Buffalo, NY 14211
P:+1(716)923-4064 | F:+1(716)893-7929
Jennifer.Longo@erie.gov | <http://www.erie.gov>

From: Jain, Ruby <Raveela.Jain@erie.gov>
Sent: Monday, September 25, 2023 11:54 AM
To: Longo, Jennifer <Jennifer.Longo@erie.gov>; Simmons, Kenneth <Kenneth.Simmons@erie.gov>; Brockmyre, Mary Ellen <Mary.Brockmyre@erie.gov>
Subject: RE: Accident

Hello Jennifer,

Thank you for reaching out. I do appreciate that you are abiding by the Erie County Time and Attendance policy.

I also appreciate your work and if there are times that you had to stay over within the last 2 pay periods, you are able to still submit in ESS for approval. Further, we can discuss workload and schedule overtime if needed. There are situations where things happen, which may cause us to be unable to report for duty when expected and in a timely manner, but, those situations should be a rare occurrence, not routine. Life happens. We all understand that and Murphy's Law is no stranger to many of us. But, when all is said and done, we have an obligation and responsibility to report for duty as expected; ready, willing and able to work. Let me know if a change in work schedule to 9 a.m. – 5 p.m. would be helpful. Thank you.

--
Ruby Jain | Chief Financial Record Services
Erie County | Youth Services Division
810 E Ferry St., | Buffalo, NY 14211
P:+1(716)923-4047 | F:+1(716)893-7929
Raveela.Jain@erie.gov | <http://www.erie.gov>

From: Longo, Jennifer <Jennifer.Longo@erie.gov>
Sent: Monday, September 25, 2023 10:44 AM
To: Simmons, Kenneth <Kenneth.Simmons@erie.gov>
Cc: Jain, Ruby <Raveela.Jain@erie.gov>
Subject: FW: Accident

Hi Deputy Simmons,

I didn't know you were back today. I know you have more important things to do, but when you have a chance can you please see below my request to Ruby that has gone unanswered. I'd appreciate it. Please advise after. Thank you

--
Jennifer Longo | Principal Clerk
Erie County | Youth Services Division | Erie County Dept of Social Service
810 E Ferry St., | Buffalo, NY 14211
P:+1(716)923-4064 | F:+1(716)893-7929

Jennifer.Longo@erie.gov | <http://www.erie.gov>

From: Brockmyre, Mary Ellen <Mary.Brockmyre@erie.gov>
Sent: Monday, September 25, 2023 10:24 AM
To: Longo, Jennifer <Jennifer.Longo@erie.gov>
Cc: Jain, Ruby <Raveela.Jain@erie.gov>
Subject: RE: Accident

Correct, I am no longer in it.

--
Mary Ellen Brockmyre | Second Deputy Commissioner-Social Services
Erie County | Department of Social Services
95 Franklin St., Room 860 | Buffalo, NY 14202
P:+1(716)858-6709 | F:+1(716)858-8812
Mary.Brockmyre@erie.gov | <http://www.erie.gov>

From: Longo, Jennifer
Sent: Monday, September 25, 2023 10:23 AM
To: Brockmyre, Mary Ellen <Mary.Brockmyre@erie.gov>
Cc: Jain, Ruby <Raveela.Jain@erie.gov>
Subject: RE: Accident

Miss Brockmyre,

Kenny wasn't in when I arrived. At least I didn't see him. I didn't say anything about being violated. I'm saying my Supervisor didn't respond to my request but was answering other emails. A simple yes or no would have sufficed, but she clearly didn't want to answer, thus me sending it to you. Can you please clarify the chain of command. You are no longer in it? Please advise.

--
Jennifer Longo | Principal Clerk
Erie County | Youth Services Division | Erie County Dept of Social Service
810 E Ferry St., | Buffalo, NY 14211
P:+1(716)923-4064 | F:+1(716)893-7929
Jennifer.Longo@erie.gov | <http://www.erie.gov>

From: Brockmyre, Mary Ellen <Mary.Brockmyre@erie.gov>
Sent: Monday, September 25, 2023 10:18 AM
To: Longo, Jennifer <Jennifer.Longo@erie.gov>
Cc: Jain, Ruby <Raveela.Jain@erie.gov>
Subject: RE: Accident

Hi Jen. I believe Kenny is back and Marie Cannon is next in chain of command.

Perhaps you should talk to youth union rep if you believe your rights are being violated.

--
Mary Ellen Brockmyre | Second Deputy Commissioner-Social Services
Erie County | Department of Social Services
95 Franklin St., Room 860 | Buffalo, NY 14202
P:+1(716)858-6709 | F:+1(716)858-8812
Mary.Brockmyre@erie.gov | <http://www.erie.gov>

From: Longo, Jennifer
Sent: Monday, September 25, 2023 10:13 AM
To: Brockmyre, Mary Ellen <Mary.Brockmyre@erie.gov>
Cc: Jain, Ruby <Raveela.Jain@erie.gov>
Subject: FW: Accident

Miss Brockmyre,

I am sending you this as next in the chain of command. Deputy Simmons is still out. Ruby looked at this message @ 9:10 and has yet to respond; not sure why, but responded to other emails from me. The below is the email I sent to request to Ruby to use 3 minutes comp time. I have been late two times since our discussion in July, which I have taken it seriously.

9/11 -1 minute I didn't want to drop the dish I made for Cynthia's birthday and was off by 35 seconds. AND stayed 24

minutes over without claiming because I couldn't because I didn't work a full day.

9/18 – 4 minutes, legitimate took a different route; got stuck, but didn't put time in

If you look at my time you can see the minutes I stay over. I'm not negating the late, but this is what I do all the time, and I never put in for overtime.

20 minutes in July

45 minutes in August

12 minutes in September

This is a huge contract time for me between reviewing all the Primetime claims coming in, the 2023 YDP end of year claims, and setting up the new 2024 YDP. I will likely be putting in a bunch of extra time.

I'm simply asking for is 3 minutes due to an accident. I was hoping for an immediate response from Ruby, but I sense I'm not getting one by now, why? Can you please approve of this?

--
Jennifer Longo | Principal Clerk
Erie County | Youth Services Division | Erie County Dept of Social Service
810 E Ferry St., | Buffalo, NY 14211
P: +1(716)923-4064 | F: +1(716)893-7929
Jennifer.Longo@erie.gov | <http://www.erie.gov>

From: Longo, Jennifer
Sent: Monday, September 25, 2023 9:06 AM
To: Jain, Ruby <Raveela.Jain@erie.gov>
Subject: Accident

Ruby,

I was perfectly on time today, but was delayed due to a car accident on all corners of Amherst street, parker @ main with no way to turn around. You tell me not to call in, I wasn't delayed too much and I arrived @ 8:38. Can I please put in for 3 minutes comp time for this? Please let me know.

--
Jennifer Longo | Principal Clerk
Erie County | Youth Services Division | Erie County Dept of Social Service
810 E Ferry St., | Buffalo, NY 14211
P: +1(716)923-4064 | F: +1(716)893-7929Ruby,
Jennifer.Longo@erie.gov | <http://www.erie.gov>

Declaration

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice. (If you have another action pending and still wish to file, please contact our office to discuss.)

Please initial:

RJ

I affirm under penalties of perjury, that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and know the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believe the same to be true.

RJ

Enter today's date.

10/06/2023



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

October 26, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

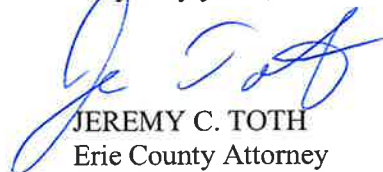
Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>King, Annette v. County of Erie, Jim Moran</i>
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Annette Y. King 730 La Salle Avenue Buffalo, New York 14215
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,



JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

ANNETTE Y. KING,

Complainant,

v.

COUNTY OF ERIE, JIM MORAN,

Respondents.

COMPLAINT

Pursuant to Executive Law,
Article 15

Case No.

10229753

I, Annette Y. King, residing at 730 Lasalle Ave., Buffalo, NY, 14215, charge the above-named respondents, whose address is Attn: Jeremy C. Toth, Esq.

First Assistant County Attorney

95 Franklin St., Rm. 1634, Buffalo, NY, 14202 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of opposed discrimination/retaliation.

Date most recent or continuing discrimination took place is 7/10/2023.

The allegations are:

SEE ATTACHED

Based on the foregoing, I charge respondents with an unlawful discriminatory practice relating to employment because of opposed discrimination/retaliation, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

OCT 06 2023

New York State Division of Human Rights
Employment Complaint Form

NYS DHR BUFFALO
REGIONAL OFFICE

Although workers, interns and volunteers of all ages are protected, you must be 18 years or older to file a complaint. A parent, guardian or other person having legal authority to act in the minor's interests must file on behalf of a person under the age of 18.

1. Your contact information:			
First Name	Annette	Middle Initial/Name	Y
Last Name	King		
Street Address/ PO Box	730 Lasalle Ave	Apt or Floor #:	
City	Bu falo	State	NY
		Zip Code	14215
If you are filing on behalf of another, provide the name of that person:	Date of birth:	Relationship:	
	10/9/64	Self	
2. Regulated Areas: Check the area where the discrimination occurred: (If you wish to file against multiple entities, for example employer and temp agency, please file a separate complaint against each.)			
<input checked="" type="checkbox"/> Employment (including paid internship)		<input type="checkbox"/> by a Labor Organization	
<input type="checkbox"/> Internship (unpaid)		<input type="checkbox"/> Apprentice Training	
<input type="checkbox"/> Contract Work (independent contractor, or work for a contractor)		<input type="checkbox"/> by a Temp or Employment Agency	
<input type="checkbox"/> Volunteer Position		<input type="checkbox"/> Licensing	
3. You are filing a complaint against:			
Employer, Worksite, Agency or Union Name			
Erie County			
Street Address/ PO Box			
95 Franklin Street			
City	Bu falo	State	NY
		Zip Code	14202
Telephone Number: 858-8000			
In what county or borough did the violation take place?			
Erie			
Individual people who discriminated against you:			
Name:	Jim Moran	Title:	Supervisor
Name:	Tracy Jcichocki	Title:	
If you need more space, please list them on a separate piece of paper.			
4. Date of alleged discrimination (must be within one year of filing):			
The most recent act of discrimination happened on:			
	7	10	23
	month	day	year
5. For employment and internships, how many employees does this company have?			
<input type="checkbox"/> 1-14 <input type="checkbox"/> 15-19 <input type="checkbox"/> 20 or more <input type="checkbox"/> Don't know			

6. Are you currently working for this company?	
<input type="checkbox"/> Yes. Date of hire: _____ month day year	What is your position?
<input checked="" type="checkbox"/> No. Last day of work: <u>9</u> / <u>7</u> / <u>23</u> month day year	What was your position? <i>labor</i>
<input type="checkbox"/> I was never hired. Date of application: _____ month day year	What position did you apply for?

7. Basis of alleged discrimination:
Check **ONLY** the boxes that you believe were the reasons for discrimination, and fill in specifics only for those reasons. Please look at page 2 of "Instructions" for an explanation of each type of discrimination.

<input type="checkbox"/> Age: Date of Birth: _____	<input type="checkbox"/> Familial Status:
<input type="checkbox"/> Arrest Record	<input type="checkbox"/> Military Status: <input type="checkbox"/> Active Duty <input type="checkbox"/> Reserves <input type="checkbox"/> Veteran
<input type="checkbox"/> Conviction Record	<input type="checkbox"/> Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed
<input type="checkbox"/> Creed/ Religion: Please specify: _____	<input type="checkbox"/> National Origin: Please specify: _____
<input type="checkbox"/> Disability: Please specify: _____	<input type="checkbox"/> Predisposing Genetic Characteristic:
<input type="checkbox"/> Domestic Violence Victim Status	<input type="checkbox"/> Pregnancy-Related Condition: Please specify: _____
<input type="checkbox"/> Gender Identity or Expression, Including the Status of Being Transgender	<input type="checkbox"/> Sexual Orientation: Please specify: _____
<input type="checkbox"/> Race/Color or Ethnicity: Please specify: _____ <input type="checkbox"/> Trait historically associated with race such as hair texture or hairstyle	<input type="checkbox"/> Sex: Please specify: _____ Specify if the discrimination involved: <input type="checkbox"/> Pregnancy <input type="checkbox"/> Sexual Harassment
<input type="checkbox"/> Use of Guide Dog, Hearing Dog, or Service Dog	

If you believe you were treated differently after you filed or helped someone file a discrimination complaint, participated as a witness to a discrimination complaint, or opposed or reported discrimination due to any category above, check below:

Retaliation: How did you oppose discrimination: *Put Complaint in e Staff Erie County on Health Floor*

If you believe you were discriminated against because of your relationship or association with a member or members of a protected category listed above, indicate the relevant category(ies) above, and check below.

Relationship or association

8. Acts of alleged discrimination: What did the person/company you are complaining against do? Check all that apply

<input type="checkbox"/> Refused to hire me	<input checked="" type="checkbox"/> Gave me a disciplinary notice or negative performance review	<input type="checkbox"/> Denied my request for an accommodation for my disability, or pregnancy-related condition	<input type="checkbox"/> Sexual harassment
<input checked="" type="checkbox"/> Fired me/laid me off	<input type="checkbox"/> Suspended me	<input type="checkbox"/> Denied me an accommodation for domestic violence	<input type="checkbox"/> Harassed or intimidated me on any basis indicated above
<input type="checkbox"/> Demoted me	<input type="checkbox"/> Did not call back after lay-off	<input type="checkbox"/> Denied me an accommodation for my religious practices	<input type="checkbox"/> Denied services or treated differently by a temp or employment agency
<input type="checkbox"/> Denied me promotion/ pay raise	<input type="checkbox"/> Paid me a lower salary than other co-workers doing the same job	<input type="checkbox"/> Denied me leave time or other benefits	<input type="checkbox"/> Denied a license by a licensing agency
<input type="checkbox"/> Denied me training	<input type="checkbox"/> Gave me different or worse job duties than other workers doing the same job	<input type="checkbox"/> Discriminatory advertisement or inquiry or job application	<input type="checkbox"/> Other: <i>would come in early and only ask about my work</i>

9. Description of alleged discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory. TYPE OR PRINT CLEARLY.

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. DO NOT WRITE IN THE MARGINS OR ON THE BACK OF THIS FORM.

Annette King

I went into work and notice that the sink would be dirty and toilets & sometimes garbage would that be changed plates were dirty this had been going on for months I started sending pictures to the head labor Jessica and she would send the pictures to Jim Moran which was the second shift supervisor around April 2023 I noticed they would not only not replace toilet paper they would open the dispenser and take the empty cardboard out and not fill it I was told by Jessica she heard that Jim Moran told second shift they did not have to change toilet paper or paper towels I think Moran took of personal me reporting & sending pictures of the things his staff was not doing I would be off on Friday come in on Monday and it would seem like some of bathrooms & gym would

Unmet's Day

Be untraced garbage Sometimes half full
the head labor Jessica went to Tracy to
set up a meeting with him to address
the things that was brought to Moran
attention but was not being address.

Tracy stated he would set up an meeting
when everyone could address there concerns
but wanted Moran to be there so he
could not deny a crime had take on what
was being said the meeting never took
place then Moran stated singling me out
coming in early asking the head labor
about my work and only asking about
me no other staff I started noticing
toilet paper missing out of Stales paper
towels I know I had filled the day before
gone I mentioned this to the head labor
I think Moran was taking toilet paper +
paper towels out my bathrooms on some of
my floors I was ~~had~~ mentioned this to another
country employee + was told he had done

3
This is another employee on June 27, 2013
Moran came in early & said he checked my
bathroom & said there was an empty
toilet paper in one of the stalls pieces of
toilet paper on the floor I know that for
a fact when I left out from doing my
rounds there was no paper on the
floor and no empty toilet paper in
any stalls once I leave out the
bathroom I have no control over
what the staff do I do my checks
throughout the day I made sure
my bathrooms were cleaned and
presentable for the staff and
never had an complaint I spoke
with Tracy that I felt like
Moran was singling me out
Tracy said he would have a
conversation with Moran he
then went on to say unfortunately
Moran and another supervisor would be

Arnetta King

Alternating days commencing in on day
 Shift until they found a day
 Supervisor then on 7/10 morning call
 me to meet with him to write me up
 for my time and work performance said
 I had too many unauthorized time and
 late and empty toilet paper & pieces
 of paper on floor he ask the head
 labor Jessica to put in on him giving
 me the write up she said she told him
 no she did not feel comfortable because
 she felt like he was singling me out he
 had two of his staff from second
 shift to put in with him Brian the
 second shift supervisor & another staff
 there was no union rep I did not
 sign the write up he knows he lied
 about my work performance unauthorized
 leave I would put in for time off a day or
 leave one two hrs early for an appt. I was
 responsible for doing my own fragrance

Contracting

I had to put in my own time. You had to go in and change your time after you was approved to take the time off by Tracy. Sometimes it would not take the time from which would have me to have unauthorized time showing even though I was approved for the time which would make my check short I was told that I would have a class to show me how to put my time in never had a class in how to do my payroll or put in things that was required of me to do properly what I know about the payroll was shown from an ~~ex~~ worker that had never had a class to tell and the system on how to do your payroll it was changed again 5 to 6 months ago and was not told or shown how to the new system work for that either logged in and had to figure that out as well and the system they have in place

Annette King

If you have an asset and don't have time to cover it, it's going to show up as unauthorized time because you have no time to cover it. I have worked in the Pata building since Feb 21/21 and never had an complete or problem with my work performance. I came to work everyday ready and willing and able to do my job. I been with the County for 27 years on 9/8/23. Tracy called me and said he had to let me go because they could not extend my probation and I had passed the 26 week of probation and they could not extend it pass the 26 week and I did not pass probation due to my work performance.

Annex to King

7

I also reported my concerns of discrimination to the staff on the 9th Floor in the Park Building. I was told by a day Supervisor ~~in a~~ Tony who is over people for Social Services that Tracy said he was throwing out the write from Moran about my work performance needless to say I was confused when he called and picked me on what I was told he said he was throwing that out. I also mention my concerns to the Union. Rich Canarie was told to not say anything not to report Second Shift till after I pass probation. Thomas told me I should mind my own business and not to worry about Second Shift do that's up to him. Moran was also under investigation he had numerous complaints him in which people had been being interviewed about the harassment they

2
were getting from Moran I hear
he was given two week suspension
had to sign a last chance because
this has been going on for years
with him harassing and being
discriminatory towards employees
and getting away with it I hear
they have moved him to day
shift and put him in another building

Signature (Declaration or Oath)

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

By filing this complaint, I understand that I am also filing my employment complaint with the United States Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment). This complaint will protect my rights under federal law.

I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice. (If you have another action pending and still wish to file, please contact our office to discuss.)

PLEASE INITIAL PL

Human Rights Law § 297.1 requires that a complaint filed with the Division of Human Rights must be "under oath or by declaration." **You must complete either the "declaration" or "oath" sections below.** The declaration requires only your signature and does not need to be notarized. The oath requires that you sign it before a notary.

DECLARATION

I affirm this 3 day of 10 (month), 23 (year) at Buffalo (city), NY (state), under penalties of perjury, that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and know the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believe the same to be true.

Annette King
[Complainant name]

OATH

STATE OF NEW YORK)
COUNTY OF) SS:

_____ being duly sworn, deposes and says: that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and knows the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believes the same to be true.

Complainant signature

Subscribed and sworn to
before me this day
of , 20

Signature of Notary Public

Please note: Once this form is completed and returned to the New York State Division of Human Rights, it becomes a legal document and an official complaint with the Division.



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

November 13, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Morris, David v. County of Erie, Sheriff Garcia, John Doe(s)</i>
Document Received:	Notice of Claim
Name of Claimant:	David Morris 64 Hawley Street Buffalo, New York 14213
Claimant's attorney:	Richard G. Abbott, Esq. Pusatier, Sherman, Abbott & Sugarman, LLP 2464 Elmwood Avenue Kenmore, New York 14217

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

**STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE**

**IN THE MATTER OF THE CLAIM
OF DAVID MORRIS**

NOTICE OF CLAIM

AGAINST

ERIE COUNTY,

**SHERIFF JOHN C. GARCIA, in his Official
and Individual Capacity as Sheriff of Erie
County, and**

**JOHN DOE(s) (said Erie County supervisor(s)
and/or Erie County Sheriff Department
supervisor(s) or employee(s) or staff
on Duty involved in the incident on August
6, 2023 and underlying claims),**

TO: THE COUNTY OF ERIE, SHERIFF JOHN C. GARCIA, and JOHN DOE

PLEASE TAKE NOTICE that DAVID MORRIS hereby claims and demands from THE COUNTY OF ERIE, SHERIFF JOHN C. GARCIA, and JOHN DOE damages for personal injury sustained by him by reason of the wrongful, negligent and careless acts or omissions of THE COUNTY OF ERIE its agents, servants or employees and in support thereof Claimant states:

1. The post office address of the Claimant is 62 Hawley St., Buffalo, New York 14213.
2. The name and post office address and telephone of Claimant's attorney is PUSATIER, SHERMAN, ABBOTT & SUGARMAN, Richard G. Abbott, Esq., 2464

Elmwood Avenue, Kenmore, New York, 14217-2292; telephone number (716) 873-6765.

3. The Nature of the Claim is negligence. The Claimant was an inmate at the Erie County Holding Center on August 6, 2023. The Claimant was in a recreational room when another inmate, Adam Bennefield, attacked him, stabbing him twice with a weapon and kicking him in the head causing him to sustain injuries. The negligence of the County of Erie, Sheriff Garcia, and John Doe includes but is not limited to allowing a violent offender awaiting trial for murder charges to be in general population, allowing inmate, Adam Bennefield, to have a weapon, the Erie County Sheriff's deputy on staff not intervening despite being in close proximity to the Claimant and Adam Bennefield and being otherwise careless and negligent.

4. The time when and the place where the claim arose was on August 6, 2023 at approximately 9:00 a. m. at Erie County Holding Center, 40 Delaware Ave., Buffalo, New York 14174-1064.

5. The Claimant sustained a broken jaw, a laceration of his scalp, and neck and shoulder injuries.

6. The Claimant's items of damage include past and future pain and suffering, loss of enjoyment of life, past and future medical expenses, loss of earnings for past and future loss of earnings.

WHEREFORE, the Claimant respectfully requests that his claim be allowed and paid by the said COUNTY OF ERIE, SHERIFF JOHN C. GARCIA, and JOHN DOE.

DATED: October 27, 2023



DAVID MORRIS



Richard G. Abbott, Esq.
PUSATIER, SHERMAN, ABBOTT & SUGARMAN
Attorney for Claimant
2464 Elmwood Avenue
Kenmore, NY 14217-2292
(716) 873-6765

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

DAVID MORRIS, being duly sworn, deposes and says that deponent is the Claimant in the within action; that deponent has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to these matters deponent believe it to be true.



DAVID MORRIS

STATE OF NEW YORK)
COUNTY OF ERIE): ss.

On the 27th day of October, in the year 2023, before me, the undersigned, personally appeared DAVID MORRIS personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity(ies), and that he executed the same in his capacity(ies), and that by his signature(s) on the instrument, or the person upon behalf of which the individual(s) acted, executed the instrument.



Notary Public

MICHAEL D. FLESSA
Notary Public, State of New York
No. 02FL6432881
Qualified in Erie County
My Commission Expires May 8, 2026



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

November 15, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Wiles, David M. v. County of Erie and Sandra Neubert</i>
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	David M. Wiles 11 Marion Road Buffalo, New York 14226
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

DAVID M. WILES,

Complainant,

v.

COUNTY OF ERIE, SANDRA NEUBERT,

Respondents.

COMPLAINT

Pursuant to Executive Law,
Article 15

Case No.

10230435

Federal Charge No. 16GC400593

I, David M. Wiles, residing at 11 Marion Road, Buffalo, NY, 14226, charge the above named respondents, whose address is Attn: Jeremy C. Toth, Esq.
First Assistant County Attorney
95 Franklin St., Rm. 1634, Buffalo, NY, 14202 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of sex, gender identity or expression.

Date most recent or continuing discrimination took place is 1/28/2023.

The allegations are:

SEE ATTACHED

Based on the foregoing, I charge respondents with an unlawful discriminatory practice relating to employment because of sex, gender identity or expression, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

I also charge the above-named respondents with violating Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex relating to employment). I hereby authorize SDHR to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission (EEOC) subject to the statutory limitations contained in the aforementioned law(s).



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

November 21, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

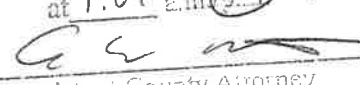
File Name:	<i>Elmalik, Wisam, MD by Dalia Eltoun, as Guardian, v. Town of Orchard Park, County of Erie and Erie County Water Authority</i>
Document Received:	Notice of Claim
Name of Claimant:	Dalia M. Eltoun as Guardian for Wisam E. Elmalik, M.D. 3428 Loch Ridge Drive Birmingham, Alabama 35216
Claimant's attorney:	Arienne J. Irving, Esq. William Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, New York 14221

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

This paper received at the
Erie County Attorney's Office
from Manire Geising on
the 1st day of November 2023
at 1:01 a.m. (P.M.)

Assistant County Attorney

IN THE MATTER OF THE CLAIM OF:

**DALIA M. ELTOUM Individually and as Guardian
for WISAM E. ELMALIK, M.D.**
5660 South Park Avenue, Apt. 220
Hamburg, New York 14075

Claimants,

-against-

NOTICE OF CLAIM

TOWN OF ORCHARD PARK
4295 South Buffalo Street
Orchard Park, New York 14127

COUNTY OF ERIE
Attention County Attorney
95 Franklin Street, Room 1634
Buffalo, New York 14202

ERIE COUNTY WATER AUTHORITY
350 Ellicott Square Building
Buffalo, New York 14203

Respondents.

PLEASE TAKE NOTICE that **Dalia M. Eltoun Individually and as Guardian**
for Wisam E. Elmalik, M.D. hereby makes claim against the **Town of Orchard Park, County of**
Erie and Erie County Water Authority and in support thereof Claimant alleges:

1. The name of the Claimants are Dalia M. Eltoun and Wisam E. Elmalik, M.D..
Ms. Eltoun resides at 3428 Loch Ridge Drive, Birmingham, Alabama 35216 and Wisam E. Elmalik

resides at 5660 South Park Avenue, Apt. 220, Hamburg, New York 14075. The attorneys for the Claimants are William Mattar, P.C., 6720 Main Street, Williamsville, NY 14221-5986.

2. The nature of the Claim is one to recover damages for personal injuries and conscious pain and suffering, change of lifestyle, loss of enjoyment of life, general and special damages, lost income, medical expenses and property damage and all other damages allowed by law resulting from the injuries suffered by the Claimant, Dr. Wisam E. Elmalik, as a result of the negligence of the Town of Orchard Park, County of Erie and Erie County Water Authority in the design, control, maintenance and safety of public roads.

3. The incident which forms the basis of the claim herein occurred at 5132 S. Freeman Road, which is near its intersection with Independence Drive, on August 27, 2023 at approximately 11:27am in the Town of Orchard Park, County of Erie and the State of New York. On that date and at that time, the Claimant Dr. Wisam E. Elmalik was operating a bicycle on South Freeman Road in the Town of Orchard Park and County of Erie. As Dr. Elmalik was riding his bicycle on the shoulder of the roadway he hit two (2) metal water access grates causing him to lose control of his bicycle. A copy of the Town of Orchard Park Police report is attached hereto as **Exhibit A**. The grates on the roadway were not marked and were below the grade of the roadway. Photographs of the grates are attached hereto as **Exhibit B**. The location and lack of notice of the grates caused a hazardous condition that injured Dr. Elmalik grievously.

4. That as a result of the foregoing, the Claimant Wisam E. Elmalik sustained very serious and substantial injuries, including a fractured skull, brain bleed, a traumatic brain injury, unconsciousness and several lacerations. Dr. Elmalik was placed into a medically induced coma for

several weeks, and underwent several surgical procedures on his brain. Dr. Elmalik remains hospitalized and in a vegetative state at present. These injuries may be of a permanent or indefinite duration, and the Claimant Wisam E. Elmalik has been and may be forced to expend sums of money for hospitals, doctors, and other medically related expenses. Other injuries will be disclosed as revealed through diagnosis by treating physicians and other medical personnel.


5. Also as a result of the foregoing, Dalia M. Eltoun, Dr. Elmalik's spouse and mother of his two young children, has lost Dr. Elmalik's financial and emotional support, companionship, and should Dr. Elmalik pass away, she and her children will claim wrongful death and any and all claims and damages that stem from such wrongful death.

6. That the said injuries were occasioned solely and wholly as a result of the negligence of the Town of Orchard Park, County of Erie and/or Erie County Water Authority, in their failure to correct and/or creation of an unsafe condition, and in the design, ownership, maintenance, safety, and management or lack thereof of their streets and water access points.

WHEREFORE, the Claimants Dalia M. Eltoun and Wisam E. Elmalik requests that this claim be allowed and paid by the Town of Orchard Park, County of Erie and Erie County Water Authority.

PLEASE TAKE FURTHER NOTICE, that unless said claim is adjusted and paid by the Town of Orchard Park, County of Erie and Erie County Water Authority within thirty (30) days from the date of service of the Notice of Claim, said Claimants intends to commence an action in the Supreme Court of the State of New York against the Respondents, seeking a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest, costs and disbursements.

DATED: Williamsville, New York
 October 31, 2023


WILLIAM MATTAR, P.C.
Arienne J. Irving, Esq.
Attorney for Claimants
Office and P.O. Address
6720 Main Street
Williamsville, NY 14221-5986
(716)633-3535

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

Dalia M. Eltoun Individually and as Guardian for Wisam E. Elmalik, M.D., being duly sworn, depose and say that she is the Claimant in this action; that she has read the foregoing Notice of Claim and know the contents thereof; that the same is true to the knowledge of deponents, except as to matters therein stated to be alleged on information and belief, and that as to those matters they believe them to be true.



Dalia M. Eltoun Individually and as
Guardian for Wisam E. Elmalik, M.D.

Sworn to before me this
31st day of October, 2023



Notary Public

ARIENNE J. IRVING
Notary Public, State of New York
Registration #021R6365753
Qualified In Erie County
Commission Expires Oct. 16, 2025



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

November 21, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Davis, Dylan v. City of Buffalo, County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Dylan A. Davis 89 Spaulding Avenue, Lower Buffalo, New York 14220
Claimant's attorney:	Vincent T. Parlato, Esq. 403 Main Street, Suite 727 Buffalo, New York 14203

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

STATE OF NEW YORK
COUNTY OF ERIE

In the Matter of the Claim of

DYLAN A. DAVIS,

Claimant,

-against-

CITY OF BUFFALO,
CITY OF BUFFALO POLICE DEPARTMENT,
CITY OF BUFFALO POLICE OFFICERS "JOHN DOES",
COUNTY OF ERIE,

Respondents.

TO: CITY OF BUFFALO, CORPORATION COUNSEL
65 Niagara Square, Suite 1101
Buffalo, New York 14202

ERIE COUNTY ATTORNEY
Department of Law, Edward A. Rath County Office Building
95 Franklin Street, Room 1634
Buffalo, New York 14202

NOTICE OF CLAIM

Please take Notice that Claimant, DYLAN A. DAVIS, does hereby make claim against the City of Buffalo ("City"), City of Buffalo Police Department ("BPD"), and City of Buffalo Police Officers "John Does," ("Officer Does") and in support of such claim, states the following:

1. Claimant, DYLAN A. DAVIS, resides at and maintains a post office address at 89 Spaulding Avenue, Lower Apartment, Buffalo, New York 14220.
2. Claimant's attorney is Vincent T. Parlato has an office and post-office address at 403 Main Street, Suite 727, Buffalo, New York 14203.

3. The nature of the claim concerns the City, BPD, and Officer Does' individual and collective failure/s to install, maintain, control, design, traffic control signals, street marking, road markings, yellow lines, traffic control devices, stop signs, to keep in adequately safe condition and repair the road marking, signs, devices, and controls.

4. The nature of the claim further involves the City, BPD, and Officer Does negligence, carelessness, recklessness, and deliberate indifference to Claimant's well-being and need of emergency medical care and treatment at the scene of the accident.

5. At all times relevant, Claimant, Dylan A. Davis was the registered owner of a 2007 Honda motorbike bearing license plate number 480AX4 .

6. Respondent, City of Buffalo is a municipal corporation created and existing under the laws of New York State.

7. Respondent, BPD is an administrative arm and law enforcement agency operating and existing under the City.

8. Officer John Does are employees in the employee of the City and or BPD and were present on July 14, 2023 at the scene of the accident and/or the vicinity of the subject motor vehicle accident.

9. Respondent, County of Erie is a municipal corporation created and existing under the laws of New York State.

10. As to the time, place, and manner in which the claim arose, the accident occurred at or near the intersection of Bailey Avenue and Shirley Avenue in the City of Buffalo, New York, on July 14, 2023, in the roadway, highway, street, between 9:00 p.m. and 11:00 p.m.

11. Claimant, on the aforesaid time, date, and place, was lawfully operating his motorbike southbound on Bailey Avenue (traveling in the direction of Genesee Street, and away from the Town of Amherst), at around 9:00 p.m. or shortly thereafter, when he proceeded to attempt to make a left-hand turn from Bailey Avenue to Shirley Avenue.

12. Claimant was lawfully and duly stopped in the southbound lane on Bailey Avenue, waiting to make a left-hand turn while oncoming traffic northbound on Bailey Avenue proceeded which prevented Claimant from executing the turn.

13. The intersection of Bailey Avenue and Shirley Avenue is fairly depicted in this Google Images street-view "image capture" taken in July of 2023 (the same month as the subject accident):



14. Claimant was rear-ended and struck by one or more vehicles, including but not limited to, by a 2017 Ford Explorer operated by, upon information and belief, Patricia McCrayer-Martin residing at 281 Olympic Avenue, Buffalo, New York 14215.

15. Upon information and belief, before, during, and after the collision resulting in Claimant being struck by a motor vehicle while on his motorbike, one or more BPD

Police Officers, Officers Does, were parked in BPD patrol cars, or otherwise present and on duty in and around Bailey Avenue and witnessed or otherwise became aware of the collision and negligently, carelessly, recklessly, and with deliberate indifference failed to timely render aid, call for emergency medical assistance, and communicate the urgent need for medical care and treatment

16. As a consequence of the collision, and Respondents' individual and collective failures, Claimant was caused to suffer serious and permanent injuries, including but not limited to conscious pain and suffering, emotional anguish and distress, loss of income, and loss of enjoyment of life associated with the fracture, rupture, tearing, severance, amputation, and loss of his left leg, fractured left arm, shock to his nervous system, and other serious personal injuries still presently being ascertained.

17. As a consequence of the City, BPD, Officer Does, and the County's negligence, careless, reckless, and deliberate indifference to Claimant's well being at the scene of the accident, Claimant was caused to suffer prolongedly and unnecessary, and to sustain further injuries otherwise avoidable.

18. Upon information and belief, had the City, BPD, and Officer Does timely and promptly summoned emergent medical care and treatment, Claimant's pain and suffering would have been minimized and Claimant would not have lost his left leg.

19. Upon information and belief, due to the failures of the City, BPD, Officer Does, the County of Erie and the those in the control or employ of the Respondents, the roadway, highway, street, curb, and areas including and adjacent to the street at the intersection of Bailey Avenue and Shirley Avenue were not maintained to provide clear road and lane markings for traffic, including but not limited to lane markings, intersection

markings, two-way traffic markings, yield markings, white and yellow lines, and other markings that had deteriorated to the point of invisibility or near invisibility on the date of the accident, July 14, 2023 at or about 9:00 p.m. Upon information and belief, the deterioration of the roadway and aforesaid defects existed for such a great length of time as to provide actual and/or constructive notice to the Respondents, and Respondents created and controlled the said defects and hazardous conditions. Further, on the date of the accident, the intersection at Bailey Avenue and Shirley Avenue was inadequately regulated and inadequately controlled by the City, BPF, Officer Does, and the County due to the absence of, including but not limited to, traffic control signals, stop signs, and traffic lights, and these failures caused and contributed to the collision.

20. Upon information and belief, Claimant will continue to incur significant expense for his continuing care and treatment and loss of income.

21. The items of damage to Claimant include that he sustained serious injuries to his left leg, left arm, sustained great pain and suffering and shock to his nervous system, was caused to and did seek medical care and treatment, including multiple surgeries to his left leg, suffered severe emotional distress, and will continue to suffer emotional distress on account of the incident involving Respondents' failures, has incurred great expenses on account of these injuries, and Claimant's damages and injuries are ongoing and continuing.

22. For these reasons, Claimant demands Respondents adjust and pay this Claim forthwith.

Dated: October 10, 2023

VINCENT T. PARLATO, ESQ.

Attorney for Claimant

By: 
Vincent T. Parlato, Esq.
403 Main Street, Suite 727
Buffalo, New York 14203
(716) 430-8858
vincent.parlato@buffalonylegal.com

VERIFICATION

State of New York)
City of Buffalo)ss.:
County of Erie)

DYLAN A. DAVIS, being duly sworn, deposes and says that I have read the foregoing Notice of Claim and know the contents thereof; that the same is true to the knowledge of deponent, except as to the matters therein stated to be alleged upon information and belief, and as to those matters, I am informed and believe them to be true.


DYLAN A. DAVIS

Sworn to before me this
11th day of October 2023.


(NOTARY PUBLIC)

NICHOLAS J. TEXIDO, ESQ.
NOTARY PUBLIC - STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES ON 5/15/2027
REG # 02TE0007631



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

November 21, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>General Casualty Company of Wisconsin, as Subrogee of EOS Property & Asset Management, et al. v. County of Erie and Erie County Medical Center Corporation</i>
Document Received:	Notice of Claim
Name of Claimant:	General Casualty Company of Wisconsin
Claimant's attorney:	Christopher Konzelmann, Esq. White and Williams LLP 1650 Market Street One Liberty Place, Suite 1800 Philadelphia, Pennsylvania 19103-7395

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.



Christopher Konzelmann

1650 Market Street | One Liberty Place, Suite 1800 | Philadelphia, PA 19103-7395
Direct 215.864.6334 | Fax 215.789.7636
konzelmannc@whiteandwilliams.com | whiteandwilliams.com

RECEIVED
SEP 18 2023
ERIE COUNTY
DEPARTMENT OF LAW

September 14, 2023

Via Certified Mail - Return Receipt Requested

County of Erie
Department of Law
Attn: Property Damage Department
95 Franklin Street, Room 1634
Buffalo, New York 14202

Erie County Medical Center Corporation
Office of General Counsel
462 Grider Street
Buffalo, NY 14215

**RE: Notice of Legal Claim Arising from fire at
1431-1484 Kensington Avenue, Buffalo, New York**

Dear Sir or Madam:

In accordance with NY Gen. Mun. §50-E, I write to provide formal notice of a potential claim against Erie County and the Erie County Medical Center Corporation arising from the August 5, 2023 fire at 1461 Kensington Avenue, Buffalo, New York.

I. The name and post office address of the claimant, and his/her attorney if any

General Casualty Company of Wisconsin as subrogee of EOS Property & Asset Management, Cleve Hill Realty LLC, and all other entities that receive benefits, directly or indirectly, under policy number CFE1402608. The company's address is One QBE Way, Sun Prairie, Wisconsin 53596.

Counsel for General Casualty Company of Wisconsin is Christopher Konzelmann, White and Williams LLP, 1650 Market Street, One Liberty Place, 18th Floor, Philadelphia, Pennsylvania 19103.

II. Nature of the claim

Erie County Medical Center Corporation (ECMCC) leases space at the Cleve Hill Plaza, 1431-1485 Kensington Avenue, Buffalo, New York. The original lease is dated January 22, 1996. There was a first amendment to the lease dated January 17, 1998, a second amendment to the lease dated March 1, 2004, a third amendment to the lease dated September 30, 2005, a fourth amendment to the lease dated July 17,

2014, a fifth amendment to the lease dated February 23, 2016, a sixth amendment to the lease dated October 12, 2021 (identifying Cleve Hill Realty LLC as a successor-in-interest to S & V Associates, L.L.C.), and a seventh amendment to the lease dated October 18, 2022. On August 5, 2023, ECMC agent, servant, and/or employee La'Tyrse Anderson went to the building at approximately 1:10 p.m. She lit one or more candles in the building at approximately 2:00 p.m. and left the building at approximately 3:50 p.m.

The Buffalo Fire Department was dispatched to the building at 4:15 p.m. and arrived several minutes later to a fire inside the ECMC rental space. The fire caused considerable damage to the property and contents within. Cleve Hill Realty LLC submitted a claim to General Casualty Company of Wisconsin seeking policy benefits. General Casualty Company is investigating the claim and anticipates making significant payments to its insured.

Counsel placed ECMC on notice of potential claims arising from the fire by letter dated August 11, 2023. A joint site inspection took place on August 28, 29, and 30. ECMC representatives attended and participated in the site inspection. Preliminary investigation revealed that the actions and/or inactions of ECMC, through its agents, servants, and employees, including La'Tyrse Anderson, caused and/or contributed to the fire. Those actions and/or inactions include, but are not limited to: (a) allowing the use of candles in the building; (b) the use of a candle on the day of the fire; (c) failing to properly extinguish the candle; and (d) failing to properly protect and safeguard the building. General Casualty Company of Wisconsin therefore brings this claim against ECMC seeking to recover the money the company ultimately pays to its insured.

III. The time when, the place where, and the manner in which the claim arose

The fire was reported on August 5, 2023 at approximately 4:15 p.m. The fire originated in the ECMC rental space in the Cleve Hill Plaza in Buffalo, New York.

IV. The items damaged claim to have been sustained

The fire caused extensive flame, heat, smoke, and water damage to the building. It is anticipated that the insured will also incur mitigation expenses, extra expenses, and lost rent. The preliminary estimated loss is between \$2,000,000.00 and \$3,000,000.00.

Please advise whether you require any additional information.

Very truly yours,

WHITE AND WILLIAMS LLP



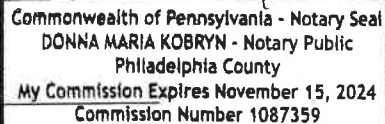
Christopher Konzelmann

SWORN AND SUBSCRIBED before me by Christopher Konzelmann, Esquire on behalf of General Casualty Company of Wisconsin as subrogee of EOS Property & Asset Management, Cleve Hill Realty LLC, and all other entities that receive benefits, directly or indirectly, under policy number CFE1402608 on this 14th day of September, 2023



Notary Public

My commission expires _____



c: John P. Freedenberg, Esq.,
Goldberg Segalla
665 Main Street
Buffalo, NY 14203-1425
Certified Mail, return receipt requested



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

November 21, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Curcio, Nicole v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Nicole Curcio 71 Hagen Avenue North Tonawanda, New York 14120
Claimant's attorney:	Blake Zaccagnino, Esq. Shaw & Shaw, P.C. 4819 South Park Avenue Hamburg, New York 14075

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

STATE OF NEW YORK

NICOLE CURCIO
71 Hagen Avenue
North Tonawanda, NY 14120

Claimant,

-vs-

NOTICE OF CLAIM

ERIE COUNTY AGRICULTURAL SOCIETY
5600 McKinley Parkway
Hamburg, NY 14075

BUFFALO TROTTING ASSOCIATION, INC.
5600 McKinley Parkway
Hamburg, NY 14075

STRATES SHOWS INC.
P.O. Box 174
Orlando, Florida 32802

SPORTSYSTEMS GAMING MANAGEMENT AT BUFFALO RACEWAY, LLC
c/o Cogency Global, Inc.
122 East 42nd Street, 18th Floor
New York, NY 10168

J. POTILLO ENTERPRISE, INC.
26313 Yalaha Road
Yalaha, Florida 34797

ERIE COUNTY WATER AUTHORITY
295 Main Street
Room 350
Buffalo, NY 14203

COUNTY OF ERIE
95 Franklin Street, Room 1634
Buffalo, NY 14202

ERIE COUNTY SEWER AUTHORITY
A DIVISION OF THE COUNTY OF ERIE
95 Franklin Street, Room 1634
Buffalo, NY 14202

ERIE COUNTY DIVISION OF SEWERAGE MANAGEMENT
A DIVISION OF THE COUNTY OF ERIE
95 Franklin Street, Room 1634
Buffalo, NY 14202

ERIE COUNTY SEWER DISTRICT NO. 2 and 3
A DIVISION OF THE COUNTY OF ERIE
95 Franklin Street, Room 1634
Buffalo, NY 14202

Respondents.

TO:

ERIE COUNTY AGRICULTURAL SOCIETY
5600 McKinley Parkway
Hamburg, NY 14075

BUFFALO TROTting ASSOCIATION, INC.
5600 McKinley Parkway
Hamburg, NY 14075

STRATES SHOWS INC.
P.O. Box 174
Orlando, Florida 32802

SPORTSYSTEMS GAMING MANAGEMENT AT BUFFALO RACEWAY, LLC
c/o Cogency Global, Inc.
122 East 42nd Street, 18th Floor
New York, NY 10168

J. POTILLO ENTERPRISE, INC.
26313 Yalaha Road
Yalaha, Florida 34797

ERIE COUNTY WATER AUTHORITY
295 Main Street
Room 350
Buffalo, NY 14203

COUNTY OF ERIE
95 Franklin Street, Room 1634
Buffalo, NY 14202

ERIE COUNTY SEWER AUTHORITY
A DIVISION OF THE COUNTY OF ERIE
95 Franklin Street, Room 1634
Buffalo, NY 14202

ERIE COUNTY DIVISION OF SEWERAGE MANAGEMENT
A DIVISION OF THE COUNTY OF ERIE
95 Franklin Street, Room 1634
Buffalo, NY 14202

ERIE COUNTY SEWER DISTRICT NO. 2 and 3
A DIVISION OF THE COUNTY OF ERIE
95 Franklin Street, Room 1634
Buffalo, NY 14202

1. The name and address of **Claimant** is:

NICOLE CURCIO
71 Hagen Avenue
North Tonawanda, NY 14120

2. The **Claimant** is represented herein by:

Shaw & Shaw, P.C.
Blake Zaccagnino, Esq., of counsel
4819 South Park Avenue
Hamburg, NY 14075

LEGAL THEORY/CAUSE OF ACTION CLAIMED:

3. This is a claim founded in negligence, and is for personal injuries.

4. This is a claim for money damages for personal injuries sustained by the Claimant, when she was caused to fall on the property and premises and, more specifically, at the Erie County Fairgrounds (5600 McKinley Parkway Hamburg, NY 14075), at or near the walkway from 42nd Street to the Event Center near the Wings Display.

Upon information and belief, that property was under the possession, control and ownership of the Respondents.

Upon further information and belief, the Respondents caused and created a dangerous condition, that they had actual and constructive notice of, and failed to take corrective action prior to this incident, resulting in the accident and the Claimant's serious injuries.

TIME AND LOCATION AND MANNER IN WHICH THE CLAIM AROSE:

5. The time when the claim arose and the time when injuries and damages herein alleged were sustained was on or about August 10, 2023 at approximately 2:36PM.

NATURE AND BASIS FOR THIS CLAIM:

6. Attached as **Exhibit A**, please find a real property parcel search and deed of the property where the incident took place.

7. As the Claimant was walking in the location mentioned above, she was caused to trip and fall over a dangerous condition.

More specifically, she was walking in the walkway from 42nd Street to the Event Center, when she stepped into a depression in the pavement and fell to the ground causing serious injuries.

Upon information and belief, said depression in the pavement was approximately 3 or more inches deep. The Respondents did not place a warning sign located near the dangerous condition.

Upon information and belief, the depression in the ground was a drainage cover, and or was caused and created by a drainage cover and/or the Respondents' failure to maintain said location in a safe condition.

Attached as **Exhibit B**, please find an incident report documenting this incident.

Attached as **Exhibit C**, please find photographs of the dangerous conditions that caused the Claimant's fall.

The first two photos show what the dangerous condition looked like on the day and time of the Claimant's fall.

The third photo is a photo of what the dangerous condition looked like after the incident, when, upon information and belief, the Respondents spray painted it yellow.

The fourth through sixth photos show the general location of where the dangerous condition is located and where the incident took place.

LEGAL THEORY/CAUSE OF ACTION CLAIMED:

8. The above mentioned incident and the injuries and damages occurring therefrom occurred by reason of the fault, neglect, and carelessness of the Respondents, their agents, servants, and/or employees. The negligence of the Respondents, their agents, servants and/or employees includes but is not limited to:

The Respondents' negligence included but was not limited to the following:

- Failure to properly, adequately, and safely maintain the aforesaid premises;

- In failing to repair, keep safe, and maintain the location where the incident took place;

- Failure to properly and adequately supervise and control the area where the Claimant fell on the date of the incident;
- Carelessly and negligently designing the area on said premises where the incident occurred;
- Failure to take the necessary steps to correct the dangerous conditions located therein;
- Failure to give attention to uneven and unlevel walking surfaces and dangerous depressions on the walking surfaces located therein;
- Failure to take the necessary steps and make the necessary observations, which, if taken or made, would have avoided the said incident;
- Failing to act reasonable under the circumstances;
- Failing to take precautionary measures to the protect the Claimant from the incident after weighing the probability and gravity of the harm against the burden of precaution;

- Failing to take precautionary measures to the protect the Claimant from the incident when they had ownership, occupancy, control, and or special use of the property on the date of the fall;
- The Respondents' negligence was the proximate cause of the Claimant's fall and serious injuries;
- The Respondents' negligence was a substantial factor in bringing about the Claimant's injuries in that a reasonable person would regard it as a cause of her injuries;
- They failed in their duty to use reasonable care to keep their property in a reasonably safe condition for the protection of the Claimant whose presence was reasonably foreseeable on the date of the fall;
- The Respondents created the condition that caused the Claimant's fall; and had actual and constructive notice of it;
- The Respondents either knew, or in the use of reasonable care, should have known that the condition that caused the Claimant's fall long enough before the fall to have allowed them, in the use of reasonable care to correct it or to take other suitable precautions, but they failed to do so;

- The Respondents failed to warn the Claimant about the dangerous condition before her fall;
- in having prior written notice of the dangerous conditions shown herein, and in failing to timely fix/repair it;
- in prior negligent maintenance/repair of the location where this incident took place, causing and creating a dangerous condition;
- in affirmatively creating the dangerous conditions described herein through an act of negligence;
- causing/allowing the dangerous condition to have jagged edges, a rough irregular surface, poor lighting, to have the presence of other defects in the vicinity, to be irregular, the dangerous condition was located in an area where people are naturally distracted from looking down at their feet, and the surrounding circumstances and dangerous condition increased the risk of people, such as the Claimant, falling;
- in failing to warn of the dangerous conditions described herein;

- causing/allowing the intrinsic characteristics of sidewalk in question to be such that it was difficult for pedestrians to see and identify and to traverse safely on foot; including but not limited to,
- that the Respondents, its agents, servants and/or employees were otherwise careless and negligent.

DAMAGES CLAIMED:

9. By reason of the aforesaid occurrence, the Claimant sustained severe, painful and permanent injuries in and about her body, including, but not limited to, left ankle sprain, left ankle fracture, abrasions on her right hand, cuts on her right palm, cuts on her right forearm, bruises and cuts on her right knee, right breast bruise, right cheek bone bruise, including but not limited to a head injury, all of which were and are severe, painful and permanent in nature including, shock to the nerves and nervous system, circulatory system, traumatic injuries to nerves, tendons and muscular system with resultant impairment and/or loss of use of normal functions; was otherwise rendered sick, sore, lame and disabled and prevented her from performing her usual activities for a period of time subsequent to this incident, and has incurred, and may suffer and sustain loss of earnings and/or loss of future earning potential and/or capacity; has caused, or may incur, hospital expenses, medical expenses, physical therapy and/or rehabilitation and counseling expenses and/or other similar types of expenses as to past, present or future, as would relate to the care, treatment and attempted cure of the injuries sustained and/or the residual effects thereof; has been deprived of the ability to enjoy the life and lifestyle that she was able to participate in and enjoy prior to the happening of this incident, and has been caused to suffer emotional upset, anxiety and depression

as a result of the pain and suffering associated with the injuries as to the past, present and, upon information and belief, into the future; and together with any other special and general damages as may manifest themselves subsequent to the date of this Notice of Claim. Attached as **Exhibit D**, please find photos of some of the Claimant's injuries.

10. The Claimant also makes a claim for any and all medical expenses incurred as to her care, treatment and attempted cure of the injuries sustain and/or the residual effects of the same herein as to the past, present, and or future.

WHEREFORE, Claimant respectfully prays and requests that these claims as set forth herein be paid and allowed by the **Respondents**.

Dated: September 5, 2023
Hamburg, New York

Shaw & Shaw, P.C.
Blake Zaccagnino, Esq., of counsel
Attorneys for Claimant
Office and Post Office Address
4819 South Park Avenue
Hamburg, New York 14075
(716) 648-3020 Telephone
(716) 648-3730 Fax
www.shawlawpc.com

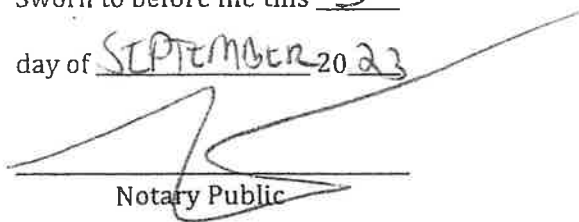
VERIFICATION

STATE OF NEW YORK)
)ss.:
COUNTY OF)

NICOLE CURIO being duly sworn, deposes and says that (he)(she) is the Plaintiff/Claimant in the within action; that (he)(she) has read the foregoing and knows the contents thereof; that the same is true to (his) (her) own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes it to be true.

X Nicole Curio

Sworn to before me this 5
day of SEPTEMBER 20 23


Notary Public

BLAKE J ZACCAGNINO
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02ZA6336306
Qualified in Erie County
Commission Expires February 1, 20 24



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

November 29, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Corson, Amy v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Amy Corson 248 Heim Road Williamsville, New York 14221
Claimant's attorney:	Claire T. Sellers, Esq. Hayes Dolce 135 Delaware Avenue, Suite 135 Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

STATE OF NEW YORK
SUPREME COURT

COUNTY OF ERIE

In the Matter of the Claim of

AMY CORSON

Claimant,

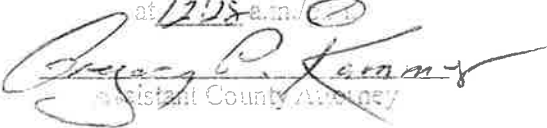
NOTICE OF CLAIM

-against-

ERIE COUNTY,

Respondent.

This paper received at the
Erie County Attorney's Office
from Claire Sellers on
the 21st day of November 2023
at 12:28 a.m.


Assistant County Attorney

TO: ERIE COUNTY ATTORNEY
95 FRANKLIN STREET
ROOM 1634
Buffalo, NY 14202

PLEASE TAKE NOTICE that the above named Claimant, AMY CORSON (“CORSON”) hereby makes claim against Respondent, ERIE COUNTY (“County”), as follows:

1. The name and post office address of the Claimant is 248 Heim Road, Williamsville, NY 14221. The name and post office address of their representative is Claire T. Sellers, Hayes Dolce, 135 Delaware Ave., Buffalo, New York 14202.
2. The nature of this claim is the County’s violation of New York Labor Law §190(2) and related statutes, provisions and regulations.
3. This claim arose in or about March 2020 and has been ongoing as the County continues to refuse to properly classify and compensate Corson as an employee under the law.
4. The manner in which this claim arose is as follows:
 - a. Corson is a physician assistant in the Erie County Department of Health’s Sexual Health Center and Tuberculosis Center at 608 William Street. In or about March 2020,

Corson began working as a regular full-time employee for the County on a regular predictable schedule.

b. Since in or about March 2020, Corson attends staff meetings, follows Erie County Department of Health (“ECDOH”) policies and procedures, oversees clinic provider staff (all of whom are classified employees), sets the schedule for all providers in the clinic, and has her performance evaluated by ECDOH.

c. Since in or about March 2020, Corson has completed the required annual online trainings assigned by ECDOH. ECDOH can fire Corson should she fail to follow their policies and procedures or not meet their expectations.

d. ECDOH supplies the clinical space and all the medical supplies Corson uses in her work.

e. In or about September 2023, Corson informed ECDOH administration that she believed she was no longer working as an independent contractor and that she was now an employee under New York State and Federal Law.

f. Upon information and belief, when Commissioner of Health Gale Burstein proposed her budget for the 2024 year, Burstein requested Corson’s position be reclassified as an employee position.

g. Upon information and belief, when the County put forth its 2024 budge, it failed to reclassify Corson’s position to an employee position and left Corson incorrectly categorized as an independent contractor.

h. On or about October 27, 2023, by counsel, Corson sent a letter to the County demanding her position be converted to a statutory employee position.

i. To date the County has failed and refused to properly classify Corson's position as an employee.

5. By unlawfully and improperly refusing to reclassify Corson as an employee under New York State and Federal Law, the County violated New York Labor Law §190(2) and other provisions of law and regulation and acted in error of law, arbitrarily, capriciously, in bad faith, and otherwise in excess of legal authority.

6. By reason of the foregoing, Corson is entitled to reclassification by the County as an employee, to be made whole for the loss of any income and benefits she incurred as a result of her misclassification, and for the cost of her attorney's fees as a result of having to bring this action.

8. The dollar amount of this claim is uncertain at this time.

WHEREFORE, Claimant serves notice and present these claims to Respondent County and demands adjustment and resolution of the same.

Dated: Buffalo, New York
November 21, 2023

Respectfully submitted,



CLAIRE T. SELLERS, ESQ.
135 Delaware Ave., Suite 135
Buffalo, NY 14202
716-609-9988
csellers@hayesdolce.com

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

AMY CORSON duly sworn says:

I am the named Claimant and am acquainted with the fact and circumstances of this matter, have read the foregoing Notice of Claim, and know its contents to be true, except as to those matters alleged upon information and belief. As to those matters alleged upon information and belief, I believe them to be true. The ground of that belief is a result of my personal knowledge and general investigation of the facts of this matter.

Amy Corson
Amy Corson

Sworn to before me this
21 day of November, 2023

C.T. Sellers
Notary Public - New York State

Claire T. Sellers
Notary Public, State of New York
No. 02SE6328196
Qualified in Erie County
Commission Expires October 4, 2027



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

November 29, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

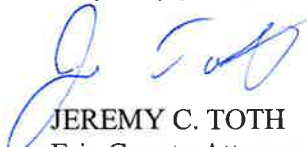
Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Biggar, Carolyn v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Carolyn Biggar 47 Sargent Drive Amherst, New York 14226
Claimant's attorney:	Claire T. Sellers, Esq. Hayes Dolce 135 Delaware Avenue, Suite 135 Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,



JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

STATE OF NEW YORK
SUPREME COURT

COUNTY OF ERIE

In the Matter of the Claim of

CAROLYN BIGGAR

Claimant,

NOTICE OF CLAIM

-against-

ERIE COUNTY,

Respondent.

This paper received at the
Erie County Attorney's Office
- from Claire Silke on
the 21st day of November, 2023
at 12:28 a.m.


Carolyn P. Korman
Erie County Attorney

TO: ERIE COUNTY ATTORNEY
95 FRANKLIN STREET
ROOM 1634
Buffalo, NY 14202

PLEASE TAKE NOTICE that the above named Claimant, CAROLYN BIGGAR

(“Biggar”) hereby makes claim against Respondent, ERIE COUNTY (“County”), as follows:

1. The name and post office address of the Claimant is 47 Sargent Drive, Amherst, NY 14226. The name and post office address of their representative is Claire T. Sellers, Hayes Dolce, 135 Delaware Ave., Buffalo, New York 14202.
2. The nature of this claim is the County’s violation of New York Labor Law §190(2) and related statutes, provisions and regulations.
3. This claim arose in or about September 2021 and has been ongoing as the County continues to refuse to properly classify and compensate Biggar as an employee under the law.
4. The manner in which this claim arose is as follows:
 - a. Biggar is a nurse practitioner in the Erie County Department of Health’s Sexual Health Center at 608 William Street. In or about September 2021, Biggar began working as a regular part-time employee for the County on a regular predictable schedule.

b. Since in or about September 2021, Biggar attends staff meetings, follows Erie County Department of Health (“ECDOH”) policies and procedures, oversees clinic RNs (all of whom are classified employees), and has her performance evaluated by ECDOH.

c. Since in or about September 2021, Biggar has completed the required annual online trainings assigned by ECDOH. ECDOH can fire Biggar should she fail to follow their policies and procedures or not meet their expectations.

d. ECDOH supplies the clinical space and all the medical supplies Biggar uses in her work.

e. In or about September 2023, Biggar informed ECDOH administration that she believed she was no longer working as an independent contractor and that she was now an employee under New York State and Federal Law.

f. Upon information and belief, when Commissioner of Health Gale Burstein proposed her budget for the 2024 year, Burstein requested Biggar’s position be reclassified as an employee position.

g. Upon information and belief, when the County put forth its 2024 budget, it failed to reclassify Biggar’s position to an employee position and left Biggar incorrectly categorized as an independent contractor.

h. On or about October 27, 2023, by counsel, Biggar sent a letter to the County demanding her position be converted to a statutory employee position.

i. To date the County has failed and refused to properly classify Biggar’s position as an employee.

5. By unlawfully and improperly refusing to reclassify Biggar as an employee under New York State and Federal Law, the County violated New York Labor Law §190(2) and other

provisions of law and regulation and acted in error of law, arbitrarily, capriciously, in bad faith, and otherwise in excess of legal authority.

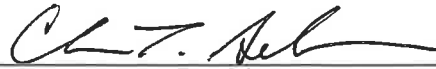
6. By reason of the foregoing, Biggar is entitled to reclassification by the County as an employee, to be made whole for the loss of any income and benefits she incurred as a result of her misclassification, and for the cost of her attorney's fees as a result of having to bring this action.

8. The dollar amount of this claim is uncertain at this time.

WHEREFORE, Claimant serves notice and present these claims to Respondent County and demands adjustment and resolution of the same.

Dated: Buffalo, New York
November 21, 2023

Respectfully submitted,



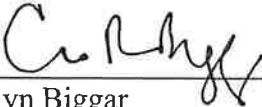
CLAIRE T. SELLERS, ESQ.
135 Delaware Ave., Suite 135
Buffalo, NY 14202
716-609-9988
csellers@hayesdolce.com

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

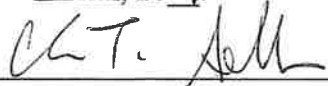
CAROLYN BIGGAR duly sworn says:

I am the named Claimant and am acquainted with the fact and circumstances of this matter, have read the foregoing Notice of Claim, and know its contents to be true, except as to those matters alleged upon information and belief. As to those matters alleged upon information and belief, I believe them to be true. The ground of that belief is a result of my personal knowledge and general investigation of the facts of this matter.



Carolyn Biggar

Sworn to before me this
21 day of ~~Month~~ November, 2023



Notary Public - New York State

Claire T. Sellers
Notary Public, State of New York
No. 02SE6328196
Qualified in Erie County
Commission Expires October 4, 2028

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24D-2	DIRECTOR OF BUDGET & MANAGEMENT	December Capital Projects Update
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Attachments

23COMM. 24D-2

2016 Capital Projects

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WBS	Project Name	Dept	Total Project	Bonded	Other Aid	PAYGO	Updated Spent	Updated Committed	Updated Available	Status	Estimated Completion
A.16001	Rehab of RWS 4th Year	122	4,850,031	1,917,000	2,933,031	-	4,850,031	-	-	Closed	
A.16002	Botanical Gardens Rehab	122	1,005,610	500,000	5,610	500,000	1,005,610	-	-	Closed	
A.16003	Buffalo Niagara Convention Center Rehab	122	250,000	250,000	-	-	235,323	14,678	-	Construction complete but keep open, construction project is closed but funds can be used for the upcoming bid for Summer 2024 renovations at the facility	2024
A.16004	Countywide Code & Environment Compliance	122	1,000,000	1,000,000	-	-	1,000,000	-	-	Closed	
A.16005	Rath Building Upgrade Boiler System	122	700,000	700,000	-	-	698,546	1,454	-	Used as part of EPC 2.0	2024
A.16006	Countywide Roof Replacement	122	400,000	400,000	-	-	400,000	-	-	Closed	
A.16007	Countywide Mechanical & Electrical	122	400,000	400,000	-	-	400,000	-	-	Closed	
A.16008	Energy Conservation Contract	122	540,556	500,000	40,556	-	540,556	-	-	Closed	
A.16009	Countywide Environmental Compliance	122	500,000	500,000	-	-	500,000	-	-	Closed	
A.16010	Preservation of Buildings - Countywide	122	500,000	500,000	-	-	500,000	-	-	Closed	
A.16011	EC Home Decommissioning	122	200,000	200,000	-	-	157,991	27,962	14,047	EC Home utilities separation; Keep open for active projects	2024
A.16012	Replacement of Fleet Pool	107	150,000	150,000	-	-	150,000	-	-	Closed	
A.16013	Countywide Park Improvements	164	750,000	750,000	-	-	750,000	-	-	Closed	
A.16014	Shelter, Buildings, & Comfort Stations	164	300,000	300,000	-	-	300,000	-	-	Closed	
A.16015	Roads, Paths, & Parking Lots	164	250,000	250,000	-	-	250,000	-	-	Closed	
A.16016	Procurement of Parks Vehicles & Equipment	164	250,000	250,000	-	-	250,000	-	-	Closed	
A.16017	Brownfield Redevelopment Projects	162	1,300,000	1,300,000	-	-	965,462	-	334,538	Planned for proposed electrical extension to the site, issues with RR have delayed implementation	2024
A.16018	Evans Shelter Tr Phase 3	162	2,470,304	650,000	1,820,304	-	2,470,304	-	-	Closed	
A.16019	Evans Tr Phase 3 (Land)	162	30,000	30,000	-	-	30,000	-	-	Closed	
A.16020	Rehab County Rail 1242 Bridge Depew	162	350,000	350,000	-	-	350,000	-	-	Closed	
A.16021	Rehab County Rail Pier 1246 Hamburg	162	250,000	250,000	-	-	250,000	-	-	Closed	
A.16022	Naval & Service Park Hanger Building Expansion	162	950,000	950,000	-	-	950,000	-	-	Closed	
A.16023	Buffalo Museum of Science	162	500,000	500,000	-	-	500,000	-	-	Closed	
A.16024	Reno to Toxic Lab & Medical Examiner Facility	122	1,750,000	1,750,000	-	-	1,750,000	-	-	Closed	

2016 Capital Projects

WBS	Project Name	Dept	Total Project	Bonded	Other Aid	PAYGO	Updated Spent	Updated Committed	Updated Available	Status	Estimated Completion
A.16025	Medical Examiner Software	127	50,000	50,000	-	-	50,000	-	-	Closed	
A.16026	Improvements to Building 17	122	500,000	500,000	-	-	498,510	-	1,490	Can be closed	completed
A.16027	Medical Examiner Toxicology Equipment	127	350,000	350,000	-	-	350,000	-	-	Closed	
A.16028	Medical Examiner Purchase of Anthro Microscope	127	43,500	43,500	-	-	43,500	-	-	Closed	
A.16029	Replacement of Lab Equipment	127	58,000	58,000	-	-	58,000	-	-	Closed	
A.16030	Replacement of Telephone System (Phase 2)	105	1,350,000	1,350,000	-	-	1,181,120	19,023	149,857	Work with vendor continues and will be completed this year	1st Q 2024
A.16031	Replacement of Virtual Desktop System, Storage Upgrades, and Server Refresh	105	730,000	730,000	-	-	730,000	-	-	Closed	
A.16032	Improvements to Holding Center & Correctional Facility	122	500,000	500,000	-	-	500,000	-	-	Closed	
A.16033	Purchase of Replacement Vans Countywide	163	142,199	63,500	78,699	-	63,500	-	78,699	Can be closed	completed
A.16034	Purchase of Police Radio Equipment (Buffalo)	126	64,224	64,224	-	-	64,224	-	-	Closed	
A.16035	Office Space Renovation & Purchase of Equipment	122	1,755,689	672,500	1,094,217	-	1,787,704	-	-	can be closed	completed
A.16036	Renovations to Secure Youth Facility	122	920,233	605,000	315,233	-	876,500	-	43,733	Remaining \$43K to be used for pod renovations going out to bid early 2024	Late 2024/ Early 2025
A.16050	Park Amenities Countywide	164	50,000	-	-	50,000	50,000	-	-	Closed	
A.16076	Polling Site Improvements	122	100,000	-	-	100,000	100,000	-	-	Closed	
A.16077	Rath Building Security	122	609,400	-	4,400	605,000	609,400	-	-	Closed	
B.16001	Preservation of Roads - Construction	123	2,000,000	2,000,000	-	-	2,000,000	-	-	Closed	
B.16002	Preservation of Roads - Design	123	1,250,000	1,250,000	-	-	1,250,000	-	-	Closed	
B.16003	Asset Management Software Tools - Countywide	123	250,000	250,000	-	-	250,000	-	-	Closed	
B.16004	Asset Management Software Equipment - Countywide	123	100,000	100,000	-	-	100,000	-	-	Closed	
B.16005	Construction for Road Projects or Turnbacks	123	1,000,000	1,000,000	-	-	1,000,000	-	-	Closed	
B.16006	Capital Right of Way	123	100,000	100,000	-	-	100,000	-	-	Closed	
B.16007	Federal Aid Projects - Right of Way	123	87,600	18,000	69,600	-	57,181	-	30,419	Can be closed	completed
B.16008	Federal Aid Projects - Construction	123	2,832,000	500,000	2,332,000	-	797,420	-	2,034,580	Can be closed	completed
B.16009	Federal Aid Projects - Bridges	123	150,000	150,000	-	-	150,000	-	-	Closed	
B.16010	FED AID PRI BR	123	1,898,950	333,000	1,565,950	-	1,885,547	-	13,403	Can be closed	completed
B.16011	Road Design - Countywide	123	800,000	800,000	-	-	776,248	73,588	164	Design - Abbott and Willet Roads	Spring 2025
B.16012	Road Slides Right of Way - Countywide	123	175,000	175,000	-	-	67,758	31,000	76,242	Construction	Spring 2025
B.16013	Road Construction - Countywide	123	500,000	500,000	-	-	380,850	-	119,150	Design - multiple projects	2026
B.16014	Preservation of Bridges & Culverts	123	715,000	715,000	-	-	662,011	52,988	1	Construction	2024
B.16015	Bridge & Culverts - Design/Engineering	123	691,070	400,000	291,070	-	630,551	7,491	53,028	Construction	2024
B.16016	Bridge & Culvert Work to Address Flagged	123	500,000	500,000	-	-	500,000	-	-	Closed	
B.16017	Bridge & Culverts Design - Countywide	123	250,000	250,000	-	-	250,000	-	-	Closed	
B.16018	Highway Safety Improvements	123	400,000	400,000	-	-	400,000	-	-	Closed	
B.16019	Highways Vehicles & Equipment	123	2,150,000	2,150,000	-	-	2,150,000	-	-	Closed	

2016 Capital Projects

WBS	Project Name	Dept	Total Project	Bonded	Other Aid	PAYGO	Updated Spent	Updated Committed	Updated Available	Status	Estimated Completion
B.16050	Capital Overlay Program	123	13,969,636	-	-	13,969,636	13,927,431	13,075	29,130	Will be combined with other PAYGO remainders and utilized in 2024 smaller projects.	2024
E.16001	Equipment - Collegewide	102	1,800,000	1,800,000	-	-	1,800,000	-	-	Closed	
E.16002	Roof Replacement & Exterior	122	2,000,000	1,000,000	1,000,000	-	1,709,726	258,761	31,513	Funds are for upcoming Bell Sports Roof project. Project is in design.	2025
E.16003	Sitework - Collegewide	122	1,000,000	500,000	500,000	-	500,000	-	-	Closed	completed
E.16004	Infrastructure Improvements & Construction - South Camp	122	1,200,000	600,000	600,000	-	531,219	84,191	584,591	Classroom infrastructure design underway. Funds are for construction project to be bid Nov 2023.	2025
E.16005	Code Compliance	122	400,000	200,000	200,000	-	400,000	-	-	Closed	
F.16001	Mechanical, Electrical, & Plumbing	122	250,000	250,000	-	-	250,000	-	-	Closed	
F.16002	Life Safety Improvements	122	250,000	250,000	-	-	250,000	-	-	Closed	

Total for 2016 \$ 63,589,001 \$ 35,524,724 \$ 12,850,670 \$ 15,224,636 \$ 58,942,221 \$ 584,210 \$ 3,594,585

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24D-3	DIRECTOR OF BUDGET & MANAGEMENT	Budget Monitoring Report for Period Ending October 2023
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Attachments

23COMM. 24D-3



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

December 18, 2023

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

Re: Budget Monitoring Report for Period Ending October 2023

Dear Honorable Legislators:

Please find attached the Budget Monitoring Report ("BMR") for the period ending October 31, 2023, as well as a vacancy report from the County's SAP system also as of October 31, 2023.

The BMR shows that for the first ten months of 2023 the County has a \$35,668,131 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 \$20.5 million ahead of budget. Second, the County has seen significant "vacancy" savings, which is now favorable by \$10.4 million. Third, is sales tax, which has a net \$9.9 million positive variance (after factoring out \$494,622 in payments to the NFTA) and has growth of 2.85% for 2023-related payments received to-date as compared to 2022. Sales tax growth has reduced by 1.76% (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 expected 2023 sales tax growth to continue at 4.61%. This reduction in base expectation would now require 4.11% sales tax growth in 2024 to meet the proposed budget (2.11% 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 \$11.5 million over budget. All other items through October have generated a net \$6,396,274 positive variance.

The BMR also includes a projected year-end 2023 positive budgetary variance of \$22,409,555. This projection is subject to change due to sales tax receipts, New York State and/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,



Robert W. Keating
Director of Budget and Management

Attachment

cc: Erie County Executive Mark C. Poloncarz
Erie County Fiscal Stability Authority

January-October 2023 Budget Monitoring Report (BMR) Summary by Account Type

Account Type	Annual Budget	Period Budget		Actuals	Period Available		% of Period Budget Consumed	Annual Available Budget		% of Annual Budget Consumed
		January-October	January-October		January-October	January-October		January-October	January-October	
Revenue										
** Property Tax	(301,424,356)	(301,424,356)	(301,424,356)	(301,424,356)	(0)	(0)	100%	(0)	(0)	100%
** Property Tax Related	(15,978,966)	(6,143,451)	(5,887,085)	(5,887,085)	(256,366)	(256,366)	96%	(10,091,880)	(10,091,880)	37%
** Sales Tax	(583,527,694)	(494,354,970)	(504,759,506)	(504,759,506)	10,404,536	10,404,536	102%	(78,768,188)	(78,768,188)	87%
** Sales Tax to Local Govt.	(403,187,071)	(340,856,258)	(348,755,480)	(348,755,480)	7,899,222	7,899,222	102%	(54,431,591)	(54,431,591)	86%
** Other Sources	(43,367,158)	(35,295,370)	(71,587,785)	(71,587,785)	36,292,415	36,292,415	203%	28,220,626	28,220,626	165%
** Fees, Fines or Charges	(35,403,927)	(30,760,491)	(28,672,867)	(28,672,867)	(2,087,624)	(2,087,624)	93%	(6,731,060)	(6,731,060)	81%
*** Local Source Revenue	(1,382,889,172)	(1,208,834,896)	(1,261,087,078)	(1,261,087,078)	52,252,182	52,252,182	104%	(121,802,094)	(121,802,094)	91%
*** Federal Revenue	(190,733,341)	(172,661,224)	(168,779,123)	(168,779,123)	(3,882,101)	(3,882,101)	98%	(21,954,218)	(21,954,218)	88%
*** State Revenue	(221,158,349)	(181,082,884)	(166,206,359)	(166,206,359)	(14,876,525)	(14,876,525)	92%	(54,951,990)	(54,951,990)	75%
*** Interfund Revenue	(729,966)	(729,966)	(959,766)	(959,766)	229,800	229,800	131%	229,800	229,800	131%
**** County Revenue	(1,795,510,828)	(1,563,308,970)	(1,597,032,327)	(1,597,032,327)	33,723,357	33,723,357	102%	(198,478,501)	(198,478,501)	89%
Expense										
** Salaries	272,559,283	223,613,676	208,395,499	208,395,499	15,218,176	15,218,176	93%	64,163,784	64,163,784	76%
** Non-Salaries	30,126,185	23,940,541	35,837,329	35,837,329	(11,896,788)	(11,896,788)	150%	(5,711,144)	(5,711,144)	119%
** Countywide Adjustments	(146,563)	(463,325)	0	0	(463,325)	(463,325)	0%	(146,563)	(146,563)	0%
*** Personnel Related Expense	302,538,905	247,090,892	244,232,828	244,232,828	2,858,063	2,858,063	99%	58,306,077	58,306,077	81%
*** Fringe Benefit Total	145,834,309	119,008,307	112,557,950	112,557,950	6,450,357	6,450,357	95%	33,276,359	33,276,359	77%
** Supplies and Repairs	13,060,219	8,921,871	7,739,243	7,739,243	1,182,628	1,182,628	87%	5,320,976	5,320,976	59%
** Other	39,621,969	27,777,300	25,936,344	25,936,344	1,840,956	1,840,956	93%	13,685,625	13,685,625	65%
** Contractual	687,719,547	550,729,644	558,425,196	558,425,196	(7,695,551)	(7,695,551)	101%	129,294,351	129,294,351	81%
** Equipment	14,131,060	4,327,918	4,587,722	4,587,722	(259,803)	(259,803)	106%	9,543,339	9,543,339	32%
** Allocations	215,670,632	122,130,334	122,383,734	122,383,734	(253,400)	(253,400)	100%	93,286,898	93,286,898	57%
** Program Specific	575,008,133	435,083,802	437,262,278	437,262,278	(2,178,476)	(2,178,476)	101%	137,745,855	137,745,855	76%
** Debt Services	62,414,953	52,863,994	52,863,994	52,863,994	0	0	100%	9,550,959	9,550,959	85%
*** All Other Operating Expense	1,607,626,513	1,201,834,864	1,209,198,511	1,209,198,511	(7,363,647)	(7,363,647)	101%	398,428,003	398,428,003	75%
**** County Expense	2,055,999,727	1,567,934,063	1,565,989,289	1,565,989,289	1,944,774	1,944,774	100%	490,010,439	490,010,439	76%
**** Net	260,488,900	4,625,092	(31,043,038)	(31,043,038)	35,668,131	35,668,131		291,531,938	291,531,938	

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-October 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
	301,424,356	(301,424,356)	301,424,356	(301,424,356)	301,424,356	(301,424,356)	0	0	100%	100%	Annual Budget	Available Budget	Budget Consumed	Budget Consumed	
Revenue															
** Property Tax	(301,424,356)	(301,424,356)	(301,424,356)	(301,424,356)	(301,424,356)	(301,424,356)	0	0	100%	100%	0	0	100%	100%	
400010 Exemption Removal	(936,212)	(936,212)	(936,212)	(936,212)	(936,212)	(936,212)	45,419	45,419	105%	105%	0	45,419	0	105%	
400030 Gr/Sale-Tax Acq Prop	(5,000)	(5,000)	0	0	0	0	0	0	0%	0%	(5,000)	0	0%	0%	
400040 Other Pay/Lieu-Tax	(5,100,000)	(5,100,000)	(5,100,000)	(5,100,000)	(5,100,000)	(5,100,000)	(299,933)	(299,933)	94%	94%	(369,933)	(369,933)	0	93%	
400050 Int&Pen on R P Taxes	(13,485,555)	(13,485,555)	(1,275,370)	(1,275,370)	(1,275,370)	(1,275,370)	0	0	100%	100%	(12,210,185)	(12,210,185)	0	9%	
400060 Omitted Taxes	(6,000)	(6,000)	(6,000)	(6,000)	(6,000)	(6,000)	(1,852)	(1,852)	69%	69%	(1,852)	(1,852)	0	69%	
466060 Prop Tax Rev Adjust	3,552,801	3,552,801	1,103,131	1,103,131	1,103,131	1,103,131	0	0	100%	100%	2,449,670	2,449,670	0	31%	
** Property Tax Related	(15,978,966)	(15,978,966)	(6,143,451)	(6,143,451)	(5,887,085)	(5,887,085)	(256,366)	(256,366)	96%	96%	(10,091,880)	(10,091,880)	0	37%	
402000 Sales Tax EC Purp	(220,020,488)	(220,020,488)	(186,132,964)	(186,132,964)	(190,325,179)	(190,325,179)	4,192,215	4,192,215	102%	102%	(29,695,309)	(29,695,309)	0	87%	The Net County Share (factoring out
402100 1% Sales Tax-EC Purp	(207,730,136)	(207,730,136)	(175,728,913)	(175,728,913)	(179,685,324)	(179,685,324)	3,956,411	3,956,411	102%	102%	(28,044,812)	(28,044,812)	0	86%	NFTA) is showing a \$9.9 Million positive
402120 .25% Sales Tax	(51,925,690)	(51,925,690)	(43,927,069)	(43,927,069)	(44,916,334)	(44,916,334)	989,266	989,266	102%	102%	(7,009,356)	(7,009,356)	0	87%	variance after 83% of the year. The 2023
402130 .5% Sales Tax	(103,851,380)	(103,851,380)	(88,566,025)	(88,566,025)	(89,832,689)	(89,832,689)	1,266,644	1,266,644	101%	101%	(14,018,711)	(14,018,711)	0	87%	growth rate is 2.85%.
** Sales Tax	(583,527,694)	(583,527,694)	(494,354,970)	(494,354,970)	(504,759,506)	(504,759,506)	10,404,536	10,404,536	102%	102%	(78,768,188)	(78,768,188)	0	87%	
402140 Sales Tax to Loc Gov	(403,187,071)	(403,187,071)	(340,856,258)	(340,856,258)	(348,755,480)	(348,755,480)	7,899,222	7,899,222	102%	102%	(54,431,591)	(54,431,591)	0	86%	
** Sales Tax to Local Govt.	(403,187,071)	(403,187,071)	(340,856,258)	(340,856,258)	(348,755,480)	(348,755,480)	7,899,222	7,899,222	102%	102%	(54,431,591)	(54,431,591)	0	86%	
402300 Hotel Occupancy Tax	(11,200,000)	(11,200,000)	(9,767,109)	(9,767,109)	(12,667,592)	(12,667,592)	2,900,484	2,900,484	130%	130%	1,467,592	1,467,592	0	113%	
402500 OTB Betting & Gaming	(2,140,000)	(2,140,000)	(1,783,196)	(1,783,196)	(1,906,757)	(1,906,757)	123,561	123,561	107%	107%	(233,243)	(233,243)	0	89%	
402510 Video Lottery Aid	(288,560)	(288,560)	(288,560)	(288,560)	(288,560)	(288,560)	0	0	100%	100%	0	0	0	100%	
402520 Gaming Facilities Aid	(2,346,318)	(2,346,318)	(786,001)	(786,001)	(2,590,318)	(2,590,318)	1,804,317	1,804,317	330%	330%	244,000	244,000	0	110%	
402610 Medical Marj Exc Tax	(280,000)	(280,000)	(233,333)	(233,333)	(128,953)	(128,953)	(104,380)	(104,380)	55%	55%	(151,047)	(151,047)	0	46%	Gaming Facilities revenue received in
402620 Tax-Cannabis	0	0	0	0	(9,844)	(9,844)	9,844	9,844	0%	0%	9,844	9,844	0	0%	May for \$766,002, in July for \$890,985
415010 Post Mortem Toxicol	(72,932)	(72,932)	(60,777)	(60,777)	(71,207)	(71,207)	10,431	10,431	117%	117%	(1,725)	(1,725)	0	98%	and in October for \$913,331.
415100 Real Property Trans	(228,045)	(228,045)	(190,038)	(190,038)	(142,965)	(142,965)	(47,073)	(47,073)	75%	75%	(85,080)	(85,080)	0	63%	
415160 Mortgage Tax	(589,268)	(589,268)	(491,057)	(491,057)	(445,606)	(445,606)	(45,450)	(45,450)	91%	91%	(143,662)	(143,662)	0	76%	
415360 Legal Settlements	(27,414)	(27,414)	(27,414)	(27,414)	(27,748)	(27,748)	334	334	101%	101%	334	334	0	101%	
415500 Prisoner Transport	(21,000)	(21,000)	(17,500)	(17,500)	(23,471)	(23,471)	5,971	5,971	134%	134%	2,471	2,471	0	112%	
415620 Commissary Reimb	(172,933)	(172,933)	(144,111)	(144,111)	(144,111)	(144,111)	0	0	100%	100%	(28,822)	(28,822)	0	83%	
415622 Jail Phone Revenue	(361,389)	(361,389)	(361,389)	(361,389)	(361,389)	(361,389)	0	0	100%	100%	0	0	0	100%	
416570 Post Exposure Rabies	(133,048)	(133,048)	(110,873)	(110,873)	(148,885)	(148,885)	37,812	37,812	134%	134%	15,637	15,637	0	112%	
416920 Medic-Early Interv	(180,000)	(180,000)	(150,000)	(150,000)	(181,887)	(181,887)	31,887	31,887	121%	121%	1,887	1,887	0	101%	
417200 Day Care Repay Recov	(55,234)	(55,234)	(46,028)	(46,028)	(84,334)	(84,334)	38,305	38,305	183%	183%	29,100	29,100	0	153%	
417500 Repay Medical Asst	(175,668)	(175,668)	(146,390)	(146,390)	(218,890)	(218,890)	72,500	72,500	150%	150%	43,222	43,222	0	125%	
417510 Repay Family Asst	(2,715,828)	(2,715,828)	(2,263,190)	(2,263,190)	(1,301,172)	(1,301,172)	(962,018)	(962,018)	57%	57%	(1,414,656)	(1,414,656)	0	48%	
417520 Repay-Foster Care/Ad	(244,932)	(244,932)	(204,110)	(204,110)	(281,112)	(281,112)	77,002	77,002	138%	138%	36,180	36,180	0	115%	
417530 Repay-SafetyNet/Asst	(1,099,910)	(1,099,910)	(916,592)	(916,592)	(1,072,129)	(1,072,129)	155,537	155,537	117%	117%	(27,781)	(27,781)	0	97%	
417550 Repay-Serv For Recip	(3,173)	(3,173)	(2,644)	(2,644)	(2,548)	(2,548)	22,839	22,839	964%	964%	305,784	305,784	0	109%	
417570 SNAP Fraud Incentives	(57,233)	(57,233)	(47,694)	(47,694)	(42,004)	(42,004)	(5,690)	(5,690)	88%	88%	(15,229)	(15,229)	0	73%	
417580 Repaymts-Handi Child	(336,885)	(336,885)	(280,738)	(280,738)	(85,352)	(85,352)	(195,386)	(195,386)	30%	30%	(251,533)	(251,533)	0	25%	
418025 Recov-SafetyNet Bur	0	0	0	0	(68,122)	(68,122)	68,122	68,122	0%	0%	68,122	68,122	0	0%	
418030 Repayments-IV D Adm	(4,423,828)	(4,423,828)	(3,686,523)	(3,686,523)	(3,200,137)	(3,200,137)	(486,386)	(486,386)	87%	87%	(1,223,691)	(1,223,691)	0	72%	
418110 Comm Coll Respreads	(8,017,437)	(8,017,437)	(8,017,437)	(8,017,437)	(3,617,437)	(3,617,437)	(4,400,000)	(4,400,000)	45%	45%	(4,400,000)	(4,400,000)	0	45%	
418112 Comm Coll Resp. Adj.	4,400,000	4,400,000	4,400,000	4,400,000	0	0	4,400,000	4,400,000	0%	0%	4,400,000	4,400,000	0	0%	
418130 Comm Coll Reimb	(66,750)	(66,750)	(55,625)	(55,625)	(45,343)	(45,343)	(10,282)	(10,282)	82%	82%	(21,407)	(21,407)	0	68%	
418410 OCSE Medical Payments	(1,253,652)	(1,253,652)	(1,044,710)	(1,044,710)	(927,980)	(927,980)	(116,730)	(116,730)	89%	89%	(325,672)	(325,672)	0	74%	
418430 Donated Funds	(628,275)	(628,275)	(523,563)	(523,563)	(55,000)	(55,000)	(468,563)	(468,563)	11%	11%	(573,275)	(573,275)	0	9%	
420020 ECC Cap Cons-Otr Gvt	(95,000)	(95,000)	(95,000)	(95,000)	(95,000)	(95,000)	0	0	100%	100%	0	0	0	100%	
420499 OtrLocal Source Rev	(134,494)	(134,494)	(118,745)	(118,745)	(87,247)	(87,247)	(31,498)	(31,498)	73%	73%	(47,247)	(47,247)	0	65%	
420500 Rent-RI Prop-Concess	(44,285)	(44,285)	(36,904)	(36,904)	(54,955)	(54,955)	18,051	18,051	149%	149%	10,670	10,670	0	124%	

January-October 2023 Budget Monitoring Report (BMR) Detail by Account

Account Type	Annual Budget		Actuals		Period Available Budget		% of Period Budget Consumed		Annual Available Budget		% of Annual Budget Consumed		Comments/Key Items
	January-October	January-October	January-October	January-October	Period Available Budget	Period Available Budget	% of Period Budget Consumed	% of Period Budget Consumed	Annual Available Budget	Annual Available Budget	% of Annual Budget Consumed	% of Annual Budget Consumed	
420520 Rent-Rt Prop-Rtw-Eas	(2,500)	(2,083)	(2,762)	679	(2,762)	679	133%	262	110%				
420553 Rent-663 Kensington	(14,292)	(11,910)	(11,910)	0	(11,910)	0	100%	(2,382)	83%				
420560 Rent-1500 Broadway	(258,936)	(215,780)	(215,666)	(114)	(215,666)	(114)	100%	(43,270)	83%				
421550 Forft Crime Proceed	(105,453)	(16,667)	(179,477)	162,810	(179,477)	162,810	1077%	74,024	170%				
421560 Shared Revenue (ICE)	(520,000)	(206,867)	(520,000)	313,333	(520,000)	313,333	252%	0	100%				
422000 Copies	(4,500)	(3,770)	(7,520)	3,770	(7,520)	3,770	201%	3,020	167%				
422040 Gas Well Drill Rents	(1,500)	(1,250)	(500)	(750)	(500)	(750)	40%	(1,000)	33%				
422050 E-Payable Rebates	(150,000)	(125,000)	31,768	(156,768)	(156,768)	31,768	-25%	(181,768)	-21%				
423000 Refunds P/Y Expend	(1,000)	(833)	63,709	(64,542)	(64,542)	63,709	-7645%	(64,709)	-6371%				
445000 Recovery Int - SID	(302,128)	(251,772)	(199,534)	79%	(251,772)	79%	79%	(102,592)	66%				
445030 Int & Earn - Gen Inv	(1,200,400)	(1,000,333)	(18,849,172)	17,848,838	(18,849,172)	17,848,838	1884%	17,648,772	1570%				
445040 Int & Earn-3rd Party	(175,000)	(145,833)	(2,835,028)	2,689,195	(2,835,028)	2,689,195	1944%	2,680,028	1620%				
466000 Misc Receipts	(388,240)	(243,533)	(404,893)	167,359	(404,893)	167,359	166%	16,653	104%				
466020 Minor Sale - Other	(26,500)	(22,083)	(14,994)	(7,089)	(14,994)	(7,089)	68%	(11,506)	57%				
466070 Refunds P/Y Expenses	(980,000)	(816,667)	(12,273,502)	11,456,835	(12,273,502)	11,456,835	1503%	11,293,502	1252%				
466090 Misc Trust Fd Rev	(1,078,213)	(865,329)	(865,329)	0	(865,329)	0	100%	(212,884)	80%				
466120 Other Misc DISS Rev	(3,400)	(2,833)	(3,026)	192	(3,026)	192	107%	(374)	89%				
466130 Oth Unclash Rev	0	0	(53,319)	53,319	(53,319)	53,319	0%	53,319	0%				
466150 Chlamydia Study Forms	(8,000)	(6,667)	(3,574)	(3,093)	(3,574)	(3,093)	54%	(4,426)	45%				
466180 Unanticp P/Y Rev	0	0	(290,938)	290,938	(290,938)	290,938	0%	290,938	0%				
466260 Intercept-LocalShare	(78,378)	(63,315)	(119,055)	53,740	(119,055)	53,740	182%	40,677	152%				
466280 Local Srice - ECMCC	(20,000)	(16,667)	(24,332)	7,665	(24,332)	7,665	146%	4,332	122%				
466360 Stadium Reimbursement	(790,000)	(658,333)	(210,098)	(448,235)	(210,098)	(448,235)	32%	(579,902)	27%				
466370 Key Bnk Ctr Reimb	0	0	(210,000)	210,000	(210,000)	210,000	0%	210,000	0%				
467000 Misc Depart Income	(8,503)	(7,086)	(1,791)	(5,295)	(1,791)	(5,295)	25%	(6,712)	21%				
479100 Other Contributions	(61,510)	(44,673)	(69,349)	24,676	(69,349)	24,676	155%	7,839	113%				Through 83% of the year, the County has achieved 165% of the annual Other
480020 Sale-Excess Material	(919,750)	(337,500)	(9,237)	(328,263)	(337,500)	(9,237)	97%	(591,487)	36%				Sources revenue budget.
480030 Recycling Revenue	(34,050)	(28,375)	(41,238)	12,863	(41,238)	12,863	145%	7,188	121%				
** Other Sources	(43,367,158)	(35,295,370)	(71,567,785)	36,292,415	(71,567,785)	36,292,415	203%	28,220,626	165%				
406610 STD Clinic Fees	(222,470)	(185,392)	(248,044)	62,653	(248,044)	62,653	134%	25,574	111%				
415000 Medical Exam Fees	(779,750)	(649,792)	(659,243)	9,451	(659,243)	9,451	101%	(120,507)	86%				
415050 Treasurer Fees	(125,000)	(104,167)	(217,373)	113,206	(217,373)	113,206	209%	92,373	174%				
415105 Passport Fees	(27,625)	(23,021)	(67,130)	44,109	(67,130)	44,109	292%	39,505	243%				
415110 Court Fees	(368,755)	(307,296)	(263,650)	(43,646)	(263,650)	(43,646)	86%	(105,105)	71%				
415120 Small Claims AR Fees	(600)	(500)	(250)	(250)	(250)	(250)	50%	(350)	42%				
415130 Auto Fees	(4,005,783)	(3,338,153)	(3,323,332)	(14,820)	(3,323,332)	(14,820)	100%	(682,451)	83%				
415140 Comm of Educ Fees	(129,463)	(107,886)	(74,206)	(33,680)	(107,886)	(33,680)	69%	(55,257)	57%				
415150 Recording Fees	(7,365,400)	(6,137,833)	(4,000,601)	(2,137,233)	(6,137,833)	(2,137,233)	65%	(3,364,799)	54%				
415180 Vehicle Use Tax	(5,995,431)	(4,996,193)	(5,052,161)	55,969	(5,052,161)	55,969	101%	(943,270)	84%				
415185 E-Z Pass Tag Sales	(8,750)	(7,292)	(5,425)	(1,867)	(7,292)	(1,867)	74%	(3,325)	62%				
415200 Civil Serv Exam Fees	(55,000)	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%	(14,500)	15%				
415510 Civil Proc Fees-Sher	(1,020,000)	(850,000)	(947,872)	97,872	(947,872)	97,872	112%	(72,128)	93%				
415520 Sheriff Fees	(45,000)	(37,500)	(34,290)	(3,210)	(34,290)	(3,210)	91%	(10,710)	76%				
415600 Inmate Discip Surch	(15,000)	(12,500)	(15,484)	2,984	(15,484)	2,984	124%	484	103%				
415605 Drug Testing Charge	(20,000)	(29,167)	(20,723)	(6,443)	(20,723)	(6,443)	71%	(14,277)	59%				
415610 Restitution Surcharge	(3,000)	(16,667)	(8,861)	(7,806)	(16,667)	(7,806)	53%	(11,139)	44%				
415630 Bail Fee-Akt / Incar	(475,000)	(395,833)	(278,818)	(117,015)	(395,833)	(117,015)	70%	(196,182)	59%				
415650 DWI Program	(624,742)	(208,247)	0	(208,247)	(208,247)	0	0%	(624,742)	0%				
415670 Elec Monitoring Ch	(6,000)	(5,000)	(6,939)	1,939	(5,000)	1,939	139%	939	116%				
415680 Pmt-Home Care Review	(10,000)	(8,333)	(217)	(8,116)	(8,333)	(8,116)	3%	(9,783)	2%				

**January-October 2023 Budget Monitoring Report (BMR)
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Account Type	Annual Budget		Period Budget		Actuals		Period Available Budget		% of Period Budget Consumed		Annual Available Budget		% of Annual Budget Consumed		Comments/Key Items
	January-October	January-October	January-October	January-October	January-October	January-October	Available Budget	Consumed	Consumed	Consumed	Available Budget	Consumed	Consumed	Consumed	
416020 Comm Sanitat & Food	(1,175,000)	(979,167)	(1,029,597)	50,430	105%	(145,404)	88%								
416030 Realty Subdivisions	(12,000)	(10,000)	(5,214)	(4,786)	52%	(6,786)	43%								
416040 Indivd Sewr Sys Opt	(425,000)	(354,167)	(367,597)	13,430	104%	(57,403)	86%								
416090 Pen & Fines-Health	(20,000)	(16,667)	(8,170)	(8,497)	49%	(11,830)	41%								
416150 PPD Tests	(8,580)	(7,150)	(50)	(7,100)	1%	(8,530)	1%								
416160 TB Outreach	(47,380)	(39,483)	(29,901)	(9,582)	76%	(17,479)	63%								
416190 ImmunizationsService	(8,283)	(690)	0	(690)	0%	(8,283)	0%								
416580 Training Course Fees	(63,910)	(53,258)	(54,950)	1,692	103%	(8,960)	86%								
416610 Pub Health Lab Fees	(200,000)	(166,667)	(269,303)	102,636	162%	69,303	135%								
418040 Inspc Fee Wght/Meas	(167,642)	(139,702)	(153,690)	13,978	110%	(13,962)	92%								
418050 Item Price Waivr Fee	(256,364)	(213,637)	(214,334)	697	100%	(42,030)	84%								
418400 Subpoena Fees	(4,572)	(3,810)	(4,997)	1,187	131%	425	109%								
418500 Park & Rec Chgs-Camp	(280,000)	(233,333)	(186,643)	(46,690)	80%	(93,357)	67%								
418510 Park & Rec Chgs-Shel	(495,000)	(493,000)	(479,948)	(13,052)	97%	(15,052)	97%								
418520 Chgs-Park Emp Subsis	(16,200)	(13,500)	0	0	100%	(2,700)	83%								
418530 Golf Chg-Other Fees	(335,000)	(329,806)	(367,201)	37,395	111%	32,201	110%								
418540 Golf Chg-Greens Fees	(795,000)	(781,343)	(854,440)	73,097	109%	59,440	107%								
418550 Sale of Forest Prod	(9,000)	(7,500)	(10,281)	2,781	137%	1,281	114%								
418590 Spec Events Receipts	(8,100)	(6,750)	(3,450)	(3,300)	51%	(4,650)	43%								
420010 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	100%	0	100%								After 83% of the year, the County has achieved 81% of the annual Fees, Fines, or Charges revenue budget.
420030 Police Svcs-Oth Gvt	(307,550)	(256,292)	(257,192)	900	100%	(50,358)	84%								
420040 Jail Facil-Oth Gov	0	0	(50,000)	50,000	0%	50,000	0%								
420190 Gen Svc-Oth Gov	(960)	(800)	(800)	0	100%	(160)	83%								
420271 CESQG Charges	(60,000)	0	0	0	0%	(60,000)	0%								
421000 Pistol Permits	(225,645)	(186,038)	(160,061)	(27,977)	85%	(65,584)	71%								
421500 Fines&Forfeited Bail	(10,000)	(6,333)	(2,996)	(5,337)	36%	(7,004)	30%								
421510 Fines and Penalties	(4,600)	(3,833)	(450)	(3,383)	12%	(4,150)	10%								
466010 NSF Check Fees	(2,920)	(2,433)	(3,524)	1,090	145%	604	121%								
466190 Item Pricing Penalty	(557,040)	(464,200)	(364,450)	(99,750)	79%	(192,590)	65%								
466940 STOPDWI/VIP Prs Fees	(15,000)	(12,500)	(9,775)	(2,725)	78%	(5,225)	65%								
** Fees, Fines or Charges	(35,403,927)	(30,760,491)	(28,672,867)	(2,087,624)	93%	(6,731,060)	81%								
*** Local Source Revenue	(1,382,889,172)	(1,208,834,896)	(1,261,087,078)	52,252,182	104%	(121,802,094)	91%								
405570 ME 50% Fed Presch	(3,199,680)	(2,866,400)	(4,243,170)	1,376,710	148%	1,043,430	133%								
410070 FA-IV-B Preventive	(1,035,686)	(863,072)	(1,239,411)	376,339	144%	203,725	120%								
410080 FA-Admin Chargeback	1,835,629	1,529,691	1,529,691	(0)	100%	305,938	83%								
410120 FA-SNAP ET 100%	(344,497)	(287,081)	(501,209)	214,128	175%	156,712	145%								
410150 SSA-SSI Pri Inc Prg	(17,600)	(14,667)	(19,915)	5,248	136%	2,315	113%								
410240 HUD Rev D14.267 CoC	(6,477,277)	(5,387,360)	(4,946,783)	(440,577)	92%	(1,530,494)	76%								
410500 FA-Civil Defense	(342,777)	(285,648)	(294,548)	8,900	103%	(48,229)	86%								
410510 Fed Drug Enforcement	(38,744)	(32,287)	(14,962)	(17,324)	46%	(23,782)	39%								
410520 Fr Ci Bfio Poi Dept	(29,250)	(24,375)	(21,922)	(2,453)	90%	(7,328)	75%								
411000 MH Fed Medi Sat Sh	(974,882)	(806,088)	(870,387)	64,299	106%	(104,495)	89%								
411490 Fed Aid - TANF FFFS	(39,223,148)	(39,223,148)	(43,371,846)	4,148,698	111%	4,148,698	111%								
411495 FA - SYEP	(1,737,068)	(1,447,557)	(2,324,276)	876,719	161%	587,208	134%								
411500 Fed Aid - MA In House	1,965,117	1,637,598	982,197	655,401	60%	982,920	50%								
411520 FA-Family Assistance	(37,682,769)	(33,402,308)	(23,402,224)	(10,000,084)	70%	(14,280,545)	62%								Formula-driven Federal Aid appears under budget, mainly in Health and Human Service Departments, is offset by savings in associated expenditures.
411540 FA-Social Serv Admin	(29,746,461)	(26,788,718)	(16,353,296)	(10,435,421)	61%	(13,393,165)	55%								
411550 FA-Soc Serv Adm A-87	(1,275,590)	(1,062,982)	(584,506)	(478,486)	55%	(691,084)	46%								
411570 Fed Aid - SNAP Admin	(15,194,264)	(13,661,987)	(11,595,078)	(2,066,908)	85%	(3,599,186)	76%								
411580 Fed Aid - SNAP ET 50%	(4,141,052)	(3,450,877)	(2,110,245)	(1,340,631)	61%	(2,030,807)	51%								
411590 FA-HEAP	(4,561,210)	(3,801,008)	(5,066,650)	1,265,642	133%	505,440	111%								

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Account Type	Annual Budget	Period Budget January-October	Actuals January-October	Period Available Budget	% of Period Budget Consumed	Annual Available Budget	% of Annual Budget Consumed	Comments/Key Items
411610 FA-Servi/Recipients	(4,866,010)	(4,055,008)	(806,811)	(3,248,197)	20%	(4,059,199)	17%	
411640 FA-Daycare Block Grt	(19,339,794)	(17,116,495)	(38,586,979)	21,470,484	225%	19,247,185	200%	
411670 FA-Refugee&Entrants	(126,706)	(105,588)	(134,405)	28,817	127%	7,689	106%	
411680 FA-Foster Care/Adopt	(23,126,797)	(20,272,331)	(11,553,946)	(8,718,385)	57%	(11,572,851)	50%	
411690 FA-IV-D Incentives	(341,203)	(284,336)	(376,880)	92,544	133%	35,677	110%	
411700 FA-TANF Safety Net	(360,963)	(300,803)	(232,865)	(67,938)	77%	(128,098)	65%	
411780 Fed Aid-Medicaid Adm	(116,171)	(96,809)	(154,917)	58,108	160%	38,746	133%	
414000 Federal Aid	(157,000)	(127,100)	(1,612,677)	1,485,577	1289%	1,455,677	1027%	
414010 Federal Aid - Other	0	0	(55,020)	55,020	0%	55,020	0%	
414020 Misc Federal Aid	(77,488)	(64,573)	(90,956)	26,383	141%	13,488	117%	After 83% of the year, the County has
414030 FMAP Revenue	0	0	(625,186)	625,186	0%	625,186	0%	achieved 88% of the budgeted Federal
414035 FED LATCF Revenue	0	0	(100,000)	100,000	0%	100,000	0%	revenue.
*** Federal Revenue	(190,733,341)	(172,661,224)	(168,779,123)	(3,882,101)	98%	(21,954,218)	88%	
405000 State Aid Fr Da Sal	(77,682)	0	(77,682)	77,682	0%	0	100%	
405010 St Re Indigent Care	(30,000)	(25,000)	(25,000)	0	100%	(5,000)	83%	
405170 SA-Crt Fac Incent Aid	(2,167,000)	(1,805,833)	(2,065,837)	260,004	114%	(101,163)	95%	
405190 SA-Aid-Octane Testing	(25,885)	(21,571)	(17,135)	(4,436)	79%	(8,750)	66%	
405500 SA-Spec Need Presch	(37,057,308)	(30,731,090)	(29,947,031)	(784,031)	97%	(7,110,249)	81%	
405520 SA-NYS DOH EI Serv	(4,259,038)	(3,549,198)	(3,398,264)	(150,934)	96%	(860,774)	80%	
405530 SA-Admin Preschool	(379,134)	(315,945)	(411,150)	95,205	130%	32,016	108%	
405540 SA-Art VI-PubHlthLab	(546,948)	(455,790)	(455,790)	0	87%	(91,158)	83%	Formula-driven State Aid
405560 SA-NYS DOH EI Admin	(116,171)	(96,809)	(154,919)	58,110	160%	38,748	133%	appears under budget, mainly in
405590 SA-Medicaid EI Admin	(471,085)	(392,571)	(279,759)	(112,812)	71%	(191,326)	59%	Health and Human Service
405595 SA-Med Anti Fraud	(80,500)	(6,708)	(1,191,225)	0	100%	(238,245)	83%	Departments, is offset by savings in
406000 SA-Fr Prob Serv	(20,000)	(16,667)	(6,991)	(6,706)	0%	(80,500)	0%	associated expenditures.
406010 SA-Fr Nav Law Enforc	(91,041)	(75,868)	(96,545)	20,677	127%	5,504	106%	
406020 SA-Shomob Lw Enforc	(435,395)	(362,829)	(170,040)	(192,788)	47%	(265,355)	39%	
406550 Emerg Mead Training	(4,405,561)	(3,671,301)	(3,354,246)	(317,055)	91%	(1,051,315)	76%	
406560 SA-Art VI-PubHlthLab	(2,901,411)	(2,417,843)	(2,079,848)	(337,995)	86%	(821,563)	72%	
406810 SA-Foren Intl Hea Sr	(36,884,822)	(30,361,321)	(30,630,091)	288,770	101%	(6,254,731)	83%	
406830 SA-Mental Health II	(17,007,856)	(14,096,074)	(13,942,853)	(153,221)	99%	(3,065,003)	82%	
406860 State Aid - OASAS	(572,490)	(469,767)	(458,127)	(11,640)	98%	(114,363)	80%	
406890 Handpd Park Surch	(14,000)	(11,667)	(7,357)	(4,310)	63%	(6,643)	53%	
407500 SA-MA In House	1,965,117	637,598	515,212	122,386	81%	1,449,905	26%	
407510 SA-Spec Need Adult	(2,310)	(193)	0	(193)	0%	(2,310)	0%	
407520 SA-Family Assistance	0	(193)	(29,223)	29,223	0%	29,223	0%	
407540 SA-Soc Serv Admin	(30,554,134)	(27,461,778)	(29,128,636)	1,686,857	106%	(1,425,498)	95%	
407600 SA-Sec Det Other Co	(802,307)	(688,589)	(510,615)	(157,974)	76%	(291,692)	64%	
407610 SA-Sec Det Loc Yth	(2,258,810)	(2,136,342)	(2,938,521)	802,179	138%	679,711	130%	
407625 SA-Raise the Age	(8,650,476)	(7,758,730)	(6,620,568)	(1,138,162)	85%	(2,029,908)	77%	
407630 SA-Safety Net Assist	(10,411,479)	(8,676,233)	(7,746,440)	(929,793)	89%	(2,665,039)	74%	
407640 SA-Emerg Assist/Adult	(429,184)	(357,653)	(364,878)	7,225	102%	(64,306)	85%	
407650 SA-Foster Care/Adopt	(28,331,826)	(23,609,855)	(16,729,117)	(6,880,738)	71%	(11,602,709)	59%	
407670 SA-EAF Prev POS	(6,725,218)	(5,604,348)	(1,029,638)	(4,574,710)	18%	(5,695,580)	15%	
407680 SA-Serv Fr Recipients	(6,146,572)	(5,047,418)	(8,568,515)	3,521,097	170%	2,421,943	139%	
407710 SA-Legal Serv/Disab	(162,242)	(135,202)	(45,797)	(89,405)	34%	(116,445)	28%	
407730 State Aid - Burials	(1,034)	(862)	(70)	(792)	8%	(964)	7%	
407740 SA-Veterns Srv Agenc	(70,000)	0	0	0	0%	(70,000)	0%	
407760 SA-Daycare Block Grt	(3,899,715)	(3,249,763)	(953,772)	(2,295,991)	29%	(2,945,943)	24%	
407785 SA-WDI Enrollment	0	0	(204,750)	204,750	0%	204,750	0%	

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407795 State Aid - Code Blue	(427,812)	(366,510)	(310,400)	(56,110)	85%	(117,412)	73%	
408000 SA-Youth Progs	(25,181)	(20,984)	(29,310)	8,326	140%	4,129	116%	
408020 Youth-Reimb Programs	(996,576)	(830,480)	(741,379)	(89,101)	89%	(255,197)	74%	
408030 Homeless/Run NR RHY1	(117,000)	(97,500)	(97,111)	(389)	100%	(19,889)	83%	
408040 Homeless/Run Re RHY2	(84,000)	(70,000)	(69,720)	(280)	100%	(14,280)	83%	
408055 Youth Sports/Edu Opp	(100,000)	(83,333)	(83,000)	(333)	100%	(17,000)	83%	
408061 STS,JP - RTA	(450,000)	(375,000)	(373,500)	(1,500)	100%	(76,500)	83%	
408065 Yth-Supervision	(310,000)	(258,333)	(257,300)	(1,033)	100%	(52,700)	83%	
408530 SA-Crim Justice Prog	(711,517)	(600,410)	(607,102)	6,692	101%	(104,415)	85%	
409000 State Aid Revenues	(4,204,898)	(594,091)	(1,133,288)	539,197	191%	(3,071,610)	27%	
409010 State Aid - Other	(4,217,610)	(352,960)	3,515,425	(3,868,385)	-996%	(7,733,035)	-83%	
409020 SA-Misc	(63,386)	(62,822)	(59,862)	7,141	114%	(3,424)	95%	
409030 SA-Main-Lieu of Rent	(457,578)	(131,315)	(131,315)	0	100%	(26,263)	83%	
409060 SA-Prob Pretrial Ser	(99,394)	(11,199)	0	(11,199)	0%	(99,394)	0%	
*** State Revenue	(221,158,349)	(181,082,884)	(166,206,359)	(14,876,525)	92%	(54,951,990)	75%	
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	(1,795,510,828)	(1,563,308,970)	(1,597,032,327)	33,723,357	102%	(198,478,501)	89%	

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Account Type	Annual Budget	Period Budget		Actuals January-October	Period Available Budget	% of Period Budget Consumed	Annual Available Budget	% of Annual Budget Consumed	Comments/Key Items
		January-October	January-October						
Expenses									
500000 Full Time - Salaries	285,287,661	217,920,507	204,153,907	13,766,600	94%	61,133,754	77%	Through 83% of the year, the County has spent 76% of budgeted salaries.	
500010 Part Time - Wages	4,398,923	3,288,595	2,182,409	1,106,186	66%	2,216,514	50%		
500020 Regular PT - Wages	1,866,033	1,528,667	1,171,927	357,740	77%	694,106	63%		
500030 Seasonal - Wages	272,559,283	223,613,676	887,257	(12,350)	101%	119,409	88%		
** Salaries	2,220,501	1,825,845	208,395,499	15,218,176	93%	64,163,784	76%		
500030 Shift Differential	1,131,050	244,500	244,500	0	100%	886,550	22%		
500030 Uniform Allowance	2,482,406	2,019,158	1,997,556	21,601	99%	484,850	80%		
500030 Holiday Worked	2,946,478	2,451,470	2,248,170	203,300	92%	698,308	76%	After 83% of the year, overtime is showing a gross unfavorable variance of \$12.4 Million.	
500030 Line-up Pay	2,532,210	1,770,418	1,536,371	234,047	87%	995,839	61%		
500350 Other Employee Pymts	18,813,540	15,605,971	27,984,887	(12,378,916)	179%	(9,171,347)	149%		
501000 Overtime	30,126,185	23,940,541	35,837,329	(11,896,788)	150%	(5,711,144)	119%		
** Non-Salaries	(2,700,000)	(2,246,400)	0	(2,246,400)	0%	(2,700,000)	0%		
504990 Reductions Per Srv	1,653,437	1,160,000	0	1,160,000	0%	1,653,437	0%		
504992 Salary Reserves	900,000	623,075	0	623,075	0%	900,000	0%		
504998 Net Impact Teamsters	(146,563)	(463,325)	0	(463,325)	0%	(146,563)	0%		
** Countywide Adjustments	302,538,905	247,090,892	244,232,828	2,858,063	99%	58,306,077	81%		
*** Personnel Related Expense	143,205,938	116,991,126	0	116,991,126	0%	143,205,938	0%	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 EPMC legacy-related expense.	
502000 Fringe Benefits	0	0	14,638,603	(14,638,603)	0%	(14,638,603)	0%		
502010 Employer FICA	0	0	3,430,602	(3,430,602)	0%	(3,430,602)	0%		
502020 Empl'r FICA-Medicare	0	0	33,736,671	(33,736,671)	0%	(33,736,671)	0%		
502030 Employee Health Ins	0	0	1,262,781	(1,262,781)	0%	(1,262,781)	0%		
502040 Dental Plan	11,496,779	9,393,320	9,564,892	(171,572)	102%	1,931,887	83%		
502050 Workers' Compensation	0	0	178,196	(178,196)	0%	(178,196)	0%		
502060 Unemployment Ins	1,782,192	1,485,160	26,340,332	(24,855,172)	1774%	(24,855,172)	1478%		
502070 Hosp & Med-Retirees'	0	0	2,283,037	(2,283,037)	0%	(2,283,037)	0%		
502090 Hlth Ins Waiver	0	0	27,257,158	(27,257,158)	0%	(27,257,158)	0%	After 83% of the year, the County has spent 77% of the total budgeted Fringe Benefit expense.	
502100 Retirement	(9,408,053)	(7,827,500)	(4,845,308)	(2,982,192)	62%	(4,562,745)	52%		
502130 WkrsCmp OtherFd Reim	(1,242,547)	(1,033,799)	(1,289,015)	255,216	125%	46,468	104%		
502140 3rd Party Recoveries	145,834,309	119,008,307	112,557,950	6,450,357	95%	33,276,359	77%		
*** Fringe Benefit Total	1,186,104	908,633	598,831	309,802	66%	587,273	50%		
505000 Office Supplies	759,181	524,072	282,912	241,160	54%	476,269	37%		
505200 Clothing Supplies	2,221,312	1,608,547	1,652,524	(43,977)	103%	568,789	74%		
505400 Food & Kitchen Supp	3,115,854	2,426,878	1,857,863	569,015	77%	1,257,991	60%		
505600 Auto Tr & Hvy Eq Sup	2,271,598	1,343,981	1,320,385	23,597	98%	951,214	58%		
505800 Medical & Hlth Supp	3,491,470	2,109,760	2,026,729	83,031	96%	1,464,741	58%		
506200 Maintenance & Repair	14,700	0	0	0	0%	14,700	0%		
507000 E-Z Pass Supplies	13,060,219	8,921,871	7,739,243	1,182,628	87%	5,320,976	59%		
** Supplies and Repairs	8,520,262	4,993,641	(6,974)	5,000,614	0%	8,527,236	0%		
555000 General Liability	0	0	2,412,650	(2,412,650)	0%	(2,412,650)	0%	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.	
555010 Settlements/Jdgmnts-Lit	0	0	578	(578)	0%	(578)	0%		
555020 Travel & Mileage-Lit	0	0	148,820	(148,820)	0%	(148,820)	0%		
555030 Litig & Rel Disburs.	0	0	1,300,693	(1,300,693)	0%	(1,300,693)	0%		
555040 Expert/Cons Fees-Lit	0	0	1,137,979	(1,137,979)	0%	(1,137,979)	0%		
555050 Insurance Premiums	8,520,262	4,993,641	4,993,747	(106)	100%	3,526,515	59%		
* Risk Retention	1,806,316	1,481,569	1,333,506	148,083	90%	472,810	74%		
510000 Local Mileage Reimb	636,444	505,099	274,317	230,782	54%	362,127	43%		
510100 Out Of Area Travel	723,223	590,412	432,355	158,057	73%	290,868	60%		
510200 Training And Educat	490,000	490,000	647,640	(157,640)	132%	(157,640)	132%		
511000 Control Board Expense	3,721,080	2,895,435	2,579,617	315,618	89%	1,141,264	69%		
515000 Utility Charges									

**January-October 2023 Budget Monitoring Report (BMR)
Detail by Account**

Account Type	Annual Budget	Period Budget January-October	Actuals January-October	Period Available Budget	% of Period Budget Consumed	Annual Available Budget	% of Annual Budget Consumed	Comments/Key Items
516040 DSS Trng & Edu Pro	1,759,781	1,094,822	1,057,160	37,662	97%	702,621	60%	
530000 Other Expenses	4,270,781	1,675,657	1,261,786	413,871	75%	3,008,995	30%	
530010 Chargebacks	1,636,212	1,363,510	1,525,319	(161,809)	112%	110,893	93%	
530030 Pivot Wage Subsidies	2,582,049	2,166,355	2,078,469	87,887	96%	503,580	80%	
545000 Rental Charges	13,475,821	10,520,780	9,752,230	768,550	93%	3,723,592	72%	
** Other	39,621,969	27,777,300	25,936,344	1,840,956	93%	13,685,625	65%	
* Non Profit Agency Subsidy	26,339,314	17,357,248	17,357,248	0	100%	8,982,066	66%	
* Non Profit Purchase of Service	155,419,113	118,047,939	118,047,787	101,152	100%	37,371,326	76%	
516020 Pro Ser Ont and Fees	27,571,410	11,712,898	11,351,554	361,344	97%	16,219,866	41%	
516021 Indep Procd Review	50,000	41,667	0	41,667	100%	8,333	83%	
516030 Maintenance Contracts	8,991,493	7,624,409	7,573,221	51,188	99%	1,418,273	84%	
516042 Foreclosure Action	2,333,269	2,113,954	2,113,954	0	100%	219,315	91%	
516080 Life Safety Contract	1,617,930	1,042,913	1,107,008	(64,096)	106%	510,922	68%	
520000 Municipal Assoc Fees	118,427	118,426	118,426	1	100%	1	100%	
516047 Warehouse Build-Out	738,462	0	0	0	0%	738,462	0%	
520010 Txs&Asses-Co Ownd Pr	600	500	327	173	65%	273	54%	
520020 Co Res Enrl Comm Col	8,305,275	4,614,899	4,615,261	(361)	100%	3,690,014	56%	
520040 Curr Pymts Mass Tran	3,657,200	2,742,900	2,742,900	0	100%	914,300	75%	
520050 Garbage Disposal	115,000	95,833	91,496	4,337	95%	23,504	80%	
520070 Buffalo Bills Maint	3,048,714	3,048,714	3,041,384	7,330	100%	7,330	100%	
520072 Working Capital Assf	1,933,237	1,933,237	1,952,899	(19,662)	101%	(19,662)	101%	
* Professional Svcs Contracts a	58,481,017	35,090,350	34,750,095	340,255	99%	23,730,922	59%	
516050 Dept Payments-ECMCC	5,429,271	4,478,660	4,221,774	256,886	94%	1,207,497	78%	
516051 ECMCC Drug & Alcohol	397,493	331,244	0	331,244	100%	66,249	83%	
* ECMCC Payments	5,826,764	4,809,905	4,553,018	256,886	95%	1,273,746	78%	
516060 Sales Tax Loc Gov 3%	403,187,071	340,856,258	348,755,480	(7,899,222)	102%	54,431,591	86%	
516070 Flat Dist from 1%	12,500,000	12,500,000	12,500,000	0	100%	0	100%	
520030 NFTA-Share Sales Tax	25,966,267	21,966,945	22,461,567	(494,622)	102%	3,504,700	87%	
* Sales Tax to Local Government	441,653,338	375,323,203	383,717,047	(8,393,844)	102%	57,936,291	87%	
** Contractual	687,719,547	550,729,644	558,425,196	(7,695,551)	101%	129,294,351	81%	
561410 Lab & Tech Eq	10,869,935	3,232,153	3,090,466	141,687	96%	7,779,468	28%	
561420 Office Furn & Fixt	862,736	355,191	235,284	119,907	66%	627,452	27%	
561430 Bldg Grs & Hwy Eq	875,088	59,650	139,129	(79,279)	232%	735,959	16%	
561440 Motor Vehicles	1,523,301	680,724	1,122,842	(442,118)	165%	400,459	74%	
** Equipment	14,131,060	4,327,918	4,587,722	(259,803)	106%	9,543,339	32%	
559000 County Share - Grants	15,356,333	4,453,347	4,453,347	0	100%	10,902,986	29%	
570000 InterFund Trans-Subs	125,000	125,000	125,000	0	100%	0	100%	
570020 Interfund - Road	17,237,687	9,581,473	9,581,473	0	100%	7,656,214	56%	
570025 InterFd Co Share 911	5,505,969	4,709,329	4,709,329	0	100%	796,640	86%	
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	152,400,589	83,726,161	83,726,161	0	100%	68,674,427	55%	
575000 Interfund Exp Non-Sub	4,481,244	342,695	342,695	0	100%	4,138,548	8%	
575040 I/F Expense-Utility	5,724,468	3,490,390	2,733,485	756,905	78%	2,990,983	48%	
* Interfund Expense	221,405,582	127,002,688	126,245,783	756,905	99%	95,159,800	57%	
910600 ID Purchasing Srv	(286,309)	(238,591)	(218,323)	(20,268)	92%	(67,986)	76%	
910700 ID Fleet Services	(3,087,181)	0	(1,511,759)	(1,076,491)	58%	(1,575,422)	49%	
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. Svcs	(194,907)	(162,423)	(204,869)	42,446	126%	9,962	105%	
911600 ID Jail Mgt. Service	0	0	0	0	0%	0	0%	

**January-October 2023 Budget Monitoring Report (BMR)
Detail by Account**

Account Type	Annual Budget	Period Budget January-October	Actuals January-October	Period Available Budget	% of Period Budget Consumed	Annual Available Budget	% of Annual Budget Consumed	Comments/Key Items
911630 ID Correctional Fac	(45,000)	(37,500)	0	(37,500)	0%	(45,000)	0%	
912000 ID DSS Service	(167,814)	(139,845)	0	(139,845)	0%	(167,814)	0%	
912100 ID Utility Fund Srv	4,966	4,138	0	4,138	0%	4,966	0%	
912215 ID DPW Mail Svcs	(13,561)	(11,301)	(8,038)	(3,263)	71%	(5,523)	59%	
912220 ID Builid&Grounds Srv	0	0	0	0	0%	0	0%	
912300 ID Highways Services	32,000	26,667	5,020	21,647	19%	26,980	16%	
912400 ID Mental Health Srv	0	0	0	0	0%	0	0%	
912520 ID Youth Deten Svcs	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%	
912700 ID Health Services	(3,427)	(2,856)	(217,644)	214,788	7621%	214,217	6351%	
912730 ID Health Lab Srv	7,187	5,989	154	5,835	3%	7,033	2%	
912740 ID Med Ex 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)	(127,344)	(13,668)	(113,676)	11%	(139,364)	9%	
916200 ID Env & Plan Srv	57,182	47,652	40,116	7,536	84%	17,066	70%	
916390 ID Senior Svcs Grant	24,906	20,755	15,333	4,822	77%	8,973	64%	
916400 ID Parks Services	(70,986)	(59,155)	(16,697)	(42,458)	28%	(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 Svcs Grant	115,445	96,204	71,926	24,278	75%	43,519	62%	
942000 ID Library Services	153,143	127,619	113,740	13,880	89%	39,404	74%	
980000 ID DSS Services	(2,192,172)	(1,826,314)	(1,910,140)	83,826	105%	(282,032)	87%	
* Interdepartmental Billings	(5,734,950)	(4,872,354)	(3,862,049)	(1,010,305)	79%	(1,872,901)	57%	
** Allocations	215,670,632	122,130,334	122,383,734	(253,400)	100%	93,286,898	87%	
525000 MMIS-Medicaid Loc Sh	186,385,874	154,339,706	155,073,690	(733,984)	100%	31,312,184	83%	On September 14, 2023 Medicaid
525020 UPL Expense	6,786,138	5,911,209	5,911,209	0	100%	874,929	87%	payment increases were announced by
525030 MA - Gross Loc Pymts	39247	32705.83	8551.9	24153.93	26%	30,695	22%	NYS for a total 2023 increase of \$3.9M
525040 Family Assistance-FA	38,780,099	29,316,749	24,162,117	5,154,632	82%	14,617,962	62%	which started in October 2023.
525050 CWS - Foster Care	99,177,933	65,148,278	55,681,830	9,466,447	85%	43,496,103	56%	
525060 Safety Net Assist	39,665,565	35,054,638	29,682,168	5,372,469	85%	9,983,397	75%	
525070 Emer Assist To Adlts	1,034,035	861,696	909,697	(48,001)	106%	124,338	88%	
525080 Ed Handicapped Child	592,608	493,840	134,180	359,660	27%	458,428	23%	The payment for the 2022 UPL was
525091 Child Care - Title XX	1,580,796	1,317,330	1,803,774	(486,444)	137%	(222,978)	114%	made in October for \$5.9 million. The
525092 Child Care - CCBG	21,720,590	18,300,492	39,031,236	(20,730,745)	213%	(17,310,646)	180%	payment for 2023 UPL is expected in
525100 Housekeeping - DSS	36,486	30,405	0	30,405	0%	36,486	0%	late 2023.
525110 Meals On Wheels WNY	70,000	58,333	70,000	(11,667)	120%	-	100%	
525120 Adult Special Needs	2,310	1,925	0	1,925	0%	2,310	0%	
525130 OCFs Yth Fac Charges	7,979,770	6,649,808	6,663,665	(13,857)	100%	1,316,105	84%	
525140 HEAP Program Costs	570,000	475,000	679,940	(204,940)	143%	(109,940)	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
525160 Indigent Care DSH	6,458,791	6,458,791	6,214,824	243,967	96%	243,967	96%	in late 2023 or Jan 2024.
528000 Svcs Spec Need Child	64,569,406	53,008,172	53,726,319	(718,147)	101%	10,843,087	83%	
528010 Svcs Early Inv Prog	8,570,914	7,042,547	6,935,232	107,315	98%	1,635,682	81%	
530020 Independent Living	10,000	8,333	0	8,333	0%	10,000	0%	
** Program Specific	575,008,133	435,083,802	437,262,278	(2,178,476)	101%	137,745,855	76%	
570040 I/F Subsidy Debt Srv	62,414,953	52,863,994	52,863,994	0	100%	9,550,959	85%	
** Debt Services	62,414,953	52,863,994	52,863,994	0	100%	9,550,959	85%	
*** All Other Operating Expense	1,607,626,513	1,201,834,864	1,209,198,511	(7,363,647)	101%	398,428,003	75%	
**** County Expense	2,055,999,727	1,567,934,063	1,565,989,289	1,944,774	100%	490,010,439	76%	
***** Net	260,488,900	4,625,092	(31,043,038)	35,668,131		291,531,938		

**October 2023 Budget Monitoring Report (BMR)
with Year End Projections**

Account Type	Annual Budget	Period Budget January-October	Actuals January-October	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)	(6,143,451)	(5,887,085)	(256,366)	96%	(14,637,677)	(1,341,289)	92%
** Sales Tax	(583,527,694)	(494,354,970)	(504,759,506)	10,404,536	102%	(614,096,744)	30,569,050	105%
** Sales Tax to Local Govt.	(403,187,071)	(340,856,258)	(348,755,480)	7,899,222	102%	(424,299,304)	21,112,233	105%
** Other Sources	(43,367,158)	(35,295,370)	(71,587,785)	36,292,415	203%	(76,091,698)	32,724,540	175%
** Fees, Fines or Charges	(35,403,927)	(30,760,491)	(28,672,867)	(2,087,624)	93%	(34,941,656)	(462,271)	99%
** Appropriated Fund Balance	0	0	0	0	0%	0	0	0%
*** Local Source Revenue	(1,382,889,172)	(1,208,834,896)	(1,261,087,078)	52,252,182	104%	(1,465,491,435)	82,602,264	106%
*** Federal Revenue	(190,733,341)	(172,661,224)	(168,779,123)	(3,882,101)	98%	(197,437,028)	6,703,687	104%
*** State Revenue	(221,158,349)	(181,082,884)	(166,206,359)	(14,876,525)	92%	(210,817,041)	(10,341,308)	95%
*** Interfund Revenue	(729,966)	(729,966)	(959,766)	229,800	131%	(959,766)	229,800	131%
*** County Revenue	(1,795,510,828)	(1,563,308,970)	(1,597,032,327)	33,723,357	102%	(1,874,705,271)	79,194,443	104%
Expense								
** Salaries	272,559,283	223,613,676	208,395,499	15,218,176	93%	257,036,225	15,523,058	94%
** Non-Salaries	30,126,185	23,940,541	35,837,329	(11,896,788)	150%	44,491,650	(14,365,465)	148%
** Countywide Adjustments	(146,563)	(463,325)	0	(463,325)	0%	0	(146,563)	0%
*** Personnel Related Expense	302,538,905	247,090,892	244,232,828	2,858,063	99%	301,527,875	1,011,030	100%
*** Fringe Benefit Total	145,834,309	119,008,307	112,557,950	6,450,357	95%	153,853,158	(8,018,849)	105%
** Supplies and Repairs	13,060,219	8,921,871	7,739,243	1,182,628	87%	11,374,140	1,686,079	87%
** Other	39,621,969	27,777,300	25,936,344	1,840,956	93%	36,622,002	2,999,968	92%
** Contractual	687,719,547	550,729,644	558,425,196	(7,695,551)	101%	708,026,419	(20,306,873)	103%
** Equipment	14,131,060	4,327,918	4,587,722	(259,803)	106%	11,511,928	2,619,132	81%
** Allocations	215,670,632	122,130,334	122,383,734	(253,400)	100%	212,859,170	2,811,462	99%
** Program Specific	575,008,133	435,083,802	437,262,278	(2,178,476)	101%	614,594,969	(39,586,836)	107%
** Debt Services	62,414,953	52,863,994	52,863,994	0	100%	62,414,953	0	100%
*** All Other Operating Expense	1,607,626,513	1,201,834,864	1,209,198,511	(7,363,647)	101%	1,657,403,582	(49,777,069)	103%
*** County Expense	2,055,999,727	1,567,934,063	1,565,989,289	1,944,774	100%	2,112,784,616	(56,784,888)	103%
**** Net	260,488,900	4,625,092	(31,043,038)	35,668,131		238,079,345	22,409,555	

2023 Status	
Total Revenue	1,874,705,271
Total Expense	(2,112,784,616)
Net	(238,079,345)
Adjustments	
Add Appropriation from 2022	260,488,900
Net Projected YE 2023 Balance	22,409,555

Erie County
 POSITION CONTROL
 PART TIME VACANCY BY DEPARTMENT, JOB

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 102 Budget & Management

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
CHF PRCL(P)	51016090	GRP 09	PT	P	10/08/2022	BUDGET & MANAGEMENT DIVISION	110		26,227.00		01	100.000
	26,227.00	Perm Budget Amt			1	Perm Vac						
						0.00	Temp Budget Amt					
												1

Totals for Budget & Management

26,227.00	Perm Budget Amt	1	Perm Vac	0.00	Temp Budget Amt	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 0 Temp Budget Amt 1

Totals for Labor Relations

14,100.00 Perm Budget Amt 1 Perm Vac 0 Temp Vac 0 Temp Budget Amt 1

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
TAX ACCT PT	51015554	GRP 10	PT	P	01/01/2022	DEPARTMENT OF REAL PROPERTY TAX	110		27,856.00		01	100.000
										1		

27,856.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac

Totals for Real Property Tax Services

27,856.00 Perm Budget Amt 1 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: 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
CLERK PT	51002354	GRP 01	PT	P	10/07/2023	RECORDING	110		18,330.00	02	100.000	
18,330.00 Perm Budget Amt										1		
JR MT V CS P	51002289	GRP 05	PT	T	09/25/2021	AUTO BUREAU BRANCH OFFICES	110		20,712.00	02	100.000	
	51002294	GRP 05	PT	T	06/04/2023	AUTO BUREAU BRANCH OFFICES	110		20,712.00	02	100.000	
	51002296	GRP 05	PT	T	06/04/2022	AUTO BUREAU BRANCH OFFICES	110		20,712.00	02	100.000	
	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	Temp Vac	12
124,272.00 Temp Budget Amt										6	Temp Vac	13

Totals for County Clerk

142,602.00 Perm Budget Amt

7 Perm Vac

124,272.00 Temp Budget Amt

6 Temp Vac

SHORT DESC	POSITION NUMBER	JOB GROUP	BE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	Temp Budget Amt	0	Temp Budget Amt	4	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
DS SE RE S S	51011332	GRP 51	SeasonP		07/15/2023	STADIUM DETAIL	110		0.00	Temp Budget Amt	4	4,500.00	07	07	0.000	
	51011340	GRP 51	SeasonP		08/14/2021	STADIUM DETAIL	110					4,500.00	07	07	0.000	
	51011342	GRP 51	SeasonP		08/13/2021	STADIUM DETAIL	110					4,500.00	07	07	0.000	
	51011344	GRP 51	SeasonP		07/17/2021	STADIUM DETAIL	110					4,500.00	07	07	0.000	
<p style="text-align: center;">18,000.00 Perm Budget Amt 4 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 4</p>																
DS SEC RES S	51011383	GRP 50	SeasonP		07/15/2023	STADIUM DETAIL	110					2,730.00	07	07	0.000	
	51011433	GRP 50	SeasonP		07/16/2023	STADIUM DETAIL	110					2,730.00	07	07	0.000	
	51011599	GRP 50	SeasonP		09/19/2022	STADIUM DETAIL	110					2,730.00	07	07	0.000	
	51017485	GRP 50	SeasonP		07/16/2023	STADIUM DETAIL	110					1,365.00	07	07	0.000	
	51017493	GRP 50	SeasonP		06/17/2023	STADIUM DETAIL	110					1,365.00	07	07	0.000	
	51017500	GRP 50	SeasonP		07/16/2023	STADIUM DETAIL	110					1,365.00	07	07	0.000	
	51017506	GRP 50	SeasonP		07/16/2023	STADIUM DETAIL	110					1,365.00	07	07	0.000	
	51017538	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110					1,365.00	07	07	0.000	
	51017539	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110					1,365.00	07	07	0.000	
	51017542	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110					1,365.00	07	07	0.000	
	51017548	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110					1,365.00	07	07	0.000	
	51017549	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110					1,365.00	07	07	0.000	
	51017550	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110					1,365.00	07	07	0.000	
	51017552	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110					1,365.00	07	07	0.000	
	51017553	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110					1,365.00	07	07	0.000	
<p style="text-align: center;">24,570.00 Perm Budget Amt 15 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 15</p>																
DEP SH RES P	00002369	GRP 08	PT	P	07/15/2023	POLICE SUPPORT SERVICES	110					23,258.00	02	02	100.000	
	51007280	GRP 08	PT	P	07/16/2023	POLICE SUPPORT SERVICES	110					17,444.00	02	02	100.000	
<p style="text-align: center;">40,702.00 Perm Budget Amt 2 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 2</p>																

Totals for Office of the Sheriff

83,272.00 Perm Budget Amt 21 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 21

Erie County
 POSITION CONTROL
 PART TIME 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	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
DIR OF HSW P	51017962	GRP 13	PT	P	07/19/2023	JAIL MANAGEMENT ADMINISTRATION	110		34,924.00	07	07	100.000
34,924.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	1	
HC GD PT	51016613	GRP 08	PT	P	02/13/2023	SECURITY HC	110		19,149.00	02	02	100.000
	51016747	GRP 08	PT	P	02/13/2023	SECURITY HC	110		19,149.00	02	02	100.000
	51017847	GRP 08	PT	P	08/12/2023	SECURITY HC	110		19,149.00	02	02	100.000
	51017848	GRP 08	PT	P	10/07/2023	SECURITY HC	110		19,149.00	02	02	100.000
	51017849	GRP 08	PT	P	01/01/2023	SECURITY HC	110		19,149.00	02	02	100.000
	51017850	GRP 08	PT	P	01/01/2023	SECURITY HC	110		19,149.00	02	02	100.000
	51017852	GRP 08	PT	P	01/01/2023	SECURITY HC	110		19,149.00	02	02	100.000
	51017853	GRP 08	PT	P	01/01/2023	SECURITY HC	110		19,149.00	02	02	100.000
	51017855	GRP 08	PT	P	01/01/2023	SECURITY HC	110		19,149.00	02	02	100.000
	51017856	GRP 08	PT	P	01/01/2023	SECURITY HC	110		19,149.00	02	02	100.000
191,490.00	Perm Budget Amt			10	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	10	

Part Active

Totals for Jail Management

226,414.00 Perm Budget Amt

11 Perm Vac

0.00 Temp Budget Amt

0 Temp Vac

11

Erie County
 POSITION CONTROL
 PART TIME VACANCY BY DEPARTMENT, JOB
 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
EN CR 1 SEA	00003290	GRP 02	SeasonP		09/09/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		13,418.00	02	02	0.000
	51012143	GRP 02	SeasonP		10/11/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		13,418.00	02	02	0.000
	26,836.00	Perm Budget Amt		2	Perm Vac	0.00	Temp Budget Amt			2		
CASEMKR PT	51011888	GRP 09	PT	P	05/06/2023	CHILD PROTECTIVE SERVICES	110		26,227.00	02	02	49.020
	26,227.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt			1		
EN CR 1 PT	51002081	GRP 02	PT	P	07/01/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		18,606.00	02	02	0.000
	51002087	GRP 02	PT	P	08/29/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		18,606.00	02	02	0.000
	37,212.00	Perm Budget Amt		2	Perm Vac	0.00	Temp Budget Amt			2		
EN CR 2 PT	00003367	GRP 05	PT	T	09/10/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		20,712.00	02	02	0.000
	51002095	GRP 05	PT	P	10/07/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		20,712.00	02	02	0.000
	51017076	GRP 05	PT	P	05/20/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		20,712.00	02	02	0.000
	51017082	GRP 05	PT	T	09/09/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		20,712.00	02	02	0.000
	41,424.00	Perm Budget Amt		2	Perm Vac	41,424.00	Temp Budget Amt			4		

Totals for Department of Social Services

131,699.00	Perm Budget Amt		7	Perm Vac	41,424.00	Temp Budget Amt				9		
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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
CHAPLAIN PT	00001023	GRP 11	PT	P	07/01/2023	SECURE CHILD CARE	110		3,196.00		04	51.000
	3,196.00	Perm Budget Amt			1	Perm Vac				1		
DET HM IN PT	00002980	GRP 09	PT	P	03/11/2022	INTAKE	110		21,237.00		02	51.000
	00002982	GRP 09	PT	P	05/02/2022	INTAKE	110		21,237.00		02	51.000
	42,474.00	Perm Budget Amt			2	Perm Vac				2		
DET SEC GD P	00002970	GRP 05	PT	P	07/09/2021	BUILDING SERVICES	110		12,562.00		01	51.000
	12,562.00	Perm Budget Amt			1	Perm Vac				1		
YTH DET WK P	51006935	GRP 07	PT	P	10/07/2023	SECURE PART TIME YDW CHILD CARE	110		14,353.00		02	51.000
	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
	14,353.00	Perm Budget Amt			1	Perm Vac				3		

Totals for Youth Services Division

72,585.00	Perm Budget Amt	5	Perm Vac	28,706.00	Temp Budget Amt	2	Temp Vac	7
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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: 127 Health

SHORT DESC	POSITION NUMBER	JOB GROUP	BE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
C IN C EMS P	51005153	GRP 15	PT	P	05/20/2023	EMS TRAINING	110		7,206.00	07	100.000	
	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	
45,213.00 Perm Budget Amt										9	0	Temp Vac
C L IN EMS P	51005203	GRP 08	PT	P	05/19/2023	EMS TRAINING	110		3,298.00	07	100.000	
	51005231	GRP 08	PT	P	05/20/2023	EMS TRAINING	110		3,298.00	07	100.000	
	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	
	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	
27,557.00 Perm Budget Amt										12	0	Temp Vac
EM MED TEC P	51018046	GRP 07	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		23,264.00	01	91.000	
	51018047	GRP 07	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		23,264.00	01	91.000	
	51018048	GRP 07	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		23,264.00	01	91.000	
	51018049	GRP 07	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		23,264.00	01	91.000	
93,056.00 Perm Budget Amt										4	0	Temp Vac
EM MED TEC EC P	51017937	GRP 09	PT	P	07/31/2023	ENVIRONMENTAL HEALTH LAB	110		26,227.00	01	0.000	
26,227.00 Perm Budget Amt										1	0	Temp Vac
PARAMED I PT	51018032	GRP 09	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		26,227.00	01	91.000	
	51018033	GRP 09	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		26,227.00	01	91.000	
	51018034	GRP 09	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		26,227.00	01	91.000	
	51018035	GRP 09	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		26,227.00	01	91.000	
	51018036	GRP 09	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		26,227.00	01	91.000	
	51018037	GRP 09	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		26,227.00	01	91.000	

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	0.00	Temp	Budget Amt	FUND	GRANT	0	Temp	Vac	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
PR WK IN PT	51005278	GRP 01	PT	P	05/22/2021	EMS TRAINING	0.00	Temp	Budget Amt	110		0	Temp	Vac	1,855.00	07	100.000	
	51005279	GRP 01	PT	P	05/19/2023	EMS TRAINING				110					1,132.00	07	100.000	
	51005280	GRP 01	PT	P	05/19/2023	EMS TRAINING				110					1,132.00	07	100.000	
	51005286	GRP 01	PT	P	04/28/2023	EMS TRAINING				110					1,132.00	07	100.000	
	51005287	GRP 01	PT	P	09/25/2021	EMS TRAINING				110					1,132.00	07	100.000	
	51005289	GRP 01	PT	P	05/26/2021	EMS TRAINING				110					779.00	07	100.000	
	51005291	GRP 01	PT	P	05/20/2023	EMS TRAINING				110					779.00	07	100.000	
	51005293	GRP 01	PT	P	01/15/2022	EMS TRAINING				110					1,132.00	07	100.000	
	51005297	GRP 01	PT	P	05/19/2023	EMS TRAINING				110					1,317.00	07	100.000	
	51006149	GRP 01	PT	P	05/19/2023	EMS TRAINING				110					2,783.00	07	100.000	
	51006177	GRP 01	PT	P	05/19/2023	EMS TRAINING				110					557.00	07	100.000	
	51006178	GRP 01	PT	P	05/19/2023	EMS TRAINING				110					557.00	07	100.000	
	51006183	GRP 01	PT	P	05/19/2023	EMS TRAINING				110					557.00	07	100.000	
	51011943	GRP 01	PT	P	05/19/2023	EMS TRAINING				110					278.00	07	100.000	
	51011945	GRP 01	PT	P	05/19/2023	EMS TRAINING				110					278.00	07	100.000	
	51011946	GRP 01	PT	P	05/19/2023	EMS TRAINING				110					186.00	07	100.000	
15,586.00	Perm Budget Amt				16	Perm Vac	0.00	Temp	Budget Amt			0	Temp	Vac		16		
REG NRS PT	51012177	GRP 08	PT	P	08/05/2022	YOUTH DETENTION HEALTH SERVICES				110					27,818.00	02	50.000	
27,818.00	Perm Budget Amt				1	Perm Vac	0.00	Temp	Budget Amt			0	Temp	Vac		1		

Totals for Health

392,819.00 Perm Budget Amt

49 Perm Vac

0 Temp Budget Amt

0 Temp Vac

49

Erie County
 POSITION CONTROL
 PART TIME 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	Temp Budget Amt	0	Temp Budget Amt	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.	0.00	0	Temp Budget Amt	110		26,227.00	1	05	100.000
	26,227.00	Perm Budget Amt			1	Perm Vac	0.00	0	Temp Vac						
DABAPRCPBOE	51014951	GRP 13	PT	P	06/20/2020	ADMINISTRATION-BOE - REP.	0.00	0	Temp Budget Amt	110		9,897.00	1	05	100.000
	9,897.00	Perm Budget Amt			1	Perm Vac	0.00	0	Temp Vac						
ELC FIN CL P	51007156	GRP 06	PT	P	01/01/2020	ADMINISTRATION-BOE - REP.	0.00	0	Temp Budget Amt	110		21,949.00	1	05	100.000
	21,949.00	Perm Budget Amt			1	Perm Vac	0.00	0	Temp Vac						
ELC IN S S P	51007157	GRP 11	PT	P	03/19/2020	ADMINISTRATION-BOE - REP.	0.00	0	Temp Budget Amt	110		30,366.00	1	05	100.000
	30,366.00	Perm Budget Amt			1	Perm Vac	0.00	0	Temp Vac						
ELLE WKR PTNB	00003139	GRP 01	PT	P	03/13/2021	ADMINISTRATION-BOE - REP.	0.00	0	Temp Budget Amt	110		10,093.00	05	100.000	
	00003141	GRP 01	PT	P	08/20/2021	ADMINISTRATION-BOE - REP.	0.00	0	Temp Budget Amt	110		10,093.00	05	100.000	
	00003145	GRP 01	PT	P	07/30/2021	ADMINISTRATION-BOE - REP.	0.00	0	Temp Budget Amt	110		10,093.00	05	100.000	
	00003146	GRP 01	PT	P	11/13/2021	ADMINISTRATION-BOE - REP.	0.00	0	Temp Budget Amt	110		10,093.00	05	100.000	
	00003147	GRP 01	PT	P	08/20/2021	ADMINISTRATION-BOE - REP.	0.00	0	Temp Budget Amt	110		10,093.00	05	100.000	
	00003150	GRP 01	PT	P	07/24/2020	ADMINISTRATION-BOE - REP.	0.00	0	Temp Budget Amt	110		10,093.00	05	100.000	
	00003153	GRP 01	PT	P	05/07/2022	ADMINISTRATION-BOE - DEM.	0.00	0	Temp Budget Amt	110		10,093.00	05	100.000	
	00003157	GRP 01	PT	P	01/18/2020	ADMINISTRATION-BOE - REP.	0.00	0	Temp Budget Amt	110		3,673.00	05	100.000	
	00003159	GRP 01	PT	P	12/03/2022	ADMINISTRATION-BOE - DEM.	0.00	0	Temp Budget Amt	110		10,093.00	05	100.000	
	00003161	GRP 01	PT	P	05/01/2021	ADMINISTRATION-BOE - REP.	0.00	0	Temp Budget Amt	110		6,456.00	05	100.000	
	00003165	GRP 01	PT	P	11/05/2022	ADMINISTRATION-BOE - REP.	0.00	0	Temp Budget Amt	110		3,673.00	05	100.000	
	51007638	GRP 01	PT	P	07/15/2023	ADMINISTRATION-BOE - DEM.	0.00	0	Temp Budget Amt	110		18,330.00	05	100.000	
	51007639	GRP 01	PT	P	07/25/2023	ADMINISTRATION-BOE - DEM.	0.00	0	Temp Budget Amt	110		18,330.00	05	100.000	
	51007645	GRP 01	PT	P	09/04/2023	ADMINISTRATION-BOE - DEM.	0.00	0	Temp Budget Amt	110		18,330.00	05	100.000	
	51012654	GRP 01	PT	P	12/16/2022	ADMINISTRATION-BOE - DEM.	0.00	0	Temp Budget Amt	110		18,330.00	05	100.000	
	51016026	GRP 01	PT	P	08/17/2023	ADMINISTRATION-BOE - REP.	0.00	0	Temp Budget Amt	110		18,330.00	05	100.000	
	51016027	GRP 01	PT	P	08/21/2021	ADMINISTRATION-BOE - REP.	0.00	0	Temp Budget Amt	110		18,330.00	05	100.000	
	51016028	GRP 01	PT	P	10/21/2023	ADMINISTRATION-BOE - REP.	0.00	0	Temp Budget Amt	110		18,330.00	05	100.000	
	51016029	GRP 01	PT	P	08/16/2019	ADMINISTRATION-BOE - REP.	0.00	0	Temp Budget Amt	110		18,330.00	05	100.000	
	51016030	GRP 01	PT	P	08/27/2022	ADMINISTRATION-BOE - REP.	0.00	0	Temp Budget Amt	110		18,330.00	05	100.000	
	51016105	GRP 01	PT	P	08/27/2022	ADMINISTRATION-BOE - REP.	0.00	0	Temp Budget Amt	110		18,330.00	05	100.000	

Erie County
 POSITION CONTROL
 PART TIME 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	Temp Budget Amt	0.00	Temp Budget Amt	FUND GRANT	Temp Vac	0	Temp Vac	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	277,846.00	Perm Budget Amt			21	Perm Vac		0.00	Temp Budget Amt		0	Temp Vac	21				
JR EL CL PT	51004176	GRP 04	PT	P	05/07/2022	ADMINISTRATION-BOE - DEM.		0.00	Temp Budget Amt	110	0	Temp Vac	19,802.00	05	100.000		
	51005585	GRP 04	PT	P	08/27/2011	ADMINISTRATION-BOE - REP.		0.00	Temp Budget Amt	110	0	Temp Vac	19,802.00	05	100.000		
	51008264	GRP 04	PT	P	12/17/2022	ADMINISTRATION-BOE - DEM.		0.00	Temp Budget Amt	110	0	Temp Vac	19,802.00	05	100.000		
	51012979	GRP 04	PT	P	01/01/2016	ADMINISTRATION-BOE - REP.		0.00	Temp Budget Amt	110	0	Temp Vac	19,802.00	05	100.000		
	79,208.00	Perm Budget Amt			4	Perm Vac		0.00	Temp Budget Amt		0	Temp Vac	4				
MATEBOE PT	51007110	GRP 07	PT	P	12/17/2022	ADMINISTRATION-BOE - DEM.		0.00	Temp Budget Amt	110	0	Temp Vac	23,264.00	05	100.000		
	51008695	GRP 07	PT	P	09/15/2020	ADMINISTRATION-BOE - DEM.		0.00	Temp Budget Amt	110	0	Temp Vac	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.		0.00	Temp Budget Amt	110	0	Temp Vac	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.		0.00	Temp Budget Amt	110	0	Temp Vac	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.		0.00	Temp Budget Amt	110	0	Temp Vac	23,264.00	05	100.000		
	51014079	GRP 07	PT	P	09/02/2017	ADMINISTRATION-BOE - REP.		0.00	Temp Budget Amt	110	0	Temp Vac	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																	
	589,460.00	Perm Budget Amt			35	Perm Vac		0.00	Temp Budget Amt		0	Temp Vac	35				

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
	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
	37,105.00	Perm Budget Amt			3	Perm Vac			0.00	Temp Budget Amt	0	Temp Vac
												3

Totals for Environment & Planning Divis'n

37,105.00 Perm Budget Amt 3 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 3

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	
REC ATT II S	51017913	GRP 35	SeasonP		10/12/2023	ELMA MEADOWS PARK	110		18,000.00		07	100.000
18,000.00	Perm Budget Amt				1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1	
REC ATT SEAS	51017280	GRP 33	SeasonP		10/28/2023	ELMA MEADOWS PARK	110		16,000.00		03	100.000
51017282	GRP 33	SeasonP			10/23/2023	GROVER CLEVELAND PARK	110		16,000.00		03	100.000
32,000.00	Perm Budget Amt				2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	2	
REC ATT PT	51017220	GRP 33	PT	P	10/23/2023	ELMA MEADOWS PARK	110		10,640.00		03	100.000
51017221	GRP 33	PT	P	P	10/23/2023	ELMA MEADOWS PARK	110		10,640.00		03	100.000
51017223	GRP 33	PT	P	P	10/23/2023	ELMA MEADOWS PARK	110		10,640.00		03	100.000
51017224	GRP 33	PT	P	P	10/27/2023	GROVER CLEVELAND PARK	110		10,640.00		03	100.000
51017225	GRP 33	PT	P	P	10/28/2023	GROVER CLEVELAND PARK	110		10,640.00		03	100.000
51017277	GRP 33	PT	P	P	10/31/2023	GROVER CLEVELAND PARK	110		10,640.00		03	100.000

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	Temp Budget Amt	Temp Vac	0	Temp Vac	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	63,840.00				6				0.00			0				6

Totals for Parks
 229,232.00 Perm Budget Amt 24 Perm Vac 0 Temp Budget Amt 0 Temp Vac 24

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
FIRE INST PT	51002955	GRP 11	PT	P	01/31/2022	FIRE SAFETY	110		2,397.00		02	100.000
	51002981	GRP 11	PT	P	04/01/2018	FIRE SAFETY	110		2,397.00		02	100.000
	4,794.00	Perm Budget Amt			2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	2	
HS INSTR PT	51017931	GRP 11	PT	P	01/01/2023	DISASTER PREPAREDNESS	110		3,074.00		07	100.000
	3,074.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1	

Totals for Emergency Services

7,868.00 Perm Budget Amt 3 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 3

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	BE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
Totals for FUND 110										179		
1,995,339.00										179	Temp Fund Amt	
										10	Temp Vac	
										179	Total Fund Amt	
										648	Total Positions	
										28%	Percent	

Run Totals: Total Perm Vac 169 Total Temp Vac 10 Total Vacancies 179 Total Positions 648 Percent 28%

SHORT DESC	POSITION NUMBER	JOB GROUP	BE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
ADM CLK LEG	51011834	GRP 08	FT	P	10/26/2023	DISTRICT OFFICE STAFF	110		51,967.00		07	100.000
	51,967.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		1
FIR AD AS LE	51011829	GRP 10	FT	P	04/18/2023	LEGISLATURE MAJORITY STAFF	110		58,644.00		05	100.000
	58,644.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		1
SR AD CL LEG	51017746	GRP 11	FT	P	10/20/2023	LEGISLATURE MAJORITY STAFF	110		63,929.00		07	100.000
	63,929.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		1
Totals for Legislative Branch												
	174,540.00	Perm Budget Amt		3	Perm Vac	0.00	Temp Budget Amt		0	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: 101 County Executive Department

SHORT DESC	POSITION NUMBER	JOB GRP	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	100.000
	55,216.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		1

Totals for County Executive Department

55,216.00	Perm Budget Amt	1	Perm Vac	0.00	Temp Budget Amt	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
COMP OPR	51016668	GRP 07	FT	P	08/13/2022	CLIENT SERVICES	110		48,978.00		01	100.000
	48,978.00	Perm Budget Amt			1	Perm Vac			0.00	0	Temp Vac	1
JR PRG AN	51010994	GRP 11	FT	T	09/09/2023	APPLICATION SERVICES	110		63,929.00		01	100.000
	0.00	Perm Budget Amt			0	Perm Vac			63,929.00	1	Temp Vac	1
OP COM CRD	51016752	GRP 08	FT	T	10/07/2023	CLIENT SERVICES	110		51,967.00		01	100.000
	0.00	Perm Budget Amt			0	Perm Vac			51,967.00	1	Temp Vac	1
SUP PRT GRPH	51016457	GRP 10	FT	P	04/12/2023	PRINT, COPY & GRAPHICS	110		58,644.00		02	100.000
	58,644.00	Perm Budget Amt			1	Perm Vac			0.00	0	Temp Vac	1
TCH SP COMP	51011229	GRP 10	FT	T	02/26/2022	APPLICATION SERVICES	110		58,644.00		02	100.000
	0.00	Perm Budget Amt			0	Perm Vac			58,644.00	1	Temp Vac	1

Totals for Information & Support Services

107,622.00 Perm Budget Amt 2 Perm Vac 174,540.00 Temp Budget Amt 3 Temp Vac 5

2624 delete

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	100.000
										1		

Totals for Equal Employment Opportunity

51,967.00	Perm Budget Amt	1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac			1		
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
DEP CO SEAL	51009683	GRP 08	FT	P	10/10/2023	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	

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	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				46,209.00	1		Temp Vac

Totals for Real Property Tax Services

0.00	Perm Budget Amt		0	Perm Vac					46,209.00	1		Temp Budget Amt
												1

SHORT DESC	POSITION NUMBER	JOB GROUP	BE 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	100.000
	0.00	Perm Budget Amt			0	Perm Vac			55,216.00	1		
ASC DECO XIV	51014369	GRP 14	FT	P	11/20/2021	ADMINISTRATION	110		81,199.00		04	100.000
	81,199.00	Perm Budget Amt			1	Perm Vac			81,199.00	1		
DIR ACT SRV	00003006	GRP 15	FT	P	04/10/2023	AUDIT & CONTROL	110		89,220.00		01	100.000
	89,220.00	Perm Budget Amt			1	Perm Vac			89,220.00	1		
PR ACCT ANAL	51017151	GRP 13	FT	P	10/21/2023	ACCOUNTING	110		73,524.00		01	100.000
	73,524.00	Perm Budget Amt			1	Perm Vac			73,524.00	1		

Totals for Comptroller

243,943.00	Perm Budget Amt	3	Perm Vac	55,216.00	Temp Budget Amt	1	Temp Vac	4
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Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 113 County Clerk

Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
DEP CC FIN	00002329	GRP 13	FT	P	11/09/2023	RECORDING	110		73,524.00	1	04	100.000
73,524.00 Perm Budget Amt												
DOC CLK	00003102	GRP 05	FT	T	07/29/2023	ACTIONS AND PROCEEDINGS/PISTOL PERMITS	110		43,605.00	0	01	100.000
	51013776	GRP 05	FT	P	06/05/2023	RECORDING	110		43,605.00	1	01	100.000
43,605.00 Perm Budget Amt												
MOT VEH REP	00006595	GRP 05	FT	P	07/29/2023	AUTO BUREAU BRANCH OFFICES	110		43,605.00	2	01	100.000
	00006610	GRP 05	FT	P	09/02/2023	AUTO BUREAU BRANCH OFFICES	110		43,605.00	1	01	100.000
	00006615	GRP 05	FT	P	09/28/2023	AUTO BUREAU BRANCH OFFICES	110		43,605.00	1	01	100.000
	51014706	GRP 05	FT	T	09/23/2023	AUTO BUREAU BRANCH OFFICES	110		43,605.00	1	01	100.000
	51016762	GRP 05	FT	T	06/03/2023	AUTO BUREAU BRANCH OFFICES	110		43,605.00	1	01	100.000
130,815.00 Perm Budget Amt												
MV REP 55A	51005054	GRP 05	FT	P	07/13/2022	AUTO BUREAU BRANCH OFFICES	110		43,605.00	5	02	100.000
43,605.00 Perm Budget Amt												
SR DOC CLK	00008731	GRP 06	FT	P	09/04/2023	RECORDING	110		46,209.00	1	01	100.000
	00008740	GRP 06	FT	T	10/20/2023	RECORDING	110		46,209.00	1	01	100.000
	00008741	GRP 06	FT	T	04/15/2023	ACTIONS AND PROCEEDINGS/PISTOL PERMITS	110		46,209.00	1	01	100.000
46,209.00 Perm Budget Amt												
92,418.00 Temp Budget Amt												

Totals for County Clerk

337,758.00 Perm Budget Amt 7 Perm Vac 223,233.00 Temp Budget Amt 5 Temp Vac 12

SHORT DESC	POSITION NUMBER	JOB GROUP	BE GRP	FILL STAT	REFILL DATE	FUNCTION	Temp Budget Amt	Perm Budget Amt	FUND GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
DATA ENT OPR	51013119	GRP 04	FT	T	02/11/2023	LOWER COURTS			110	41,689.00		01	100.000
	51013120	GRP 04	FT	P	10/06/2023	LOWER COURTS			110	41,689.00		01	100.000
	51016926	GRP 04	FT	T	07/15/2023	LOWER COURTS			110	41,689.00		01	100.000
	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	100.000
	115,307.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt			0	Temp Vac	1
LEGAL SEC	00005853	GRP 07	FT	T	08/13/2023	SUPERIOR COURTS			110	48,978.00		01	100.000
	51007709	GRP 07	FT	P	07/07/2023	GRAND JURY			110	48,978.00		01	100.000
	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	100.000
	43,605.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt			0	Temp Vac	1
Totals for District Attorney													
	249,579.00	Perm Budget Amt			4	Perm Vac	132,356.00	Temp Budget Amt			3	Temp Vac	7

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	BE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
ACCT CLK SH	51013478	GRP 04	FT	P	05/15/2023	CIVIL PROCESS	110		43,100.00		01	100.000
	43,100.00	Perm Budget Amt			1	Perm Vac	0	Temp Vac		1		
COR OFF CF	51017960	GRP 11	FT	P	05/31/2023	PROFESSIONAL STANDARDS	110		56,139.00		01	100.000
	56,139.00	Perm Budget Amt			1	Perm Vac	0	Temp Vac		1		
DAT EN OP SH	51016429	GRP 04	FT	T	12/31/2022	CIVIL PROCESS	110		43,100.00		01	100.000
	0.00	Perm Budget Amt			0	Perm Vac	1	Temp Vac		1		
DEP SH CRIM	00002510	GRP 08	FT	T	10/21/2023	POLICE/PATROL SERVICES	110		66,857.00		01	100.000
	0.00	Perm Budget Amt			0	Perm Vac	1	Temp Vac		1		
REC CLK HC	51004832	GRP 06	FT	T	04/08/2023	ADMINISTRATION AND PROFESSIONAL SERVICES	110		47,676.00		01	100.000
	0.00	Perm Budget Amt			0	Perm Vac	1	Temp Vac		1		
RECEPTIONIST	51009202	GRP 03	FT	T	05/20/2023	COMMUNITY PROGRAMS	110		41,721.00		02	100.000
	51013230	GRP 03	FT	P	10/07/2023	POLICE/PATROL SERVICES	110		41,721.00		02	100.000
	51016662	GRP 03	FT	T	07/29/2023	PROFESSIONAL STANDARDS	110		41,721.00		02	100.000
	41,721.00	Perm Budget Amt			1	Perm Vac	2	Temp Vac		3		
SERGEANT	51013107	GRP 09	FT	P	11/22/2023	POLICE/PATROL SERVICES	110		70,735.00		01	100.000
	70,735.00	Perm Budget Amt			1	Perm Vac	0	Temp Vac		1		
Totals for Office of the Sheriff												
	211,695.00	Perm Budget Amt			4	Perm Vac	5	Temp Vac		9		

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	Temp Budget Amt	Perm Budget Amt	FUND	GRANT	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																
COM REIN CRD	51018018	GRP 10	FT	P	01/01/2023	COMMUNITY RE-INTEGRATION PROGRAM	0.00	Temp Budget Amt	110				60,208.00	1	01	100.000
60,208.00 Perm Budget Amt																
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	
	51004273	GRP 11	FT	P	10/25/2023	SECURITY CF			110				57,169.00	01	100.000	
171,507.00 Perm Budget Amt																
COR OFF CF	51011602	GRP 11	FT	T	07/29/2023	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	
	51017823	GRP 11	FT	T	08/08/2023	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	
	51018201	GRP 11	FT	P	10/31/2023	SECURITY CF			110				56,139.00	01	100.000	
	51018202	GRP 11	FT	P	10/31/2023	SECURITY CF			110				56,139.00	01	100.000	
224,556.00 Perm Budget Amt																
DEP SH OF	00002540	GRP 08	FT	T	09/09/2023	SECURITY HC	112,278.00	Temp Budget Amt	110				60,713.00	01	100.000	
	00002586	GRP 08	FT	P	10/16/2023	SECURITY HC			110				60,713.00	01	100.000	
	00002627	GRP 08	FT	P	10/14/2023	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	
	00002688	GRP 08	FT	P	09/20/2023	SECURITY HC			110				60,713.00	01	100.000	
	00002692	GRP 08	FT	T	10/16/2023	SECURITY HC			110				60,713.00	01	100.000	
	00002786	GRP 08	FT	P	07/19/2023	TRANSPORTATION			110				60,713.00	01	100.000	
	00002853	GRP 08	FT	P	07/20/2023	SECURITY HC			110				60,713.00	01	100.000	
	00002881	GRP 08	FT	P	09/11/2023	SECURITY HC			110				60,713.00	01	100.000	
	51002381	GRP 08	FT	P	06/23/2023	SECURITY HC			110				60,713.00	01	100.000	
	51003344	GRP 08	FT	P	09/25/2023	SECURITY HC			110				60,713.00	01	100.000	
	51003429	GRP 08	FT	P	03/25/2023	SECURITY HC			110				60,713.00	01	100.000	
	51003433	GRP 08	FT	P	08/18/2023	SECURITY HC			110				60,713.00	01	100.000	
	51005331	GRP 08	FT	P	10/27/2023	SECURITY HC			110				60,713.00	01	100.000	
	51005338	GRP 08	FT	P	10/12/2023	SECURITY HC			110				60,713.00	01	100.000	
	51016779	GRP 08	FT	P	07/27/2023	SECURITY HC			110				60,713.00	01	100.000	
	51017831	GRP 08	FT	P	09/07/2023	SECURITY HC			110				60,713.00	01	100.000	

Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB
 Department: 116 Jail Management

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	FUND	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
849,982.00	51007834	GRP 10	FT	P	09/23/2023	CORRECTIONAL FACILITY MEDICAL SERVICES	110		110	88,533.00	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		110	41,721.00	03	100.000	
	00005426	GRP 03	FT	P	03/19/2023	FOOD SERVICES HC	110		110	41,721.00	03	100.000	
83,442.00		Perm Budget Amt			2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	2		
LABORER SHER	00005679	GRP 04	FT	T	10/07/2023	PROGRAMS HC	110		110	43,100.00	03	100.000	
	00005685	GRP 04	FT	T	10/30/2023	PROGRAMS HC	110		110	43,100.00	03	100.000	
	51009878	GRP 04	FT	T	09/24/2023	PROGRAMS HC	110		110	43,100.00	03	100.000	
0.00		Perm Budget Amt			0	Perm Vac	129,300.00	Temp Budget Amt	3	Temp Vac	3		
NURSE ED CHD	51018020	GRP 11	FT	P	01/01/2023	JAIL MEDICAL SERVICES ADMINISTRATION	110		110	73,572.00	01	100.000	
73,572.00		Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1		
PRINCLK (CF)	51011704	GRP 08	FT	P	06/01/2023	HOLDING CENTER MEDICAL SERVICES	110		110	42,989.00	01	100.000	
42,989.00		Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1		
REC CLK HC	00007797	GRP 06	FT	P	01/09/2023	SECURITY HC	110		110	47,676.00	01	100.000	
47,676.00		Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1		
REG NURS HC	51007848	GRP 08	FT	P	10/21/2023	HOLDING CENTER MEDICAL SERVICES	110		110	78,836.00	02	100.000	
	51010471	GRP 08	FT	T	09/10/2022	HOLDING CENTER MEDICAL SERVICES	110		110	78,836.00	02	100.000	
	51016085	GRP 08	FT	T	10/22/2022	HOLDING CENTER MEDICAL SERVICES	110		110	78,836.00	02	100.000	
	51016087	GRP 08	FT	T	09/24/2023	HOLDING CENTER MEDICAL SERVICES	110		110	78,836.00	02	100.000	
	51016088	GRP 08	FT	P	09/06/2023	HOLDING CENTER MEDICAL SERVICES	110		110	78,836.00	02	100.000	
157,672.00		Perm Budget Amt			2	Perm Vac	236,508.00	Temp Budget Amt	3	Temp Vac	5		
REG NURSE CH	51013385	GRP 08	FT	T	09/24/2023	CORRECTIONAL FACILITY MEDICAL SERVICES	110		110	58,564.00	02	100.000	
	51013386	GRP 08	FT	P	06/17/2023	CORRECTIONAL FACILITY MEDICAL SERVICES	110		110	58,564.00	02	100.000	
	51013387	GRP 08	FT	P	08/11/2023	CORRECTIONAL FACILITY MEDICAL SERVICES	110		110	58,564.00	02	100.000	

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	117,128.00	Perm Budget Amt			2	Perm Vac	58,564.00	Temp Budget Amt		1	Temp Vac	3
SGT OFFICER	51017844	GRP 11	FT	T	07/29/2023	SECURITY HC	110		70,019.00		01	100.000
	0.00	Perm Budget Amt			0	Perm Vac	70,019.00	Temp Budget Amt		1	Temp Vac	1
SR MD SC SH	51007811	GRP 04	FT	P	08/31/2023	HOLDING CENTER MEDICAL SERVICES	110		43,100.00		01	100.000
	43,100.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	1
SR NUR PR CH	51017177	GRP 16	FT	P	08/15/2023	HOLDING CENTER MEDICAL SERVICES	110		99,578.00		07	100.000
	51018061	GRP 16	FT	P	06/08/2023	HOLDING CENTER MEDICAL SERVICES	110		99,578.00		07	100.000
	51018062	GRP 16	FT	P	06/08/2023	HOLDING CENTER MEDICAL SERVICES	110		99,578.00		07	100.000
	51018063	GRP 16	FT	P	06/08/2023	HOLDING CENTER MEDICAL SERVICES	110		99,578.00		07	100.000
	51018064	GRP 16	FT	P	06/08/2023	HOLDING CENTER MEDICAL SERVICES	110		99,578.00		07	100.000
	497,890.00	Perm Budget Amt			5	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	5

Totals for Jail Management

2,501,355.00	Perm Budget Amt				39	Perm Vac	788,808.00	Temp Budget Amt		13	Temp Vac	52
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Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB
 Department: 120 Department of Social Services

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK

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	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	4	Temp Vac		4		
	166,756.00	Temp Budget Amt										
ACC CLK TYP	00000067	GRP 04	FT	P	07/01/2023	FINANCIAL RECORDS & SERVICES	110		41,689.00	01	47.370	
	51003940	GRP 04	FT	P	10/18/2023	FINANCIAL RECORDS & SERVICES	110		41,689.00	01	47.220	
	51007903	GRP 04	FT	T	10/07/2023	EMPLOYMENT ASSESSMENT	110		41,689.00	01	32.690	
	83,378.00	Perm Budget Amt			2	Perm Vac	1	Temp Vac		3		
	41,689.00	Temp Budget Amt										
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	1	Temp Vac		1		
	48,978.00	Temp Budget Amt										
CASE ASST SS	51017758	GRP 06	FT	T	05/07/2023	SERVICES DIVISION ADMINISTRATION	110		46,209.00	01	49.020	
	0.00	Perm Budget Amt			0	Perm Vac	1	Temp Vac		1		
	46,209.00	Temp Budget Amt										
CASEASTSSSFS	51017741	GRP 06	FT	P	01/01/2023	SERVICES DIVISION ADMINISTRATION	110		46,209.00	01	49.020	
	0.00	Perm Budget Amt			1	Perm Vac	0	Temp Vac		1		
	0.00	Temp Budget Amt										
CASEWORKER	00000914	GRP 09	FT	T	10/21/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		55,216.00	01	49.020	
	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	
	00001294	GRP 09	FT	T	10/07/2023	CHILD PROTECTIVE SERVICES	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	
	51002677	GRP 09	FT	T	10/07/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		55,216.00	01	49.020	
	51009135	GRP 09	FT	P	10/26/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	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	
	51009590	GRP 09	FT	P	10/10/2023	CHILD PROTECTIVE 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	
	51009720	GRP 09	FT	T	10/21/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		55,216.00	01	49.020	
	51009722	GRP 09	FT	T	10/07/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	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	
	51011931	GRP 09	FT	T	10/07/2023	CHILD PROTECTIVE SERVICES	110		55,216.00	01	49.020	
	51011952	GRP 09	FT	P	07/19/2023	CPS AFTER HOURS PROGRAM	110		55,216.00	01	49.020	

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	496,944.00	Perm Budget Amt			9	Perm Vac	1,214,752.00	Temp Budget Amt	22	Temp Vac	31	
CH PR TM LDR	51010605	GRP 11	FT	P	01/19/2024	CHILD PROTECTIVE SERVICES	110		63,929.00	1	01	49.200
	63,929.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1	
CH SUP INV	00001348	GRP 07	FT	T	10/08/2023	CHILD SUPPORT ESTABLISHMENT/ENFORCEMENT	110		48,978.00	01	01	37.770
	00001356	GRP 07	FT	P	10/21/2023	CHILD SUPPORT ESTABLISHMENT/ENFORCEMENT	110		48,978.00	01	01	37.770
	48,978.00	Perm Budget Amt			1	Perm Vac	48,978.00	Temp Budget Amt	1	Temp Vac	2	
CHFCASAST SS	51017892	GRP 10	FT	P	01/01/2023	SERVICES DIVISION ADMINISTRATION	110		58,644.00	01	01	49.020
	58,644.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1	
CLERK	00001470	GRP 01	FT	P	10/21/2023	CHILD PROTECTIVE SERVICES	110		38,590.00	01	01	49.020
	51009639	GRP 01	FT	T	05/21/2023	EC WORKS CENTER	110		38,590.00	01	01	38.490
	51009640	GRP 01	FT	T	06/17/2023	EC WORKS CENTER	110		38,590.00	01	01	38.490
	51017002	GRP 01	FT	T	08/12/2023	EMPLOYMENT ASSESSMENT	110		38,590.00	01	01	32.690
	38,590.00	Perm Budget Amt			1	Perm Vac	115,770.00	Temp Budget Amt	3	Temp Vac	4	
CLERK TYPIST	00001584	GRP 01	FT	T	07/29/2023	CHILD SUPPORT ESTABLISHMENT/ENFORCEMENT	110		38,590.00	01	01	37.770
	00001589	GRP 01	FT	T	08/22/2023	CHILDREN'S SERVICES	110		38,590.00	01	01	49.020
	00001629	GRP 01	FT	T	12/04/2021	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		38,590.00	01	01	0.000
	00001633	GRP 01	FT	T	05/21/2023	FINANCIAL RECORDS & SERVICES	110		38,590.00	01	01	47.220
	51003542	GRP 01	FT	T	08/13/2023	CHILD SUPPORT ESTABLISHMENT/ENFORCEMENT	110		38,590.00	01	01	37.770
	51004220	GRP 01	FT	T	07/30/2023	CHILD PROTECTIVE SERVICES	110		38,590.00	01	01	49.200
	51009661	GRP 01	FT	T	05/20/2023	ADOPTION	110		38,590.00	01	01	49.020
	51009665	GRP 01	FT	T	04/17/2023	FINANCIAL RECORDS & SERVICES	110		38,590.00	01	01	47.220
	51009667	GRP 01	FT	T	03/25/2023	FINANCIAL RECORDS & SERVICES	110		38,590.00	01	01	47.220
	51009677	GRP 01	FT	T	08/13/2023	INVESTIGATIONS AND COLLECTIONS	110		38,590.00	01	01	37.700
	51009690	GRP 01	FT	T	04/22/2023	FINANCIAL RECORDS & SERVICES	110		38,590.00	01	01	47.220
	51009692	GRP 01	FT	T	07/16/2023	FINANCIAL RECORDS & SERVICES	110		38,590.00	01	01	47.220
	51010582	GRP 01	FT	T	07/16/2023	ADULT & FAMILY SERVICES	110		38,590.00	01	01	49.200

2024 delete
 2024 delete

SHORT DESC	POSITION NUMBER	JOB GROUP	BE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	51017978	GRP 01	FT	T	03/26/2023	INVESTIGATIONS AND COLLECTIONS	110		38,590.00	14	01	37.700
CLK SS 55A	00001532	GRP 01	FT	T	07/02/2022	FINANCIAL RECORDS & SERVICES	110		38,590.00	02	02	47.220
	0.00	Perm Budget Amt			0	Perm Vac				14		
	0.00	Perm Budget Amt			0	Perm Vac				1		
COUN SS	00002140	GRP 14	FT	T	08/13/2023	CHILDREN'S SERVICES	110		81,199.00	01	01	49.200
	00002142	GRP 14	FT	T	06/18/2023	LEGAL SERVICES - IVD	110		81,199.00	01	01	37.770
	00002150	GRP 14	FT	P	12/08/2023	CHILDREN'S SERVICES	110		81,199.00	01	01	49.200
	00002151	GRP 14	FT	T	07/05/2023	CHILDREN'S SERVICES	110		81,199.00	01	01	49.200
	81,199.00	Perm Budget Amt			1	Perm Vac				4		
CSWK ARAB SP	51017991	GRP 09	FT	P	05/01/2023	CHILD PROTECTIVE SERVICES	110		55,216.00	01	01	49.020
	55,216.00	Perm Budget Amt			1	Perm Vac				1		
CSWK BENG SP	51017990	GRP 09	FT	P	05/01/2023	CHILD PROTECTIVE SERVICES	110		55,216.00	01	01	49.020
	55,216.00	Perm Budget Amt			1	Perm Vac				1		
CSWK KARE SP	51017989	GRP 09	FT	P	05/01/2023	CHILD PROTECTIVE SERVICES	110		55,216.00	01	01	49.020
	55,216.00	Perm Budget Amt			1	Perm Vac				1		
CSWK SPAN SP	00000985	GRP 09	FT	P	08/17/2023	ADOPTION	110		55,216.00	01	01	49.020
	00001327	GRP 09	FT	P	10/20/2021	CHILD PROTECTIVE SERVICES	110		55,216.00	01	01	49.020
	51006969	GRP 09	FT	P	02/22/2022	CHILD PROTECTIVE SERVICES	110		55,216.00	01	01	49.020
	51011555	GRP 09	FT	P	07/24/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		55,216.00	01	01	49.020
	51017351	GRP 09	FT	P	04/27/2022	CHILD PROTECTIVE SERVICES	110		55,216.00	01	01	49.020
	276,080.00	Perm Budget Amt			5	Perm Vac				5		
MEDPUBHE	51012830	GRP 13	FT	T	09/23/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		73,524.00	01	01	0.000

2024 delete

2024 delete

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	Temp Budget Amt	Temp Budget Amt	FUND	GRANT	Temp Vac	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
DIV EQ & INC	51018177	GRP 11	FT	P	10/13/2023	SERVICES DIVISION ADMINISTRATION	73,524.00	110	110	0.00	1	63,929.00	1	01	49.020
63,929.00 Perm Budget Amt															
1 Perm Vac															
EMP CO SPAN	51008450	GRP 09	FT	P	11/14/2023	EMPLOYMENT ASSESSMENT	0.00	110	110	0.00	0	55,216.00	1	01	32.690
55,216.00 Perm Budget Amt															
0 Temp Vac															
EMP CO SPAN	51010451	GRP 09	FT	P	06/22/2023	EMPLOYMENT ASSESSMENT	0.00	110	110	0.00	0	55,216.00	1	01	32.690
55,216.00 Perm Budget Amt															
0 Temp Vac															
EMP CO SPAN	51013181	GRP 09	FT	P	04/08/2023	EMPLOYMENT ASSESSMENT	0.00	110	110	0.00	0	55,216.00	2	01	32.690
55,216.00 Perm Budget Amt															
0 Temp Vac															
EMP CO SPAN	51016884	GRP 09	FT	P	10/07/2023	EMPLOYMENT ASSESSMENT	0.00	110	110	0.00	0	55,216.00	2	01	32.690
55,216.00 Perm Budget Amt															
0 Temp Vac															
HOME MAKER	00004322	GRP 03	FT	P	11/14/2022	ADOPTION	0.00	110	110	0.00	0	36,637.00	5	02	49.020
36,637.00 Perm Budget Amt															
0 Temp Vac															
HOME MAKER	00004330	GRP 03	FT	P	06/01/2023	ADOPTION	0.00	110	110	0.00	0	36,637.00	2	02	49.020
36,637.00 Perm Budget Amt															
0 Temp Vac															
MGT&ORG CONS	00006354	GRP 14	FT	T	07/29/2023	FISCAL MANAGEMENT	0.00	110	110	0.00	0	81,199.00	2	01	47.220
81,199.00 Perm Budget Amt															
1 Temp Vac															
OP COM CRD	51011552	GRP 08	FT	T	07/29/2023	TECHNICAL SUPPORT	0.00	110	110	0.00	0	51,967.00	1	01	47.220
51,967.00 Perm Budget Amt															
1 Temp Vac															
PERS CLK	51018025	GRP 06	FT	P	09/26/2023	PERSONNEL/PAYROLL	0.00	110	110	0.00	0	46,209.00	1	01	47.220
46,209.00 Perm Budget Amt															
1 Temp Vac															
PERS CLK	51004281	GRP 06	FT	T	07/15/2023	EC WORKS CENTER	0.00	110	110	0.00	0	46,209.00	1	01	38.490
46,209.00 Perm Budget Amt															
1 Temp Vac															
PERS CLK	51016655	GRP 06	FT	T	10/07/2023	EC WORKS CENTER	0.00	110	110	0.00	0	46,209.00	1	01	38.490
46,209.00 Perm Budget Amt															
1 Temp Vac															

SHORT DESC	POSITION NUMBER	JOB GROUP	BE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	0.00	Perm Budget Amt			0	Perm Vac	92,418.00	Temp Budget Amt		2		
RECEPTIONIST	51016857	GRP 03	FT	T	07/15/2023	ADMIN. SUPPORT SERVICES ADMIN.	110		40,312.00		02	47.220
	0.00	Perm Budget Amt			0	Perm Vac	40,312.00	Temp Budget Amt		1		
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
	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
	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
	51018151	GRP 06	FT	P	10/07/2023	TEMPORARY ASSISTANCE SERVICE TEAMS	110		46,209.00		01	38.490
	46,209.00	Perm Budget Amt			1	Perm Vac	415,881.00	Temp Budget Amt		10		
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		
SR ACCT CLK	51016861	GRP 06	FT	T	08/19/2023	FINANCIAL RECORDS & SERVICES	110		46,209.00		01	49.020
	0.00	Perm Budget Amt			0	Perm Vac	46,209.00	Temp Budget Amt		1		
SR CASWRKER	51015153	GRP 10	FT	T	07/30/2023	CHILD PROTECTIVE SERVICES	110		58,644.00		01	49.020
	0.00	Perm Budget Amt			0	Perm Vac	58,644.00	Temp Budget Amt		1		
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
	51009626	GRP 04	FT	T	10/21/2023	EMPLOYMENT ASSESSMENT	110		41,689.00		01	32.690
	51009635	GRP 04	FT	P	08/12/2023	SUPPORT COLLECTION UNIT	110		41,689.00		01	37.770
	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

2024 delete

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	Temp Budget Amt	Perm Budget Amt	FUND	GRANT	10	Temp Vac	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
SR CLERK	00008380	GRP 03	FT	P	06/03/2023	CHILD DAY CARE	110	40,312.00	110				40,312.00	01	49.200	
	00008397	GRP 03	FT	P	04/22/2023	FINANCIAL RECORDS & SERVICES	110	40,312.00	110				40,312.00	01	47.220	
	00008398	GRP 03	FT	P	10/07/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110	40,312.00	110				40,312.00	01	0.000	
	00008407	GRP 03	FT	P	09/04/2023	INVESTIGATIONS AND COLLECTIONS	110	40,312.00	110				40,312.00	01	37.700	
	161,248.00	Perm Budget Amt			4	Perm Vac	0.00	Temp Budget Amt			0	Temp Vac		4		
SR CON AID S	51016681	GRP 07	FT	T	07/29/2023	FISCAL MANAGEMENT	110	48,978.00	110				48,978.00	01	47.220	
	0.00	Perm Budget Amt			0	Perm Vac	48,978.00	Temp Budget Amt			1	Temp Vac		1		
SR EMP COUNS	00008766	GRP 10	FT	T	05/20/2023	EMPLOYMENT ASSESSMENT	110	58,644.00	110				58,644.00	01	32.690	
	0.00	Perm Budget Amt			0	Perm Vac	58,644.00	Temp Budget Amt			1	Temp Vac		1		
SR SUP ACCTS	51017754	GRP 10	FT	P	11/14/2022	FINANCIAL RECORDS & SERVICES	110	58,644.00	110				58,644.00	01	47.220	
	58,644.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt			0	Temp Vac		1		
SR SWE	00009348	GRP 07	FT	P	02/25/2023	LONG TERM CARE ELIGIBILITY	110	48,978.00	110				48,978.00	01	0.000	
	00009375	GRP 07	FT	P	02/11/2023	LONG TERM CARE ELIGIBILITY	110	48,978.00	110				48,978.00	01	0.000	
	00009407	GRP 07	FT	T	10/11/2023	SNAP ELIGIBILITY TEAMS	110	48,978.00	110				48,978.00	01	50.000	
	00009413	GRP 07	FT	P	05/29/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110	48,978.00	110				48,978.00	01	0.000	
	00009426	GRP 07	FT	T	02/26/2023	LONG TERM CARE ELIGIBILITY	110	48,978.00	110				48,978.00	01	50.000	
	00009428	GRP 07	FT	T	08/26/2023	SNAP ELIGIBILITY TEAMS	110	48,978.00	110				48,978.00	01	50.000	
	00009449	GRP 07	FT	P	09/23/2023	SNAP ELIGIBILITY TEAMS	110	48,978.00	110				48,978.00	01	50.000	
	00009459	GRP 07	FT	T	06/18/2023	TEMPORARY ASSISTANCE SERVICE TEAMS	110	48,978.00	110				48,978.00	01	38.490	
	00009503	GRP 07	FT	P	08/12/2023	EC WORKS CENTER	110	48,978.00	110				48,978.00	01	38.490	
	00009513	GRP 07	FT	P	09/09/2023	TEMPORARY ASSISTANCE SERVICE TEAMS	110	48,978.00	110				48,978.00	01	38.490	
	51002862	GRP 07	FT	P	07/18/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110	48,978.00	110				48,978.00	01	0.000	
	51003933	GRP 07	FT	P	08/12/2023	TEMPORARY ASSISTANCE SERVICE TEAMS	110	48,978.00	110				48,978.00	01	50.000	
	51005466	GRP 07	FT	P	08/25/2023	SNAP ELIGIBILITY TEAMS	110	48,978.00	110				48,978.00	01	50.000	
	51005467	GRP 07	FT	P	04/22/2023	LONG TERM CARE ELIGIBILITY	110	48,978.00	110				48,978.00	01	0.000	
	51016153	GRP 07	FT	P	02/10/2023	SERVICES DIV SUPPORT SERVICES	110	48,978.00	110				48,978.00	01	49.020	
	51017453	GRP 07	FT	P	09/09/2023	EC WORKS CENTER	110	48,978.00	110				48,978.00	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
587,736.00	51008112	GRP 11	FT	P	12/28/2023	SERVICES DIVISION ADMINISTRATION	110		63,929.00	16	01	49.200
63,929.00	Perm Budget Amt				1	Perm Vac	0.00	Temp Budget Amt	Temp Vac	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
87,210.00	Perm Budget Amt				2	Perm Vac	130,815.00	Temp Budget Amt	Temp Vac	5		
SUP OF CL AD	51012154	GRP 10	FT	P	08/17/2023	FISCAL MANAGEMENT	110		58,644.00		01	47.220
58,644.00	Perm Budget Amt				1	Perm Vac	0.00	Temp Budget Amt	Temp Vac	1		

Totals for Department of Social Services

3,076,521.00	Perm Budget Amt				60	Perm Vac	4,268,939.00	Temp Budget Amt	Temp Vac	148		
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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
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		0	Temp Vac	2
LABORER	00005529	GRP 03	FT	P	10/21/2023	UNIFIED COURT SYSTEM	110		36,637.00	03	03	11.000
	00005530	GRP 03	FT	T	10/07/2023	UNIFIED COURT SYSTEM	110		36,637.00	03	03	11.000
	00005576	GRP 03	FT	P	10/21/2023	CUSTODIAL SERVICES	110		36,637.00	03	03	100.000
	51001155	GRP 03	FT	T	10/21/2023	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
	73,274.00	Perm Budget Amt			2	Perm Vac	109,911.00	Temp Budget Amt		3	Temp Vac	5
MNT WKR	51003225	GRP 05	FT	T	10/21/2023	BUILDING MAINTENANCE & REPAIRS	110		39,589.00	02	02	100.000
	51008151	GRP 05	FT	T	10/21/2023	BUILDING MAINTENANCE & REPAIRS	110		39,589.00	02	02	100.000
	0.00	Perm Budget Amt			0	Perm Vac	79,178.00	Temp Budget Amt		2	Temp Vac	2
PRO EN CO PW	51018152	GRP 13	FT	P	10/16/2023	OPERATIONS	110		73,524.00	01	01	100.000
	73,524.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	1
STATION ENG	51001143	GRP 09	FT	P	10/26/2023	CORR FAC/HOLDING CTR MAINT & REPAIRS	110		51,717.00	01	01	100.000
	51,717.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	1
LABOR RPT	51001588	GRP 03	RPT	P	07/15/2023	UNIFIED COURT SYSTEM	110		35,721.00	03	03	11.000
	35,721.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	1

Totals for Dept of Public Works

307,510.00 Perm Budget Amt

189,089.00 Temp Budget Amt

7 Perm Vac

5 Temp Vac

12

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
ASTCOASFOAII	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	Temp Budget Amt		1		
FOR M H C DP	51018176	GRP 09	FT	P	10/13/2023	ADULT MENTAL HEALTH SERVICES	110		55,216.00	01	01	50.000
55,216.00	Perm Budget Amt				1	Perm Vac	0	Temp Budget Amt		1		
FOR M H 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				
0.00	Perm Budget Amt				0	Perm Vac	2	Temp Budget Amt		2		
41,689.00	Perm Budget Amt				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	Temp Budget Amt		1		

Totals for Dept of Mental Health

164,819.00 Perm Budget Amt 3 Perm Vac 127,858.00 Temp Budget Amt 2 Temp Budget Amt 5

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 125 Youth Services Division

Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
DET 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		2	Temp Vac	4		
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	Temp Vac	4		
JUVE JUS CON	51010682	GRP 10	FT	T	05/06/2023	NON-SECURE CHILD CARE	110		58,644.00		01	0.000
	0.00	Perm Budget Amt			0	Perm Vac		1	Temp Vac	1		
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	Temp Vac	1		
SS TM WKR	51017900	GRP 05	FT	P	01/01/2023	NON-SECURE CHILD CARE	110		43,605.00		01	0.000
	43,605.00	Perm Budget Amt			1	Perm Vac		0	Temp Vac	1		
STF DEV MNG	51018178	GRP 10	FT	P	10/19/2023	JUVENILE DELINQUENCY SERVICES TEAM	110		58,644.00		01	51.000
	58,644.00	Perm Budget Amt			1	Perm Vac		0	Temp Vac	1		
YTH DET WK	00010496	GRP 07	FT	T	12/03/2022	SECURE CHILD CARE	110		45,234.00		01	51.000
	00010509	GRP 07	FT	P	10/18/2023	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
	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
	51010480	GRP 07	FT	P	10/12/2023	SECURE CHILD CARE	110		45,234.00		01	51.000
	51010483	GRP 07	FT	P	10/07/2023	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	51.000
	51015086	GRP 07	FT	T	09/24/2022	SECURE CHILD CARE	110		45,234.00		01	42.000
	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

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 125 Youth Services Division

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	Temp Budget Amt	Temp Vac	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	361,872.00	perm	Budget Amt		8	Perm Vac			135,702.00	3		11		

Totals for Youth Services Division

760,875.00	Perm Budget Amt	17	Perm Vac	273,524.00	Temp Budget Amt	6	Temp Vac	23
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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: 126 Probation

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			73,524.00	1		
PROB OFFICER	00007508	GRP 11	FT	T	09/24/2023	PROBATION SERVICES - ADULT	110		63,929.00		01	88.000
	00007524	GRP 11	FT	P	09/09/2023	PROBATION SERVICES - ADULT	110		63,929.00		01	88.000
	51010433	GRP 11	FT	P	09/16/2023	PROBATION SERVICES - ADULT	110		63,929.00		01	88.000
	127,858.00	Perm Budget Amt			2	Perm Vac			63,929.00	3		
PROB SUP 1	51002313	GRP 12	FT	T	10/17/2023	PROBATION SERVICES - ADULT	110		67,914.00		01	88.000
	0.00	Perm Budget Amt			0	Perm Vac			67,914.00	1		
Totals for Probation												
	127,858.00	Perm Budget Amt			2	Perm Vac			205,367.00	3		

SHORT DESC	POSITION NUMBER	JOB GROUP	BE 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			Temp Vac	41,689.00	1	01	47.000
	41,689.00	Perm Budget Amt			1	Perm Vac		0.00	Temp Budget Amt					
ACCOUNTANT	51016403	GRP 09	FT	P	07/29/2023	ACCOUNTING AND FISCAL MANAGEMENT	110			Temp Vac	55,216.00	1	01	64.000
	55,216.00	Perm Budget Amt			1	Perm Vac		0.00	Temp Budget Amt					
ADV EM ME TE	51018040	GRP 08	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110			Temp Vac	51,967.00		01	91.000
	51018041	GRP 08	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110			Temp Vac	51,967.00		01	91.000
	103,934.00	Perm Budget Amt			2	Perm Vac		0.00	Temp Budget Amt			2		
EMER COM NUR	51018050	GRP 11	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110			Temp Vac	73,572.00		01	91.000
	51018051	GRP 11	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110			Temp Vac	73,572.00		01	91.000
	147,144.00	Perm Budget Amt			2	Perm Vac		0.00	Temp Budget Amt			2		
HIV AID PR N	51009237	GRP 05	FT	T	07/15/2023	BEHAVIORAL RISK & DISEASE PREVENTION	110			Temp Vac	43,605.00		01	64.000
	0.00	Perm Budget Amt			0	Perm Vac		43,605.00	Temp Budget Amt			1		
INV PH SAN	00005231	GRP 08	FT	T	09/15/2023	ENVIRONMENTAL HEALTH ADM& ASSESSMENT-PHL	110			Temp Vac	51,967.00		01	64.000
	51013157	GRP 08	FT	P	05/15/2023	LEAD POISONING PREVENTION	110			Temp Vac	51,967.00		01	64.000
	51,967.00	Perm Budget Amt			1	Perm Vac		51,967.00	Temp Budget Amt			2		
JR EPID	51016615	GRP 09	FT	P	09/11/2021	SURVEILLANCE & EPIDEMIOLOGY	110			Temp Vac	55,216.00		01	64.000
	55,216.00	Perm Budget Amt			1	Perm Vac		0.00	Temp Budget Amt			1		
PARAMEDIC I	51018027	GRP 09	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110			Temp Vac	55,216.00		01	91.000
	51018031	GRP 09	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110			Temp Vac	55,216.00		01	91.000
	110,432.00	Perm Budget Amt			2	Perm Vac		0.00	Temp Budget Amt			2		
PARAMEDIC II	51018000	GRP 10	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110			Temp Vac	58,644.00		01	91.000
	51018026	GRP 10	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110			Temp Vac	58,644.00		01	91.000

2024 delete

SHORT DESC	POSITION NUMBER	JOB GROUP	BE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
117,288.00	Perm Budget Amt									2		
PEST CNT WKR	51010539	GRP 06	FT	P	10/09/2023	ENVIRONMENTAL HEALTH ADM& ASSESSMENT-PHL	110		42,301.00		03	64.000
42,301.00	Perm Budget Amt									1		
PHEMPREP COR	51016735	GRP 09	FT	T	07/29/2023	EMERGENCY PREPAREDNESS & RESPONSE	110		55,216.00		01	64.000
0.00	Perm Budget Amt									1		
PRIN CLERK	00007363	GRP 06	FT	T	10/14/2023	OPERATIONS	110		46,209.00		01	64.000
0.00	Perm Budget Amt									1		
SCENE INV	51000970	GRP 08	FT	P	07/19/2023	MEDICAL EXAMINER'S OFFICE	110		51,967.00		01	100.000
51009116	GRP 08	FT	T		08/26/2023	MEDICAL EXAMINER'S OFFICE	110		51,967.00		01	100.000
51013929	GRP 08	FT	P		10/10/2023	MEDICAL EXAMINER'S OFFICE	110		51,967.00		01	100.000
103,934.00	Perm Budget Amt									3		
SR CL TYP	51004371	GRP 04	FT	T	08/16/2023	ENVIRONMENTAL HEALTH ADM& ASSESSMENT-PHL	110		41,689.00		01	64.000
0.00	Perm Budget Amt									1		
SUP ACCT	00010107	GRP 11	FT	T	01/29/2022	ACCOUNTING AND FISCAL MANAGEMENT	110		63,929.00		01	64.000
0.00	Perm Budget Amt									1		
EM MED TEC R	51018042	GRP 07	RPT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		47,753.00		01	91.000
51018043	GRP 07	RPT	P		06/03/2023	EMS AMBULANCE OPERATIONS	110		47,753.00		01	91.000
51018044	GRP 07	RPT	P		06/03/2023	EMS AMBULANCE OPERATIONS	110		47,753.00		01	91.000
51018045	GRP 07	RPT	P		06/03/2023	EMS AMBULANCE OPERATIONS	110		47,753.00		01	91.000
191,012.00	Perm Budget Amt									4		
NURS RPT	51001122	GRP 08	RPT	P	06/07/2023	YOUTH DETENTION HEALTH SERVICES	110		46,852.00		02	50.000

2024 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	GRANT	Temp Budget Amt	0	Temp Vac	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	46,852.00				1	Perm Vac			0.00						
Totals for Health															
	1,066,985.00				20	Perm Vac			354,582.00		7	Temp Vac			27

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
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	00005297	GRP 04	FT	P	11/09/2023	ADMINISTRATION-BOE - REP.	110		41,689.00		05	100.000
	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
	250,134.00	Perm Budget Amt			6	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	6	
TEC BOE	51007132	GRP 07	FT	P	05/28/2016	ADMINISTRATION-BOE - DEM.	110		48,978.00		05	100.000
	51007756	GRP 07	FT	P	12/09/2014	ADMINISTRATION-BOE - DEM.	110		48,978.00		05	100.000

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
97,956.00	Perm Budget Amt				2	Perm Vac	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	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	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	Temp Vac	2		
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	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	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	Temp Vac	1		
ADM AS BOE R	51003727	GRP 09	RPT	P	05/17/2014	ADMINISTRATION-BOE - REP.	110	50,597.00		05	100.000
50,597.00	Perm Budget Amt				1	Perm Vac	0	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	Temp Vac	3		
SEC 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

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	Temp Budget Amt	0.00	Temp Budget Amt	FUND GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	158,267.00	Perm Budget Amt			4	Perm Vac		0.00	Temp Budget Amt			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			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			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			1		

Totals for Board of Elections

2,141,041.00	Perm Budget Amt				44	Perm Vac		0.00	Temp Budget Amt			44		
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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
PLANNER	51006310	GRP 10	FT	T	07/01/2023	PLANNING	110		58,644.00	1	01	100.000
	0.00	Perm Budget Amt		0	Perm Vac				58,644.00	1		
SM BUS RE CO	51018003	GRP 13	FT	P	01/01/2023	ECONOMIC DEVELOPMENT	110		73,524.00		01	100.000
	73,524.00	Perm Budget Amt		1	Perm Vac				0.00	0		
		Temp Budget Amt			Temp Vac					1		

Totals for Environment & Planning Divis'n

73,524.00	Perm Budget Amt	1	Perm Vac	58,644.00	Temp Budget Amt	1	Temp Vac	2
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SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
PK MN WK I	51009997	GRP 03	FT	T	10/07/2023	ELMA MEADOWS PARK	110		40,776.00		03	100.000
	51011826	GRP 03	FT	T	10/21/2023	ELLCOTT CREEK PARK	110		40,776.00		03	100.000
	0.00	Perm Budget Amt		0	Perm Vac	81,552.00	Temp Budget Amt		2	Temp Vac		
PK MN WK II	51001385	GRP 05	FT	P	12/25/2023	GROVER CLEVELAND 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		
PK MN WK III	51001263	GRP 07	FT	P	10/07/2023	ELLCOTT CREEK PARK	110		46,172.00		03	100.000
	46,172.00	Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		
Totals for Parks												
	89,236.00	Perm Budget Amt		2	Perm Vac	81,552.00	Temp Budget Amt		2	Temp Vac		
												4

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
BLDG GD	51016856	GRP 06	FT	T	08/04/2023	BUILDING SECURITY	110		42,301.00		01	100.000
	51018054	GRP 06	FT	T	07/23/2023	BUILDING SECURITY	110		42,301.00		01	100.000
	0.00	Perm Budget Amt		0	Perm Vac	84,602.00	Temp Budget Amt		2	Temp Vac		2

Totals for Emergency Services

0.00 Perm Budget Amt 0 Perm Vac 84,602.00 Temp Budget Amt 2 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												

11,794,011.00 Perm Fund Amt 221 Perm Vac 7,305,594.00 Temp Fund Amt 147 Temp Vac 368

Run Totals: Total Perm Vac 221 Total Temp Vac 147 Total Vacancies 368 Total Positions 4,018 Percent 9%

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24M-1	COLUMBIA LAW SCHOOL INTERNS	Transportation Equity Project Report
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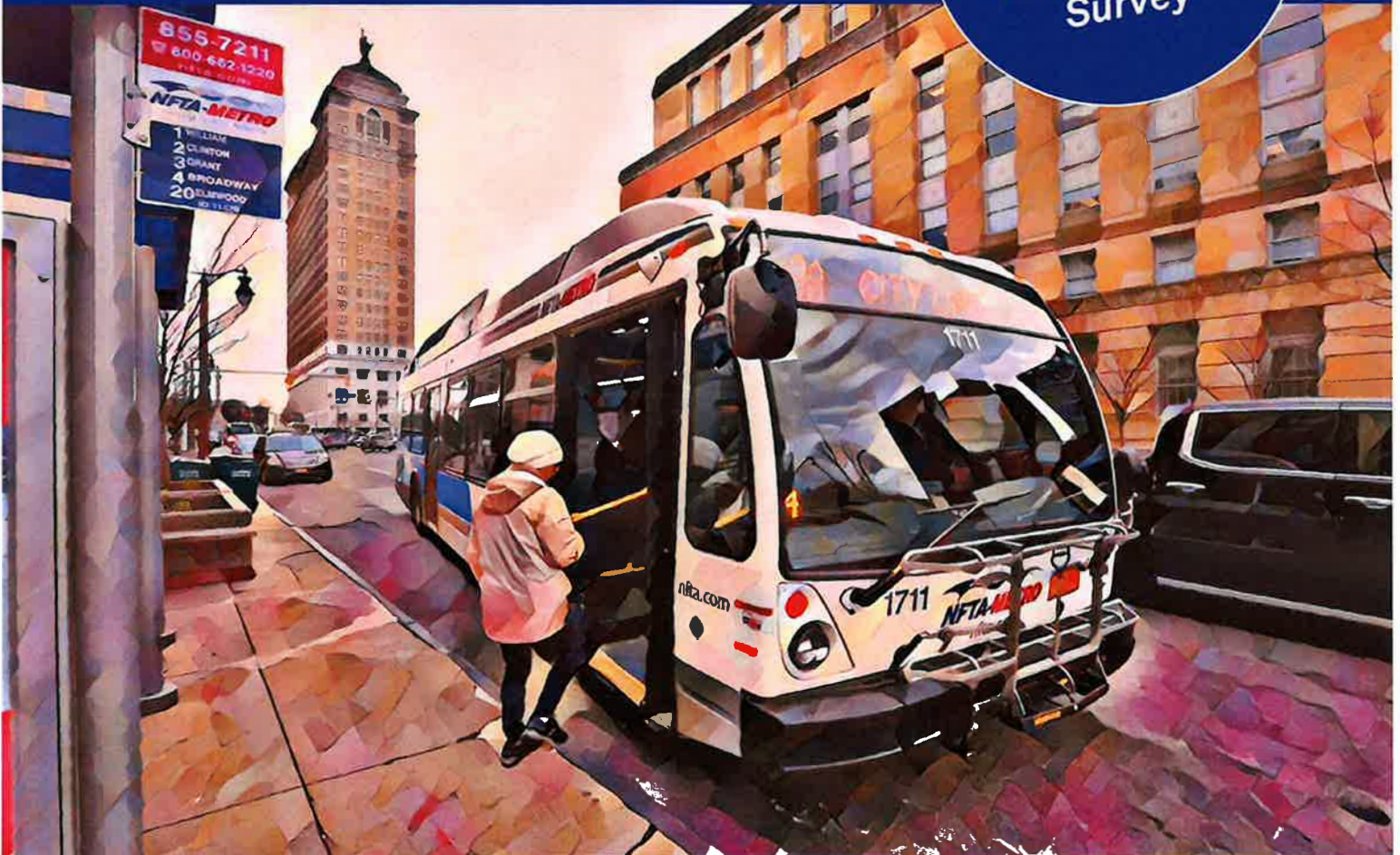
Attachments

23COMM. 24M-1

TRANSPORTATION EQUITY PROJECT

Report on Public Transportation
in Erie and Niagara Counties

Findings
from Year-Long
"Rate Your Ride"
Survey



Compiled by Jean Choi and Brandon Rosenberg
under the direction of Prof. Conrad Johnson, Columbia Law School
with the WNY Law Center and Erie County Clerk Michael P. Kearns

Results of the Year-Long “Rate Your Ride” Survey
Report on Public Transportation in Erie and Niagara Counties

By: Columbia Law School, Lawyering in the Digital Age Clinic
Jean Choi and Brandon Rosenberg, Legal Interns, under the supervision of
Prof. Conrad A. Johnson

Introduction

Public transportation is a way of life for many people in Erie and Niagara Counties. 94,000 residents¹ use the public transit system each day to get to their jobs and medical appointments, visit family and friends, and shop for necessities. Predictably, there is a mixture of satisfaction and frustration with the current state of affairs. Many in the community have complained of subpar accessibility, service, and safety in the region’s transit system exclusively provided by the Niagara Frontier Transportation Authority (NFTA). This issue is exacerbated for those who require paratransit services.

To gather the public’s opinion on the matter and hear their individual voices the “Rate Your Ride”² survey was created by Columbia Law School’s Lawyering in the Digital Age Clinic free of charge as a public service, and launched under the direction of Western New York Law Center (WNYLC), with the full cooperation and assistance Erie County Clerk Michael P. Kearns and his able staff. Through this survey, we gathered information from over 2,300 respondents in the area, and now present the results in this report to show first-hand how the community feels about its own transit system.

¹ <https://metro.nfta.com/about/history-of-metro>

² https://www.surveymonkey.com/r/?sm=VZhRCnrg93yWDirWYk8B_2B_2B_2F04fr1bOQIkJuLB55EFBk_3D

The survey had a web version, accessible by an online link, and a hard-copy version, distributed by staff at the Erie County Clerk's Office and the Western New York Law Center to residents in the area. A total of 2,305 responses were collected from 78 zip codes in Erie and Niagara Counties. The survey asked riders about their level of satisfaction with the general public transportation system. In addition, the survey gathered responses from those who use or are familiar with the Paratransit Access Line (PAL). 98.24% of respondents responded that they have used public transportation in the past six months, and responded to questions regarding their experience on public transportation. About 12% of the respondents, (a total of 280 respondents), indicated that they or someone they knew used paratransit, and responded to questions pertaining to the paratransit system.

This report will explore the results of the survey and showcase the public's sentiment about the transit system in the area. The first section will introduce the regional transit system, including the paratransit system. The second section will discuss the survey and its results, including the cross-references of the results with census data and narrative responses to the survey. The third section will suggest improvements that can be made to the transit system. The fourth section concludes the report.

I. NFTA Public Transit System

A. General Public Transportation System

The Niagara Frontier Transit Authority, (NFTA), was created by the New York State Legislature in 1967 and has operated the public transit system in Erie and Niagara counties since

separately if they do not have a Medicare card, which can act in place of the reduced fare card. The application can be submitted online, and “permanent” cards are valid for four years, after which a renewal is required. As of November 2023, cash is only accepted for full-fare single ride passes on buses. Riders need to use a pre-loaded Metgo card or use an app on their phones for any other instance of payment. In order to load a Metgo card, the rider must go to a rail station or a downtown bus station.

The schedules for buses and rails are laid out in charts on the NFTA website. Real-time information regarding bus service is available on the NFTA website, but rail data is often not available. According to the NFTA, in FYE 2023, 82.5% of its buses and 88.4% of metro rail were on time.⁶ An arrival is considered ‘on time’ if it is less than two minutes early and less than four minutes late. However, the NFTA also reported the highest number of complaints for schedule failure.⁷

B. Paratransit

The NFTA also operates a paratransit system, a shared ride service designed to provide origin-to-destination transportation for paratransit eligible individuals under the Americans with Disabilities Act. The Paratransit Access Line (PAL) currently has 75 vehicles and 100 operators. There was a total of 219,169 riders in FYE 2023, with a daily average trip of 803 rides. There are currently 4,548 active paratransit registrations.⁸ Paratransit rides provide a 30-minute window to arrive, and busses do not wait more than five minutes once they have arrived.⁹

⁶ 2023 NFTA Performance Report, page 13

⁷ Id., at page 65

⁸ Id., at pages 26-27

⁹ <https://metro.nfta.com/special-services/pal-direct-information/pal-help>

C. Complaints and Feedback Reported by the NFTA

The NFTA publishes its own Performance Review each year. This includes operation information, financials, and customer relations. Within customer relations, the NFTA publishes Customer Satisfaction Survey results that are conducted by The American Bus Benchmarking Group (ABBG) and the Group of North American Light Rail Systems (GOAL). The results are presented in graphs.¹⁰ The NFTA does not disclose the methodology, the number of respondents, or the numerical values of the responses.

The NFTA also released a Paratransit Report in 2021. From what can be interpreted based on the shared data, they list satisfaction of paratransit riders between 4 and 4.5 out of 5. They additionally rate the performance of their services and report high satisfaction results for trip times, fare payment and ride comfort. The worst performance reviews came regarding call center staff, mobility device securement, and journey time. It is unclear what the difference is between trip times and journey times. The NFTA claims that 68% of Buffalo paratransit users would recommend the service to a friend.

The NFTA has a call center and a walk-in customer service center for questions and complaints. They also have an email address to which customers can ask questions. PAL has a direct email address for feedback. In FYE 2023, the NFTA reported receiving 117 commendations and 373 complaints.¹¹

II. The “Rate Your Ride” Survey

A. Method

¹⁰ Id. at page 66

¹¹ Id. at page 64

The “Rate Your Ride” survey was conducted from November 2022 to November 2023. There was a total of 2,305 respondents when combining hard-copy and online survey respondents. Both versions of the survey were distributed to make sure that we could reach a large range of public transportation users. The online version of the survey included more optional questions including demographic information, but that information generally was not provided and therefore not included in our analysis.

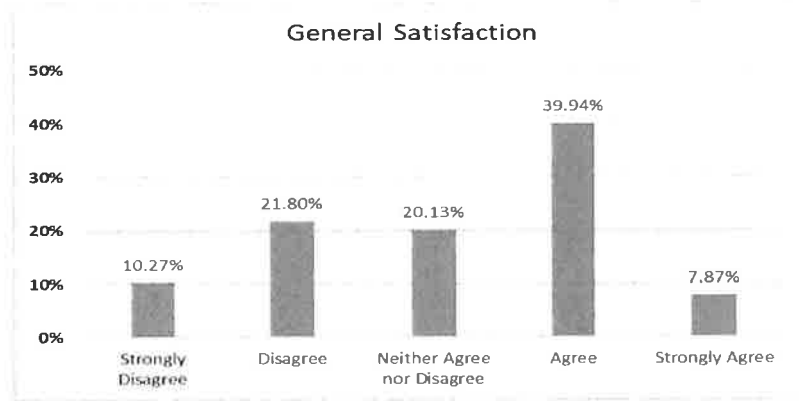
The survey results are presented in the next section in three parts. The first part deals with the general survey results including satisfaction levels, cleanliness, and safety. The second part deals with the cross-referencing of these results with census data using zip codes to determine the extent to which there is any correlation between demographic data in each zip code and the responses for that area. The third part deals with survey responses to paratransit questions.

B. “Rate Your Ride” Survey Results

1. General

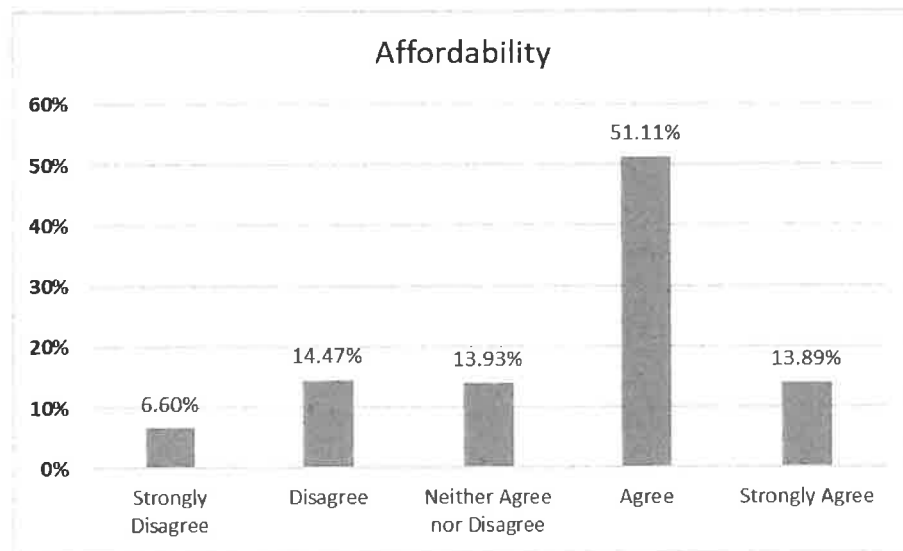
There was a total of 14 questions regarding the public transit system. This report shows results for four questions - general satisfaction, affordability, cleanliness, and perceived safety and comfort. The results for other questions were highly similar to the results for general satisfaction.

Q: I am *generally satisfied* with my public transportation experience.



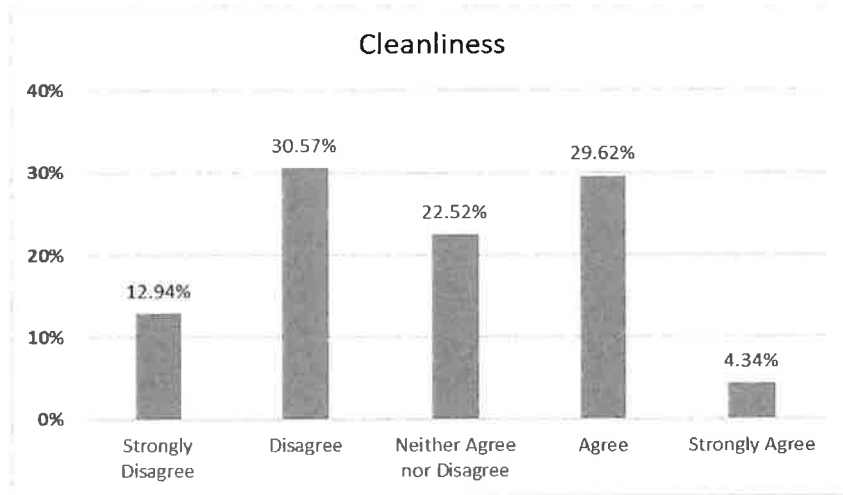
The results for this question showed that nearly **one third of respondents, more than 32%, were either strongly dissatisfied or dissatisfied** with their public transportation experience. About **48% of the total respondents were strongly satisfied or satisfied** with their experience.

Q: Public transportation is *affordable*



The highest level of satisfaction concerned affordability. **Nearly two-thirds of respondents answered that they either agreed or strongly agreed** with the statement that public transportation is affordable.

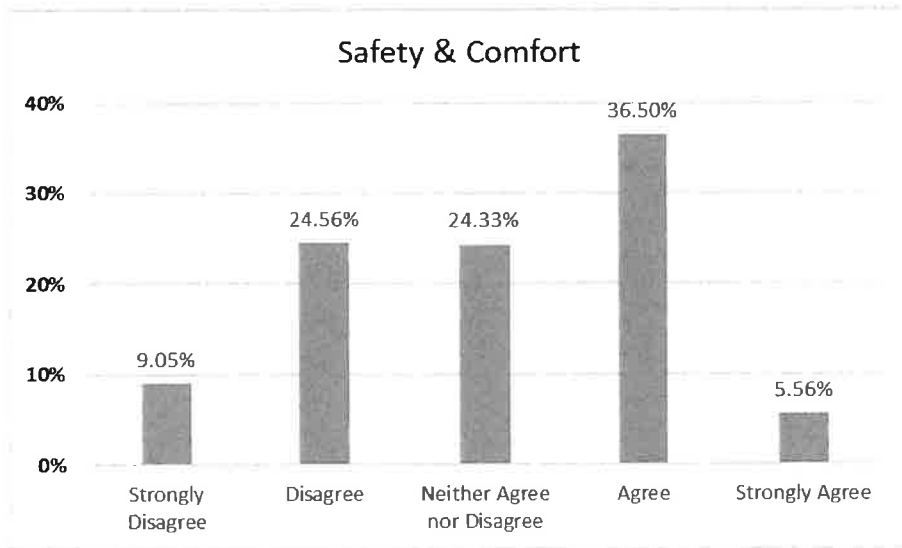
Q: Public transportation is *clean*



The highest percentage of dissatisfaction concerned cleanliness. **Over 43% of total respondents responded that they “disagree” or “strongly disagree” that public transportation is clean.**

Only one-third of respondents agreed that public transportation is clean.

Q: I feel safe and comfortable using public transportation.



Safety and comfort were also areas of higher dissatisfaction. **More than one-third of respondents indicated that they do not feel safe and comfortable when using public transportation.** Many of the narrative responses referred to this issue, especially comments from

older respondents, who mentioning feeling unsafe on the bus around drug sellers and rude children. This result is also highlighted in certain zip codes, as will be discussed in the next section.

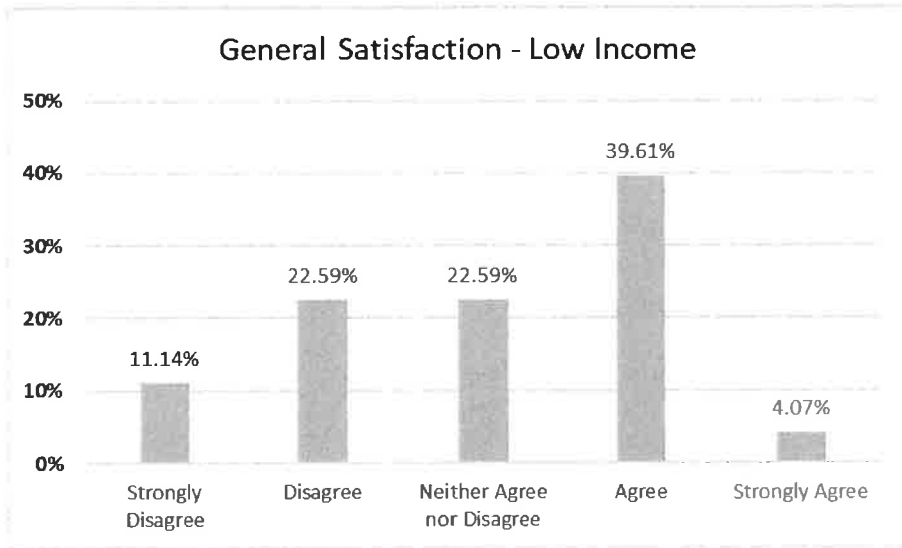
2. Correlating survey responses with United States Census Data

In gauging the sentiment of the community, we also wanted to observe whether some communities were more dissatisfied than others. The survey did not require respondents to divulge demographic information. However, nearly all respondents included the zip code of their residence. This information allowed us to cross-reference zip code data with Census data to reveal a more refined sense of geographic areas where greater dissatisfaction emerged. This section discusses the results of the cross-references to the official United States Census data from 2021 for each zip code and the responses from respondents of those zip codes. For increased accuracy, only zip codes with more than 30 respondents were used for the cross-sectional analysis.

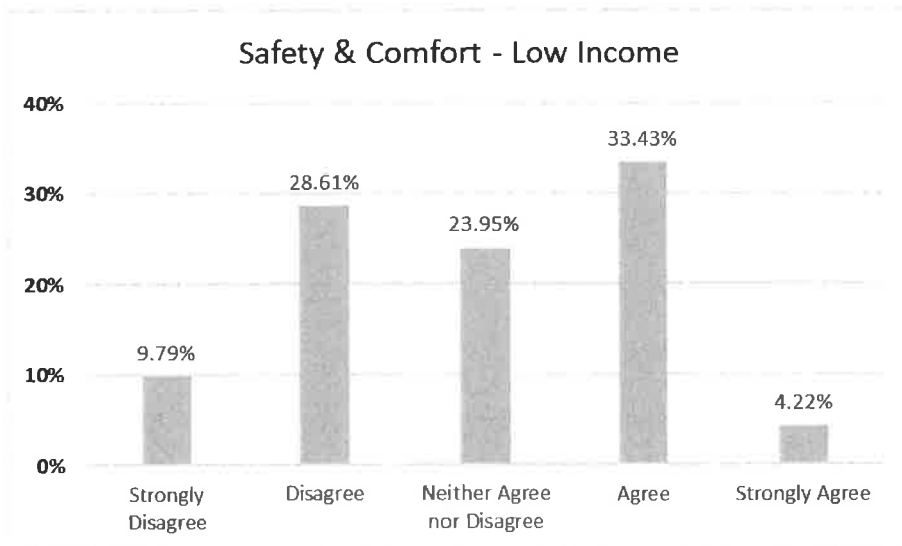
a) Income

The first factor that we observed was income. The 2021 household median income data for each zip code was sourced from the American Community Survey results published on the U.S. Census website. **On average, respondents that reside in zip codes with lower income levels tended to be more dissatisfied with public transportation in the region, and feel especially unsafe and uncomfortable in using public transportation.**

This chart below displays the results of the general satisfaction question filtered by the five zip codes of the lowest median income (14204, 14211, 14212, 14201, 14207).



Compared to the general satisfaction responses for all respondents, the percentage of people that strongly agree that they are satisfied is lower by 3.8%. The percentage of those that replied “strongly disagree” or “disagree” is higher by 1.7%, indicating a slightly higher dissatisfaction among respondents that reside in lower-income zip codes.

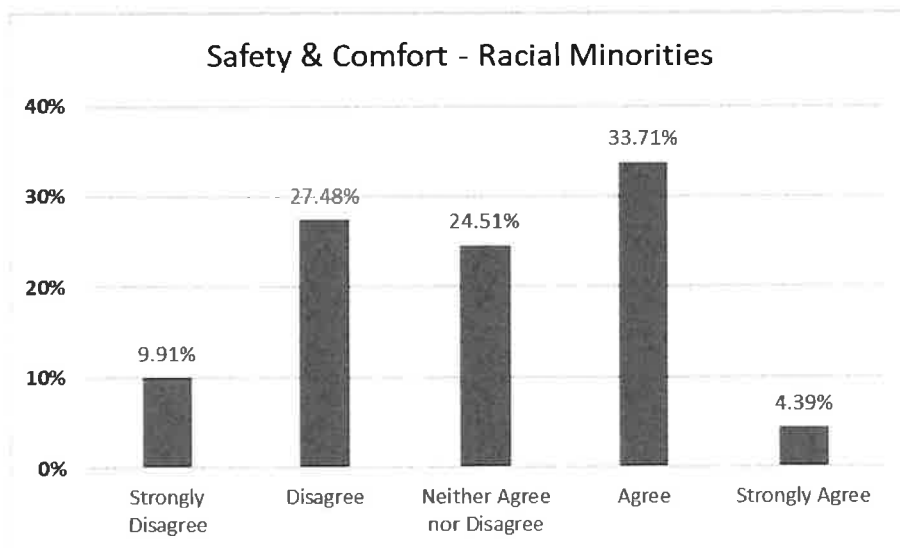


As predicted by the correlation number, this disparity is more prominent in responses to the question about safety and comfort question. The percentage of people that either “strongly

disagree” or “disagree” that they feel safe and comfortable using public transportation increases by nearly 5% when filtered by the lower-income zip codes. This showcases that a **higher percentage of respondents living in lower-income zip codes may feel less comfortable or safe in using public transportation.**

b) Race

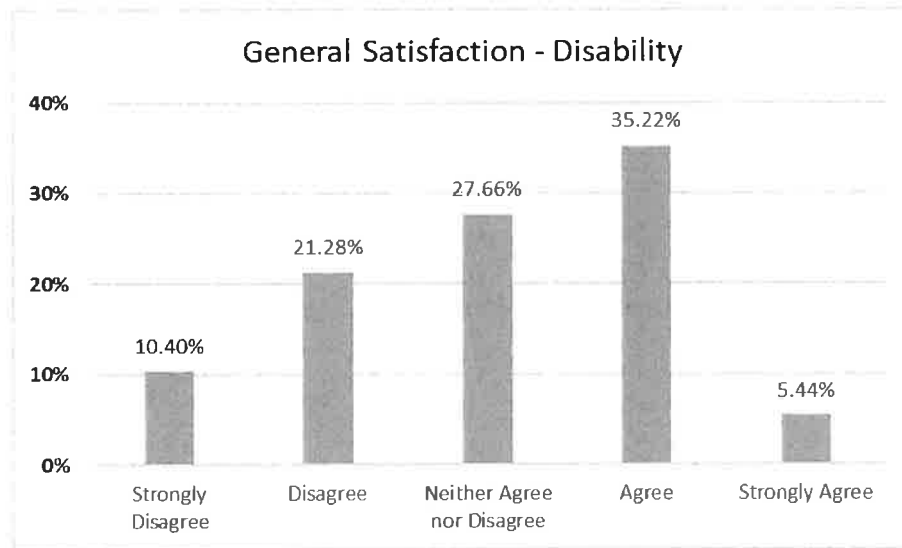
For race, the 2021 Census data on the percentage of racial minorities was used for analysis. Once again, **there was a higher correlation between race and general dissatisfaction, as well as in the areas of safety and comfort of using public transportation.**



This graph shows the responses for safety and comfort when filtered by the six zip codes (14208, 14215, 14211, 14204, 14203, 14212) with a majority racial minority population. Compared to the total respondents, 4% more of the respondents for these zip codes replied that they did not feel safe or comfortable using public transportation.

c) Disability

Disability statistics were gathered from the American Community Survey results on the US Census website. The percentage of people with a disability in each zip code had low to moderate correlation with both general satisfaction and safety and comfort question responses.



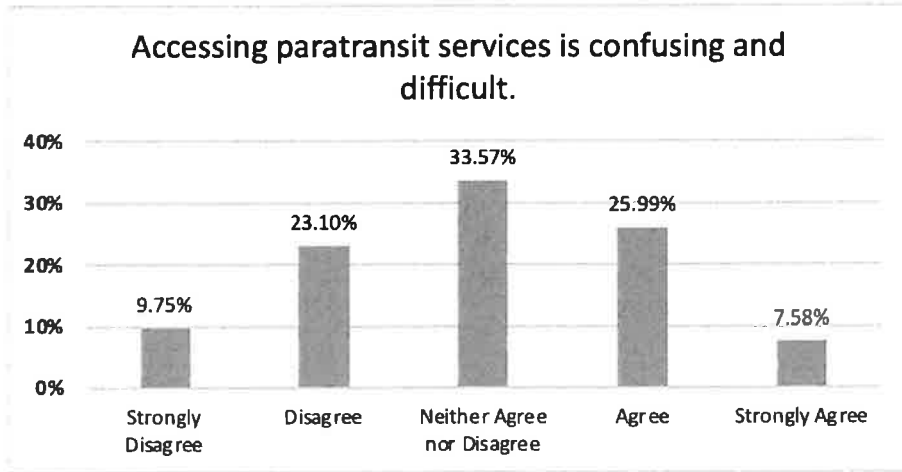
When filtered by the five zip codes (14204, 14210, 14201, 14212, 14209) with the highest level of those with a disability, the **percentage of those that “agree” or “strongly agree” that they are satisfied are lower by 4.7% and 2.4% respectively compared to the whole respondent group.** Because this question was for general public transportation, opinions regarding paratransit for those who use it are presented in the next section.

3. Paratransit

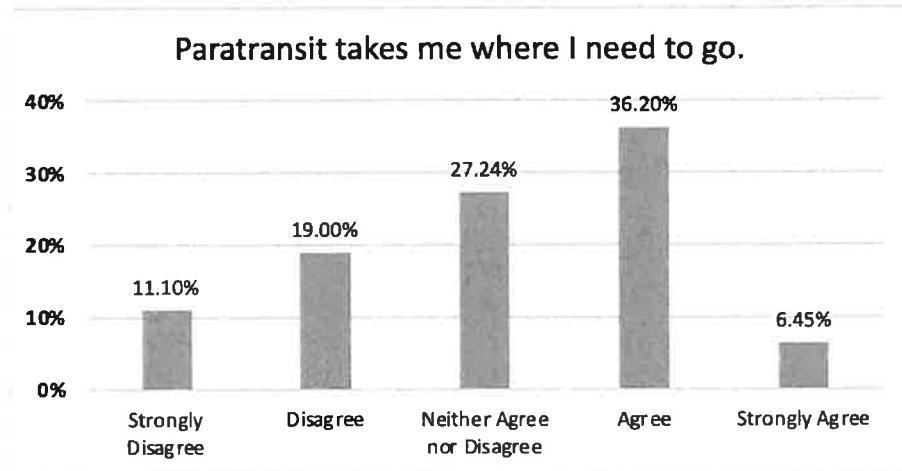
Many responses pointed to a shortage of paratransit drivers. This was supported by the recommendations provided by consultants to the NFTA. Elsewhere in the same report¹² the NFTA points out their paratransit service exceeds ADA minimum requirements.

¹² NFTA-Metro ParaTransit Study, funded through a \$750,000 grant obtained by NYS Senator Timothy Kennedy (D-Buffalo), chairman of the Senate's Transportation Committee.

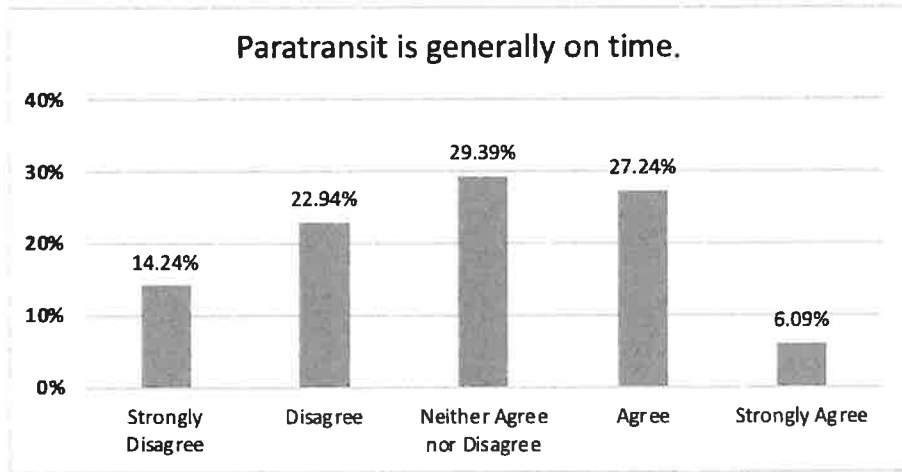
Nonetheless, responses to the “Rate Your Ride” survey show meaningful levels of dissatisfaction with paratransit services. Below is a summary of the responses of 280 riders who reported that they or someone they know uses paratransit:



This graph indicates that **more than one third of paratransit users survey found paratransit services confusing and difficult.**



Only approximately **43% of paratransit respondents felt that the PAL system takes them where they need to go.**



This final response is most interesting considering the NFTA reported that paratransit performs on-time 82% of the time.¹³ This is starkly different from our findings that **only a third of respondents either agree or strongly agree that paratransit is generally on time.**

III. Comments by Riders

While data is helpful for gaining an understanding of the system from a birds-eye view, hyper-focusing on numbers can be dehumanizing. It is important to remember that each data point is a person who relies on public transportation to go about their lives. A negative answer may be written off as a slight dip in overall satisfaction, but could mean that someone’s life has been strongly and negatively impacted by the current NFTA system. While we realize that it is impossible to please everyone, the NFTA’s stated goal is to provide, “...the highest level of safe, clean, affordable, responsive, and reliable public transportation.”¹⁴ To help more fully understand the experience of transit users on a personal level, we provided respondents space to describe their interactions with public transportation.

¹³ NFTA-Metro ParaTransit Study, funded through a \$750,000 grant obtained by NYS Senator Timothy Kennedy (D-Buffalo), chairman of the Senate's Transportation Committee.

¹⁴ <https://metro.nfta.com/about/metro-info>

It could be helpful to note that **most of the written narrative responses we received from riders were overwhelmingly negative**. These responses detailed a variety of concerns that expanded on answers to our multiple-choice questions. We received and considered more than 700 written narrative responses. After personally reviewing all responses, and with the added assistance of AI (artificial intelligence), we highlight here a considerable number of responses, categorized by subject matter. Our analysis is provided below, separated by category.

Safety and Cleanliness

Passengers reported instances of aggressive behavior and threats, including verbal abuse, physical and sexual assault, and even a situation where a driver reportedly attacked passengers. There have also been cases of theft, with victims receiving little to no help from transportation staff in retrieving their stolen items. Certain stations have become notorious for drug use and sales, contributing to an overall unsafe atmosphere. The Utica station was particularly noted to be dangerous, causing many riders to avoid the station. Lastly, a significant number of riders complained about boisterous and unruly behavior on behalf of unaccompanied children and teens.

Hygiene has also been a major issue, with reports of lice infestations, bugs on buses, and individuals urinating on tracks, raising serious public health concerns. The lack of adequate security measures such as cameras and turnstiles at rail stations has been noted.

Detours / Lack of Available Routes

Several riders noted that many destinations are inaccessible without taking long detours, leading to significant time delays. Several riders highlighted difficulties in commuting to work,

with one individual expressing the struggle to catch a bus from the east side to Hertel for work, and another citing terrible service when using the bus on weekends to get to a job in Amherst. Comments also addressed a shortage of late night and weekend service, causing severe hardships in those relying on the services to go about their lives. One respondent reported they “feel like a prisoner on the weekends.” This aspect will be addressed later in this document via the “Trip Examples”.

Winter / Dangers Caused by Lack of Snow Removal

Winter weather exacerbates the challenges in using public transportation in the region. Riders complained about the lack of sheltered bus stops. This is supported by the NFTA’s finding in 2019 that of **4,500 bus stops, only 250 were sheltered.**¹⁵ The NFTA’s stated goal was to add 120 additional shelters over the next three years. It is unclear if this was accomplished. Assuming the NFTA was able to add 120 additional shelters that would leave more than 4,000 stops without shelter for NFTA riders.

Others noted having to climb over slippery snowbanks to get to the bus or wait in the street for buses to arrive. This is particularly challenging for riders with small children, the elderly and physically challenged. One rider emphasized the importance of keeping bus stairs clear to prevent accidents. Additionally, the lack of heating during winter months causes discomfort for passengers. Another rider with osteoarthritis highlighted the potential hazards of uneven bus stops and icy conditions, emphasizing the need for better snow removal and maintenance.

¹⁵ https://www.nfta.com/media/4263/2019-transit_development_plan.pdf

Bus Drivers

Issues with bus drivers were also raised, including instances where drivers did not wait for transferring passengers at main intersections. Riders additionally complained of being simply ignored by bus drivers who would pass them by while they waited for the bus. One comment highlights the frustration of this experience, considering the length of time between buses. “The bus drove right past me when I was standing by the bus stop and waved the bus down. I was ten minutes early for a bus and the bus had already gone by. I had to wait another hour and a half in the wind and rain for the next bus.”

While some drivers were commended for their helpfulness during snow-related problems, others were criticized for not lowering the bus to accommodate passengers with disabilities, as well as those using strollers. As one rider noted, “[i]t is difficult to fold up a stroller and have my children seated safely before the bus takes off from a stop. My daughter once flew off the seat when the driver hit the brakes and she was significantly hurt on the seat in front of her.”

Accessibility

Survey respondents pointed out various accessibility concerns, including the absence of notices when elevators are out of service at metro stations, creating difficulties for individuals with mobility challenges. The lack of accessibility for individuals with diverse needs was a recurring theme. The removal of bus service in the village of Sloan was particularly criticized for disproportionately affecting elderly and blind individuals.

Others expressed frustration with the reinstatement process for those with disabilities, calling it "ridiculous." This process requires applicants to complete a Reduced-Fare application

for a “Permanent card” every 4 years¹⁶. As will be discussed further below, this ignores the permanent nature of many riders’ disabilities.

A case manager in Buffalo working with clients highlighted the difficulties in teaching them to use the bus due to a lack of shelters, infrequent service, and limited routes. The inadequacy of the regional transit system, particularly with only one bus running every two hours from Amherst to Buffalo, significantly impacts clients' ability to carry out daily activities, especially during the winter when buses are late or fail to show up, leaving individuals stranded in the snow without shelters.

Suggestions for improvement, provided by the respondents themselves, included more frequent bus service, addressing funding cuts, and ensuring better water drainage at ADA ramps to prevent winter-related accidents. The survey also highlighted concerns about scheduling for paratransit services, with riders proposing multiple bus stations to optimize service and reduce delays.

Reliability and Information Availability

Riders consistently expressed frustration with the current state of information dissemination within Buffalo's public transit system. There was a considerable desire for a more robust and reliable system for providing bus schedules and updates, especially during inclement weather. One rider emphasized the challenge, asking, “[t]he problem I have is in bad weather, how do we know when the bus will be late?” Reliability issues were noted by several riders citing instances of buses arriving early or late without adequate notice, making it challenging to plan commutes effectively.

¹⁶ <https://metro.nfta.com/media/1697/reduced-fare-application.pdf>

Lastly, the lack of easily accessible information for Paratransit services was also highlighted, with riders expressing frustration over the need to repeatedly search for necessary details such as pass purchases and service boundaries. One rider was stranded at the airport in their wheelchair because of a delayed flight causing scheduling issues with Paratransit, which reportedly does not offer same day travel.

Customer Service

Many riders reported difficulties in providing feedback to the NFTA. Some found calling to be helpful, but some reported apathetic and rude customer service personnel.

Positive Comments

Although most of the comments we received were negative, several positive experiences with the NFTA are highlighted by riders, emphasizing the beneficial role the transit system plays in their lives. One rider expressed gratitude to the NFTA for getting them through school by utilizing park and ride services. Another recalls a significant memory of a bus driver's kindness when faced with a fare payment issue, which ultimately allowed them to attend a job interview and succeed. Additional positive encounters include a driver going above and beyond on a bitterly cold day, pulling up closer to the desired destination and ensuring a safe exit point. Another rider shared a commendable experience during a family medical emergency, praising the PAL office staff for their flexibility in accommodating a late change in vehicle, pickup, and drop-off points. The Token Transit app and Park & Ride services are specifically highlighted as convenient and affordable options. Beyond the efficiency of the service, a rider appreciates the personal interactions with bus drivers, enjoying conversations and updates about their day.

Memorable experiences include drivers accommodating late arrivals and going the extra mile to locate riders at entrances, providing crucial assistance in unfamiliar locations.

IV. Effect on Employment

To expand our understanding of the impact public transportation was having in the Buffalo economy, we reached out to major employers in the region, chambers of commerce, and worker training programs. We had difficulty eliciting responses from employers; one of whom expressed concern in damaging their relationship with the NFTA. We were able, however, to speak at length with the Northland Workforce Training Center. The Center’s stated mission is “to advance the economic well-being of Western New York by developing and maintaining a skilled and diverse workforce to meet the needs of the advanced manufacturing and energy sectors, while providing opportunities to job seekers as well as pathways to gainful employment, career advancement and economic sustainability.”¹⁷

Dr. Carolyn Storms-Stoltman, Vice President of Enrollment & Organizational Advancement at the Center, discussed the importance of public transportation on the professional careers of workers in Buffalo. She expressed that Buffalo is one of the most segregated cities in the country and that it is particularly difficult for those living on the East side to access public transportation. Dr. Storms relayed that most of the jobs the Center places workers at are located in the suburbs such as East Aurora, Niagara Falls, and West Seneca. She pointed out that these locations can be particularly difficult to reach without a car. This drastically cuts workers’ options for employment, as manufacturing and energy jobs have been historically located outside of public transportation routes. The Center has tried to work around this, including sending a van

¹⁷ <https://northlandwtc.org/about/>

to take someone to their job for two months. The Center is additionally making a great effort in getting driver's licenses for their students, as 31% of them do not possess one. Dr. Storms also highlighted the difficulties of working mothers who rely on the bus to take their children to childcare, and pointed out the problem of unshoveled sidewalks causing issues with strollers in the snow. This echoed survey responses we received.

III. Trip Examples

Below are some examples of trips on public transportation within the Buffalo area based on where a typical rider may travel. The purpose of providing this is to demonstrate how certain routes can be inefficient causing public transportation to take far longer than the actual driving distance.

A. Amherst to Erie County Courthouse

This Monday morning trip would be taken by someone who needs to get to the court by 9am. According to Google Maps, the trip would take 56 minutes on public transportation. The rider would first need to walk 15 minutes, then take the 44A bus eleven stops, transfer at Main Street University Station to the number 8 bus downtown, ride for 42 stops, then walk an additional three minutes. Driving, this trip would take approximately 16 minutes.

B. Martha P. Mitchell Community Center to the Outer Harbor

This Monday morning trip may be taken by someone who needs to get to work in the Harbor's developing area. This trip would take approximately 75 minutes on public transportation. The rider would need to walk seven minutes to the 19 bus stop at Bailey-

Oakmont, ride for 33 stops then transfer to the 16H. After 13 more stops they would need to walk two minutes to transfer again to the 42, at which point they'd have to walk to their destination. This trip would also take 16 minutes in a car.

C. Kensington to East Seneca

This Monday morning trip may be taken by someone, such as a Workforce Training Center student, who needs to get to their new manufacturing job. The trip would take roughly 90 minutes on public transportation. The rider would first need to walk to the Bailey Avenue Kensington Avenue stop and take the 19 bus towards Bailey-Abbott. After 30 stops, they would transfer to the 2 bus towards Appletree at Clinton Street and Bailey Avenue East. Finally, after an 18 stop ride on the 2 bus, they would need to walk up to a half hour to get to their place of employment. Driving, this trip would take 18 minutes.

V. Recommendations for improvement

Through the responses we received, we were able to pinpoint some actions that the NFTA can take to improve the quality of their service. Some of these are simple changes that we hope could be implemented quickly. Others are more substantial, requiring a larger devotion of resources. Given the more than 2300 survey responses, all recommendations are meaningful to the public. We raise these recommendations below, starting with those that might be easiest to implement.

A. Make “permanent” fare reduction for seniors/disability permanent

Perhaps the simplest change the NFTA can make to ease the lives of some of the community's most vulnerable individuals is by making the “permanent” fare reduction

application truly permanent. At the moment, the “permanent” pass is valid for just four years. For elderly and many disabled riders, having to reapply every four years for fare reduction is an unnecessarily cumbersome task, the elderly will not be getting any younger over the four-year eligibility period and most disabled riders are dealing with a permanent condition. Simply redefining the permanent pass process would provide a meaningful and immediate improvement.

B. Clean the stations and the vehicles

Cleanliness is a serious concern for public transit riders, as indicated by the dissatisfaction levels from our survey and narrative responses. We recommend the NFTA look into cost-efficient means of cleaning their buses and trains on a more frequent basis.

C. Devote resources to safety

A concerning trend found in the survey was a feeling by many riders that public transportation is unsafe, which was further highlighted among respondents who reside in lower-income areas and communities of color. While we understand that it is impossible to monitor each station and bus stop effectively, certain measures can be taken to make riders feel safer and comfortable getting to their destination. The NFTA should strengthen efforts to work in conjunction with local law enforcement to cut down on violent crime at strategic problem sites, such as the Utica train station.

D. Live tracking of buses and paratransit in new NFTA MetGo App

The new NFTA MetGo app can be a positive step. It would be helpful if the app includes a means of live tracking buses and paratransit vehicles. This has been implemented in other

transportation systems, such as the MTA, and allows riders to know where and when to expect their bus/train to arrive and make it easier to determine travel plans. One of the main concerns riders had with these transportation options was the uncertainty of when the bus/paratransit would arrive. Riders reported waiting the better part of an hour after their vehicles were scheduled to arrive. During this time, riders could have stayed inside and warm, or found alternate transportation if available. While it is understandable that transportation often falls off schedule due to various complications that may occur during a route (traffic, detours, etc.), riders should be made aware of the status of their ride. At the moment riders must rely on emails of route alerts, which are reportedly sparse, as the text alert service is inactive as of this report. This service, as well as a built-in feedback input could be added to the new NFTA MetGo app to allow riders to have one app to track, pay and rate their ride. The app currently only supports a means of paying for the NFTA transportation, and a link to their contact information. Our survey received hundreds of written responses that we are unable to include fully in this report. A streamlined feedback platform would allow for the NFTA to hear from its riders directly and more consistently in real time.

Conclusion

Our goal in this project, which was not funded by any taxpayer money, was to shed light on how riders in Erie and Niagara counties truly feel about their public transportation system. As such, we offer the above suggestions as a free, public service. We do so in the belief that the NFTA truly intends to live up to its goal of providing the highest level of service to its customers. The importance of an effective public transportation system cannot be overstated, given its impact on the employment, health, safety and enjoyment of the community.

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24M-2	COMMUNITY GROUPS	Proposed Contract with Foit-Albert Associates & DLR Group for Operational Needs Assessment
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Attachments

23COMM. 24M-2

December 11, 2023

EC LEG DEC 11 '23 PM3:28

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

Re: Proposed contract with Foit-Albert Associates and DLR Group for operational needs assessment

Dear Honorable Legislators,

The proposed contract with Foit-Albert Associates and DLR Group to conduct an **operational** needs assessment and feasibility study of the county jails is premature and will not result in providing crucial information Erie County leaders and residents need in order to make an informed decision about the future of the jails.

The **Public Safety** Needs Assessment commissioned by this honorable body was born in response to community members' demand to fully and completely examine unmet legal system and community needs that, if met, would significantly reduce the number of jail beds in use. By assessing and implementing best practices for reducing incarceration while protecting public safety, the county could save millions in operating and capital costs and reduce the harms of incarceration for individuals, their families, and the whole community. It is fiscally and ethically imperative that these options be fully examined and implemented before considering building a new jail.

More specifically, a system assessment would look at the four factors that affect the jail population: the number of jail admissions, how long people are waiting in jail for their cases to be resolved, the mechanisms available for release, and what community resources are available to prevent recidivism. In Erie County, 80% of people in county jails are pretrial, which means addressing the first two factors (admissions and case time) would likely have the greatest impact. For example, a whole system assessment would examine and answer these questions, among others:

1. How could Erie County reduce jail admissions?
 - a. What impact would alternatives to arrest such as Law Enforcement Assisted Diversion (LEAD) and community responder teams have?
 - b. What impact would robust community-based pretrial services and greater use of release under supervision (R.U.S) have?
 - c. How many people are incarcerated due to missed court appearances, and what are the best practices Erie County could follow to ensure people make it to court?
2. How could Erie County reduce the amount of time it takes for a case to be resolved while ensuring the defendant's rights are protected?

- a. How efficient are the court calendars and what best practices would make them more efficient?
 - b. How many of those incarcerated in the jails have effective legal representation, and what impact would increasing the number of public defenders have on how quickly and fairly a case is resolved?
3. What interventions could be strengthened in the community that would reduce recidivism?
- a. How many people are in jail due to problems finding housing?
 - b. How many people are in jail due to a lack of capacity at inpatient treatment programs?
 - c. How many people are in jail due to low literacy and poor educational opportunities?
 - d. What community services are working to keep people with complex needs housed and in treatment, and how can Erie County strengthen these programs?

Other counties facing urgent jail facility problems, such as overcrowding, have conducted such assessments and implemented the recommendations with great success. In Tompkins County, NY, an assessment conducted by Rochester-based CGR recommended changes that, once implemented, cut the jail population by 50%. In Whatcom County, Washington, an analysis conducted by the Vera Institute of Justice led to the county adopting a Law Enforcement Assisted Diversion (LEAD) program that reduced arrests and jail admissions. Both counties continue to discuss various options for their jail facilities, guided by solid data and in line with recommended best practices for exhausting every alternative. Unfortunately, after considering Erie County's RFP, neither organization decided to apply because of the architectural requirements in the scope of work. By lumping all assessments together in one RFP, Erie County excluded criminal justice system consultants in favor of architectural and design firms.

Though the RFP paid lip service to this whole-system approach, by pairing this task with other requirements for architectural work in the scope of work, completely omitting any mention of this justice system assessment in County Executive Poloncarz's letter and draft resolution authorizing the contract, and hiring two architecture firms rather than a criminal justice system professional to conduct the assessment, the county is prioritizing the feasibility study at the expense of a real system needs assessment. To assert that an architectural firm without any mention of criminal justice experience on its website (Foit-Albert) and a design firm that has a vested interest in managing the construction of a new jail (DLR Group) will conduct an assessment with the same level of detail and skill as a criminal justice firm without these conflicts of interest strains credibility.

An operational needs assessment is fundamentally different from a legal system assessment, and an operational needs assessment alone is not sufficient. To make a good decision about the jail facilities, County leaders need all the right information. Without an in-depth system needs assessment, conducted by a criminal justice professional, county leaders will not get the information they need to make the life-altering, multi-million dollar, once-in-a-generation

decisions they will need to make about our county's jails, which are just one part of a much larger system in need of scrutiny and change. Please take the time to get this right. We implore the Legislature to wait on funding an operational assessment until a true community needs and system needs assessment is completed, in line with the original intent of the community members who advocated for a needs assessment in the first place.

Sincerely,

Black Love Resists in the Rust
Free the People WNY
#HALTSolitary - WNY
Jails Justice Network - WNY
National Lawyers Guild - Buffalo chapter
Partnership for the Public Good
Prisoners are People Too, Inc.
Pushing Latinos Forward
Showing Up for Racial Justice - Buffalo
VOICE Buffalo
WNY Peace Center

Cc: Hon. Mark C. Poloncarz, Erie County Executive
Cc: Hon. Lisa Chimera, Deputy County Executive

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24M-3	CLERK OF TASK FORCE	New Stadium Community Inclusion Task Force - Meeting Minutes
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Attachments

23COMM. 24M-3

**MEETING NO. 4
DECEMBER 11, 2023**

**NEW STADIUM INCLUSION
COMMUNITY TASK FORCE**

**ERIE COUNTY LEGISLATURE
NEW STADIUM INCLUSION
COMMUNITY TASK FORCE
MEETING NO. 4
DECEMBER 11, 2023**

The Task Force was called to order by Interim Chair JANIQUE CURRY at 5:38PM

Present: Richard A. Cummings, Sydney Brown, Janique Curry, Tony Roman, Richard C. Cummings

Absent: Frank Daniel, Thomas Beauford, Pat Freeman, Larry Stitts

Invocation was led by Richard Cummings Sr.

Item 1- MR. ROMAN moved for the approval of the minutes for Meeting Number 3 from 2023. MR. CUMMINGS seconded.

CARRIED UNANIMOUSLY

Item 2- JANIQUE CURRY reviewed construction coordinating agreements discussing the construction commitments for the project.

Item 3- JANIQUE CURRY reviewed the Affirmative Action Plan which lays out the goals for MWBE-SDVOB.

PUBLIC COMMENTS

Public comments were given by Pastor Charles Walker, Joseph Mascia, and Murray Holman. Would like to know if information about meetings can be given to the public in a more effective manner and how they can help be put in a position to help people get jobs for when inclusion goals are met.

ADJOURNMENT

MR. CUMMINGS SR. moved that the Task Force adjourn until Monday January 8th, 2023 at 5:30PM. MR CUMMINGS JR. seconded.

CARRIED UNANIMOUSLY

CHAIR CURRY declared the Task Force adjourned until Monday January 8th, 2023 at 5:30PM.

**SAMIR M. SPENCER
CLERK OF THE NEW STADIUM INCLUSION
COMMUNITY TASK FORCE**

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24M-4

NYS DEC

Brownfield Cleanup Program Application -
Public Notice

Attachments

23COMM. 24M-4

Notice and language translation chart to be mailed to those on contact list included in the BCP Application:

Public Notice

EC LEG DEC 13 '23 pm8:49

The New York State Department of Environmental Conservation (DEC) has received a Brownfield Cleanup Program (BCP) application from The Evergreen Foundation of Western New York, Inc for a site known as Bailey and Kensington, site ID #C915402. This site is located in the City of Buffalo, within the County of Erie, and is located at 3074 Bailey Ave and 1096, 1098, & 1102 Kensington Ave.

Access the application and other relevant documents online through the DECinfo Locator: <https://www.dec.ny.gov/data/DecDocs/C915402/>. The documents also are available at the document repository located at the Buffalo & Erie County Public Library – LeRoy R Coles Branch, 1187 East Delevan Avenue, Buffalo, NY 14215.

There are several ways to comment on BCP applications. Comments can be submitted to Michael Keller, Project Manager, NYS Department of Environmental Conservation, 700 Delaware Avenue, Buffalo, NY 14209; via email Michael.Keller@dec.ny.gov; or call (716) 851-7218. All comments must be submitted by **January 12, 2023**.

Site information can be viewed by entering the site ID noted above at: <http://www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm?pageid=3>

We would also encourage those interested in receiving information on future activities at this site or any other site to sign up to DEC's Contaminated Sites Email List at: <http://www.dec.ny.gov/chemical/61092.html>

What is the Brownfield Cleanup Program?

New York's Brownfield Cleanup Program (BCP) is designed to encourage private-sector cleanups of brownfields and to promote their redevelopment as a means to revitalize economically blighted communities. The BCP is an alternative to "greenfield" (land not previously developed or contaminated) development and is intended to remove some of the barriers to, and provide tax incentives for, the redevelopment of brownfields. Since its inception (2003), the BCP has catalyzed the cleanup of more than 500 contaminated sites statewide and incentivized redevelopment. There are more than 550 active sites in the BCP.

Additional information on the State's Brownfield program is available at DEC's website: <http://www.dec.ny.gov/chemical/8450.html>

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24M-5	HOMELESS ALLIANCE OF WNY	Public Comment Supporting Language Access Bill
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Attachments

23COMM. 24M-5



EC LEG DEC 14 '23 PM6:59

12/14/2023

To the Erie County Legislature:

On behalf of the Homeless Alliance of WNY (HAWNY), I am submitting a public comment supporting the Language Access Bill in Erie County.

Providing language access to persons with Limited English Proficiency (LEP) is critical to The United States Department of Housing and Urban Development's (HUD) commitment to advancing service equity, supporting underserved and vulnerable communities, and combating discrimination based on national origin.

Often immigrants are marginalized due to language barriers but also discrimination based on religion, nationality, or culture. Language access is a step toward building and sustaining multilingual spaces in public agencies so everyone has a voice and their lived experience is shared.

Erie County departments should make language access plans to provide timely and meaningful engagement for persons with LEP across all agency programs, services, and activities per Title IV of the Civil Rights Act of 1964. Ensuring language services in translation and onsite interpretation are available is essential to providing equitable access to services.

Providing on-site translation services would prevent government agencies from turning people away when they are most vulnerable, help Erie County gauge how many community members are accessing services, and determine how much funding to allocate to each resource. As a result, empowering immigrant community members to access resources they are entitled to receive, helping to destigmatize asking for help and preventing future life-changing events that could ultimately lead to homelessness.

Language support is necessary for emergency services such as accessing shelter and hotel/motel placement. Individuals and families must access these services through the Department of Social Services.

LEP speakers should have equal opportunity to have government documents translated into their native language and be widely accessible. Often our immigrant neighbors rely on family, friends, and even children to help read



mail, childcare, school enrollment, find housing, pay bills, apply for jobs, start new businesses, apply for identification cards, or vote. Many of these tasks we overlook as native English speakers, but they are essential to civic engagement.

The Language Access Bill is a proactive solution and an investment in our immigrant community. The long-term effects would reduce emergency room visits and response interventions, improve linkage to medical insurance, and increase connections to public benefits.

Expanding Language Access in Erie County would create an emerging job market for interpreters and translators. As a result, the Buffalo-Niagara region would be a pioneer multilingual workforce adapting to an interconnected and global economy. Cultural diversity would thrive because individuals would have the right to preserve their language, customs, and traditions. As the City of Good Neighbors, Buffalo has a history of inclusion for immigrant and migrant communities. By continuing this tradition, we are improving our social safety net to create an environment where all can flourish and pursue the American dream.

Thank you so much for your consideration.

Sincerely,

Ryan J Trubits

Ryan J. Trubits, MS.
Senior Program Coordinator
trubits@wnyhomeless.org

Daniella Gallego

Daniella Gallego
Community Engagement Coordinator
gallego@wnyhomeless.org

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24M-6	NEW YORK IMMIGRATION COALITION	Testimony from the New York Immigration Coalition on LL Intro. 9-1 (2023)
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Attachments

23COMM. 24M-6



Erie County Legislature
December 14, 2023

Testimony from the New York Immigration Coalition

My name is Hagar Hafez, I am the Manager of Organizing and Strategy at New York Immigration Coalition and I am supporting this testimony in support of **Local Law Intro 9-1 of 2023**. Thank you to Chairs and the members of the Senate and Assembly for convening this important hearing. Thank you Councilwoman April Baskin for introducing this important legislation, **Local Law Intro 9-1 of 2023** which would require all Erie County departments and agencies to adopt a language access plan which shall include language services in the top six languages spoken in Erie County, and establish a community advisory council to guide the implementation process.

For the past several months, New Yorkers have welcomed newly arrived immigrant individuals and families, assisting to help address immediate needs for food, clothing, shelter, and transportation. Many of our new neighbors are arriving from wartorn countries and speak various forms of language dialects such as Hindi, Swahili, Lao, Portuguese, Mandarin, Burmese, and more. According to Census and ACS data, at least 7.2% (approximately 68,422) of Erie County's population are Limited English Proficient (LEP), meaning they are not fluent in, or have difficulty, communicating in English, and more than 37 different languages are spoken in the County.

Intro 9-1 will ensure that all residents regardless of their language will have equal access to services. The language access plans will allow each department to decide how best to meet the language needs of residents and are flexible to accommodate the unique needs of that department or agency. The law will ensure that consistent and productive interpretation service is provided across all departments.

LEP individuals are often the most disconnected from government services and outreach, and community members are asked to bring or pay for their own interpreters. This is largely due to the fact that the delivery and availability of interpretation services continue to be inconsistent at certain county agencies across the state. While some agencies have implemented language access plans, several were found to not be in compliance with their own plans and were not providing interpretation services. Moreover, many county agencies depend heavily on telephonic interpretation services (Language Lines), which face significant issues of availability, quality, and cost. Immigrant individuals often complain that they are connected with interpreters who do not in fact speak their language.



We look forward to both the passage and proper implementation of this legislation. The only way for New York to truly have a full and equitable recovery must include our immigrant communities and without language access that is not possible.

Thank you for the opportunity to testify.

Submitted by:
Hagar Hafez
Manager of Organizing and Strategy, Western New York
New York Immigration Coalition

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24M-7	TOWN OF MARILLA	Notice of Public Hearing - Town of Marilla Zoning Code
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Attachments

23COMM. 24M-7



TOWN OF MARILLA

S-1740 TWO ROD ROAD
MARILLA, NEW YORK 14102

(716) 652-5350
FAX: (716) 652-2541
TDD 1-800-662-1220

EC LEG DEC 14 '23 PM 7:05

Town Clerk
Town of Elma
1600 Bowen Road
Elma, NY 14059
ATTN: Town Clerk

Town Clerk
Town of Wales
12345 Big Tree Road
Wales Center, NY 14169

Town Clerk
Town Clerk
Town of Aurora
575 Oakwood Avenue
East Aurora, NY 14052

Town Clerk
Town of Alden
3311 Wende Road
Alden, NY 14004

Town Clerk
Town of Lancaster
21 Central Avenue
Lancaster, NY 14086

ATTN: Town Clerk
Town of Bennington
905 Old Alleghany Road
Attica, NY 14011

Clerk of the Erie County Legislature
Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, NY 14202

Clerk of the Wyoming County Board of Supervisors
Wyoming County Board of Supervisors
143 North Main Street
Warsaw, NY 14569

**Re: NY Town Law § 264(2)(a-d) Notice of Proposed Town of Marilla Amendment /
Local Law of the Zoning Code of the Town of Marilla Zoning Code**


To All Those Addressed Above:

I am the Marilla Town Clerk. This Written Notice and its enclosure are sent pursuant to New York Town Law § 264(2)(a-d) which requires:

2. Service of written notice. At least ten days prior to the date of the public hearing, written notice of any proposed regulations, restrictions or boundaries of such districts, including any amendments thereto, affecting property within five hundred feet of the following shall be served personally or by mail by the town upon each person or persons listed below:

- (a) The property of the housing authority erecting or owning a housing project authorized under the public housing law; upon the executive director of such housing authority and the chief executive officer of the municipality providing financial assistance thereto.
- (b) The boundary of a city, village or town; upon the clerk thereof.
- (c) The boundary of a county; upon the clerk of the board of supervisors or other person performing like duties.
- (d) The boundary of a state park or parkway; upon the regional state park commission having jurisdiction over such state park or parkway.

This Notice is being sent because the above named government entities border the Town of Marilla and therefore is required pursuant to New York Town Law § 264(2)(a-d). A copy of the Town of Marilla Notice of Public Hearing is attached hereto and constitutes the required Notice as set forth above.

Sincerely,

MARILLA TOWN CLERK
Dawn Pearce

Enc.

TOWN OF MARILLA
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Marilla on December 28, 2023 at 7:00 p.m. at the Marilla Town Hall, S1740 Two Rod Road, Marilla, New York regarding a Local Law to amend Chapter 700-33 of the Zoning Code”.

PLEASE TAKE FURTHER NOTICE that the environmental significance of said proposed amendments will be reviewed by the Marilla Town Board incident to and as a part of said Public Hearing.

Any residents of the Town of Marilla shall be entitled to be heard upon said proposed Local Law at such Public Hearing. Copies of said proposed Local Law is available for review at the Marilla Town Hall located at S1740 Two Rod Road, Marilla, New York as well as at the Public Hearing. The Local Law may be accessed through the Town’s website; www.townofmarilla.com.

By order of the Town Board of the Town of Marilla, dated November 21, 2023.

Erie County Legislature
Meeting Date: 12/21/2023

SUBJECT

COMM. 24M-8

NFTA

Reply to Rate Your Ride Report

Attachments

23COMM. 24M-8



Niagara Frontier Transportation Authority
Serving Buffalo Niagara

181 Ellicott Street
Buffalo, New York 14203
716-855-7300
Fax: 716-855-7657
TDD: 855-7650
www.nfta.com

EC LEG DEC 18 '23 AM 11:02

December 14, 2023

Michael P. Kearns
Erie County Clerk
92 Franklin Street
Buffalo, New York 14202

Re: Rate Your Ride

Dear Erie County Clerk Kearns:

On December 6, 2023, we received a Media Release about your "Rate Your Ride" Survey, pertaining to a media event that you had already conducted on December 5, 2023.

NFTA-Metro welcomes rider feedback to help improve operations. That's why NFTA-Metro works with the Transport Strategy Centre at the Imperial College, London to conduct annual unbiased scientific rider surveys. These independent surveys, conducted by the American Bus Benchmarking Group (ABBG), continue to show a high level of customer satisfaction. ABBG is a consortium of medium sized bus agencies in North America that benchmark performance and share experiences and best practices for fixed route and paratransit services.

We do have concerns about the survey methodology used in your report. For example, you twice cite to an "NFTA-Metro Para Transit Study" as if it has been completed. This is puzzling because this study has not been completed. This is an ongoing robust study with public hearings that had already been scheduled for December 13 and 14th, 2023. A consultant to complete this study was commissioned by the NFTA Board on February 27, 2023, and we look forward to its completion next year and recommendations as to how we can better serve our paratransit customers. Also, it appears to us that certain questions were not constructed to get an unbiased response or were vague and did not provide any context.

In any event, as your report correctly notes, the NFTA Board commissions an annual customer survey completed as part of benchmarking with ABBG. ABBG's survey methodology is sound, scientific, and reliable. The results of our ABBG survey were most recently presented to the Board on October 25, 2023.

The good news is that if we proceed right to your four recommendations, you will be pleased to know that the NFTA has several ongoing initiatives to address these matters.

1. Make "permanent" fare reduction for seniors/disability permanent. We need more information from you to assess this recommendation. However, we want to clarify that seniors

are not required to reapply every four years. As to disability applicants, we are actively studying ways to make the process more efficient, while at the same time complying with applicable regulations, and will work with the Accessibility Advisory Committee to fully understand and address this issue.

2. Clean the stations and the vehicles. The NFTA's Engineering department has already completed a design specification to purchase new bus wash equipment for installation at each of our three bus facilities (in excess of a \$2 million investment) and this matter was already on our agenda and will be presented to the NFTA's Board on December 14th. Buses are thoroughly cleaned at the end of each day. Since the bus is in continuous use it can be challenging to clean them immediately during a run. We do encourage our riders not to litter and to pick up after themselves through our Ride Nice campaign, and other informational materials.

3. Devote resources to safety. We have implemented several initiatives to address safety concerns. Among other items, we have already implemented increased focus by the Transit Authority Police Department, our Ride Nice campaign, a continued affiliation with the Peacemakers and the Buffalo School Board, limiting school bus passes, the use of transit ambassadors, and improved infrastructure design safety features (such as better lighting, video surveillance, fare gates), to name a few initiatives.

4. Live tracking of buses and paratransit in new NFTA MetGo App. We are pleased that news of the MetGo App is getting out and we are always looking for way to improve that product. As to our other tracking tools, there appears to be a misunderstanding of our current products and what is coming in the future. For close to a decade, we have had a "Where's My Bus" application available and it is in use and in operation. Where's My Bus allows a customer to track their bus and know when it will arrive. We are extremely close to standing up a new Google Realtime Transit feed for customer information that will replace Where's My Bus. This system is used by many transit systems across the US and will provide a standardized application to be used by local customers and visitors to our area.

If you have any questions or comments, please call 716-855-7300, otherwise best regards.



Michael Hughes, Chair



Kimberley A. Minkel, Executive Director

Cc: Paulette C. Campbell, Esq.
NFTA Board of Commissioners
Erie County Legislature Members
Buffalo Common Council Members
Niagara County Legislature Members