



THE ERIE COUNTY LEGISLATURE

Session No. 5
MARCH 7, 2024

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. Greene

PLEDGE OF ALLEGIANCE: Mr. Gilmour

TABLED ITEMS

ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING

MINUTES OF PREVIOUS MEETING: [Meeting No. 4](#)

PUBLIC HEARING

MISCELLANEOUS RESOLUTIONS:

JOHNSON & KOOSHOIAN	In Remembrance of Joseph "Joe" W. Marciniak
MAJORITY CAUCUS	Recognizing National Colorectal Cancer Awareness Month
GREENE	Honoring Dragonfly Art & Soul as Clarence Chamber of Commerce's 2024 Small Business of the Year
LORIGO	Recognizing Lily Lewis as the 2024 New York State Youth Art Month Elementary Winner
LORIGO	Recognizing April Hartloff as the Greater East Aurora Chamber of Commerce 2024 Small Business Person of the Year
LORIGO	Recognizing Hoffman School of Dance for the Greater East Aurora Chamber of Commerce 2024 Legends Award
LORIGO	Recognizing Alexandra Robinson as the Greater East Aurora Chamber of Commerce 2024 Young Professional of the Year
LORIGO	Recognizing Little Finch Party Styling as the Greater East Aurora Chamber of Commerce 2024 Rookie Business of the Year
LORIGO	Recognizing Friends of Knox Farm State Park as the Greater East Aurora Chamber of Commerce 2024 Non-Profit of the Year

LORIGO	Recognizing Musical Memories Cafe as a National Innovative and Exemplary Respite Program
GREENE	Honoring Lavocat's Family Greenhouse and Nursery as Clarence Chamber of Commerce's 2024 Large Business of the Year
GREENE	Honoring Mike Bowers as Clarence Chamber of Commerce's 2024 Lifetime Achiever of the Year
GREENE	Honoring Chris and Brendan Cimerman and Buffa-Blo as Clarence Chamber of Commerce's 2024 New Small Business of the Year
GREENE	Honoring Northern Erie Sno-Seekers as Clarence Chamber of Commerce's 2024 Organization of the Year
GREENE	Honoring Douglas and Heidi Kohler as Clarence Chamber of Commerce's 2024 Educators of the Year
GREENE	Honoring Cheryl Anthony as Clarence Chamber of Commerce's 2024 Volunteer of the Year
GREENE	Honoring Brandon Sutton as Clarence Chamber of Commerce's 2024 Young Entrepreneur of the Year
JOHNSON & BASKIN	Acknowledging Muhammads School of Music Celebrating 25 Years in Western New York
BASKIN	Recognizing the Youth Symposium of Sigma Gamma Rho Society
MILLS	Honoring Main Street Station on Its Grand Opening
MILLS	Honoring John "Murph" Murphy as the Amherst Gaelic League's 2024 Irish Person of the Year
GREENE	Honoring the Amherst Gaelic League on the Occasion of Its 50th Annual Irish American Appreciation Party and Recognizing Irish American Heritage Month in Erie County
MILLS	Honoring the Orchard Park Riflery Team on Their Perfect Season
TODARO	Congratulating Larry Jones on His Retirement from Coaching with Depew High School
TODARO	Recognizing Girl Scout Troops in Erie County on National Girl Scout Day, 2024
BASKIN	Honoring and Recognizing Tara Lynch

VINAL	Congratulating and Honoring Williamsville South Boys Basketball -- Section VI Class A1 Champions
JOHNSON	Congratulating and Honoring Health Sciences Charter Boys Basketball -- Section VI Class AA2 Champions
GILMOUR & MEYERS	Congratulating Timon Varsity Boys Basketball Back-to-Back Manhattan Cup Champions
BASKIN, VINAL & OWENS	Honoring and Celebrating Women's History Month 2024
GILMOUR	Honoring and Recognizing Jaiden Harrison on Becoming Western New York All-Time Scoring Leader
MAJORITY CAUCUS	Acknowledging and Honoring Irish American Heritage Month

LOCAL LAWS:

COMMITTEE REPORTS:

Report No. 4	PUBLIC SAFETY COMMITTEE
Report No. 4	ECONOMIC DEVELOPMENT COMMITTEE
Report No. 2	HEALTH & HUMAN SERVICES COMMITTEE
Report No. 3	FINANCE & MANAGEMENT COMMITTEE

LEGISLATOR RESOLUTIONS:

INTRO. 5-1	VINAL	Procedure for Notice to Small Businesses
INTRO. 5-2	MINORITY CAUCUS	Calling on the Department of Health to Appear at the Erie County Legislature's Health and Human Services Committee to Discuss Health Permitting for Fitness Facilities
INTRO. 5-3	GILMOUR	Adoption of Personnel Policies for Managerial and Confidential Employees Exempted from the Fair Labor Standards Act

INTRO. 5-4	JOHNSON	Call for an External Forensic Audit of the County Clerk's Office
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COMMUNICATIONS DISCHARGED FROM COMMITTEE:

SUSPENSION OF THE RULES:

COMMUNICATIONS FROM ELECTED OFFICIALS:

COMM. 5E-1	COUNTY CLERK	Software Integration & External Accounting Review	Finance & Management
COMM. 5E-2	BASKIN	Response to COMM. 2E-26 (2024) - Veto of Local Law Intro. 9-1-2023	Health & Human Services
COMM. 5E-3	COMPTROLLER	EC Cultural Funding Grant Program - Steel Plant Museum of WNY	Finance & Management
COMM. 5E-4	COMPTROLLER	EC Cultural Funding Grant Program - Music Is Art	Finance & Management
COMM. 5E-5	COMPTROLLER	EC Cultural Funding Grant Program - El Museo Francisco Oller Y Diego Rivera	Finance & Management
COMM. 5E-6	COMPTROLLER	EC Cultural Funding Grant Program - Arts Service Initiative of WNY, Inc.	Finance & Management
COMM. 5E-7	COMPTROLLER	EC Cultural Funding Grant Program - Historical Society of the Town of Clarence	Finance & Management
COMM. 5E-8	BASKIN	Request of a Communication Tool Creation with Gilbane-Turner Joint Venture Team	M/WBE
COMM. 5E-9	COMPTROLLER	State Authorization for the Private Sale of Bonds or Notes by Negotiated Agreement	Finance & Management
COMM. 5E-10	COUNTY EXECUTIVE	PILOT Agreement for 1603 Seneca St. - Affordable Housing Development	Economic Development
COMM. 5E-11	COUNTY EXECUTIVE	Renaissance Commerce Park - Amendment to Contract	Economic Development

COMM. 5E-12	COUNTY EXECUTIVE	Authorization to Contract with BestSelf - Construction Funding for Child Advocacy Center	Economic Development
COMM. 5E-13	COUNTY EXECUTIVE	ECSD Nos. 1 & 3 - Contract Close Out	Energy & Environment
COMM. 5E-14	COUNTY EXECUTIVE	ECSD No. 6 - 2024 Budget Transfer	Energy & Environment
COMM. 5E-15	COUNTY EXECUTIVE	ECSD No. 3 - Southtowns Incinerator Tray Scrubbers Replacement & Crane Installation Project	Energy & Environment
COMM. 5E-16	COUNTY EXECUTIVE	ECSD No. 6 - Engineer Term Contract Agreement	Energy & Environment
COMM. 5E-17	COUNTY EXECUTIVE	ECSD No. 1 - Electric Ave. & Casimir St. Sanitary Sewer Replacement	Energy & Environment
COMM. 5E-18	COUNTY EXECUTIVE	January 2024 Winter Lake Effect Snowstorms	Immediate Consideration Requested
COMM. 5E-19	COUNTY EXECUTIVE	2023 Real Estate Transfer Tax Surplus Appropriation to Road Fund	Economic Development
COMM. 5E-20	COUNTY EXECUTIVE	East Concord Highway Facility & EC Correctional Facility - Fuel Tank Replacement & Upgrades	Economic Development
COMM. 5E-21	COUNTY EXECUTIVE	B&ECPL - Various Capital Projects Term Agreement, One Year Extension for On-Call Services	Economic Development
COMM. 5E-22	COUNTY EXECUTIVE	Department of Social Services - Position Changes	Health & Human Services
COMM. 5E-23	COUNTY EXECUTIVE	Acceptance of State Aid for Youth Employment Programs (YEP)	Health & Human Services
COMM. 5E-24	COUNTY EXECUTIVE	Acceptance of State Aid for Youth Sports Services	Health & Human Services
COMM. 5E-25	COUNTY EXECUTIVE	Acceptance of State Aid for Safe Harbor	Health & Human Services
COMM. 5E-26	COUNTY EXECUTIVE	Department of Social Services - Authorization to Enter into Contract with Konica Minolta	Health & Human Services

COMM. 5E-27	COUNTY EXECUTIVE	Authorization to Accept Funding & Enter into Contract - NYS Rental Supplement Program	Health & Human Services
COMM. 5E-28	COUNTY EXECUTIVE	Restructuring Positions in Community Service for the Elderly, 2024-25 Grant	Health & Human Services
COMM. 5E-29	COUNTY EXECUTIVE	Acceptance of NYSDOT Section 5310 Enhanced Mobility 2024-27 Grant	Health & Human Services
COMM. 5E-30	COUNTY EXECUTIVE	Authorization to Extend the ADRCVAC2122 Grant	Health & Human Services
COMM. 5E-31	COUNTY EXECUTIVE	Overnight Respite Services Contract	Health & Human Services
COMM. 5E-32	COUNTY EXECUTIVE	2024 EC Healthcare Careers Program Contract Authorization	Health & Human Services
COMM. 5E-33	COUNTY EXECUTIVE	Department of Probation - Personnel Adjustment	Public Safety
COMM. 5E-34	COUNTY EXECUTIVE	Authorization to Enter into Contract with the Olsen Group	Public Safety
COMM. 5E-35	COUNTY CLERK	Clerk's Office Software RFP	Finance & Management
COMM. 5E-36	COMPTROLLER	Fraud Prevention Services Available from M&T Bank	Finance & Management
COMM. 5E-37	MILLS	Letter Regarding Upcoming Absence	RFP
COMM. 5E-38	DISTRICT ATTORNEY	Court Modernization Agreement with NYS Unified Court System	Immediate Consideration Requested
COMM. 5E-39	DISTRICT ATTORNEY	OPDV Flexible Funding Project	Immediate Consideration Requested
COMM. 5E-40	SHERIFF	Funding for Furniture	Public Safety
COMM. 5E-41	SHERIFF	Purchase of Blast and Ballistic Resistant Bomb Squad/SWAT Response Vehicle	Public Safety
COMM. 5E-42	COUNTY CLERK	Legislature Meeting and Committee Invitations	Government Affairs

COMMUNICATIONS FROM THE DEPARTMENTS:

COMM. 5D-1	COMMISSIONER OF PUBLIC WORKS	Response to COMM. 4E-3 (2024) - Conner Road in Clarence	Economic Development
COMM. 5D-2	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County	Government Affairs

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:

COMM. 5M-1	NFTA	NFTA Capital Expenditure Reports, 2nd Quarter	Economic Development
COMM. 5M-2	NFTA	NFTA Capital Expenditure Reports, 3rd Quarter	Economic Development
COMM. 5M-3	ECCSAB MEMBER	EC Corrections Specialist Advisory Board Resignation	Public Safety
COMM. 5M-4	PRESIDENT & CEO OF VBN & BCC	VBN & BCC Operating Budgets & Business Plans	Health & Human Services
COMM. 5M-5	ACCESS WNY	Response to COMM. 2E-26 (2024) - Veto of Local Law Intro. 9-1-2023	Health & Human Services
COMM. 5M-6	COMMUNITY ORGANIZATIONS	Response to COMM. 2E-26 (2024) - Veto of Local Law Intro. 9-1-2023	Health & Human Services
COMM. 5M-7	BOARD OF HEALTH CHAIRMAN	Proposed EC Sanitary Code	Health & Human Services

ANNOUNCEMENTS:

MEMORIAL RESOLUTIONS:

ADJOURNMENT:

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

JOHNSON & KOOSHOIAN

In Remembrance of Joseph "Joe" W. Marciniak

Attachments

Joseph "Joe" W. Marciniak

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, FEBRUARY 17, 2024

In Remembrance of Joseph "Joe" W. Marciniak

WHEREAS, Almighty God, in His infinite wisdom, on February 11, 2024, removed from our midst *Joseph W. Marciniak*, in whose death we have lost a loving husband, father, son, brother, coach, valued and respected teacher, prominent leader, and whose family has lost a kind and devoted member; and

WHEREAS, *Joseph Marciniak*, was born on the lower west side in Buffalo, New York on October 8, 1972, where he attended Montessori Grammer School and would go on to graduate from McKinley High School in 1990; and

WHEREAS, Joe played soccer throughout his time at McKinley and shared a family moment with his brother Brian in winning a city championship in 1988; and

WHEREAS, Joe earned his degree in Education at the University at Buffalo; and

WHEREAS, Mr. Marciniak's exceptional career in education started through the hallways of Buffalo Public Schools at the elementary level and would blossom into a two decades of teaching and inspiring students as a History teacher at McKinley High School; and

WHEREAS, during his tenure at McKinley, not only did Joe create hope and motivation in the classroom, but also outside of the classroom as a devoted girls' soccer coach and a debate coach; and

WHEREAS, Joe was known as a total team player and embodied what McKinley's mission of academics and faith, as he was a tremendously effective and creative teacher whose advice, wisdom, guidance and mentorship inspired students; and

WHEREAS, Joe's willingness to help others, his loyalty and generosity were the features of his warm personality to go along with his captivating smile and his well-known phrase "whose better than us ... nobody," a phrase that would light up the room; and

WHEREAS, Joe was special and represented the good that we all need every day in our lives; and

WHEREAS, his memory serves as a reminder of the transformative power of dedicated educators and the enduring influence he had on the lives of many students; and

WHEREAS, as a man who blessed this Earth for 51 fruitful years, Joe Marciniak cherished and valued his family, his students, and the countless friendships he made throughout high school, college, professionally and throughout our community; and

WHEREAS, Joe's life on Earth will continue to resonate through his loved ones including his is survived by his wife of 23 years, Dana Marciniak; two sons, Ian Marciniak and Brady Marciniak, his parents, Allan, and Mary Lea; one sister, Sheila Marciniak Justin; four brothers, Brian Marciniak, Allan Jamieson Jr., Carl (Christy) Jamieson and Lloyd Jamieson, 15 nieces and nephews, his McKinley High School family and hosts of loving relatives and friends; and

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

NOW, THEREFORE, BE IT

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

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

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

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

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

GREENE

Honoring Dragonfly Art & Soul as Clarence Chamber of
Commerce's 2024 Small Business of the Year

Attachments

Dragonfly Art & Soul

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., MARCH 7, 2024 A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of March 2024 A.D., a resolution was adopted, of which the following is a true copy:

**Honoring Dragonfly Art & Soul as Clarence Chamber of
Commerce's 2024 Small Business of the Year**

WHEREAS, since its establishment in 1954, the Clarence Chamber of Commerce has been a dynamic organization dedicated to fostering the growth of business and the Clarence Community; and

WHEREAS, on March 21, 2024, the Clarence Chamber of Commerce is hosting its 51st Annual Awards Dinner, a spectacular event where businesses, individuals, organizations, and lifetime achievers are celebrated by the community for the great impact their service has had on the quality of life in the town and are presented awards that are considered by many to be the highest honors bestowed in the Town of Clarence; and

WHEREAS, when owner *Sarah Carr* started *Dragonfly Art & Soul*, her goal was to create a one-of-a-kind, all-inclusive soul enrichment destination where art, inspiration, and soul can be infused daily in a nurturing environment that has a positive impact on each customer's mind, body, and spirit; and

WHEREAS, *Sarah Carr* has traveled extensively to expand her personal knowledge base and dedicated her life to serving, healing, and helping others discover their gifts; and

WHEREAS, with the help of Sarah's daughter and partner Darya, *Dragonfly Art and Soul* has continued to grow and now is home to the area's largest crystal collection, an artisan gallery and boutique; and

WHEREAS, over the last thirteen years, *Dragonfly Art & Soul* has truly become an extension of Sarah's passion, becoming a spiritual and creative space for healing and self-discovery, which serves as an inspiration to customers and the community to live profoundly, thoroughly, and with grace.

NOW, THEREFORE, BE IT RESOLVED, that the Erie County Legislature pauses in its deliberations to congratulate *Dragonfly Art & Soul* on receiving the *Clarence Chamber of Commerce's 2024 Small Business of the Year Award* and extend our sincere best wishes for many more years of success, growth, and prosperity.

CHRISTOPHER D. GREENE
Erie County Legislator, District 6

SUBJECT	
LORIGO	Recognizing Lily Lewis as the 2024 New York State Youth Art Month Elementary Winner
Attachments	
Lily Lewis	

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., MARCH 7, 2024 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of March 2024 A.D., a resolution was adopted, of which the following is a true copy:*

**Recognizing Lily Lewis as the
2024 New York State Youth Art Month
Elementary Winner**

WHEREAS, the Erie County Legislature is pleased to honor individuals in our community who exemplify their skills in creativity and artistic expression; and

WHEREAS, **Lily Lewis** has been recognized as the overall winner in the Elementary Division of the 2024 Youth Art Month by the New York State Art Teachers Association; and

WHEREAS, Youth Art Month was started in 1961 by the Art and Craft Materials Institute and National Art Education Association to emphasize the value of art education for all children and promote quality art programs in local schools; and

WHEREAS, art education develops students' creative potential and encourages open-ended thinking, as well as providing a means to express oneself; and

WHEREAS, out of over 1,700 submissions across New York State, **Lily Lewis'** artwork has been selected for the first prize out of all elementary school candidates for her flag design with the 2024 theme of "Dream in Art"; and

WHEREAS, **Lily Lewis** is a fourth-grade student in Mr. Napierala's art class at Elma Primary School, and represents herself through her high-quality artwork as an aspiring artist supported by her family, teachers, and peers.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **Lily Lewis** for being named the **2024 Youth Art Month Elementary Winner**.

LINDSAY R. LORIGO
Erie County Legislator, District 10

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

LORIGO

Recognizing April Hartloff as the Greater East Aurora Chamber
of Commerce 2024 Small Business Person of the Year

Attachments

April Hartloff

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., MARCH 7, 2024 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of March 2024 A.D., a resolution was adopted, of which the following is a true copy:*

**Recognizing April Hartloff as the
Greater East Aurora Chamber of Commerce
2024 Small Business Person of the Year**

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

WHEREAS, April Hartloff, owner of Hartloff Benefit Solutions, LLC, has been named “**Small Business Person of the Year**” by the Greater East Aurora Chamber of Commerce for 2024; and

WHEREAS, with thirty years of insurance experience, **April Hartloff** values the needs of her clients, forming long-lasting relationships to ensure that each one gets the service they need; and

WHEREAS, Hartloff Benefit Solutions, LLC is an employee benefits and Medicare insurance agency dedicated to each of its client's concerns, developing personalized solutions and options for everyone; and

WHEREAS, **April Hartloff** and her team work to empower their members to make the best decisions possible regarding their health insurance needs over a multitude of different types of issues, including groups, individuals, and compliance; and

WHEREAS, as an example of a back-to-basics business approach, **April Hartloff** has organized her business as one capable of meeting the needs of its clients for years to come.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **April Hartloff** of Hartloff Benefit Solutions, LLC, and congratulate her upon being named the **Greater East Aurora Chamber of Commerce 2024 Small Business Person of the Year**.

LINDSAY R. LORIGO
Erie County Legislator, District 10

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

LORIGO

Recognizing Hoffman School of Dance for the Greater East
Aurora Chamber of Commerce 2024 Legends Award

Attachments

Hoffman School of Dance

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., MARCH 7, 2024 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of March 2024 A.D., a resolution was adopted, of which the following is a true copy:*

**Recognizing Hoffman School of Dance for the
Greater East Aurora Chamber of Commerce
2024 Legends Award**

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

WHEREAS, Hoffman School of Dance, has been awarded the “**Legends Award**” by the Greater East Aurora Chamber of Commerce for 2024; and

WHEREAS, the Greater East Aurora Chamber of Commerce Legends Award recognizes individuals, businesses, and organizations that have had a longstanding impact of fifty years or more on the Greater East Aurora community; and

WHEREAS, from its establishment in 1930 by Geraldine C. Hoffman, **Hoffman School of Dance** has offered classes for all age ranges and skill levels, with the time-honored tradition that “The art of dance cannot be mastered without discipline”; and

WHEREAS, as it enters its 89th season, **Hoffman School of Dance** remains dedicated to its students, continuing to serve Western New York, including the areas of Orchard Park, Elma, Holland, Depew; and

WHEREAS, Hoffman School of Dance has produced countless award-winning dancers across numerous disciplines and will continue to educate future generations on the art of dance.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **Hoffman School of Dance** and congratulate them upon receiving the **Greater East Aurora Chamber of Commerce 2024 Legends Award.**

LINDSAY R. LORIGO
Erie County Legislator, District 10

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

LORIGO

Recognizing Alexandra Robinson as the Greater East Aurora
Chamber of Commerce 2024 Young Professional of the Year

Alexandra Robinson

Attachments

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., MARCH 7, 2024 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of March 2024 A.D., a resolution was adopted, of which the following is a true copy:*

**Recognizing Alexandra Robinson as the
Greater East Aurora Chamber of Commerce
2024 Young Professional of the Year**

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, **Alexandra Robinson**, owner of Blue Eyed Baker in East Aurora, has been named “**Young Professional of the Year**” by the Greater East Aurora Chamber of Commerce for 2024; and

WHEREAS, an East Aurora native, **Alexandra Robinson** returned to her roots after realizing her love for the world of pastry while working out-of-state, starting her business Blue Eyed Baker nearly nine years ago in her basement; and

WHEREAS, whether it be at her former location on Elm Street, or her present location in the heart of the East Aurora village, **Alexandra Robinson** has continued to grow and develop a long list of satisfied customers; and

WHEREAS, in addition to serving delicately made artisan pastries, Blue Eyed Baker also offers breakfast, lunch, dinner, and a bar, as well as a classroom space for adults and children to learn culinary skills; and

WHEREAS, **Alexandra Robinson** has dedicated herself to her baked goods and her community, offering an unparalleled and delicious artisanal dining experience to East Aurora and beyond.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **Alexandra Robinson**, and congratulate her upon being named the **Greater East Aurora Chamber of Commerce 2024 Young Professional of the Year**.

LINDSAY R. LORIGO
Erie County Legislator, District 10

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

LORIGO

Recognizing Little Finch Party Styling as the Greater East
Aurora Chamber of Commerce 2024 Rookie Business of the
Year

Attachments

Little Finch Party Styling

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., MARCH 7, 2024 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of March 2024 A.D., a resolution was adopted, of which the following is a true copy:*

**Recognizing Little Finch Party Styling as the
Greater East Aurora Chamber of Commerce
2024 Rookie Business of the Year**

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

WHEREAS, **Little Finch Party Styling**, has been named “**Rookie Business of the Year**” by the Greater East Aurora Chamber of Commerce for 2024; and

WHEREAS, before starting **Little Finch Party Styling**, owner **Julie Tirone** was known for her ability to dependably provide everything needed to liven up a special occasion and her passion for finding the right party supplies and decorations; and

WHEREAS, since its founding in the summer of 2021, **Little Finch Party Styling** has provided custom balloon decoration services for parties, holidays, businesses, and other special occasions in East Aurora and across the Western New York area; and

WHEREAS, **Little Finch Party Styling** has rapidly grown from a small home-based business to now being headquartered at a large warehouse location, allowing it to provide its services to an even larger audience, from small personal celebrations to huge displays for the Buffalo Bills at the Highmark Stadium; and

WHEREAS, as a relatively new business, **Little Finch Party Styling** has quickly proven itself to be an outstanding company, with a track record of satisfied clients, proving that a unique idea is capable of becoming successful with hard work.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **Little Finch Party Styling** and congratulate them upon being named the **Greater East Aurora Chamber of Commerce 2024 Rookie Business of the Year**.

LINDSAY R. LORIGO
Erie County Legislator, District 10

SUBJECT

LORIGO	Recognizing Friends of Knox Farm State Park as the Greater East Aurora Chamber of Commerce 2024 Non-Profit of the Year
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Friends of Knox Farm State Park	Attachments
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STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., MARCH 7, 2024 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of March 2024 A.D., a resolution was adopted, of which the following is a true copy:*

**Recognizing Friends of Knox Farm State Park as the
Greater East Aurora Chamber of Commerce
2024 Non-Profit of the Year**

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

WHEREAS, **Friends of Knox Farm State Park** has been named “Non-Profit of the Year” by the Greater East Aurora Chamber of Commerce for 2024; and

WHEREAS, **Friends of Knox Farm** was formed in 2006 and consists of volunteers dedicated to preserving and protecting the history and national beauty of Knox Farm State Park by hosting programs designed to encourage visitors to appreciate the environment; and

WHEREAS, through the efforts of the **Friends of Knox Farm**, the 633-acre grounds of Knox Farm State Park are open year-round to the public to enjoy a variety of outdoor activities, such as hiking, bicycling, skiing, snowshoeing, horseback riding, and more; and

WHEREAS, the **Friends of Knox Farm** support projects around the park itself, the Mansion, Guest House, and Stables, and are responsible for maintaining and restoring these grounds, while also preserving the historical significance of the park; and

WHEREAS, the **Friends of Knox Farm State Park** dedicate their time and energy to supporting the park, ensuring that it will be a cornerstone of Erie County for years to come.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize the **Friends of Knox Farm State Park** and congratulate them upon being named the **Greater East Aurora Chamber of Commerce 2024 Non-Profit of the Year.**

LINDSAY R. LORIGO
Erie County Legislator, District 10

SUBJECT

LORIGO

Recognizing Musical Memories Cafe as a National Innovative
and Exemplary Respite Program

Attachments

Musical Memories Cafe

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., MARCH 7, 2024 A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of March 2024 A.D., a resolution was adopted, of which the following is a true copy:

Recognizing Musical Memories Cafe as a National Innovative and Exemplary Respite Program

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

WHEREAS, **Musical Memories Café**, part of the West Falls Center for the Arts, has been recognized by the Access to Respite Care and Help (ARCH) National Respite Network and Resource Center as an Innovative and Exemplary Respite Program; and

WHEREAS, **Musical Memories Café** began over five years ago in West Falls to provide families taking care of an individual with Alzheimer's or dementia with an opportunity to leave the home for lunch and social interaction; and

WHEREAS, as only one of four organizations in the United States to receive this recognition, **Musical Memories Café** offers a place for seniors, their loved ones, and caregivers to socialize and enjoy refreshments and world-class musical entertainment; and

WHEREAS, **Musical Memories Café** was selected for supporting multiple generations of caregivers and families, as well as individuals with Alzheimer's and other conditions of dementia; and

WHEREAS, since branching out to Lockport and Buffalo, **Musical Memories Café** is in a position to expand into a national program, encouraging communities across the nation to support and enrich the quality of life of isolated individuals with Alzheimer's and dementia and their loved ones.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **Musical Memories Café** and congratulate them upon being named a **National Innovative and Exemplary Respite Program** by the ARCH National Respite Network and Resource Center.

LINDSAY R. LORIGO
Erie County Legislator, District 10

Erie County Legislature

Meeting Date: 03/07/2024

SUBJECT

GREENE

Honoring Lavocat's Family Greenhouse and Nursery as
Clarence Chamber of Commerce's 2024 Large Business of the
Year

Attachments

Lavocat's Family Greenhouse and Nursery

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., MARCH 7, 2024 A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of March 2024 A.D., a resolution was adopted, of which the following is a true copy:

**Honoring Lavocat's Family Greenhouse and Nursery as
Clarence Chamber of Commerce's 2024 Large Business of the Year**

WHEREAS, since its establishment in 1954, the Clarence Chamber of Commerce has been a dynamic organization dedicated to fostering the growth of business and the Clarence Community; and

WHEREAS, on March 21, 2024, the Clarence Chamber of Commerce is hosting its 51st Annual Awards Dinner, a spectacular event where businesses, individuals, organizations, and lifetime achievers are celebrated by the community for the great impact their service has had on the quality of life in the town and are presented awards that are considered by many to be the highest honors bestowed in the Town of Clarence; and

WHEREAS, *Lavocat's Family Greenhouse and Nursery* has been a cornerstone of the Clarence community since 1980, providing exceptional products and services while fostering a welcoming and inclusive environment for all who enter its doors; and

WHEREAS, *Lavocat's Family Greenhouse and Nursery* has consistently gone above and beyond to support local businesses by allowing them to sell their products and services in a variety of vendor events and other partnership opportunities, making a positive and lasting impact on the Clarence community; and

WHEREAS, *Lavocat's Family Greenhouse and Nursery*, under the visionary leadership of its owners and dedicated staff, has earned the respect and admiration of customers and peers alike for its commitment to quality, customer service, and environmental stewardship; and

WHEREAS, *Lavocat's Family Greenhouse and Nursery* is home to the largest selection of houseplants in Western New York, growing over 800 varieties of annuals, perennials, and vegetable plants in their 1.5-acre greenhouse and offering a wide variety of shrubs, trees, mulch, topsoil, and natural stone products while providing excellent customer service that is ready to answer all of your gardening questions.

NOW, THEREFORE, BE IT RESOLVED, that the Erie County Legislature pauses in its deliberations to congratulate *Lavocat's Family Greenhouse and Nursery* on receiving the *Clarence Chamber of Commerce's 2024 Large Business of the Year Award* and extend our sincere thanks for the positive impact they provide to the Town of Clarence and Erie County.

CHRISTOPHER D. GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

GREENE

Honoring Mike Bowers as Clarence Chamber of Commerce's
2024 Lifetime Achiever of the Year

Mike Bowers

Attachments

EC LEG MAR 4 '24 PM 12:29

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., MARCH 7, 2024 A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of March 2024 A.D., a resolution was adopted, of which the following is a true copy:

**Honoring Mike Bowers as Clarence Chamber of Commerce's
2024 Lifetime Achiever of the Year**

WHEREAS, since its establishment in 1954, the Clarence Chamber of Commerce has been a dynamic organization dedicated to fostering the growth of business and the Clarence Community; and

WHEREAS, on March 21, 2024, the Clarence Chamber of Commerce is hosting its 51st Annual Awards Dinner, a spectacular event where businesses, individuals, organizations, and lifetime achievers are celebrated by the community for the great impact their service has had on the quality of life in the town and are presented awards that are considered by many to be the highest honors bestowed in the Town of Clarence; and

WHEREAS, *Mike Bowers* has been a resident of the Town of Clarence since 1986, when he came to work in student ministry and assist in general ministry at Clarence Church of Christ; and

WHEREAS, *Mike Bower's* great love of sports led him to the Town of Clarence Baseball Association, where he served as a coach for many years, assisting with Clarence Youth basketball, starting the Upward Basketball program, and attending hundreds of sports events at local schools; and

WHEREAS, *Mike Bowers* has been a guiding light in the Clarence community, leading by example through his unwavering commitment to faith, compassion, and integrity; and

WHEREAS, *Mike Bowers* has touched the lives of countless individuals through his selfless acts of kindness, his inspiring words of wisdom, and his steadfast support for those in need; and

WHEREAS, a resident of Clarence Center with his wife of almost 50 years, Debbie. *Mike Bowers* often credits his lifetime of service to his desire to set a positive example for his three children and grandchildren, with the hope of making the community a better place for them in the future.

NOW, THEREFORE, BE IT RESOLVED, that the Erie County Legislature pauses in its deliberations to congratulate *Mike Bowers* on receiving the *Clarence Chamber of Commerce's 2024 Lifetime Achiever of the Year Award* and extend our sincere thanks for his decades of service to the Town of Clarence.

CHRISTOPHER D. GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

GREENE

Honoring Chris and Brendan Cimerman and Buffa-Blo as
Clarence Chamber of Commerce's 2024 New Small Business
of the Year

Attachments

Chris and Brendan Cimerman

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., MARCH 7, 2024 A.D.

EC LEG MAR 4 '24 PM12:29

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of March, 2024 A.D., a resolution was adopted, of which the following is a true copy:

**Honoring Chris and Brendan Cimerman and Buffa-Blo as
Clarence Chamber of Commerce's 2024 New Small Business of the Year**

WHEREAS, since its establishment in 1954, the Clarence Chamber of Commerce has been a dynamic organization dedicated to fostering the growth of business and the Clarence Community; and

WHEREAS, on March 21, 2024, the Clarence Chamber of Commerce is hosting its 51st Annual Awards Dinner, a spectacular event where businesses, individuals, organizations, and lifetime achievers are celebrated by the community for the great impact their service has had on the quality of life in the town and are presented awards that are considered by many to be the highest honors bestowed in the Town of Clarence; and

WHEREAS, *Buffa-Blo*, founded by a father and son team from Clarence, exemplifies the power of creativity and collaboration, with *Brendan Cimerman's* vision and *Chris Cimerman's* decades of product development experience driving the creation of their iconic inflatable buffalos; and

WHEREAS, *Buffa-Blo's* commitment to quality and innovation has quickly garnered widespread acclaim, with their eye-catching designs becoming sought-after symbols of pride for Buffalo and Western New York residents and even being shipped to all 50 states and countries around the world; and

WHEREAS, *Buffa-Blo's* journey from concept to reality has been marked by perseverance, dedication, and attention to detail, overcoming challenges in design, manufacturing, logistics, and business operations to bring their vision to life; and

WHEREAS, *Buffa-Blo's* success not only reflects Chris and Brendan's entrepreneurial spirit but also their commitment to giving back to the community through charitable initiatives and support for local organizations.

NOW, THEREFORE, BE IT RESOLVED, that the Erie County Legislature pauses in its deliberations to congratulate *Chris and Brendan Cimerman and Buffa-Blo* on receiving the *Clarence Chamber of Commerce's 2024 New Small Business of the Year Award* and extend our sincerest appreciation for their creativity and contributions to promoting Buffalo and the Western New York region.

CHRISTOPHER D. GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

GREENE

Honoring Northern Erie Sno-Seekers as Clarence Chamber of
Commerce's 2024 Organization of the Year

Attachments

Northern Erie Sno-Seekers

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., MARCH 7, 2024 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of March 2024 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring Northern Erie Sno-Seekers as Clarence Chamber of Commerce's 2024 Organization of the Year

WHEREAS, since its establishment in 1954, the Clarence Chamber of Commerce has been a dynamic organization dedicated to fostering the growth of business and the Clarence Community; and

WHEREAS, on March 21, 2024, the Clarence Chamber of Commerce is hosting its 51st Annual Awards Dinner, a spectacular event where businesses, individuals, organizations, and lifetime achievers are celebrated by the community for the great impact their service has had on the quality of life in the town, and honorees are given awards that are considered by many to be the highest honors bestowed in the Town of Clarence; and

WHEREAS, *Northern Erie Sno-Seekers (NESS)*, established in 1973, has been a beacon of service, safety, and support for snowmobile enthusiasts and the broader community of Clarence and beyond; and

WHEREAS, for over four decades, *NESS* has tirelessly advocated for the safe and responsible use of snowmobiles, promoting recreation while ensuring the preservation of our natural landscapes and the safety of riders and landowners alike; and

WHEREAS, *NESS*, with its dedicated membership of over four hundred individuals, continually seeks innovative ways to enhance the snowmobiling experience, maintaining an impressive network of one-hundred-twenty-five miles of trails across thirteen townships and villages in three counties; and

WHEREAS, *NESS* has proven to be an invaluable asset to the community during times of weather-related emergencies, working collaboratively with local emergency management teams and being called upon by both local and state government entities to provide critical support and assistance;

WHEREAS, during the Buffalo Christmas Blizzard in 2022, *NESS* demonstrated exceptional bravery, selflessness, and resourcefulness by utilizing their groomer, one of the only vehicles capable of traversing the treacherous conditions, to rescue forty-one individuals stranded by the storm; and

WHEREAS, even after the immediate emergency had passed, *NESS* continued to serve the community tirelessly, deploying their groomer for days during the storm recovery efforts to transport essential

personnel, including plow drivers, highway superintendent, police officers, doctors, and nurses, ensuring the continuity of essential services and medical care.

NOW, THEREFORE, BE IT RESOLVED, that the Erie County Legislature pauses in its deliberations to congratulate *Northern Erie Sno-Seekers* on receiving the *Clarence Chamber of Commerce's 2024 Organization of the Year Award*; and be it further

RESOLVED, that the Erie County Legislature extend our sincerest thanks for exemplary service, unwavering dedication, and selfless contributions to the safety, well-being, and resilience of our community that *Northern Erie Sno-Seekers* provides the Town of Clarence and Erie County.

The seal of the State of New York is a large, circular emblem in the background. It features a central shield with a landscape scene including a city, a river, and a bridge. The shield is flanked by two vertical banners. The outer ring of the seal contains the text "SEAL OF THE STATE OF NEW YORK" at the top and "STATE OF NEW YORK" at the bottom, separated by stars.

CHRISTOPHER D. GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

GREENE

Honoring Douglas and Heidi Kohler as Clarence Chamber of
Commerce's 2024 Educators of the Year

Attachments

Douglas and Heidi Kohler

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., MARCH 7, 2024 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of March 2024 A.D., a resolution was adopted, of which the following is a true copy:*

**Honoring Douglas and Heidi Kohler as Clarence Chamber
of Commerce's 2024 Educators of the Year**

WHEREAS, since its establishment in 1954, the Clarence Chamber of Commerce has been a dynamic organization dedicated to fostering the growth of business and the Clarence Community; and

WHEREAS, on March 21, 2024, the Clarence Chamber of Commerce is hosting its 51st Annual Awards Dinner, a spectacular event where businesses, individuals, organizations, and lifetime achievers are celebrated by the community for the great impact their service has had on the quality of life in the town and are presented awards that are considered by many to be the highest honors bestowed in the Town of Clarence; and

WHEREAS, it is with great honor and admiration that we recognize *Douglas and Heidi Kohler* as the recipients of the Educators of the Year Award for their exceptional contributions to the Clarence Central School District and beyond; and

WHEREAS, *Douglas Kohler*, a devoted educator at Clarence Middle School since 1989, has demonstrated an unwavering commitment to engaging students in the history of their community, fostering a deep appreciation for local heritage and culture; and

WHEREAS, *Douglas Kohler's* extensive knowledge and dedication to local history have extended beyond the classroom, serving as the Erie County Historian since 2009 and actively contributing to numerous historical organizations and initiatives throughout Western New York; and

WHEREAS, *Heidi Kohler*, a passionate music educator, has made a profound impact on students at Clarence Middle School, creating innovative choral opportunities and nurturing a love for music that extends far beyond the classroom; and

WHEREAS, *Heidi Kohler's* leadership, mentorship, and dedication to her students' holistic development have been instrumental in shaping the vibrant culture and community of Clarence Middle School;

WHEREAS, together, *Douglas and Heidi Kohler* have tirelessly worked to provide students with diverse opportunities for growth and enrichment, directing musicals, spearheading cultural events, and creating innovative programs such as the Clarence Summer Theatre Workshop;

WHEREAS, *Douglas and Heidi Kohler's* resilience, creativity, and unwavering dedication to their students were exemplified during the challenging times of the COVID-19 pandemic, where they adapted their approach to ensure that students could continue to benefit from the transformative power of music and theater.

NOW, THEREFORE, BE IT RESOLVED, that the Erie County Legislature pauses in its deliberations to congratulate *Douglas and Heidi Kohler* on receiving the *Clarence Chamber of Commerce's 2024 Educators of the Year Award*; and be it further

RESOLVED, that the members of the Erie County Legislature extend their sincerest gratitude for the outstanding contributions, leadership, and dedication to the education and well-being of the students of Clarence provided by *Douglas and Heidi Kohler*.

CHRISTOPHER D. GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

GREENE

Honoring Cheryl Anthony as Clarence Chamber of
Commerce's 2024 Volunteer of the Year

Attachments

Cheryl Anthony

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., MARCH 7, 2024 A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of March 2024 A.D., a resolution was adopted, of which the following is a true copy:

**Honoring Cheryl Anthony as Clarence Chamber of Commerce's
2024 Volunteer of the Year**

WHEREAS, since its establishment in 1954, the Clarence Chamber of Commerce has been a dynamic organization dedicated to fostering the growth of business and the Clarence Community; and

WHEREAS, on March 21, 2024, the Clarence Chamber of Commerce is hosting its 51st Annual Awards Dinner, a spectacular event where awards that are considered by many to be the highest honors bestowed in the Town of Clarence and businesses, individuals, organizations, and lifetime achievers are celebrated by the community for the great impact their service has had on improving the quality of life in the town; and

WHEREAS, Cheryl Anthony's lifelong dedication to Clarence, her alma mater, and her commitment to fostering unity and vibrancy within the community serve as a shining example of volunteerism at its finest; and

WHEREAS, as President and Market Manager of the Clarence Hollow Farmers' Market, **Cheryl Anthony** has transformed it into a beloved gathering place, bringing together residents and visitors alike to enjoy fresh, local produce and build meaningful connections; and

WHEREAS, Cheryl Anthony's passion for community engagement extends beyond the farmers' market, as evidenced by her volunteerism with the Clarence Hollow Association, where she has contributed to beautification efforts and played a vital role in organizing community events; and

WHEREAS, Cheryl Anthony's dedication to environmental stewardship is demonstrated through her volunteer work with the Clarence Hollow Community Character Protection Board and her efforts to find homes for feral cats, embodying the values of kindness and compassion; and

WHEREAS, Cheryl Anthony's leadership, generosity, and unwavering commitment to volunteerism have enriched the fabric of the Clarence community and inspired others to give back.

NOW, THEREFORE, BE IT RESOLVED, that the Erie County Legislature pauses in its deliberations to congratulate **Cheryl Anthony** on receiving the **Clarence Chamber of Commerce's 2024 Volunteer of the Year Award** and thank her for her leadership, generosity, and unwavering commitment to volunteerism that has enriched the fabric of the Clarence community and inspired others to give back.

CHRISTOPHER D. GREENE

Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

GREENE

Honoring Brandon Sutton as Clarence Chamber of
Commerce's 2024 Young Entrepreneur of the Year

Attachments

Brandon Sutton

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., MARCH 7, 2024 A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of March 2024 A.D., a resolution was adopted, of which the following is a true copy:

Honoring Brandon Sutton as Clarence Chamber of Commerce's 2024 Young Entrepreneur of the Year

WHEREAS, since its establishment in 1954, the Clarence Chamber of Commerce has been a dynamic organization dedicated to fostering the growth of business and the Clarence Community; and

WHEREAS, on March 21, 2024, the Clarence Chamber of Commerce is hosting its 51st Annual Awards Dinner, a spectacular event where businesses, individuals, organizations, and lifetime achievers are celebrated by the community for the great impact their service has had on the quality of life in the town and honorees are given awards that are considered by many to be the highest honors bestowed in the Town of Clarence; and

WHEREAS, Brandon Sutton's entrepreneurial journey began with the establishment of Sutton Paving & Excavation Inc. in 2017, where his vision and dedication to excellence have propelled the company to the forefront of the industry; and

WHEREAS, leveraging his background in mechanical engineering, **Brandon Sutton** has revolutionized traditional practices in the paving and excavation sector, setting new standards for efficiency, quality, and client satisfaction; and

WHEREAS, Brandon Sutton's leadership and strategic vision have guided Sutton Paving & Excavation Inc. to become a leader in the industry, earning accolades for reliability and a steadfast commitment to innovation; and

WHEREAS, in addition to his professional endeavors, **Brandon Sutton** is also a dedicated community servant, with over eight years of volunteer service as an advanced emergency medical technician and firefighter in the Town of Clarence, exemplifying his unwavering commitment to the well-being of others; and

WHEREAS, recognized with the State's highest award after resuscitating a Clarence resident, Brandon Sutton's heroism and selflessness underscore his exceptional character and dedication to making a positive impact in the community.

NOW, THEREFORE, BE IT RESOLVED, that the Erie County Legislature pauses in its deliberations to congratulate **Brandon Sutton** on receiving the **Clarence Chamber of Commerce's 2024 Young Entrepreneur of the Year Award** and recognize his outstanding achievements, leadership, and dedication to excellence in business and community service.

CHRISTOPHER D. GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

JOHNSON & BASKIN

Acknowledging Muhammads School of Music Celebrating 25
Years in Western New York

Muhammads School of Music

Attachments

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, MARCH 1, 2024

EC LEG MAR 5 '24 AM 8:18

*Acknowledging Muhammads School of Music
Celebrating 25 Years in Western New York*

WHEREAS, *Muhammad's School of Music*, founded by African American violinist Henri Star Muhammad has had 10,000 students go through the program; and

WHEREAS, after Mr. Muhammad graduated from the University of Rochester, one of the top universities in the country for music, he wanted to come home and share his gift with others; and

WHEREAS, the Muhammad School of Music's continuing mission to provide inner-city youth with an instrumental education has led to generations of Buffalo-bred professionals in various vocations; and

WHEREAS, with a commitment to affordability and excellence, MSOM ensures that high quality music education is accessible to all while also offering advanced-level classes to enrich the musical journey of its students; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize and extend our congratulations and best wishes to *Muhammad's School of Music* as they embark on their 25th year of blessing our community.

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

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

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, MARCH 1, 2024

***Acknowledging Muhammads School of Music
Celebrating 25 Years in Western New York***

WHEREAS, *Muhammad's School of Music*, founded by African American violinist Henri Star Muhammad has had 10,000 students go through the program; and

WHEREAS, after Mr. Muhammad graduated from the University of Rochester, one of the top universities in the country for music, he wanted to come home and share his gift with others; and

WHEREAS, the Muhammad School of Music's continuing mission to provide inner-city youth with an instrumental education has led to generations of Buffalo-bred professionals in various vocations; and

WHEREAS, with a commitment to affordability and excellence, MSOM ensures that high quality music education is accessible to all while also offering advanced-level classes to enrich the musical journey of its students; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize and extend our congratulations and best wishes to *Muhammad's School of Music* as they embark on their 25th year of blessing our community.

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

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

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

BASKIN

Recognizing the Youth Symposium of Sigma Gamma Rho Society

Attachments

Sigma Gamma Rho Society

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY

EC LEG MAR 5 '24 AM 8:17

BUFFALO, NY, MARCH 9, 2024

Recognizing the Youth Symposium of Sigma Gamma Rho Sorority

WHEREAS, the County of Erie traditionally recognizes community organizations who significantly contribute to our community, and Sigma Gamma Rho Sorority, Inc., has done so every year with their Youth Symposium; and

WHEREAS, Sigma Gamma Rho Sorority, Inc. is an international nonprofit sorority dedicated to the encouragement and promotion of high scholastic attainment, community service, and improvement in the quality of life through its chapters, members, and affiliates located throughout the United States, Korea, Bermuda, Africa, Bahamas, Canada, and the Caribbean, Germany, the United Arab Emirates, and Japan; and

WHEREAS, Sigma Gamma Rho Sorority, Inc., has as a foundation its well-known and well-respected reputation for leading positive change through sisterhood, scholarship, and service. Under the banner of its slogan, "Greater Service, Greater Progress," Sigma Gamma Rho Sorority Inc.'s programs and partnerships represent its commitment to promoting the greater good in education, service, and leadership development; and

WHEREAS, Sigma Gamma Rho Sorority Inc.'s mission is to enhance the quality of life for women and their families in the U.S. and globally through community service, civil and social action; and

WHEREAS, Sigma Gamma Rho Sorority, Inc. has over 100,000 members in over 500 chapters committed to assisting those in need and improving communities around the globe. To commemorate the Youth Symposium of Sigma Gamma Rho Sorority, Inc., we would like to recognize Sigma Gamma Rho Sorority, Inc. Youth Symposium in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body hereby congratulates and recognizes the members of Sigma Gamma Rho Sorority, Inc., for their efforts to work to achieve greater progress in the areas of education, health awareness, and leadership development. As such, we wish the sorority much success in all its future endeavors.

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

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

MILLS

Honoring Main Street Station on Its Grand Opening

Attachments

Main Street Station

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., MARCH 7, 2024, 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 7th of March 2024 A.D., a resolution was adopted, of which the following is a true copy:

Honoring Main Street Station on its Grand Opening

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

WHEREAS, Erie County supports our local businesses that create jobs, boost our local economy, and contribute to the vibrancy of our neighborhoods; and

WHEREAS, **Main Street Station**, located at 8396 N Main Street, Eden, New York, officially opened its doors to the community on the 10th day of January 2024, providing a much-anticipated convenience store that meets the needs of Eden residents; and

WHEREAS, owned and operated by husband and wife team **Eric and Vicki Gawon**, who, through blood, sweat, and tears, transformed a former three-bay service station into a modern convenience store, complete with a walk-in cooler and beer cave; and

WHEREAS, **Main Street Station** offers a diverse range of services beyond typical convenience store offerings, including a high-quality coffee bar, fresh-made food options, and a thoughtfully selected craft beer selection; and

WHEREAS, **Main Street Station** owners **Eric and Vicki Gawon**, actively seek input from their patrons, soliciting suggestions on how to enhance and improve store offerings, demonstrating a commitment to customer satisfaction, and bettering the lives of Eden residents.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to congratulate **Eric and Vicki Gawon** on their newest endeavor, **Main Street Station**, and acknowledge their dedication to providing exceptional services and products to the Eden community.

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

SUBJECT

MILLS

Honoring John "Murph" Murphy as the Amherst Gaelic
League's 2024 Irish Person of the Year

Attachments

John "Murph" Murphy

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., MARCH 7, 2024 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 7th day of March 2024 A.D., a resolution was adopted, of which the following is a true copy:

*Honoring John “Murph” Murphy as the
Amherst Gaelic League’s 2024 Irish Person of the Year*

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

WHEREAS, the Amherst Gaelic League, guided by its noble mission, seeks to foster goodwill, benevolence, and the preservation of Irish heritage among its members and the community at large; and

WHEREAS, on the jubilant celebration of its 50th Irish American Appreciation Party, scheduled for March 8, 2024, the Amherst Gaelic League is privileged to highlight the extraordinary contributions of **John “Murph” Murphy**, a proud Orchard Park resident and the esteemed voice of the Buffalo Bills, as he is bestowed with the distinguished title of **Irish Person of the Year**, a title befitting his spirit, commitment, and contributions to the community; and

WHEREAS, as the voice of the Buffalo Bills, **John Murphy** has not only entertained and informed but has also exemplified the principles of goodwill, education, and cultural appreciation that lie at the core of the Gaelic League’s objectives; and

WHEREAS, **John Murphy** exemplifies resilience and an indomitable spirit, facing challenges with determination and perseverance, inspiring countless individuals within our community; and

WHEREAS, throughout his distinguished career, **John Murphy** has consistently demonstrated dedication and professionalism, enriching the lives of Buffalo Bills fans and the broader community through his passion for sports broadcasting and his commitment to excellence; and

WHEREAS, in recognition of his impact in the community, **John Murphy** was inducted into the Buffalo Broadcasters Association Hall of Fame in 2019, and in 2022 received the Dick Gallagher Legacy Award from the Greater Buffalo Sports Hall of Fame.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **John Murphy** on being named the **2024 Amherst Gaelic League Irish Person of the Year** and proclaim March 8, 2024, as **John “Murph” Murphy Day** in Erie County.

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

SUBJECT

GREENE

Honoring the Amherst Gaelic League on the Occasion of Its
50th Annual Irish American Appreciation Party and
Recognizing Irish American Heritage Month in Erie County

Attachments

Amherst Gaelic League

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., MARCH 7, 2024 A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of March 2024 A.D., a resolution was adopted, of which the following is a true copy:

***Honoring the Amherst Gaelic League on the Occasion of its
50th Annual Irish American Appreciation Party and
Recognizing Irish American Heritage Month in Erie County***

WHEREAS, the Erie County Legislature honors individuals and organizations that enhance the quality of life in our communities while celebrating the heritage and, cultural diversity; and

WHEREAS, United States President George H.W. Bush first proclaimed March as **Irish American Heritage Month** in 1991, officially recognizing the “hardy character, rich cultural heritage, and the many valuable contributions of Irish Americans;” and

WHEREAS, according to the United States Census Bureau, nearly one in six (16.1%) of Erie County residents claimed Irish ancestry in 2023; and

WHEREAS, the **Amherst Gaelic League**, guided by its noble mission, seeks to foster goodwill, benevolence, and the preservation of Irish heritage among its members and the community at large; and

WHEREAS, the **Amherst Gaelic League** and its members are committed to developing educational programs, entertainment, and recreational activities based on Irish tradition, history, and folklore, as well as supporting the understanding of the principles of American democracy and the way of life by Irish citizens through exchange programs and visits, teaching foundations, scholarships, and exchanges of correspondence; and

WHEREAS, 2024 marks the 50th Annual Irish American Appreciation Party, an outstanding event hosted by the **Amherst Gaelic League**, which celebrates and recognizes the work of Irish Americans in our community, including awarding the prestigious Irish Person of the Year Award.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to proclaim March as **Irish American Heritage Month** in Erie County and congratulate the **Amherst Gaelic League** in recognition of its 50th Annual Irish American Appreciation Party.

CHRISTOPHER GREENE
Erie County Legislator – District 6

SUBJECT

MILLS

Honoring the Orchard Park Riflery Team on Their Perfect Season

Attachments

Orchard Park Riflery Team

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., MARCH 7TH, 2024 A.D.

HONORING THE ORCHARD PARK RIFLERY TEAM ON THEIR PERFECT SEASON

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the County Hall, in the City of Buffalo, on the 7th day of March 2024 A.D., a resolution was adopted, of which the following is a true copy:*

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, the Orchard Park High School's Co-Ed Riflery team recently earned the right to represent Section 6 and compete against the best high school marksmen in the State at the New York State Regional Rifle Invitational, held on March 2 at the Orchard Park Middle School; and

WHEREAS, this opportunity was created by the team, guided by Coach Leif Johnson, going undefeated during the season; and

WHEREAS, at the state tournament, the two events contested were the Three Position and the 30 Shot Standing; and

WHEREAS, Orchard Park won the Three Position event, led by Kathleen Moran, who finished first in the State and was followed by Michael Oldman (4th), Ivy Backes (5th), Arianna Kovacevic (6th) and Jamis Caselli (13th); and

WHEREAS, Orchard Park then went on to win the 30 Shot Standing event and sweep the tournament, led by Ivy Backes, who finished first in the State and was followed by Kathleen Moran (2nd), Jamis Caselli (3rd), Arianna Kovacevic (4th) and Michael Oldman (8th); and

WHEREAS, this is Orchard Park's first New York State High School Riflery title, completing a 16-0 season.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to congratulate the coach and student-athletes of the Orchard Park High School Co-Ed Riflery Team on their perfect season on their way to sweeping the New York State Championships.

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

SUBJECT

TODARO

Congratulating Larry Jones on His Retirement from Coaching
with Depew High School

Larry Jones

Attachments

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., MARCH 7, 2024 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of March 2024 A.D., a resolution was adopted, of which the following is a true copy:*

Congratulating Larry Jones on His Retirement from Coaching with Depew High School

WHEREAS, the Erie County Legislature is pleased to honor the exemplary career of **Larry Jones**, who is retiring as the Depew High School Boys Varsity Basketball coach after dedicating over three decades to the development and success of the team; and

WHEREAS, **Larry Jones** began his coaching career in 1992 with Depew and, through his commitment and leadership, ascended to the position of head coach of the Boys Varsity Basketball Team in 2003; and

WHEREAS, **Larry Jones'** impact extended beyond the basketball court, as he served as a dedicated educator at Cayuga Heights Elementary School until his retirement in 2019 and also coached Depew's Softball and Girls' Soccer teams; and

WHEREAS, the pinnacle of Larry's coaching achievements with the Boys Varsity Basketball team occurred from 2007 to 2010, during which the team secured a remarkable 73 victories in 89 games, including winning the Section VI Class A Championship in 2009; and

WHEREAS, **Larry Jones'** dedication to the broader sports community is further underscored by his current role as Section VI Boys Basketball Chairman, where he continues to contribute to the growth and success of high school sports; and

WHEREAS, **Larry Jones** is retiring at the conclusion of the 2023-24 season, culminating a career that boasts over 350 career wins, a testament to his coaching acumen and the positive impact he has had on countless student-athletes.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **Larry Jones** for his long and successful career with Depew Basketball and thank him for his contributions to Depew and the Western New York Athletic community.

HON. FRANK J. TODARO

Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

TODARO

Recognizing Girl Scout Troops in Erie County on National
Girl Scout Day, 2024

Attachments

Girl Scout Troops in Erie County

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., MARCH 7, 2024 A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of March 2024 A.D., a resolution was adopted, of which the following is a true copy:

**Recognizing Girl Scout Troops in Erie County
on National Girl Scout Day, 2024**

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

WHEREAS, the **Girl Scouts of the United States of America** have been fostering courage, confidence, and character in young girls for over a century and empowering them to make the world a better place since the first Girl Scout troop meeting on March 12, 1912, in Savannah, Georgia; and

WHEREAS, **National Girl Scout Day** is celebrated every year on March 12, a day dedicated to honoring the remarkable achievements and positive impact of Girl Scouts across the nation; and

WHEREAS, the principles of the Girl Scout movement, including service to others, outdoor adventures, and building a better world, align with the values that contribute to the development of responsible, compassionate, and capable citizens; and

WHEREAS, members and volunteers of the **Girl Scouts of the United States of America** have dedicated countless hours of service and hard work, leaving an indelible mark on communities through initiatives such as environmental stewardship, civic engagement, and fostering sisterhood; and

WHEREAS, the dedication and commitment of the Girl Scout leaders and volunteers have played a pivotal role in shaping the lives of countless girls, instilling in them a sense of purpose, resilience, and a commitment to making a positive impact in their communities; and

WHEREAS, **Girl Scouts of Western New York** currently serves approximately fourteen thousand young women, with over six thousand adult volunteers across nine counties, and has helped shape the community in Erie County for over one hundred years.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to proclaim March 12, 2024, as **National Girl Scout Day**, recognize Girl Scout troops across Erie County, and thank them for the endless contributions they have made to our nation and community.

HON. FRANK J. TODARO
Erie County Legislature, District 8

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

BASKIN

Honoring and Recognizing Tara Lynch

Attachments

Tara Lynch

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, MARCH 7, 2024

EC LEG MAR 5 '24 AM 10:00

Honoring and Recognizing Tara Lynch

WHEREAS, *Tara Lynch*, an Emmy-nominated reporter at News 4/WIVB, has provided passion, persistence and exceptional work as a Multimedia Journalist in Buffalo, New York; and

WHEREAS, Tara graduated Summa Cum Laude from the Roy H. Park School of Communications at Ithaca College and interned with CNN, ESPN and NBC Connecticut News; and

WHEREAS, prior to her employment as a reporter with the WIVB-TV in Buffalo, Tara worked at WIVB/WNLO's sister station in Elmira, N. Y. At WETM she anchored 18 News at Noon and reported for the evening newscasts; and

WHEREAS, Tara has not only been active in sports, but has also focused on news coverage covering several national news stories, including the Tops Mass Shooting, several winter weather events including the deadly Christmas Blizzard, the attack on Salman Rushdie at the Chautauqua Institute and much more; and

WHEREAS, a few of Tara's memorable moments include her involvement as an intern with CNN at the 2020 Iowa Caucus, ESPN at the 2020 All State Sugar Bowl and 2019 Frozen Four, and NBC Connecticut News; and

WHEREAS, she was featured on CBS Evening News with Norah O'Donnell after a tour boat capsized in the Lockport Cave, killing one passenger on board; and

WHEREAS, in her spare time, Tara enjoys playing and watching sports, especially her beloved Buffalo Bills and Buffalo Sabres; and

WHEREAS, after multiple years of loyal and conscientious service to WIVB and Buffalo, Tara will transition to her new role as a reporter at WJZ-TV in Baltimore.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body congratulates *Tara Lynch* on her well-earned success with the News 4/ WIVB and wishes her many more years of good health and blessed happiness as she pursues her new beginning.

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

Erie County Legislature

Meeting Date: 03/07/2024

SUBJECT

VINAL

Congratulating and Honoring Williamsville South Boys
Basketball -- Section VI Class A1 Champions

Attachments

Williamsville South Boys Basketball

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY

BUFFALO, NY, MARCH 2, 2024

EC LEG MAR 5 '24 AM 10:00

***Congratulating and Honoring Williamsville South Boys Basketball
Section VI - Class A1 Champions***

WHEREAS, *Williamsville South Boys Basketball* is representing Western New York with yet another milestone accomplishment; and

WHEREAS, Head Coach Mike Trzybinski exclaimed with a mix of joy, appreciation, relief and affirmed belief after his Williamsville South boys basketball team stormed back to beat Amherst in the Section VI Class A1 final at Buffalo State Sports Arena; and

WHEREAS, having lost the last seven matchups with their Main Street rivals, Amherst, including last year's Class A2 final by one basket, the Billies broke through with an inspiring rally in the 2nd half and excellent execution down the stretch to win 76-71 and secure the school's first sectional title since 2016; and

WHEREAS, sophomore guard Nate Wilemski scored 20 of his career-high 25 points in the second half; and

WHEREAS, Wilemski scored 12 of his points during a third quarter when Williamsville South flipped 36-31 deficit into a 52-47 advantage when Wilemski fed Carter Lampke for a long 3-pointer at the third quarter horn; and

WHEREAS, this Honorable Body takes delight in acknowledging and recognizing *Williamsville South Boys Basketball* in achieving a phenomenal accolade and proudly representing the Williamsville community.

NOW, THEREFORE, BE IT

RESOLVED, that with the utmost respect and admiration, the Erie County Legislature recognizes and congratulates *Williamsville South Boys Basketball* on winning the Section VI Class A1 Title and best wishes to this program in hopes for a State Championship this season.

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

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

JOHNSON

Congratulating and Honoring Health Sciences Charter Boys
Basketball -- Section VI Class AA2 Champions

Health Sciences Charter Boys Basketball

Attachments

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, MARCH 2, 2024

EC LEG MAR 5 '24 AM 10:00

***Congratulating and Honoring Health Sciences Charter Boys Basketball
Section VI - Class AA2 Champions***

WHEREAS, *Health Sciences Charter School Boys Basketball* is representing Western New York with yet another milestone accomplishment; and

WHEREAS, led by Head Coach Ty Parker, exclaimed with a mix of joy, appreciation, and relief after his Falcons boys basketball team stormed back in regulation and in overtime to beat Williamsville East in the Section VI Class AA2 final at Buffalo State Sports Arena; and

WHEREAS, in the closing seconds of the fourth quarter and down two, senior star Michael Whitt scored at the buzzer to send the game to overtime tied at 53; and

WHEREAS, with the game tied at 59 with the seconds ticking down in overtime and forced to play defense, star point guard and teams leading scorer Amir Moya came up with the biggest play of the night, stealing the ball from Williamsville East's Mason Evans, who passed it to Dwayne Thrist, who laid the ball in at the buzzer and lifted the Falcons to 61-59, sectional final victory on Saturday night at Buffalo State; and

WHEREAS, Moya's 25 points led the way for the Falcons, while Jakari Lott had 14; and

WHEREAS, this Honorable Body takes delight in acknowledging and recognizing *Health Sciences Charter School Boys Basketball* in achieving a phenomenal accolade and proudly representing our community.

NOW, THEREFORE, BE IT

RESOLVED, that with the utmost respect and admiration, the Erie County Legislature recognizes and congratulates *Health Sciences Charter School Boys Basketball* on winning the Section VI Class AA2 Title and best wishes to this program in hopes to achieve a State Championship this season.

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

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

GILMOUR & MEYERS

Congratulating Timon Varsity Boys Basketball Back-to-Back
Manhattan Cup Champions

Timon Varsity Boys Basketball

Attachments

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY

BUFFALO, NY, MARCH 4, 2024

***Congratulating Timon Varsity Boys Basketball
Back-to-Back Manhattan Cup Champions***

EC LEG MAR 5 '24 AM 10:00

WHEREAS, this season, the *Bishop Timon-St. Jude* High School's boys basketball team etched its name into Western New York sports history by securing the Manhattan Cup for the second consecutive year running, an achievement the school had not seen in nearly four decades; and

WHEREAS, with its 11th consecutive victory, Timon (24-2) moves on to the New York State Catholic High School Athletic Association semifinal Friday at Fordham University; and

WHEREAS, led by Coach Jason Rowe, Timon defeated Canisius 74-64, led by 22 points from senior guard Jacob Humphrey, 18 points from senior guard and WNY All-Time scorer Jaiden Harrison; and

WHEREAS, Coach Rowe, a former All-Western New Yorker, collegiate star and professional player, had won a championship before as a player, but being able to once again climb the ladder as a coach with his players, friends and family in attendance meant something special to him; and

WHEREAS, Jason Rowe has worked hard and dedicated his time to cultivate a culture of family-first and his athletes learned a lot from him that will do them well in their lives.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature congratulates Jason Rowe on a leading the *Bishop Timon-St. Jude Tigers Boys* Varsity team on winning back-to-back Manhattan Cup champions, as well as the Timon Tigers players who practiced and dedicated countless hours to achieve the ultimate prize and proudly representing their families and the Timon community.

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

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

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

BASKIN, VINAL & OWENS

Honoring and Celebrating Women's History Month 2024

Women's History Month 2024

Attachments

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, MARCH 1 - MARCH 31, 2024

Honoring and Celebrating Women's History Month 2024

WHEREAS, during *National Women's History - Month* in March, we celebrate and honor the women who came before us and fought for equality among all races and gender; and

WHEREAS, National Women's History Month was established in 1987 as a way to not only remember them but keep carrying their torch onward; and

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

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

WHEREAS, Women's History Month honors women of every race, status and ethnicity who have challenged the social and legal structures that have kept women's labor underappreciated and underrepresented throughout history; and

WHEREAS, in 1974, Buffalo native and Bennett High School graduate Beverly Ann Johnson was the first African American woman and model to appear on the cover of Vogue Magazine; and

WHEREAS, through leadership, innovation, and ingenuity, generations of women have made significant contributions in science, medicine, technology, business, politics, entrepreneurship, and arts and culture; and

WHEREAS, women have played and continue to play critical economic, cultural, and social roles in every sphere of the life by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, as we prepare to write the next chapter of women's history, let us resolve to build on the progress won by the trailblazers of the past; and

WHEREAS, with passion and courage, women have taught us that when we band together to advocate for our highest ideals, we can advance our common well-being and strengthen our communities; and

WHEREAS, Women's History Month, globally and locally in Western New York will forever remember the rich history and those individually who paved the way for so many individuals.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body hereby proclaims the Month of March 2024 as *National Women's History Month* and encourage all residents to honor phenomenal women's past history and present culture.

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

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

Olivia M. Owens
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

GILMOUR

Honoring and Recognizing Jaiden Harrison on Becoming
Western New York All-Time Scoring Leader

Jaiden Harrison

Attachments

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY

BUFFALO, NY, MARCH 1, 2024

EC LEG MAR 5 '24 AM 10:00

*Honoring and Recognizing Jaiden Harrison on Becoming
Western New York All-Time Scoring Leader*

WHEREAS, *Jaiden Harrison*, the senior point guard basketball star at Bishop Timon-St. Jude is representing Western New York with yet another milestone accomplishment; and

WHEREAS, last month, vs league rival Canisius, The Bishop Timon-St. Jude senior became WNY's all-time leader scorer in boys' basketball in Friday night's 78-65 win, scoring 10 of his 23 points in the fourth quarter of the marquee matchup between the top-ranked teams in the area; and

WHEREAS, after Jaiden broke the WNY all-time scoring record, Jaiden received praise from former WNY all-time leader scorer, Dom Welch, current NBA player Jordan Nwora and former Timon graduate and star NBA G-League player Davion Warren; and

WHEREAS, amongst the best of the best, Jaiden will graduate Timon this June, ending his high school basketball career as a top 20 all-time leading scorer throughout New York State, recently overtaking Niagara University coach Greg Paulus; and

WHEREAS, this Honorable Body takes delight in acknowledging and recognizing individuals like Jaiden who enhance, represent, and change by way of action in devoting his time in becoming a phenomenal student-athlete and representing the Western New York community.

NOW, THEREFORE, BE IT

RESOLVED, that with the utmost respect and admiration, the Erie County Legislature recognizes and congratulates *Jaiden Harrison* on his achievements, and we extend our heartfelt congratulations and praise to Jaiden on representing Western New York and best wishes on a safe and healthy career outside of Bishop Timon-St. Jude.

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

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

MAJORITY CAUCUS

Acknowledging and Honoring Irish American Heritage Month

Irish American Heritage Month

Attachments

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, MARCH 1, 2024

EC LEG MAR 5 '24 AM 10:00

Acknowledging and Honoring Irish American Heritage Month

WHEREAS, as we *celebrate Irish American Heritage Month*, we recognize the Irish people's contributions to our country; and

WHEREAS, this month, generations of Irishmen and women have helped shape the idea of America, overcoming hardship and strife through strength and sacrifice, faith, and family; and

WHEREAS, many Irish immigrants arrived on America's shores to escape the Great Famine, only to face discrimination, prejudice, and poverty; and

WHEREAS, the first Irish American Heritage Month happened in 1991 and continued to be established through Congressional laws and presidential proclamation; and

WHEREAS, the faith, perseverance, and spirit of Irish Americans across our country is indelibly woven into the tapestry of the American story; and

WHEREAS, it is fitting and proper to celebrate the rich cultural heritage and the many valuable contributions of Irish Americans.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body recognizes *celebrate Irish American Heritage Month* for its robust and consistent community effort to highlight Irish culture and bridge the divide between American and Irish society through education and celebration.

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

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

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

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

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

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

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

Olivia M. Owens
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

Report No. 4 PUBLIC SAFETY COMMITTEE

Report No. 4 Attachments

February 29, 2024

PUBLIC SAFETY COMMITTEE
REPORT NO. 4

ALL MEMBERS PRESENT.

1.

RESOLVED, the following item is hereby received and filed:

a.

COMM. 4E-2 (2024)
SHERIFF: “Fiber Project at ECCF”
(Chair’s Ruling)

2.

COMM. 4E-5 (2024)
SHERIFF & COUNTY EXECUTIVE
WHEREAS, as a requirement of the HALT Act, the Sheriff’s Office needs to provide out-of-cell trauma-informed therapeutic programming to promote personal development and address the underlying causes of problematic behavior among incarcerated populations, and

WHEREAS, Peaceprints of Western New York (PPWNY) has adopted the “Houses of Healing” curriculum, which is a powerful 13-session social emotional learning (SEL) curriculum created specifically to address incarcerated individual rehabilitation. The centerpiece of the program is the book, *Houses of Healing: A Prisoners Guide to Inner Power and Freedom*, designed to offer skillful guidance and equip prisoners with the tools to effectively manage difficult emotions, take stock of and heal the unresolved trauma that often plays a role in propelling criminal behavior, take responsibility for offending behavior and change life-long patterns of violence and addiction; and

WHEREAS, PPWNY will employ and assign a qualified programming coordinator to work at both facilities; and

WHEREAS, the Sheriff’s Office will fund year one of the program with Telephone Revenue Funds; and

WHEREAS, the cost of the program coordinator is \$25,001.00; and

WHEREAS, the Sheriff’s Office and PPWNY will enter into an agreement that will end March 31, 2025, and will not exceed \$25,001.00 for a program coordinator, and

WHEREAS, the Sheriff and the County Executive agree the position mentioned above and agreement is necessary for the operation of the Erie County Holding Center and the Erie County Correctional Facility; and

WHEREAS, the expenditure for a HALT Act program coordinator complies with COMM. 6E-24, 2013, which states that Telephone Revenue “shall be dedicated to the general operation of the Holding Center and Correctional Facility”; and

WHEREAS, as of January 26, 2024, the Telephone Revenue account has a balance of \$1,126,465.00; and

WHEREAS, this resolution transfers \$25,001.00 from the Telephone Revenue account and will not impact the 2024 County Budget.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the County Executive and the Erie County Sheriff’s Office to enter into an agreement with Peaceprints of Western New York, 660 Smith St, Buffalo, NY 14210, that will not exceed \$25,001.00 and will expire March 31, 2025; and be it further

RESOLVED, that the Erie County Legislature authorizes the Erie County Sheriff’s Office and the Division of Budget and Management to transfer \$25,001.00 in available Telephone Revenue funds to the appropriate Erie County Sheriff’s Office accounts:

ERIE COUNTY SHERIFF'S OFFICE

REVENUE		DECREASE
415622	Jail Telephone Revenue Funds	<u>\$25,001.00</u>
APPROPRIATION		INCREASE
516020	Professional Services	<u>\$25,001.00</u>
	Total Revenue	<u>\$25,001.00</u>

and be it further

RESOLVED, the Erie County Comptroller’s Office is hereby authorized to release the designated funds and make any payments for the approved agreements; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Executive, the County Attorney, the County Comptroller, the Division of Budget and Finance, the Division of Purchasing and the Sheriff’s Office for implementation.

(5-0)

3. COMM. 4D-5 (2024)
COMMISSIONER OF MENTAL HEALTH DEPARTMENT
RESOLVED, the Erie County Legislature hereby confirms the following named individual to the
Erie County Corrections Specialist Advisory Board, for a term ending December 31, 2026:

Charles Syms, LCSW, ACSW
University at Buffalo, School of Social Work
685 Baldy Hall
Buffalo, NY 14260

(5-0)

HOWARD J. JOHNSON, JR.
CHAIR

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

Report No. 4 ECONOMIC DEVELOPMENT COMMITTEE

Report No. 4 Attachments

February 29, 2024

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 4

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

1. RESOLVED, the following items are hereby received and filed:
- a. COMM. 4E-3 (2024)
GREENE: “Letter Concerning Conner Road in Clarence”
(Chair’s Ruling)

b. COMM. 4D-4 (2024)
COMMISSIONER OF PUBLIC WORKS: “2024 Road Program”
(Chair’s Ruling)
2. COMM. 4E-14 (2024)
COUNTY EXECUTIVE
WHEREAS, the Wehrle Drive (CR 275) Pedestrian Accommodations from Sunset Park to West Shore Trail, Town of Clarence, PIN 5763.59 (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, the Town of Clarence has completed construction of the Project; and

WHEREAS, the Town of Clarence requires the County of Erie to accept ownership of the property acquired by the Town for County facilities along the trail or rights therein to all involved property in connection with the Project; and

WHEREAS, it is necessary for the County of Erie to commit to accepting the property upon completion of the above-mentioned construction project; and

WHEREAS, the County of Erie must execute and file all documents necessary with the County Clerk and others to facilitate the transfer of the parcel.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie hereby agrees to accept all acquired property from the Town or its agencies for County facilities and to keep the property for the length of time required; and be it further
- RESOLVED, that authorization is hereby given to the County Executive of the County of Erie, following the County Attorney's review, to execute any agreements or documents necessary to effectuate the purposes of this Resolution; 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, to be forwarded to the Town of Clarence and the County Clerk and one certified copy of this Resolution be forwarded to the Division of Budget and Management.
(6-0)

3. COMM.4E-15 (2024)
COUNTY EXECUTIVE
WHEREAS, the Reconstruction of William St. (CR388) from Transit Road (NYS 20/78) to Bowen Road (CR242), Twon of Lancaster, PIN 5763.36 (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, the County of Erie in conjunction with the New York State Department of Transportation, is currently progressing the Reconstruction of William Street (CR 338) from Transit Road (NYS 20/78) to Bowen Road (CR 242), Town of Lancaster, PIN 5763.36 (the “Project”); and

WHEREAS, the New York State Department of Transportation requires the County of Erie to agree to accept ownership of any property acquired by the State or rights therein to all involved property in connection with the Project; and

WHEREAS, it is necessary for the County of Erie to commit to accepting the properties upon completion of the above-mentioned construction project; and

WHEREAS, the New York State Department of Transportation further requests that the County of Erie executes and files all documents necessary with the County Clerk and others in order to facilitate the transfer of the parcels.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie hereby agrees to accept all acquired property from the State or its agencies and to keep the property for the length of time required; and be it further

RESOLVED, that if County of Erie property is required to construct the Project that the County of Erie will provide Temporary Construction Easements (TE) at no cost to the State; and be it further

RESOLVED, that authorization is hereby given to the County Executive of the County of Erie, following the County Attorney's review, to execute any agreements or documents necessary to effectuate the purposes of this Resolution; 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, to be forwarded to the New York State Department of Transportation, and one certified copy of this Resolution to the Division of Budget and Management.
(6-0)

4. COMM. 4E-16 (2024) AS AMENDED
COUNTY EXECUTIVE

WHEREAS, the design of Abbott Road (CR 4) from Milestrip Road to Fisher Road (the “Project”) was authorized by the legislature in COMM 2E-16 (2023); and

WHEREAS, construction of the project requires the County Executive to enter into a design and construction phase agreement with Norfolk Southern Railroad; and

WHEREAS, the total cost of the agreement is estimated at \$27,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into agreement with Norfolk Southern Railroad for design and construction phase engineering services in reference to the construction of Abbott Road (CR 4) from Milestrip Road to Fisher Road; and be it further

RESOLVED, that authorization is hereby given to the County Executive to execute the agreement for preliminary services in the amount of \$27,000 for Norfolk Southern Railroad from Fund Center 123, Fund 420, B.20009 – 2020 Turn Back of Roads; and be it further

RESOLVED, that authorization is hereby given to Erie County Comptroller to make payments related to this contract; 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 also one (1) copy each to the County Executive’s Office, Comptroller’s Office and the Division of Budget and Management.
(6-0)

5. COMM. 4E-17 (2024)
COUNTY EXECUTIVE

WHEREAS, the Buffalo & Erie County Downtown Library last had its’ roof constructed in 1999; and

WHEREAS, the typical lifespan for a roof of this type is approximately 20 years and is therefore beyond its useful life; and

WHEREAS, in conjunction with, as well as funded by, the Buffalo Sewer Authority, the County commissioned a Feasibility Study to examine the Downtown Library to determine if the roof could support the additional load of a vegetative roofing system where the study confirmed that the eastern portion of the roof at the facility is a good application for a vegetative roof system; and

WHEREAS, the County has applied for a state grant through the Green Infrastructure Grant Program (GIGP) that, if awarded, would cover up to 90% of the cost to add a vegetative roofing system to the eastern 70% of the roof; and

WHEREAS, the Library’s roof is showing signs of deterioration and will be replaced regardless of an award from the Green Infrastructure Grant applied for; and

WHEREAS, the County solicited RFPs for an Architectural and Engineering firm the Department of Public Works standard consultant selection process to design a traditional roof replacement with the option to design a vegetative roofing system pending award of the GIGP funding; and

WHEREAS, the County selected Watts Architectural through a qualifications based selection process to design the traditional roof at a cost of \$182,550 and the vegetative roof at a cost of \$102,170; and

WHEREAS, unforeseen circumstances can require changes to the design and the County requests a design contingency fund to be approved in the amount of \$25,000; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement with Watts Architectural to provide professional A/E Design services for both components of the project including roof replacement as well as design for the vegetative roof, of the Buffalo & Erie County Downtown Library Roof Repair project in an amount not to exceed \$309,720.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an Agreement with Watts Architectural to provide professional Design services for the Buffalo & Erie County Downtown Library Roof project in an amount not to exceed \$309,720; and be it further

RESOLVED, that authorization is hereby given for a design contingency of \$25,000 to be included as part of the Project; and be it further

RESOLVED, that authorization is hereby given for any unused design contingency will be returned to the Design Contingency Fund; and be it further

RESOLVED, that sufficient funding exists to cover the costs of design within Fund 490, Funds Center 122, Capital Project F.23001 – 2023 DPW BEC Library Roof Replacement; and be it further

RESOLVED, that authorization is hereby given for any federal, state, local or utility grants, incentives, rebates or other funds associated with the installation of green infrastructure or energy savings to be accepted into and expended out of Project F.23001; and be it further

RESOLVED, that two certified copies of the Resolution be sent to the Department of Public Works, Commissioner’s Office, and one copy each to the County Executive’s Office, Comptroller’s Office, Division of Budget and Management and Buffalo & Erie County Downtown Library.

6. COMM. 4E-18 (2024)
COUNTY EXECUTIVE

WHEREAS, \$8,000,000 in American Rescue Plan Revenue Loss Funding was appropriated towards the 25 Delaware Exterior Façade Project as part of the American Rescue Plan Omnibus Spending Package – the “RENEW Plan” (COMM. 13E-15 (2021)); and

WHEREAS, \$4,000,000 in funding was appropriated towards the 25 Delaware Exterior Façade Project as part of the 2021 Year-End Budget Balancing Amendments and Designations (COMM. 8E-1 (2022)); and

WHEREAS, unanticipated expenses beyond what was budgeted were realized upon phasing the 25 Delaware Exterior Façade Project rendering the project underfunded and unable to immediately proceed due to budgetary constraints; and

WHEREAS, the American Rescue Plan Revenue Loss Funding requires money to be obligated by the end of the year which can be best accomplished by transferring the funding to the Rath Microgrid System Project; and

WHEREAS, the County of Erie wishes to identify the most effective means to reduce energy consumption while also providing reliable power to critical facilities; and

WHEREAS, pursuant to that goal, a Request for Proposal was issued to provide architectural and engineering services for a microgrid system at the Rath Building and such proposals were received; and

WHEREAS, your Honorable Body previously authorized the Department of Public Works to execute a zero-dollar contract between the County of Erie and Palm Energy, LLC to begin evaluating and propose a microgrid system on county-owned buildings per COMM. 13E-15 (2022); and

WHEREAS, the first step towards beginning the Energy Performance Contract (“EPC”) process was to conduct a site investigation to determine the feasibility and savings from a microgrid system; and

WHEREAS, the Rath building was found to be a suitable candidate for installing a microgrid system; and

WHEREAS, the Rath Building’s generator as well as main electrical switchgear are original to the building and therefore have exceeded their useful lifespan with replacement parts becoming increasingly difficult to source; and

WHEREAS, this project includes replacement of the main electrical infrastructure for the building as well as the providing whole building backup generation power by installation of the proposed microgrid system renovation; and

WHEREAS, this project also includes improvements of the 4th floor roof as the microgrid system equipment will be located on the roof above the 4th floor; and

WHEREAS, improvements to the roof will be under warranty for 20 years from the date of completion; and

WHEREAS, all federal, state and utility incentives received by the County in direct result of projects included within the EPC will be returned into A.20007 – Energy Conservation Implementation Measures; and

WHEREAS, the savings from the EPC will cover the cost of the project, not to exceed an amount of \$11,659,896; and

WHEREAS, funding in the amount of \$9,500,000 authorized for the façade exterior at 25 Delaware Avenue will be reallocated to a new capital project account to pay for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes that \$9,500,000 in funding within the Division of Buildings and Grounds (Fund 410, Funds Center 122) Capital Project A.21167 – 25 Delaware Exterior Façade Project be re-appropriated into a new Capital Project for the Rath Microgrid System Project as follows:

Project A.21167 25 Delaware Exterior Façade Project Fund 410, Funds Center 122			
REVENUES	ORIGINAL	DECREASE	NEW
486000 Interfund Revenue Subsidy	<u>\$12,000,000</u>	<u>(\$9,500,000)</u>	<u>\$2,500,000</u>
TOTAL	\$12,000,000	(\$9,500,000)	\$2,500,000

APPROPRIATIONS	ORIGINAL	DECREASE	NEW
Capital Project Expense	<u>\$12,000,000</u>	<u>(\$9,500,000)</u>	<u>\$2,500,000</u>
TOTAL	\$12,000,000	(\$9,500,000)	\$2,500,000

Project A.21XXX
Rath Microgrid System Project
Fund 410, Funds Center 122

REVENUES	ORIGINAL
486000 Interfund Revenue Subsidy	<u>\$9,500,000</u>
TOTAL	\$9,500,000

APPROPRIATIONS	ORIGINAL
Capital Project Expense	<u>\$9,500,000</u>
TOTAL	\$9,500,000

and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into an Agreement with Palm Energy, LLC. in the form of an Energy Performance Contract in an amount not to exceed \$11,659,896; and be it further

RESOLVED, that Palm Energy LLC performed site investigations and developed a cost-effective proposal to install a microgrid system on the Rath building and, it is the desire of the Department of Public Works that construction move forward under the stipulations of the EPC; and be it further

RESOLVED, that authorization is hereby given for the sum of \$750,000 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that change order reductions or unused construction contingency will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that sufficient funding exists to cover the cost of this EPC within the following Division of Buildings and Grounds Capital Projects (Fund 410, Funds Center 122):

A.23001 - DPW (Buildings and Grounds) – Roof Replacement and Exterior Waterproofing (Countywide)	\$ 217,122.46
A.21110 – DPW (Buildings and Grounds) – Rath Building Improvements	\$ 1,942,773.54
A.21XXX – Rath Microgrid System Project	<u>\$ 9,500,000.00</u>
Total Not to Exceed	\$11,659,896.00

and be it further

RESOLVED, that authorization is hereby given for all federal, state and utility incentives resulting from the Rath Microgrid System Project be recorded and expended in Capital Project (Fund 410, Funds Center 122) A.20007 – Energy Conservation Implementation Measures; and be it further

RESOLVED, that authorization is hereby given for the Director of Budget and Management to make all necessary budgetary entries and technical adjustments to effectuate the re-appropriation of funds and recognition of future federal, state and utility incentives; 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, and one (1) copy each to the County Executive’s Office, Comptroller’s Office, Department of Environment and Planning and Division of Budget and Management. (6-0)

HOWARD J. JOHNSON, JR.
CHAIR

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

Report No. 2 HEALTH & HUMAN SERVICES COMMITTEE

Report No. 2 Attachments

February 29, 2024

HEALTH & HUMAN SERVICES
COMMITTEE
REPORT NO. 2

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

1. RESOLVED, the following items are hereby received and filed:
- a. COMM. 3E-3 (2024)
TODARO: “School District Reimbursement”
(Chair’s Ruling)

b. COMM. 3E-4 (2024)
TODARO: “School District Reimbursement”
(Chair’s Ruling)

c. COMM. 3E-8 (2024)
COUNTY EXECUTIVE: “Appointments to the Mental Hygiene Community Services Board”
(Chair’s Ruling)

d. COMM. 3E-9 (2024)
COUNTY EXECUTIVE: “Appointments to the Senior Services Advisory Board”
(Chair’s Ruling)

e. COMM. 3D-4 (2024)
COMMISSIONER OF SOCIAL SERVICES: “Compliance Report - Comm. 12E-34”
(Chair’s Ruling)

f. COMM. 3D-7 (2024)
DEP COMMISSIONER: “Affordable Multi-Family Rental Housing Projects Requesting EC ARPA Funding”
(Chair’s Ruling)

g. COMM. 3D-9 (2024)
COUNTY ATTORNEY: “County Funding of Low-Income Housing Projects”
(Chair’s Ruling)

h. COMM. 4E-27 (2024)
BASKIN: “Letter on Arts in Public Places Committee”
(Chair’s Ruling)

- i. COMM. 4D-6 (2024)
DEPUTY COUNTY EXECUTIVE: “Letter Regarding Migrant Related Expenses in Maryvale School District”
(Chair’s Ruling)

j. COMM. 4M-4 (2024)
CONSTITUENT: “Letter from Constituent Concerning SNAP Benefits”
(Chair’s Ruling)

k. COMM. 4M-5 (2024)
EC FAIR HOUSING BOARD: “EC Fair Housing Board Annual Report for 2023”
(Chair’s Ruling)
2. COMM. 4E-23 (2024)
COUNTY EXECUTIVE
WHEREAS, the Department of Public Advocacy, as part of the mission of the Erie County Commission on the Status of Women, offers high school girls’ civic engagement experiential learning opportunities; and

WHEREAS, the Department of Public Advocacy sought authorization to enter into contract with 1st A, 1st V as Proposed 2024 Budget Resolution #18, which was subsequently amended to require the issuance of a Request for Proposal for such services and included in the Adopted 2024 Erie County Budget; and

WHEREAS, 1st A, 1st V promotes opportunities for female students to learn and experience the political process through participation in 1st A, 1st V programs and events; and

WHEREAS, 1st A, 1st V offers the participants learning opportunities focusing on the significance of the of the early Women’s Suffrage movement’s contributions to women’s equality; and

WHEREAS, 1st A, 1st V offers participants the opportunity understands the connection between the first and nineteenth amendments and to recognize the ongoing work necessary to create greater gender parity in elected office; and

WHEREAS, due to the intended use of these funds to cover costs associated with the annual Leadership Summit held by 1st A, 1st V in Seneca Falls, NY in March it is not possible to conduct a Request for Proposals for this programming.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby repeals its requirement to issue a Request for Proposal to provide civic engagement experiential learning opportunities in collaboration with the Commission on the Status of Women to high school girls about the political process, including running for elected office and governance from January 2024 through December 2024, enacted as part of the Adopted 2024 Budget Resolution #18 (Page R-5, Budget Book B); and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into a contract with 1st Amendment, 1st Vote for an amount not to exceed \$3,500 to provide civic engagement experiential learning opportunities in collaboration with the Commission on the Status of Women to high school girls about the political process, including running for elected office and governance from January 2024 through December 2024; and be it further

RESOLVED, that sufficient funds to cover the cost of this contract exist within the Erie County Department of Public Advocacy’s (fund 109, Center 1091000) 2024 General Fund Budget in Account 516020 - Professional Services, Contracts and fees; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive’s Office, Comptroller’s Office, Division of Budget and Management, Department of Law and Department of Public Advocacy.
(6-0)

3. COMM. 4E-24 (2024)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health’s Division of Services for Children with Special Needs currently contracts with many Special Education programs providing Related Services; and

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

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

WHEREAS, Building Blocks Comprehensive Services, Inc., is able to provide Related Services to some children on waiting lists.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with Building Blocks Comprehensive Services, Inc., waiving the procedures in Section 26.08 of the Erie County Administrative Code, to provide Related Services; and be it further

RESOLVED, that sufficient funds exist within the Division of Services for Children with Special Needs 2024 Adopted Budget (Fund 110, Funds Center 12750) Account 528000 - Services to Special Needs Children to cover costs incurred for these services; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Budget and Management to make any other technical adjustments necessary to properly execute the terms of the agreement; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive’s Office, Comptroller’s Office, the Division of Budget and Management, and Department of Health.
(6-0)

JOHN J. GILMOUR
CHAIR

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

Report No. 3 FINANCE & MANAGEMENT COMMITTEE

Report No. 3 Attachments

February 29, 2024

FINANCE & MANAGEMENT COMMITTEE
REPORT NO. 3

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

1. RESOLVED, the following items are hereby received and filed:
- a. COMM. 3E-7 (2024)
COMPTROLLER: “Jail Management 25 Year Pension Retroactive Payment to NYS Pension System”
(Chair’s Ruling)

b. COMM. 3D-1 (2024)
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report for Period Ending November 2023”
(Chair’s Ruling)

c. COMM. 3D-2 (2024)
DIRECTOR OF BUDGET & MANAGEMENT: “Capital Projects Update”
(Chair’s Ruling)

d. COMM. 3M-1 (2024)
ASSIGNED COUNSEL PROGRAM: : “Quarterly Report - 4th Quarter of 2023”
(Chair’s Ruling)

e. COMM. 3M-2 (2024)
ASSIGNED COUNSEL PROGRAM: “Financial Report & Meeting Minutes”
(Chair’s Ruling)

f. COMM. 4E-1 (2024)
COMPTROLLER: “Disproportionate Share Payment for ECMCC”
(Chair’s Ruling)

g. COMM. 4E-4 (2024)
COMPTROLLER: “Letter Concerning COMM. 2E-1 from the County Clerk”
(Chair’s Ruling)

- h. COMM. 4E-9 (2024)
COMPTROLLER: “Department of Law Risk Retention Fund Spending - Nov. & Dec. 2023”
(Chair’s Ruling)

i. COMM. 4E-25 (2024)
COUNTY CLERK: “Letter Regarding Comm. 4E-4 & Comm. 2E-1”
(Chair’s Ruling)

j. COMM. 4E-26 (2024)
COMPTROLLER: “External Accounting Review of the County Clerk's Office Fiscal & Accounting Practices”
(Chair’s Ruling)

k. COMM. 4D-2 (2024)
DIRECTOR OF BUDGET & MANAGEMENT: “February 2024 - Capital Projects Update”
(Chair’s Ruling)

1. COMM. 4D-3 (2024)
DEPUTY COMPTROLLER FOR AUDIT: “EC Comptroller's Office Audit of Bureau of Weights & Measures”
(Chair’s Ruling)

2. COMM. 1D-1 (2024) AS AMENDED
DIRECTOR OF REAL PROPERTY TAX SERVICES
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

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

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 260019 through 260049, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR	2024	Petition No.	260,019.00
	ASSESSOR	Refund	\$243.83
S-B-L	82.05-4-3	31 McKinley Ave	142289 AMHERST

		Acct. No. 112	\$0.00	County
		Acct. No. 132	\$243.83	
		Town/SpecialDist/School		
<u>Charge To :</u>		142289 AMHERST	\$243.83	
RPTL 550(2): Applied garbage district in error Refund to be issued to DUM Ventures LLC				
FISCAL YEAR	2023	Petition No.	260,020.00	
		ASSESSOR	Refund	\$177.94
S-B-L	41.15-4-5	34 Collins Ct	142289 AMHERST	
		Acct. No. 112	\$0.00	County
		Acct. No. 132	\$177.94	
		Town/SpecialDist/School		
	520 Code SC520	\$177.94		
<u>Charge To :</u>		142289 AMHERST	\$0.00	
RPTL 550(2): Applied RPTL 520 charge in error Refund to be issued to Paul Glinski				
FISCAL YEAR	2024	Petition No.	260,021.00	
		ASSESSOR	Cancel	\$1,687.30
S-B-L	258.00-2-3	9597 State Rd	142600 BOSTON	
		Acct. No. 112	\$0.00	County
		Acct. No. 132	\$1,687.30	
		Town/SpecialDist/School		
<u>Charge To :</u>		142600 BOSTON	\$1,687.30	
		Relevy School	\$1,687.30	143801 SPRING-
GRIFFITH				
RPTL 550(2): Applied unpaid school relevy in error New tax bill to be issued.				
FISCAL YEAR	2024	Petition No.	260,022.00	

		ASSESSOR	Cancel	\$66,862.07
S-B-L	126.13-3-6.11	4720-4728 Transit	143089 CHEEKTOWAGA	
		Acct. No. 112	\$0.00	County
		Acct. No. 132	\$66,862.07	
		Town/SpecialDist/School		
<u>Charge To :</u>		143089 CHEEKTOWAGA	\$66,862.07	
		Relevy School	\$66,862.07	143007 DEPEW
UNION-CHEEK				
RPTL 550(2): Failed to apply timely school tax payment New tax bill to be issued.				
FISCAL YEAR	2024	Petition No.	260,023.00	
		ASSESSOR	Cancel	\$156.18
S-B-L	113.61-5-31	145 Colby St	143089 CHEEKTOWAGA	
		Acct. No. 112	\$60.33	County
		Acct. No. 132	\$95.85	
		Town/SpecialDist/School		
<u>Charge To :</u>		143089 CHEEKTOWAGA	\$95.85	
RPTL 550(2): Failed to apply Aged exemption New tax bill to be issued.				
FISCAL YEAR	2024	Petition No.	260,024.00	
		ASSESSOR	Cancel	\$6,400.24
S-B-L	307.00-2-50.1	9255 Genesee Rd	143889 CONCORD	
		Acct. No. 112	\$3,354.90	County
		Acct. No. 132	\$3,045.34	
		Town/SpecialDist/School		
	38019 CONCORD FIRE PROTECT	\$1,370.78		
<u>Charge To :</u>		143889 CONCORD	\$1,674.56	
RPTL 550(2): Duplicate parcel				

Delete entire parcel from tax roll.

FISCAL YEAR	2024	Petition No.	260,025.00
	ASSESSOR	Cancel	\$87.09
S-B-L	276.03-4-37	88 Hardwood Ct 143889 CONCORD	
	Acct. No. 112		\$58.10 County
	Acct. No. 132		\$28.99
	Town/SpecialDist/School		
<u>Charge To :</u>	143889 CONCORD		\$28.99

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

FISCAL YEAR	2024	Petition No.	260,026.00
	ASSESSOR	Cancel	\$2,523.85
S-B-L	307.00-3-6.2	12133 Springville 143889 CONCORD	
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$2,523.85
	Town/SpecialDist/School		
<u>Charge To :</u>	143889 CONCORD		\$2,523.85
	Relevy School		\$2,523.85 143801 SPRING-

GRIFFITH

RPTL 550(2): Applied unpaid school relevy in error
New tax bill to be issued.

FISCAL YEAR	2024	Petition No.	260,027.00
	ASSESSOR	Cancel	\$2,177.14
S-B-L	322.00-2-32	8982 Middle Rd 143889 CONCORD	
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$2,177.14
	Town/SpecialDist/School		
<u>Charge To :</u>	143889 CONCORD		\$2,177.14

GRIFFITH	Relevy School	\$2,177.14	143801 SPRING-
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RPTL 550(2): Applied unpaid school relevy in error
New tax bill to be issued.

FISCAL YEAR	2024	Petition No.	260,028.00
	ASSESSOR	Cancel	\$4,954.27
S-B-L	243.00-4-6.12	8897 Hayes Hollow 143400 COLDEN	
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$4,954.27
	Town/SpecialDist/School		
<u>Charge To :</u>	143400 COLDEN		\$4,954.27
	Relevy School		\$4,954.27 143801 SPRING-

GRIFFITH

RPTL 550(2): Applied unpaid school relevy in error
New tax bill to be issued.

FISCAL YEAR	2022	Petition No.	260,029.00
	ASSESSOR	Cancel	\$191.44
S-B-L	207.00-1-7.11	R 2199 Shadagee R 144000 EDEN	
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$191.44
	Town/SpecialDist/School		
	40047 WATER DISTRICT 5 B		\$158.00
<u>Charge To :</u>	144000 EDEN		\$33.44

RPTL 550(2): Applied special district in error
New tax bill to be issued.

FISCAL YEAR	2023	Petition No.	260,030.00
	ASSESSOR	Cancel	\$198.33
S-B-L	207.00-1-7.11	R 2199 Shadagee R 144000 EDEN	

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$198.33	
	Town/SpecialDist/School		
40047	WATER DISTRICT 5 B	\$165.00	
<u>Charge To :</u>	144000 EDEN		\$33.33

RPTL 550(2): Applied special districts in error
New tax bill to be issued.

FISCAL YEAR	2023	Petition No.	260,031.00
	ASSESSOR	Cancel	\$33.33
S-B-L	238.11-2-22.11	R 2782 Florence Av 144000 EDEN	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$33.33	
	Town/SpecialDist/School		
40047	WATER DISTRICT 5 B	\$33.33	
<u>Charge To :</u>	144000 EDEN		\$0.00

RPTL 550(2): Applied special district in error
New tax bill to be issued.

FISCAL YEAR	2024	Petition No.	260,032.00
	ASSESSOR	Refund	\$230.00
S-B-L	235.06-3-6	8645 Erie Rd 144489 EVANS	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$230.00	
	Town/SpecialDist/School		
<u>Charge To :</u>	144489 EVANS		\$230.00

RPTL 550(2): Applied garbage charge in error
Refund to be issued to Tim Donut US Limited Inc

FISCAL YEAR	2024	Petition No.	260,033.00
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	ASSESSOR	Cancel	\$275.00
S-B-L	170.10-2-15./70	3450 #70 Howard R 144889 HAMBURG	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$275.00	
	Town/SpecialDist/School		
<u>Charge To :</u>	144889 HAMBURG		\$275.00

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

FISCAL YEAR	2024	Petition No.	260,034.00
	ASSESSOR	Cancel	\$275.00
S-B-L	170.10-2-15./129	3450 #129 Howard 144889 HAMBURG	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$275.00	
	Town/SpecialDist/School		
<u>Charge To :</u>	144889 HAMBURG		\$275.00

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

FISCAL YEAR	2024	Petition No.	260,035.00
	ASSESSOR	Cancel	\$275.00
S-B-L	170.10-2-15./150	3450 #150 Howard 144889 HAMBURG	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$275.00	
	Town/SpecialDist/School		
<u>Charge To :</u>	144889 HAMBURG		\$275.00

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

FISCAL YEAR	2024	Petition No.	260,036.00
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ASSESSOR

Cancel

\$275.00

S-B-L170.10-2-15./1743450 #174 Howard144889 HAMBURG

Acct. No. 112

\$0.00

County

Acct. No. 132

\$275.00

Town/SpecialDist/School

Charge To :

144889 HAMBURG

\$275.00

RPTL 550(2): Applied EC sewer charge in error

New tax bill to be issued.

FISCAL YEAR

2023

Petition No.

260,037.00

ASSESSOR

Refund

\$128.46

S-B-L183.18-3-9187 George St144803 HAMBURG

Acct. No. 112

\$0.00

County

Acct. No. 132

\$128.46

Town/SpecialDist/School

520 Code SC520

\$35.20

Charge To :

144803 HAMBURG

\$93.26

Relevy School

\$93.26

144801 HAMBURG

CENTRAL

RPTL 550(2): Exemptions removed and RPTL 520 applied in error

Refund to be issued to Ila Jean B. Spute

FISCAL YEAR

2024

Petition No.

260,038.00

ASSESSOR

Cancel

\$257.21

S-B-L183.18-3-9187 George St144803 HAMBURG

Acct. No. 112

\$118.71

County

Acct. No. 132

\$138.50

Town/SpecialDist/School

48804 Exemption Removal

\$102.49

Charge To :

144803 HAMBURG

\$36.01

RPTL 550(2): Exemptions removed and RPTL 520 applied in error

New tax bill to be issued.

FISCAL YEAR

2024

Petition No.

260,039.00

ASSESSOR

Cancel

\$391.00

S-B-L150.16-5-3.113319 Lakeshore Rd144889 HAMBURG

Acct. No. 112

\$0.00

County

Acct. No. 132

\$391.00

Town/SpecialDist/School

Charge To :

144889 HAMBURG

\$391.00

RPTL 550(2): Incorrect units on EC sewer

New tax bill to be issued

FISCAL YEAR

2024

Petition No.

260,040.00

ASSESSOR

Cancel

\$207.71

S-B-L182.00-4-41.133114 Pleasant Ave144889 HAMBURG

Acct. No. 112

\$0.00

County

Acct. No. 132

\$207.71

Town/SpecialDist/School

Charge To :

144889 HAMBURG

\$207.71

RPTL 550(2): Applied EC sewer in error

New tax bill to be issued.

FISCAL YEAR

2024

Petition No.

260,041.00

ASSESSOR

Cancel

\$4,109.46

S-B-L216.00-7-177576 Olean Rd145000 HOLLAND

Acct. No. 112

\$1,677.63

County

		Acct. No. 132	\$2,431.83	
		Town/SpecialDist/School		
	50020	HOLLAND FIRE DIST #1	\$591.46	
	<u>Charge To :</u>	145000 HOLLAND		\$1,840.37
RPTL 550(3): Improvement added to wrong parcel New tax bill to be issued.				
FISCAL YEAR	2024	Petition No.	260,042.00	
		ASSESSOR	Cancel	\$230.51
S-B-L	148.00-3-15	11403 Tomarsue Dr	145400 MARILLA	
		Acct. No. 112	\$189.52	County
		Acct. No. 132	\$40.99	
		Town/SpecialDist/School		
	<u>Charge To :</u>	145400 MARILLA		\$40.99
RPTL 550(2): Incorrect assessment New tax bill to be issued.				
FISCAL YEAR	2023	Petition No.	260,043.00	
		ASSESSOR	Refund	\$507.41
S-B-L	61.00-5-43.111	5271 Crittenden Rd	145689 NEWSTEAD	
		Acct. No. 112	\$0.00	County
		Acct. No. 132	\$507.41	
		Town/SpecialDist/School		
	<u>Charge To :</u>	145689 NEWSTEAD	\$507.41	
		Relevy School	\$507.41	145601 AKRON
CENTRAL				
RPTL 550(2): Failed to apply Enhanced STAR exemption Refund to be issued to Domon Irrevoc Trust Feb 2018				
FISCAL YEAR	2024	Petition No.	260,044.00	

		ASSESSOR	Cancel	\$724.28	
S-B-L	66.30-1-24	39 School St	146489 TONAWANDA		
		Acct. No. 112	\$0.00	County	
		Acct. No. 132	\$724.28		
		Town/SpecialDist/School			
	<u>Charge To :</u>	146489 TONAWANDA			\$724.28
RPTL 550(2): Applied delinquent water charge in error New tax bill to be issued.					
FISCAL YEAR	2024	Petition No.	260,045.00		
		ASSESSOR	Cancel	\$35.86	
S-B-L	135.11-2-5.121	North American Dr	146800 WEST SENECA		
		Acct. No. 112	\$0.00	County	
		Acct. No. 132	\$35.86		
		Town/SpecialDist/School			
	<u>Charge To :</u>	146800 WEST SENECA			\$35.86
RPTL 550(2): Applied special district in error New tax bill to be issued.					
FISCAL YEAR	2024	Petition No.	260,046.00		
		ASSESSOR	Cancel	\$551.86	
S-B-L	125.14-5-6	113 Organ Cres	146800 WEST SENECA		
		Acct. No. 112	\$119.99	County	
		Acct. No. 132	\$431.87		
		Town/SpecialDist/School			
	<u>Charge To :</u>	146800 WEST SENECA			\$431.87
RPTL 550(2): Failed to apply Aged exemption and applied RPTL 520 in error New tax bill to be issued.					

FISCAL YEAR	2024	Petition No.	260,047.00	
	ASSESSOR	Cancel	\$488.47	
S-B-L	135.01-4-61.111	5200 North Americ	146800 WEST SENECA	
	Acct. No. 112		\$0.00	County
	Acct. No. 132		\$488.47	
	Town/SpecialDist/School			
<u>Charge To :</u>		146800 WEST SENECA		\$488.47
RPTL 550(2): Applied special districts in error New tax bill to be issued.				
FISCAL YEAR	2024	Petition No.	260,048.00	
	ASSESSOR	Cancel	\$57.89	
S-B-L	144.20-2-20	159 Fawn Trl	146800 WEST SENECA	
	Acct. No. 112		\$22.40	County
	Acct. No. 132		\$35.49	
	Town/SpecialDist/School			
<u>Charge To :</u>		146800 WEST SENECA		\$35.49
RPTL 550(2): Failed to apply Aged exemptions properly New tax bill to be issued.				
FISCAL YEAR	2024	Petition No.	260,049.00	
	ASSESSOR	Cancel	\$236.70	
S-B-L	54.22-2-13	246 Woodmere Dr	146489 TONAWANDA	
	Acct. No. 112		\$0.00	County
	Acct. No. 132		\$236.70	
	Town/SpecialDist/School			
<u>Charge To :</u>		146489 TONAWANDA	\$236.70	\$236.70
		Relevy School	\$236.70	142207 SWEET
HOME CENTRAL RPTL 550(2): Failed to apply school tax payment, cancel penalty				

New tax bill to be issued.

and be it further

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

3. COMM. 4E-13 (2024)
COUNTY EXECUTIVE
WHEREAS, the Department of Personnel has identified a critical need for supervisory training in drug abuse identification, with a focus on marijuana use, and protocols for reasonable suspicion in the workplace; and

WHEREAS, traditional methods of identifying drug abuse do not effectively discern recency of marijuana use, and the lack of a universally accepted, reliable test for marijuana impairs effective workplace policy enforcement; and

WHEREAS, the recent legalization of marijuana in New York State necessitates the adaptation of the County's policies and training concerning drug use in the workplace; and

WHEREAS, the Erie County Government is committed to maintaining a safe, healthy, and legally compliant work environment, which includes addressing the complexities of drug use, particularly marijuana, among its employees; and

WHEREAS, the Personnel Department has invested in the Percipio online training platform, which is compatible with the course material provided by Visify, LLC, offering a flexible and consistent training environment for county employees; and

WHEREAS, the proposed training aligns with Erie County’s need to balance legal compliance with a supportive and fair work environment and has received positive feedback from collective bargaining units; and

WHEREAS, a request-for-proposal for this professional service is not required because the cost is below \$10,000; and

WHEREAS, the contract with Visify, LLC entails a cost of \$8,820 with funds available in the Department of Personnel 2024 Professional Services account (516020).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive into a contract with Visify, LLC at an amount not to exceed \$8,820 for customizing and providing a training file on Supervisory Training on Drug Abuse Identification and Protocols; and be it further

RESOLVED, the Clerk of the Legislature shall forward certified copies of this Resolution to the: County Executive, Director of the Division of Budget and Management, Office of the Comptroller, and the Personnel Commissioner.
(5-0) Legislator Gilmour not present for vote.

4. **COMM. 4E-22 (2024)**
COUNTY EXECUTIVE

WHEREAS, the Real Property Tax Services Director has transmitted to this Legislature transcripts of tax delinquencies and tax delinquent real properties for foreclosure pursuant to the In Rem provisions of the Erie County Tax Act, which will be known as In Rem Action No. 172, and has furnished this Legislature with the necessary abstracts from the Real Property Tax Services records of such delinquencies.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the In Rem provisions of the Erie County Tax Act be applied to such real property and the delinquent taxes set forth in said transcripts, as determined by the Real Property Tax Services Director from the transcripts of properties upon which the County of Erie owns a tax sale certificate which has been due and unpaid for a period of at least two years; and be it further

RESOLVED, that authorization is hereby given for the County Attorney or his designee conduct and consummate such foreclosure proceeding known as In Rem Action No. 172 as directed by this Legislature and determined by the Real Property Tax Services Director; and be it further

RESOLVED, that this resolution shall take effect immediately; and be it further

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

TIMOTHY J. MEYERS
CHAIR

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

INTRO. 5-1 VINAL Procedure for Notice to Small Businesses

24INTRO. 5-1 Attachments

A RESOLUTION TO BE SUBMITTED BY

EC LEG FEB 20 '24 PM 3:46

LEGISLATOR VINAL

Re: Procedure for Notice to Small Businesses

WHEREAS, the County Legislator is empowered to create a required procedure for notice of contracts and RFP opportunities outside of the Public Improvement Contracts governed by State Law; and

WHEREAS, the County of Erie values fairness, equal opportunity, and transparency and recognizes small business is a primary job creator in the United States and Western New York; and

WHEREAS, County has recently adopted a method of emailing contract and RFP opportunities; and

WHEREAS, annually these procedures should be reviewed for efficacy and improvement.

NOW, THEREFORE, BE IT, RESOLVED,

RESOLVED, that the Erie County Purchasing Department is hereby directed to adopt the following procedure as minimum notice of the aforesaid contract and RFP opportunities.

1. Purchasing Department shall add every three months, beginning within 30 days of the passing of this resolution, all MWBE's certified in New York State with phone numbers in 716 and zip codes beginning with 1 4 to email list and add a minimum of one and maximum of three industry codes identified by the WMBE for each entry on the list.
2. Purchasing Department shall add every three months, beginning within 30 days of the passing of this resolution, all MWBE's certified in County of Erie with phone numbers in 716 and zip codes beginning with 1 4 to the County's email list and add a minimum of one and maximum of three industry codes identified by the WMBE.
3. Purchasing Department shall use notices on Facebook, boosted, and to every Chamber of Commerce in WNY, all chapters of Businesses and Professional Women and Buffalo Niagara Partnership Launch New York of the opportunity for business to add their name, email, and one to three of their industry codes to the County website, every three months.
4. Purchasing Department shall identify all the industry codes for each RFP prior to posting the RFP and contract opportunity.

5. Purchasing Department shall send notice to every business on the list whose industry code matches the opportunity via email on the same day as posting the RFP or contract opportunity.
6. The notice shall direct the business to the specific opportunity on the website, and not just the purchasing list of all opportunities.
7. Purchasing Department shall report every three months to the Legislature the number of businesses on the email list, and the number emails sent, and the responses to each contract and RFP opportunity.

AND BE IT FURTHER,

RESOLVED, that the above procedure is the minimum notice required and that the County is encouraged to expand this but shall follow these these minimum notice requirements.

SUBJECT

INTRO. 5-2	MINORITY CAUCUS	Calling on the Department of Health to Appear at the Erie County Legislature's Health and Human Services Committee to Discuss Health Permitting for Fitness Facilities
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24INTRO. 5-2	Attachments
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**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLS, GREENE, TODARO and LORIGO**

Re: Calling on the Department of Health to appear at the Erie County Legislature's Health and Human Services Committee to Discuss Health Permitting for Fitness Facilities

WHEREAS, recently, over 300 gyms and fitness facilities in Erie County received notice of a requirement to obtain a permit to operate in Erie County; and

WHEREAS, as part of the permitting process, gyms and fitness facilities will be subject to inspection; and

WHEREAS, owners of gyms and fitness facilities were not consulted as part of the process; and

WHEREAS, the lack of consultation and input has left many owners of gyms and fitness facilities with questions as to the implementation of the process; and

WHEREAS, the lack of definitions for certain terms from the provisions of the sanitation rules has also created some confusion; and

WHEREAS, the lack of prior notice upon creation of the rules has created some concerns regarding timing of inspections; and

WHEREAS, the lack of specificity as to expectations for gym and facilities has resulted in some confusion for owners; and

WHEREAS, in order to provide gym and fitness facility owners, as well as legislators and users of gyms and fitness facilities, with more information, it is necessary to have the Health Commissioner and individuals with knowledge of the process appear before the legislature to provide further information.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature directs the President of the Board of Health, the Commissioner of the Department of Health and individuals responsible for enforcing the provisions of the Sanitation Code to appear before the Legislature at a Health and Human Services Committee meeting to discuss the Sanitation Code as it applies to gyms and fitness facilities; and be it further

RESOLVED, that a copy of this resolution be transmitted to the County Executive, the President of the Erie County Board of Health and the Commissioner of the Department of Health.

SUBJECT

INTRO. 5-3	GILMOUR	Adoption of Personnel Policies for Managerial and Confidential Employees Exempted from the Fair Labor Standards Act
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24INTRO. 5-3	Attachments
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**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR GILMOUR**

**Re: Adoption of Personnel Policies for Managerial and Confidential Employees
Exempted from the Fair Labor Standards Act**

WHEREAS, Erie County has not adopted policies for its non-unionized managerial or confidential employees that are commensurate with those established in collective bargaining agreements for its unionized employees; and

WHEREAS, the establishment of clear, written policies for non-unionized managerial or confidential employees would foster a more transparent and consistent workplace for these employees; and

WHEREAS, Erie County has given its managerial and confidential employees most of the benefits awarded to employees in the CSEA Erie County Unit 6700 bargaining unit ("CSEA"); and

WHEREAS, CSEA primarily represents white-collar hourly workers in County service; and

WHEREAS, the process the County has used to change policies for managerial and confidential employees is through one-off legislative resolutions, sometimes as clauses in resolutions on topics unrelated to managerial and confidential employees; and

WHEREAS, in the 2023 adopted budget, the Erie County Legislature declared certain managerial and confidential employees as exempt from the Fair Labor Standards Act requirements for overtime under the Executive Exemption; and

WHEREAS, in the 2024 adopted budget, the Erie County Legislature reaffirmed certain other managerial and confidential employees as exempt under the Professional Exemption; and

WHEREAS, Erie County must pay an exempt employee their full predetermined salary amount "free and clear" for any week in which the employee performs any work without regard to the number of days or hours worked; and

WHEREAS, the CSEA collective bargaining agreement, which is negotiated for hourly employees, is not an appropriate document to base policies for salaried employees; and

WHEREAS, the Personnel Commissioner is the official responsible for administering the compensation and benefit package for all employees, including managerial and confidential salaried employees; and

WHEREAS, the Personnel Commissioner drafted policies for FLSA-exempt employees and invited the Office of each independently elected official to comment and provide feedback on the draft policy; and

WHEREAS, the Personnel Commissioner has incorporated the feedback he received from elected officials and believes this Policy has the support of all the independently elected officials.

NOW, THEREFORE, BE IT

RESOLVED, the attached document, "Personnel Policies for Managerial and Confidential Employees Exempted from the Fair Labor Standards Act," is hereby adopted effective June 29, 2024; and be it further

RESOLVED, any legislative resolution regarding policies for managerial and confidential employees contrary to the adopted Policy is null and void effective June 29, 2024 for FLSA-exempt managerial and confidential employees; and be it further

RESOLVED, FLSA-exempt employees shall receive fifty percent (50%) of their annual Paid Time Off Leave allocation granted in Article 6 of the adopted Policy on June 29, 2024; and be it further

RESOLVED, FLSA-exempt employees may choose to either (a) cash out the vacation leave credits at their June 29, 2024, rate of pay, or (b) to retain these credits in separate vacation and personal leave banks that they are unable to access while in a FLSA-exempt position without the permission of the Commissioner of Personnel; and be it further

RESOLVED, the Personnel Department is directed to transfer time accrued in the catastrophic sick bank of FLSA-exempt employees into their sick banks; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, Comptroller, District Attorney, Clerk, Sheriff, Personnel Commissioner, and Division of Budget and Management.



**PERSONNEL POLICIES FOR MANAGERIAL
AND CONFIDENTIAL EMPLOYEES
EXEMPTED FROM THE FAIR LABOR
STANDARDS ACT**

[Date of Approval]

Table of Contents

Article 1: Definitions	3
Article 2: Hours Of Work.....	3
Section 2.1: Standard Workweek	3
Section 2.2: Flexibility.....	3
Article 3: Compensation	4
Section 3.1: Flat Rate of Pay	4
Section 3.2: No Overtime Compensation	4
Section 3.3: Other Approved Compensation Types.....	4
Subsection 3.21: Uniform Allowance	4
Subsection 3.22: Briefing Pay	4
Subsection 3.33: Work Performed as Part of the Stadium or Arena Agreements	4
Article 4: Holidays	5
Section 4.1: Recognized Holidays	5
Section 4.2: Observed Holidays	5
Section 4.3: Work on Holidays.....	5
Article 5: Sick Leave.....	5
Section 5.1: Sick Leave Allowance	5
Section 5.2: Reasons for Granting Sick Leave	5
Section 5.3: Sick Leave Credits and Charges.....	6
Section 5.4: Medical or Dental Visits.....	6
Section 5.5: Required Documentation	6
Article 6: FLSA-Exempt Paid Time Off	6
Section 6.1: Allocation Amount	6
Subsection 6.11: Employees Exempt from FLSA Under the Executive Exemption Category	6
Subsection 6.12: Employees Exempt from FLSA Under the Professional Exemption Category	6
Section 6.2: Annual Allocation.....	7
Subsection 6.21: Annual Allocation Date	7
Subsection 6.22: Prorating for Mid-Year Starts	7
Section 6.3: Paid Time Off leave Policies	7
Subsection: 6.31 Granting of Leave.....	7
Subsection 6.32: Paid Time Off Pay	7
Subsection 6.33: Unused Paid Time Off Leave	7
Subsection 6.34: Transferability of Paid Time Off credits to other FLSA-exempt Positions	7
Subsection 6.35: Transferability of Paid Time Off credits to other FLSA Non-Exempt Positions.....	8
Subsection 6.36 Adjustment for Excess Paid Time Off Upon Separation or Transfer to a Non-Exempt Position.....	8
Article 7: Additional Forms of Paid Leave	8
Section 7.1: Bereavement Leave	8
Section 7.2: Leave for Jury Duty	9
Section 7.3: Cancer Screening	9
Section 7.4: Military Leave with Pay.....	9

Article 8: Leave of Absence Without Pay	9
Section 8.1: Application for Leave Without Pay	9
Section 8.2: Maternity Leave	9
Section 8.3: Child Rearing Leave.....	10
Section 8.4: Legal Adoptive Leave	10
Section 8.5: Substantiation of Request for Sick Leave	10
Section 8.6: Leave Because of Extended Illness	10
Section 8.7: Leave for War Work	11
Section 8.8: Leave of Absence	11
Section 8.9: Military Leave of Absence.....	11
Article 9: Retirement Benefits.....	11
Section 9.1: Pension Plan	11
Subsection 9.11: Special Retirement Plans	12
Section 9.2: Additional Retiree Benefits.....	12
Section 9.3: Health Reimbursement Account	12
Article 10: Health Insurance	13
Section 10.1: Available Plans	13
Section 10.2: Payment for Health Insurance	13
Section 10.3 Dental Coverage.....	14
Section 10.4: Retiree Health Insurance	14
Section 10.5: Compensable Injury Illness.....	14
Section 10.6: Survivor's Health Insurance Coverage	14
Article 11: Access to Union Benefits.....	15
Article 12: Pay Period	15
Article 13: Salary and Increment Rules.....	15
Section 13.1: Wages	15
Section 13.2: New Employees	15
Subsection 13.21: Employees Exempt from FLSA Under the Executive Exemption Category	15
Subsection 13.22: Employees Exempt from FLSA Under the Professional Category	15
Section 13.3: Longevity Pay	16
Article 14 Travel Rules	16
Section 14.1: Transportation Reimbursement.....	16
Section 14.2: Travel Policies.....	16
Article 15: Future Amendments.....	16
Article 16: Authority to Declare Employees Exempt from the Fair Labor Standards Act.....	17
Article 17: Personnel Procedures	17
Article 18: Non-Retroactivity of Policy.....	17
Appendix A: Positions Exempted from the FLSA Under the Executive Exemption Category	18
Appendix B: Positions Exempted from the FLSA Under the Professional Exemption Category	21

ARTICLE 1: DEFINITIONS

Standard Workday: Erie County has a standard workday of eight hours. For reporting purposes to the New York State and Local Retirement System, an FLSA-exempt employee will be credited with five standard workdays if they have completed a total of forty hours in a week (i.e., Standard Workweek), either through actual hours worked or a combination of hours worked and accrued time used.

Standard Workweek: Erie County has a standard workweek of forty hours.

Premium Pay Rate: Hourly compensation rate that is 1.5 times an employee's hourly wage equivalent.

Hourly Wage Equivalent: A calculated rate that represents the equivalent hourly wage of an exempt employee's bi-weekly salary. This rate is determined by dividing the employee's total bi-weekly wage by 80 hours.

Original Hire Date: The first day an employee began working for Erie County.

Work: Any period of time during which an employee is engaged in performing job duties and responsibilities. This includes all time for which an employee is required to be on duty or on County premises, or at a prescribed workplace, as well as any additional time the employee is permitted to work. It specifically excludes periods of paid time off, for which the employee is compensated but is not actively performing their work duties.

FLSA-Exempt - Executive Exemption: Employees whose primary duty is managing the enterprise, or a recognized department or subdivision of the enterprise, who regularly direct the work of at least two or more other full-time employees, and who have the authority to hire or fire other employees, or whose suggestions and recommendations as to the hiring, firing, advancement, promotion, or any other change of status of other employees are given particular weight. (See Appendix A.)

FLSA-Exempt – Professional Exemption: Employees whose primary duty is the performance of work requiring advanced knowledge, defined as work which is predominantly intellectual in character, and which includes work requiring the consistent exercise of discretion and judgment. The advanced knowledge must be in a field of science or learning and must be customarily acquired by a prolonged course of specialized intellectual instruction. (See Appendix B.)

ARTICLE 2: HOURS OF WORK

SECTION 2.1: STANDARD WORKWEEK

The standard workweek for FLSA-exempt employees is generally considered to be 40 hours. Employees are not obligated to work beyond the 40-hour workweek if they fulfill their job responsibilities. However, due to the nature of exempt positions, employees may be required to work hours beyond a standard workweek to fulfill their job responsibilities.

SECTION 2.2: FLEXIBILITY

FLSA-exempt employees are expected to adhere to their department's core business hours but are afforded flexibility in how they manage their time. They are responsible for ensuring that their work duties and objectives are met.

In departments with continuous operations, FLSA-exempt employees may be required to work during non-standard hours, including evenings, nights, weekends, and holidays, to ensure continuous operation and service delivery.

ARTICLE 3: COMPENSATION

SECTION 3.1: FLAT RATE OF PAY

Except as provided in this policy, FLSA-exempt employees will be compensated at a flat rate of pay. This flat rate is intended to cover all hours worked, regardless of the number of hours that exceed the standard workweek.

Salaried exempt employees are entitled to their full base salary for any workweek in which they perform any work. Employees who work less than the standard workweek hours must use any available Sick Leave, Paid Time Off, or another form of paid leave to account for the difference. However, the utilization of these leave types must adhere to the established rules and policies specific to each form of leave. Exempt employees will not be paid for any week in which they neither perform any work nor use any form of accrued paid leave.

SECTION 3.2: NO OVERTIME COMPENSATION

FLSA-exempt employees are not eligible for overtime compensation in the form of cash or compensatory time. Their salary is intended to compensate them for all hours worked. This includes any hours worked beyond the standard workweek, aligning with the provisions of the Fair Labor Standards Act regarding exempt employees.

SECTION 3.3: OTHER APPROVED COMPENSATION TYPES

Subsection 3.21: Uniform Allowance

All FLSA-exempt employees who are normally required to wear uniforms will be granted an annual uniform allowance. The amount of the allowance and the process for issuing the allowance shall be the same as Teamsters Local 264 sworn employees.

Subsection 3.22: Briefing Pay

Due to the Erie County's desire to promote internally, FLSA-exempt employees who supervise or direct the work of unionized employees eligible for time-and-a-half pay for line-up time are entitled to Briefing Pay. Briefing pay is given to FLSA-exempt employees who work four (4) hours or longer in a day and is equivalent to 30 minutes of premium pay.

Subsection 3.33: Work Performed as Part of the Stadium or Arena Agreements

FLSA-exempt employees are eligible for additional compensation when they perform work at the Buffalo Bills Stadium or Buffalo Sabers Arena. This work should be in addition to their regular duties and must not detract from their primary responsibilities.

When FLSA-exempt employees are engaged in work at the stadium or arena as part of an agreement, such work will be treated as dual employment for compensation purposes. During this time, these employees will be compensated on an hourly basis, distinct from their salaried roles. The hourly wage for security agreement work shall be the Premium Pay Rate as defined in Article 1.

Employees must accurately record and report these hours separately from their regular employment hours. Payment for hours worked under these agreements will be made on the regular pay cycle following the one in which the hours were worked.

Hours worked under these agreements will not impact the employee's benefits or leave accruals associated with their regular exempt employment. These benefits shall remain based on their primary exempt position's status and work hours.

ARTICLE 4: HOLIDAYS

SECTION 4.1: RECOGNIZED HOLIDAYS

FLSA-exempt employees are entitled to the following holidays:

- New Year's Day
- Martin Luther King Jr. Day
- Presidents Day
- Good Friday
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Election Day
- Veterans Day
- Thanksgiving Day
- Christmas Day

SECTION 4.2: OBSERVED HOLIDAYS

If any of the aforementioned holidays falls on a Saturday, the County will observe the holiday on the prior Friday. If a holiday falls on a Sunday, the following Monday will be observed as the holiday.

SECTION 4.3: WORK ON HOLIDAYS

In the event that an FLSA-exempt employee is required to work six hours or longer on an observed holiday, as outlined in Sections 4.1 and 4.2, he or she shall be entitled to credits for an additional day of FLSA-exempt Paid Time Off. A maximum of three additional days of Paid Time Off may be earned in a year by working on a holiday. These FLSA-exempt Paid Time Off credits are to be used at the employee's discretion, subject to the standard approval process for Paid Time Off within their department.

ARTICLE 5: SICK LEAVE

SECTION 5.1: SICK LEAVE ALLOWANCE

- All FLSA-exempt employees are eligible for Sick Leave.
- Sick Leave is granted at the rate of 4.62 hours per pay period.
- Employees must work at least fifty percent (50%) of the working days of the pay period to receive full accrual.
- Sick Leave may be used in quarter-day increments.

SECTION 5.2: REASONS FOR GRANTING SICK LEAVE

Sick Leave with pay shall be granted by the County to FLSA-exempt employee when incapacitated or unable to perform the duties of his/her position by reason of:

1. Sickness or injury.
2. Serious illness in the employee's immediate family, requiring care and attendance of the employee. Immediate family shall include, parent, spouse, brother, sister, child or grandparents; or other relative who is an actual member of the employee's household.
3. Quarantine regulations.
4. Medical or dental visits for employee or immediate family listed in paragraph 2.
5. Maternity.

SECTION 5.3: SICK LEAVE CREDITS AND CHARGES

- a. A credit for Sick Leave under this provision shall be accrued at the rate of 4.62 hours per pay period for each pay period during which the employee shall have been on a full pay status for at least fifty percent (50%) of the working days of that pay period.
- b. Sick Leave may be utilized in quarter-day increments.

SECTION 5.4: MEDICAL OR DENTAL VISITS

If a FLSA-exempt employee is required to make visitations during his/her working hours, time off for the medical or dental visits for the employee or their dependents will be granted by the employee's department head or his/her designee. The employee must possess the necessary accruals.

SECTION 5.5: REQUIRED DOCUMENTATION

A department head may develop and implement departmental policies that require a physician's certificate to substantiate use of sick leave.

ARTICLE 6: FLSA-EXEMPT PAID TIME OFF

SECTION 6.1: ALLOCATION AMOUNT

Subsection 6.11: Employees Exempt from FLSA Under the Executive Exemption Category

Employees exempted from FLSA under the Executive Exemption Category shall receive Paid Time Off (PTO) credits at a rate of 35 days per year. If the employee has more than 25 years of service with Erie County, they shall receive 40 days per year. PTO in this category does not rollover annually; it must be used within the year it is received.

Subsection 6.12: Employees Exempt from FLSA Under the Professional Exemption Category

Employees exempted from FLSA under the Professional Exemption Category shall receive PTO credits in accordance with the following schedule:

Rate Per Service	Rate Per Year
From date of employment thru completion of two years of service	20 days
From the second-year anniversary date thru completion of nine years of service	25 days
From the ninth-year anniversary date thru completion of 16 years of service	30 days
From the sixteenth-year anniversary date thru completion of 25 years of service	35 days
From the twenty-fifth anniversary date thru successive years of service	40 days

A leave of absence without pay or a resignation followed by a reinstatement or rehire in any position in the County services within one year shall not constitute an interruption of service for the purposes of

this provision; provided, however, that the period of leave without pay between resignation and reinstatement shall not be counted in determining Paid Time Off credits per year or rate per month.

PTO in this category does not rollover annually; it must be used within the year it is received.

SECTION 6.2: ANNUAL ALLOCATION

Subsection 6.21: Annual Allocation Date

All employees exempt from FLSA under the Executive and Professional Exemption Categories will receive their annual PTO leave on January 1st of each year.

Subsection 6.22: Prorating for Mid-Year Starts

For employees who commence employment in a FLSA-exempt position after January 1st, the Personnel Department will pro-rate their PTO credits for that initial year. The pro-rated amount is calculated based on the number of months remaining in the year from their start date, with partial months counted as full months for this calculation. This pro-rated PTO credits will be available for use immediately upon accrual.

The pro-rated PTO credits for employees starting in a FLSA-exempt position mid-year will be calculated as follows:

- The total annual PTO credits as per the employee's exemption category and years of service (as outlined in Section 6.1) will be divided by 12 to determine the monthly accrual rate.
- The monthly accrual rate will be multiplied by the number of full months remaining in the year, including the month of hire.
- This pro-rated amount will be credited to the employee's PTO leave balance.

SECTION 6.3: PAID TIME OFF LEAVE POLICIES

Subsection: 6.31 Granting of Leave

Every effort will be made to grant FLSA-exempt employees their PTO at the requested time subject to their department's needs and operations. PTO leave may be taken in quarter-day increments.

Subsection 6.32: Paid Time Off Pay

PTO pay for FLSA-exempt employees shall be calculated based on the pay at the time of taking the PTO. The pay will be processed as a part of the regular pay cycle during which the PTO is taken.

Subsection 6.33: Unused Paid Time Off Leave

On December 31st each year, FLSA-exempt employees who have accounted for their time (i.e., standard workweek each week) by work or use of approved paid time off and who hold at least 40 hours but less than 80 hours of unused PTO credits will receive a compensation equivalent to 40 times their Hourly Wage Equivalent. Employees with 80 or more hours of unused PTO credits who have also met the work or paid-time-off usage requirement will receive compensation equivalent to 80 times their Hourly Wage Equivalent.

An FLSA-exempt employee who separates from County (or transfers to a Non-Exempt position) on or after July 1st and before December 31st and has an unused PTO balance equal to or exceeding 40 hours more than 50 percent of their annual PTO allocation will receive 40 times their Hourly Wage Equivalent.

Subsection 6.34: Transferability of Paid Time Off credits to other FLSA-exempt Positions

If an employee is transferred to another FLSA-exempt position, PTO credits will be transferred.

Subsection 6.35: Transferability of Paid Time Off credits to other FLSA Non-Exempt Positions

In the event an employee transitions from a Non-Exempt position to an Exempt position, the employee has the option to either cash out the vacation leave credits accrued in the Non-Exempt position, as well as earned compensatory time off, at their rate of pay on his/her last day in the Non-Exempt position, or to elect to retain these credits in separate vacation, personal leave, and compensatory time banks. However, these credits will not be merged with the PTO credits accrued in the Exempt position. The employee may not use the vacation and personal leave credits, or earned compensatory time off, accrued in a non-exempt position without the permission of the Commissioner of Personnel.

An employee in a FLSA-exempt position with previously earned vacation credits and/or earned compensatory time off shall, upon separation of the employee from County services, be compensated for the unused vacation credits and/or compensatory paid time off at the rate they would have earned if they remained in the last position they held that they were able to accrue vacation credits.

Subsection 6.36 Adjustment for Excess Paid Time Off Upon Separation or Transfer to a Non-Exempt Position

In the event an FLSA-exempt employee separates from County service mid-year, and has utilized more PTO than the pro-rated amount entitled up to the date of separation, the following adjustment procedures will apply:

1. **Paid Time Off Taken vs. Credited Paid Time Off:** The total amount of PTO taken by the employee up to their separation date will be compared to the pro-rated PTO credit that was awarded on January 1st or the employee's subsequent start date as a FLSA-exempt employee that year.
2. **Calculation of Excess Use:** The Personnel Department will calculate the total PTO credited to the employee for the year versus how much the employee has used thus far in the year. If the amount of PTO taken exceeds the pro-rated credited amount, the employee will be deemed to have used excess PTO.
3. **Grace Period for Minor Overages:** If the excess PTO used by the employee is less than two days (16 hours), this minor overage will be forgiven, and no recovery action will be taken against the employee.
4. **Recovery of Overused Paid Time Off Beyond Grace Period:** For overages of three days (24 hours) or more, the monetary value of excess PTO used by the employee will be recovered by the County. The monetary value will be calculated based on the employee's Hourly Wage Equivalent at the time of separation. The employee can expect the monetary value to be deducted from their final paycheck or through other recovery means as deemed appropriate by the Personnel Department, in compliance with applicable labor laws and County policies.

ARTICLE 7: ADDITIONAL FORMS OF PAID LEAVE

SECTION 7.1: BEREAVEMENT LEAVE

A FLSA-exempt employee who has a death in the immediate family (parent, spouse, brother, sister, step-sibling, child, step-child, grandparent, grandchild, parent-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, foster child, step-parent, great grandparents, or other relative who is an actual member of the employee's household) shall be given time off without loss of pay up to a maximum of four (4) scheduled consecutive working days commencing with the date of death, or the date of memorial services, at the option of the affected employee. However, if the death occurs after the employee

reports to work, that day will not be counted as one of the four (4) consecutive working days and upon giving appropriate notice, such employee will be allowed to leave for the remainder of the shift without loss of pay. An employee may be allowed to utilize benefit time for other family members not approved for bereavement time. Time utilized may not exceed one (1) day and may be used on the day immediately following the death or on the day of the memorial service.

SECTION 7.2: LEAVE FOR JURY DUTY

On proof of the necessity of jury service or attending court for other than personal matters, leave of absence with pay shall be granted to FLSA-exempt employees. Employees will not be required to report to work prior to or subsequent to the performance of their jury duty. It is agreed and understood that the County's legal ability to pay employees on Jury Duty may be affected by state and federal legislation and that at all times jury duty pay will be paid in accordance with applicable state and federal law.

SECTION 7.3: CANCER SCREENING

Erie County employees are entitled to paid excused leave from work to undertake screening examinations for any type of cancer screening. Such excused leave shall not exceed four (4) hours on an annual, calendar year basis. This paid, excused leave shall not be charged against any other leave time to which an employee may otherwise be entitled. Time for travel to the screening appointment is included in the four (4) hours maximum paid leave, and employees may use only the actual amount of time required for travel and the screening examination up to the four (4) hour maximum.

SECTION 7.4: MILITARY LEAVE WITH PAY

An FLSA-exempt employee who is called to active duty as a member of the National Guard or any Reserve Force is entitled to receive their Erie County pay for a period of twenty-two (22) work days within a calendar year. Erie County will continue to maintain the health and dental insurance via the employer share of benefits of those county employees called to active duty in the National Guard or any reserve force that they would otherwise be entitled to if they were still active County employees.

ARTICLE 8: LEAVE OF ABSENCE WITHOUT PAY

SECTION 8.1: APPLICATION FOR LEAVE WITHOUT PAY

Application for leave of absence without pay, for any of the reasons cited in this provision, shall be filed by the FLSA-exempt employee, on the prescribed form, to the Commissioner of Personnel. Such application shall state the reasons for the requested leave and approved duration.

SECTION 8.2: MATERNITY LEAVE

- a) Leave. Upon the approval of the appropriate Department Head, the Commissioner of Personnel shall grant pregnant employees, a leave of absence without pay, upon competent medical proof that such employee is unable to perform her regular duties for the period of such disability, not to exceed one (1) year in duration. For these purposes, the Commissioner of Personnel or his/her designee may require suitable medical evidence from the employee's physician at such employee's expense and / or may require that the employee be examined by a physician chosen by the County at the County's expense.
- b) Sick Leave and PTO. Employees granted maternity leave pursuant to this section shall be permitted to reduce the amount of leave without pay by the use of any and all accumulated Sick Leave and PTO leave credits as may be available to them.

- c) Extension. At the request of the employee, and after receiving the recommendation of her department head, the Commissioner of Personnel or his/her designee may grant an extension of such leave of absence in accordance with this section.
- d) When an employee has exhausted all his/her paid leave time and FMLA entitlement, and is on a leave under Section 8.2(a), the employee's health insurance coverage shall be continued for six (6) weeks in the case of a natural birth or eight (8) weeks in the case of a Cesarean section or the end of the leave under Section 8.2(a), whichever is lesser. This provision shall not apply to the continuation of a health insurance waiver payment.

SECTION 8.3: CHILD REARING LEAVE

- 1) A continuous leave of absence without pay by reason of the birth of a child within the first year of said child's birth shall be granted to an employee for a period of six (6) months. Paid leave will be substituted for unpaid leave at the employee's or Erie County's option, where permitted by federal statute and Erie County policy. Such leave request must be presented in writing to the department head with at least thirty (30) calendar days' notice with no reasonable excuse for the delay, the County may delay the taking of the requested leave until at least thirty (30) calendar days after the date the employee submits his/her request.
- 2) An employee on child rearing leave will notify the department head of his/her intention to return to work at least thirty (30) calendar days prior to expiration of the leave of absence.
- 3) An employee returning to work after a child rearing leave shall be returned to the same step the employee occupied when the leave commenced.

SECTION 8.4: LEGAL ADOPTIVE LEAVE

In case of legal adoption under Article 7 of the Domestic Relations law, leave shall be granted where the adoptive child is required to reside with the adoptive parents for at least six (6) months prior to an order for adoption being made. In such cases, leave shall be granted for six (6) months commencing from the date the adoptive child begins actual residence with the adoptive parents. The employee shall apply for such leave in writing and shall, whenever possible, provide the employer with legal notices no later than two weeks prior to the commencement of the leave. The two (2) week notification requirement shall be waived in cases of emergency, if it proves to be impossible to give the two (2) weeks' notice.

SECTION 8.5: SUBSTANTIATION OF REQUEST FOR SICK LEAVE

A certificate is required from the employee's personal physician specifying:

- 1. The date that the employee is no longer able to carry out all normal assigned duties.
- 2. The expected date of confinement; and
- 3. The date the employee may return to duty shall accompany the request whether it be for Sick Leave (Form PO-19) or for leave without pay (Form PO-18).

In those instances, where the duration of certified absence will utilize the employee's Sick Leave balance, and in addition, a period of leave without pay both the PO-19 and PO-18 should be completed at the same time, and the above certificate used to substantiate both requests.

SECTION 8.6: LEAVE BECAUSE OF EXTENDED ILLNESS

When a permanent employee has exhausted all his/her Sick Leave credits, and is still incapacitated and unable to perform the duties of his/her position, or if the attending physician has recommended a period of rest and convalescence, the department head may grant leave of absence without pay for a

period not to exceed one (1) year, subject to extension pursuant to County Civil Service Rules, such decision shall not be arbitrary or capricious.

SECTION 8.7: LEAVE FOR WAR WORK

A permanent employee may, at the discretion of the department head, be granted a leave of absence without pay for a period of time, not to exceed one (1) year, to enter the service of the Federal Government or its associated powers in time of war or to engage in war industries for the United States or its associated powers. Such leave of absence, in the discretion of the department head, and with the approval of the Commissioner of Personnel, may be renewed for additional periods, not exceeding one (1) year in each instance without requiring such person to return to his/her position in the Civil Service between successive leaves; provided; however, that no such renewal of a leave of absence without pay shall extend beyond six (6) months after the termination of the war.

SECTION 8.8: LEAVE OF ABSENCE

Leaves of absence shall not be granted to an employee to accept employment outside the County Service, except where mandated by provisions of the New York State Civil Service Law or other applicable state or federal laws.

SECTION 8.9: MILITARY LEAVE OF ABSENCE

1. Any County employee who is required to render ordered military or naval duty shall be granted military leave of absence pursuant to U.S Department of Labor – Uniformed Services Employment and Reemployment Rights Act (USERRA).
2. Military leave pursuant to New York State, Chapter 36, section 243 of the military law, shall be deemed actual service.

ARTICLE 9: RETIREMENT BENEFITS

SECTION 9.1: PENSION PLAN

The New York State Pension Plan, managed by the New York State & Local Retirement System (NYSRLS), is designed for state and local government employees in New York. While the specific enrollment requirements can vary based on employment type and other factors, generally, most full-time local government employees are required to enroll in the pension plan.

Tier	Date	Mandatory Contributions	Vesting	
3	July 27, 1976, through August 31, 1983	Required to contribute 3 percent of their gross earnings, until they have ten years of membership or ten years of credited service, whichever occurs first.	Five years	Full benefits at age 62, or at age 55 with at least 30 years of credited service Reduced benefits at age 55 with less than 30 years of credited service
4	September 1, 1983, through December 31, 2009	Required to contribute 3 percent of their gross earnings, until they have ten years of membership or ten years of credited service, whichever occurs first.	Five years	Full benefits at age 62, or at age 55 with at least 30 years of credited service Reduced benefits at age 55 with less than 30 years of credited service

5	January 1, 2010, through March 31, 2012	Most contribute 3 percent for their entire careers, though members in some titles contribute 4 percent.	Five years	Full benefits at age 62 Reduced benefits at age 55
6	April 1, 2012, or after	Most contribute between 3 and 6 percent for their entire careers. Contribution percentages are based on earnings.	Five years	Full benefits at age 63 Reduced benefits at age 55

**The above table is informational only. Please check with the Office of the State Comptroller for details about your particular situation.*

Erie County operates on a standard 40-hour workweek. In accordance with the rules and regulations of the New York State Pension System, it is essential for FLSA-exempt employees to be aware of the impact of their work hours on their pension plan service credits. To ensure eligibility for full service credit for any given week, an employee must either work a minimum of 40 hours or utilize accrued leave (such as PTO or Sick Leave) to meet the 40-hour threshold.

Instances where an FLSA-exempt employee works fewer than 40 hours in a week without using accrued leave to reach the 40-hour total will result in the employee not receiving full service credit in the New York State Pension System. This policy is in alignment with the guidelines set forth by the New York State Pension System and is critical for employees to understand in managing their retirement planning.

Subsection 9.11: Special Retirement Plans

Any FLSA-exempt employee enrolled in a special retirement plan providing an alternative retirement benefit shall continue to be enrolled in that plan so long as he/she is eligible under all applicable New York State laws, rules, and regulations.

SECTION 9.2: ADDITIONAL RETIREE BENEFITS

Employees who retire from County service with ten (10) years of County service on or before December 31, 2026, shall be eligible for the following:

- (1) Employees who have a minimum of eight hundred (800) hours of accumulated Sick Leave as of the date of retirement shall receive three thousand dollars (\$3000) cash.
- (2) Employees who have a minimum of twelve hundred (1200) hours of accumulated Sick Leave as of the date of retirement shall receive five thousand dollars (\$5000) cash.
- (3) Employees who have a minimum of eighteen hundred (1800) hours of accumulated Sick Leave as of the date of retirement shall receive seven thousand dollars (\$7000) cash.

SECTION 9.3: HEALTH REIMBURSEMENT ACCOUNT

FLSA-exempt employees shall receive fifty percent (50%) of the monetary value of the Sick Leave they have accrued to their credit at the hourly rate of pay in effect at the time they leave County service, which shall be placed into a Health Reimbursement Account (HRA). The employee must meet the following requirements:

- a) they forego any benefits they may be entitled to from Section 9.2 of this Policy (Additional Retirement Benefits); and
- b) they forego any benefits they may be entitled to from Section 10.4 of this Policy (Retiree Health Benefits); and
- c) they have at least five hundred (500) hours of accumulated Sick Leave as of the date they leave County service; and
- d) they have at least fifteen (15) years of County service.

ARTICLE 10: HEALTH INSURANCE

SECTION 10.1: AVAILABLE PLANS

FLSA-exempt employees have access to the same health insurance plans as offered to CSEA employees. There shall be a high-deductible Bronze Plan (8200) and three point-of-service plans, Value Plan (POS 204), Core Plan (POS 203), and an Enhanced Plan (POS 202).

SECTION 10.2: PAYMENT FOR HEALTH INSURANCE

- a) The employer shall provide all FLSA-exempt employees with the Value (POS 204) health insurance plan. Such employees shall be required to contribute fifteen percent (15%) of the Value (POS 204) health insurance plan premium through payroll deductions on a pre-tax basis, up to a maximum annual amount of six thousand dollars (\$6,000) for a family plan and two-thousand five-hundred dollars (\$2,500) for a single plan.
- b) Employees who choose the Enhanced Plan (POS 202) or the Core plan (POS 203) shall pay the difference in cost between their selection and the employer's contractually required contribution to the cost of the Value Plan. (POS 204)
- c) Employees shall have the option to choose the Bronze (8200) High Deductible plan. The employer shall contribute one hundred percent (100%) of the premium cost of the Bronze High Deductible health insurance plan on behalf of those employees who choose this option.
- d) The employees will bear the expense, through bi-weekly payroll deductions, of any amount in excess of the employer contribution.
- e) Open Enrollment: Employees may select from among the insurance plans annually, during the open enrollment period. The open enrollment period will take place after the annual rates are received from the insurance provider.
- f) The amount payable to employees who waive health insurance coverage as follows:
 - Family - \$500 per month
 - Single - \$200 per month
- g) In the event an employee is disabled from work by accident or illness, the employer agrees to continue his/her insurance coverage for the length of his/her accumulated Sick Leave, plus one hundred and twenty (120) days thereafter. After the one hundred and twenty (120) days, the employee will be responsible to pay the full premium of the insurance plan. Such payment must

be made by the first of each month the employee is absent. If payment is not received by the first of each month your insurance will be cancelled. The employee will only pay for the employee portion of their insurance after the one hundred and twenty (120) days if they have an open Workers Compensation case.

SECTION 10.3 DENTAL COVERAGE

The Employer shall provide employees the option of the following dental plans:

1. CSEA Employee Benefit Fund Dental Insurance
2. Nova Dental
3. EmblemHealth Dental (formerly GHI)

The Employer shall contribute the same amount to FLSA-exempt employees as it provides to employees in the CSEA Erie County Unit 6700 of the CSEA Erie County Local 815 (as of April 1, 2024: \$22.13 towards the cost of single coverage and \$72.69 towards the cost of family coverage) for dental coverage in accordance with the type of coverage (Single or Family) desired by the employee. Any premium cost in this section shall be paid by the employee on a bi-weekly payroll deduction.

SECTION 10.4: RETIREE HEALTH INSURANCE

FLSA-exempt employees who retire with at least fifteen (15) years of service originally hired before August 7, 2014, shall be responsible to contribute toward their retiree health insurance benefit at a rate of fifteen percent (15%) of the applicable premium. The Employer shall continue to contribute 85% of the applicable premium for such retired employees.

FLSA-exempt employees shall have the same retirement plan options as those offered to employees in the CSEA Erie County Unit 6700 of the CSEA Erie County Local 815.

FLSA-exempt employees who have permanent civil service rights to a title represented by a collective bargaining agreement may choose to receive the retired health insurance benefits offered to employees in that position so long as the employee worked in that position or another position within the same bargaining unit for at least ten (10) years.

SECTION 10.5: COMPENSABLE INJURY ILLNESS

Notwithstanding the other provisions of this Article, the employer agrees to continue the health insurance coverage of an employee for the amount of his/ her accumulated Sick Leave which he/she may wish to use, plus one hundred and twenty (120) days thereafter if an employee is unable to report to work by reason of any accident, injury, illness or disease which is found to be compensable by the Worker's Compensation Board. If the employee does not wish to use all or any of his/her Sick Leave or if he/she does not have any Sick Leave available for use, the one hundred and twenty (120) day period shall commence immediately upon the employee reporting his/her inability to report to work.

SECTION 10.6: SURVIVOR'S HEALTH INSURANCE COVERAGE

Should a FLSA-exempt employee, for whom the County is providing family health insurance coverage, die, the employee's health insurance shall be continued for the employee's survivors during the month the death occurs and for two (2) calendar months thereafter.

ARTICLE 11: ACCESS TO UNION BENEFITS

FLSA-exempt employees are allowed to participate in any program or benefit that is provided by any collective bargaining unit, under the following conditions:

- There is no additional cost incurred by the County for the participation of FLSA-exempt employees in the program or benefit.
- The collective bargaining unit authorizes the participation of FLSA-exempt employees in the specific program or benefit.

ARTICLE 12: PAY PERIOD

The salaries and wages of employees shall be paid bi-weekly. In the event this day is a holiday, the preceding day shall be the pay day.

ARTICLE 13: SALARY AND INCREMENT RULES

SECTION 13.1: WAGES

Non-Sheriff FLSA-exempt employees shall be paid at the same rate as the pay scale for employees in the CSEA Erie County Unit 6700 of the CSEA Erie County Local 815.

Sheriff Office FLSA-exempt employees shall be paid in accordance with Pay Scale MC-02.

Non-Sheriff and Sheriff FLSA-exempt employees shall receive pay increases in accordance with the same rules and schedule as CSEA employees.

SECTION 13.2: NEW EMPLOYEES

Subsection 13.21: Employees Exempt from FLSA Under the Executive Exemption Category

Employees exempt from FLSA under the Executive Exemption Category shall start at a Step 5. However, an elected official has the option to start an employee under his/her leadership at a step lower than five.

Subsection 13.22: Employees Exempt from FLSA Under the Professional Category

1. An employee appointed to a position in class title shall be paid the minimum rate established for the class appearing in the Plan of Class Titles and Salary Ranges.
2. An employee appointed to a position in a class title shall be paid at the probationary step of the class as appearing in the classification, salary and wage schedule set forth in the appropriate appendix/ table of this Agreement.
3. Upon completion of a probationary period of twenty-six (26) weeks of work, the employee shall be moved to the first step of the applicable class as appearing in the classification, salary and wage schedule set forth in the appropriate appendix/table of this Agreement.
4. For the purpose of computing an employee's eligibility to move to step 2, employees shall be credited with time worked at both the probationary rate and at the step one rate. It is agreed and understood that payment of the probationary rate will not affect an employee's movement throughout the incremental system.

SECTION 13.3: LONGEVITY PAY

1. An employee shall be eligible for the first longevity increment after completing a total of nine (9) years of continuous service with the County and a minimum of five (5) years actual service at the maximum increment step.
2. All employees receiving the first longevity increment and who served an additional period of three years of actual service will receive a second longevity increment.
3. Again, on the completion of another three years of actual service, the employee will receive a third longevity increment.
4. Again, on the completion of another three years of actual service, the employee will receive a fourth longevity increment.
5. Again, on the completion of another three years of actual service, the employee will receive a fifth longevity increment.
6. Again, on the completion of another four years of actual service, the employee will receive a sixth longevity increment.
7. In computing longevity increment eligibility, when appointments are made on January 1, or July 1, and the day falls on a holiday or non-scheduled work day, the increment period will include these days.
8. Because of the payroll procedures that enable the County to have a regular pay day throughout the year, the increment eligibility period and payroll periods may not, at all times, coincide. In such cases, the increment date is the first day of the respective pay period during which January 1, or July 1 falls.

ARTICLE 14 TRAVEL RULES

SECTION 14.1: TRANSPORTATION REIMBURSEMENT

The mileage reimbursement rate will be that which is established by the IRS. The minimum allowance for mileage shall be three (3) dollars a day. Toll charges will be reimbursed if supported by appropriate receipts.

The employer agrees to reimburse an employee who is regularly assigned to a work location that does not provide free parking, up to a maximum of \$40.00 per month.

SECTION 14.2: TRAVEL POLICIES

The policies and procedures covering the expense for employees conducting official County business are reflected in the Rules and Regulations issued by and on file in the Budget Office of the County of Erie as amended by the Budget Office from time to time.

ARTICLE 15: FUTURE AMENDMENTS

Future changes to compensation and benefits offered to FLSA-exempt employees will be made as legislatively-approved amendments to this policy.

**ARTICLE 16: AUTHORITY TO DECLARE EMPLOYEES EXEMPT FROM
THE FAIR LABOR STANDARDS ACT**

The Legislature shall hold the exclusive authority to declare any employees as exempt from the Fair Labor Standards Act (FLSA). This declaration will be made in accordance with applicable laws and regulations governing employment and labor standards.

ARTICLE 17: PERSONNEL PROCEDURES

The Commissioner of Personnel is hereby directed to develop, write, and implement technical procedures for the effective execution of the policies outlined in this document. All procedures established by the Commissioner of Personnel shall be consistent with the policies in this document. Any substantial change to personnel procedures for employees covered by this document shall be mutually agreed upon by the Personnel Commissioner and the independently elected officials.

ARTICLE 18: NON-RETROACTIVITY OF POLICY

This policy, as outlined in the preceding articles, including all provisions related to work hours, compensation, benefits, leave, and retirement, shall apply prospectively from the date of its legislative approval and shall not be applied retroactively. This means that any changes to compensation, benefits, leave entitlements, and retirement benefits shall affect employees and their respective entitlements from the effective date of this policy forward and shall not impact any prior periods.

**APPENDIX A: POSITIONS EXEMPTED FROM THE FLSA UNDER THE
EXECUTIVE EXEMPTION CATEGORY**

Position	Title
51009211	Chief Medical Examiner
51007990	Chief Information Officer
1768	Commissioner Of Health
51013426	Deputy Chief Medical Examiner
2153	County Attorney
2331	Deputy County Executive
1774	Commissioner of Social Services
1767	Commissioner of Environment and Planning
1769	Commissioner of Mental Health
1772	Commissioner of Public Works
3467	First Deputy District Attorney
3008	Director of Budget and Management
51002477	First Assistant County Attorney
1765	Commissioner of Central Police Services
1771	Commissioner of Personnel
2312	Deputy Commissioner (Highways)
2325	Deputy Commissioner (Sewerage Management)
51002274	Deputy Comptroller
2348	Deputy District Attorney – Prosecution
51017133	Deputy District Attorney – Training
2351	Deputy For Administration (District Attorney)
3420	Executive Assistant Second Deputy District Attorney
3464	First Deputy Commissioner of Social Serv
51011563	First Deputy Commissioner of Social Serv
51006373	Second Assistant County Attorney
51017022	Chief of Staff-County Executive
51005300	Commissioner of Labor Relations
1770	Commissioner of Parks and Recreation
51004730	Commissioner of Probation
1773	Commissioner of Senior Services
1775	Commissioner, Board of Elections
1776	Commissioner, Board of Elections
2326	Deputy (Comptroller)
51016490	Deputy Commissioner (Health)
2318	Deputy Commissioner of Environ Control
2320	Deputy Commissioner of Plan & Econ Dev
3011	Director of Central Data Processing

51005420	Director of Real Property Tax Services
3063	Director of Workforce Development
51016128	Executive Director DSS – Office of Counsel
3466	First Deputy County Clerk
7663	Purchasing Director
51011564	Second Deputy Commissioner (Social Services)
8167	Senior Budget Consultant
10351	Undersheriff
51004527	Assistant Commissioner – Administration
51008512	Assistant Commissioner – Administration
322	Assistant Commissioner Planning & Analysis
51009208	Associate Deputy Comptroller
51012407	Chief of Classification and Compensation
51017101	Chief of Internal Affairs
51008276	Chief of Staff (Legislature)
51008250	Chief of Staff (Minority)
1538	Clerk of Legislature
51005152	Comm of Homeland Security & Emerg Services
51006027	Deputy Commissioner (Buildings & Ground)
51009980	Deputy Commissioner (Youth Services)
51012209	Deputy Commissioner of Elections – Dem
51016559	Deputy Commissioner of Personnel
51011884	Executive Director Soc Services Family Indep
51013137	First Deputy Superintendent – Compliance
51008730	Superintendent-Holding Center
368	Assistant Deputy Comm (Social Services)
51014370	Associate Deputy Comptroller
51010012	Chief Deputy Sheriff
51011940	Chief of Administration
51017138	Chief of Comm Reintegration (Sheriff)
1229	Chief of Technology & Technical Crim Services
51016129	Commissioner of Public Advocacy
2319	Deputy Commissioner (Parks)
51016576	Deputy Commissioner of Labor Relations
51015582	Deputy Commissioner of Recreation
T10055M	Deputy Commissioner of Senior Services
2343	Deputy Director of Probation
3012	Director of Child Support Enforcement
51016226	Director of Child Welfare Legal Unit
51007308	Director of Equal Employment Opportunity
51013162	First Deputy Superintendent (Sheriff)

3470	First Deputy Superintendent (Sheriff)
51014369	Associate Deputy Comptroller
1191	Chief Deputy – Civil
2309	Deputy Comm Civil Defense & Disaster Pre
51010533	Deputy Commissioner Emerg Med Services
2315	Deputy Commissioner Fire Safety
2316	Deputy Commissioner of Elections - Rep
2328	Deputy County Clerk (Auto Bureau)
51006873	Executive Director Office for Disabled
7217	Personnel Supervisor (Social Services)
1222	Chief of Operations (Sheriff)
1223	Chief of Operations (Sheriff)
2329	Deputy County Clerk - Finance
2330	Deputy County Clerk - Legal
8015	Second Deputy County Clerk (Auto Bureau)

**APPENDIX B: POSITIONS EXEMPTED FROM THE FLSA UNDER THE
PROFESSIONAL EXEMPTION CATEGORY**

All positions in the Office of the District Attorney that require Admission to the Bar of the State of New York as a condition of employment and have not been classified under the Executive Exemption Category under the FLSA.

DRAFT

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

INTRO. 5-4

JOHNSON

Call for an External Forensic Audit of the
County Clerk's Office

Attachments

24INTRO. 5-4

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

EC LEG MAR 5 '24 AM 9:55

Re: Call for an External Forensic Audit of the County Clerk's Office

WHEREAS, the Erie County Comptroller's Office recently conducted two audits of the County Clerk's Office - Registrar Division between January 1, 2022 and December 31, 2022; and

WHEREAS, the audits found some troubling issues in the Clerk's office, including the use of outdated software in managing public funds; and

WHEREAS, the use of outdated software and outdated office managing practices have led to errors in reporting, collecting, and distributing mortgage tax revenues; and

WHEREAS, those revenues are important to the towns and cities within the County, the Niagara Frontier Transportation Authority, and the State of New York Mortgage Agency; and

WHEREAS, throughout the course of the audit, the Comptroller's office has found many instances of inconsistencies and discrepancies within the Office of the County Clerk, and for that reason have recommended an external audit be conducted; and

WHEREAS, an external audit will allow for an independent, full-service, professional audit agency to build upon the internal audits that have been conducted and provide expert recommendations to ensure our residents' County tax dollars are protected to the highest degree.

NOW, THEREFORE, BE IT

RESOLVED, request the County Clerk issue a request for proposals ("RFP") to solicit responses for a external forensic audit of the County Clerk's office, including both the Registrar Division and the Auto Bureau Division; and

RESOLVED, the RFP shall include a goal of identifying best practices for a universal accounting system, including software, to address the issues raised by the multiple software program approach that has plagued Erie County tax dollars over the past 10+ years; and

RESOLVED, that the Erie County Comptroller be consulted on the process, including but not limited to a seat on the RFP scoring committee, participation as a subject in any interviews conducted by the external audit team, and the ability to review the external audit prior to its finalization; and

RESOLVED, the Erie County Clerk shall work with the Division of Budget and Management to identify funding in its budget to fund an external forensic audit, and if there are insufficient funds within its own budget, work with this honorable body to provide the additional funds needed to ensure a full forensic, external audit is fully funded; and

RESOLVED, the Clerk of the Legislature is directed to send copies of this resolution to the Erie County Clerk, the Erie County Comptroller, the Erie County Executive, the Budget Director, the New York State Comptroller, and any other parties deemed necessary.

SUBJECT

COMM. 5E-1

COUNTY CLERK

Software Integration & External Accounting
Review

24COMM. 5E-1

Attachments



COUNTY OF ERIE

MICHAEL P. KEARNS
COUNTY CLERK

February 14, 2024

Hon. Kevin R. Hardwick
Erie County Comptroller
Edward A. Rath County Office Building
95 Franklin Street, Room 1100
Buffalo, New York 14202

Re: Software Integration and External Accounting Review

Dear Comptroller Hardwick:

I am in receipt of your letter dated February 12, 2024 discussing, among other things, the potential integration of SAP with our current cashiering system through Catalis (formerly NewVision). At the outset, I note that I am certainly in favor of software integration. Our Office has already been working with Catalis on the integration potential with SAP, which appears to be possible despite earlier beliefs to the contrary.

That being said, we do have some concerns about integrating both at this time and with SAP specifically. As you rightly note in your letter, we are in the process of preparing a Request for Proposals for a software vendor (on record management software, not cashiering or accounting software). We had hoped to issue the RFP in 2023 but wanted to wait until the audits were complete. Now that they are, we can concentrate on that process.

At the software meeting in August 2023 between our offices, it was conveyed by your Office that the current version of SAP will be phased out within the next two years. Considering we are looking for a new record management software vendor, it raises the question of whether integrating Catalis with SAP makes sense at this time.

In addition, it was also conveyed at the August 2023 meeting from your Office that there is no official training available from SAP. The only employee with the institutional knowledge to do so is preparing to leave the Comptroller's Office as well. With those thoughts in mind, if we were to integrate with SAP, who will train our staff on the accounting software?

Your February 12, 2024 letter also suggests that the Clerk's Office should engage a qualified accounting firm to conduct a forensic accounting review of the Clerk's Office. As with the proposal of software integration, I have no issue with such a review being conducted, and believe it will be beneficial to the Clerk's Office and to Erie County as a whole. As you may recall, I wrote to the New York State Comptroller on July 17, 2023 and requested such an external audit of both the Clerk's Office and the County Comptroller's Office.

I do, however, object to the suggestion of the Clerk's Office having to pay for any external audit. Such a fee was not provided for in the 2024 Budget. If having an external audit was the eventual goal of your Office, it would have been prudent to alert us of that intent prior to the Budget being submitted.

Furthermore, your Office has now published two Audits and one Analysis in the span of one year of the Clerk's Office. There are certainly more than enough recommendations and allegations within those documents to keep the Clerk's Office busy reviewing and, where appropriate, making improvements. Your Office has also already set an audit of the Clerk's Auto Bureau division for 2024. Placing the Clerk's Office under an external review at this time may not be the best use of resources in light of the time the Clerk's Office staff has already spent responding to your Office's audits, and working with law enforcement on the criminal investigation into alleged missing funds and the intercepted check, thus far.

I and the staff of the Clerk's Office appreciate the constructive recommendations of you and the Comptroller's Office over the past year, and we all look forward to working together on strengthening the government of Erie County. I continue to await your response to my letter in November 2023 requesting weekly meetings.

Very truly yours,



MICHAEL P. KEARNS
Erie County Clerk

MPK/wal

SUBJECT

COMM. 5E-2

BASKIN

Response to COMM. 2E-26 (2024) - Veto of
Local Law Intro. 9-1-2023

24COMM. 5E-2

Attachments

ERIE COUNTY LEGISLATURE**HON. APRIL N.M. BASKIN****CHAIR OF THE LEGISLATURE****2ND DISTRICT LEGISLATOR**

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

February 22, 2024

Mark Poloncarz
Erie County Executive
95 Franklin Street
16th Floor
Buffalo, NY 14202

Dear County Executive:

This letter is regarding your recent veto of Local Law Intro. No. 9-1-2023. The concerns you and the Board of Elections brought up are valid, but I do not believe they are insurmountable to implementing an effective language access law for Erie County.

Nevertheless, I would like to invite you, or your designee, to participate in a Language Access Local Law Revision committee. The committee will work on a revised local law that seeks to address the concerns which led you to veto the bill, without diminishing the core purpose of the original bill.

Please forward me the names of the representatives from your Administration who will participate in the Revision Committee. I extend this same request to the Erie County Sheriff, Board of Elections Commissioners, District Attorney, Erie County Clerk, and the Erie County Language Access Working Group, all of whom are cc'd to this letter.

Once you inform me of your revision committee appointees, my office will solidify two meeting dates this Spring to be held at the Legislature for the purposes of addressing concerns and revising the local law.

Please let me know if you would like to participate in this effort. Thank you.

Regards,

A handwritten signature in blue ink that reads "April Baskin". The signature is fluid and cursive, with the first name "April" and last name "Baskin" clearly legible.

Website: <http://www2.erie.gov/baskin/> - E-Mail: April.McCants-Baskin@erie.gov

Cc: John Garcia, Erie County Sheriff
John Flynn, Erie County District Attorney
Michael Kearns, Erie County Clerk
Jeremy Zellner, Commissioner, Erie County Board of Elections
Ralph Mohr, Commissioner, Erie County Board of Elections
Erie County Language Access Working Group

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-3

COMPTROLLER

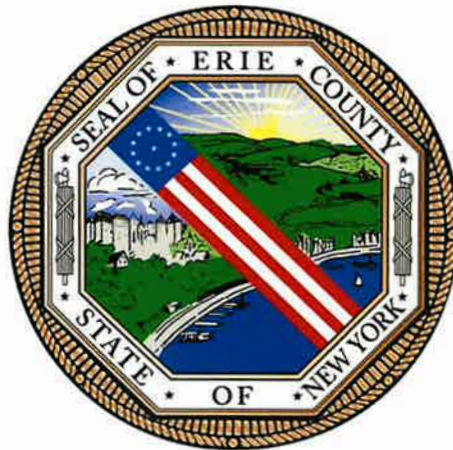
EC Cultural Funding Grant Program - Steel
Plant Museum of WNY

Attachments

24COMM. 5E-3

February 2024

**Erie County Cultural Funding Grant
Monitoring Program
Steel Plant Museum of Western New York
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**



February 22, 2024

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, and a second batch was sent in early October 2023. The review of all agencies is expected to be completed by May 31, 2024.

2023 – 2024 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	VENDOR NUMBER	TAX YEAR 2020	TAX YEAR 2021	TAX YEAR 2022
517125	Enlightenment Literary Arts Center & Dog Ears Bookstore	152181	\$ 28,600.00	\$ 36,600.00	\$ 55,000.00
518004	African American Cultural Center	111604	\$ 275,450.00	\$ 311,950.00	\$ 200,000.00
518012	Alleyway Theatre	109340	\$ 8,500.00	\$ 8,500.00	\$ 11,000.00
518016	American Legion Band of	100379	\$ 7,500.00	\$ 7,500.00	\$ 65,000.00
518017	Amherst Symphony Orchestra	100475	\$ 32,500.00	\$ 26,750.00	\$ 28,740.00
518019	Arts Services Initiative of WNY Inc	147159	\$ 26,000.00	\$ 26,050.00	\$ 30,000.00
518021	Ballet Artists of WNY (Neglia)	100794	\$ 24,000.00	\$ 24,000.00	\$ 30,000.00
518040	Buffalo Arts Studio (Arts Studio of Western New York, Inc)	101244	\$ 38,000.00	\$ 45,500.00	\$ 53,000.00
518044	Buffalo Inner City Ballet Co. Inc	108597	\$ 27,000.00	\$ 27,000.00	\$ 27,000.00
518050	Buffalo Music Hall of Fame	111142	\$ 4,500.00	\$ -	\$ 5,500.00
518051	Buffalo Heritage Carousel	167829	\$ 30,000.00	\$ 30,000.00	\$ 35,000.00
518074	Colored Musicians Club	130377	\$ 5,000.00	\$ -	\$ 12,500.00
518084	El Museo Gallery	109836	\$ 12,585.00	\$ 8,585.00	\$ 11,000.00
518104	Graycliff Conservancy	103197	\$ 59,200.00	\$ 56,200.00	\$ 60,000.00
518113	Hull House Foundation	143473	\$ 15,375.00	\$ 5,375.00	\$ 7,500.00
518119	Jewish Community Center Cultural (Jewish Ctr of Greater Buff)	111239	\$ 15,500.00	\$ 8,750.00	\$ 13,500.00
518120	Just Buffalo Literacy Center	108577	\$ 78,100.00	\$ 78,100.00	\$ 83,500.00
518132	Locust St Neighborhood Art Classes	109985	\$ 29,250.00	\$ 25,250.00	\$ 28,500.00
518136	Mann House Restoration	104863	\$ 175,500.00	\$ 175,500.00	\$ 190,000.00
518139	Music Is Art	139615	\$ 48,000.00	\$ 48,000.00	\$ 39,000.00
518146	Polish Arts Club of Buffalo Inc	106132	\$ 7,000.00	\$ 7,000.00	\$ 8,800.00
518147	Preservation Buffalo Niagara	147509	\$ 4,615.00	\$ 4,615.00	\$ 6,000.00
518190	Springville Center For The Arts	113308	\$ 30,505.00	\$ 20,505.00	\$ 36,000.00
518164	Squeaky Wheel	101268	\$ 20,920.00	\$ 20,920.00	\$ 27,000.00
518172	Theodore Roosevelt Inaugural Site	106552	\$ 32,320.00	\$ 32,320.00	\$ 37,000.00
518176	Ujima Company	101047	\$ 83,000.00	\$ 83,000.00	\$ 97,714.00
518180	Western New York Artists Group	108295	\$ 6,275.00	\$ 6,275.00	\$ 7,500.00
518181	WNY Book Arts Collaborative, Inc	139559	\$ 4,640.00	\$ 4,640.00	\$ 6,000.00
518184	Young Audiences Of WNY	109818	\$ 10,500.00	\$ 10,500.00	\$ 14,000.00
518196	Buffalo Niagara Heritage Village	151996	\$ 18,500.00	\$ 18,500.00	\$ 24,500.00
518200	Michigan St African Amer Heritage	152378	\$ 15,000.00	\$ 15,000.00	\$ 22,500.00
518201	General Pulaski Association	103060	\$ 10,000.00	\$ 11,000.00	\$ 15,500.00
518204	Brighton Place, Inc	156184	\$ 10,000.00	\$ 16,000.00	\$ 20,000.00
518211	Hispanic Heritage Council of WNY	159305	\$ 12,000.00	\$ 20,000.00	\$ 24,500.00
518212	Black Rock Historical Society (Black Rock-Riverside Alliance)	170369	\$ 22,500.00	\$ 7,500.00	\$ 10,000.00
518233	Centro Culturale Italiano di Buffalo	167590	\$ 25,000.00	\$ 20,000.00	\$ 35,000.00
518349	South Buffalo Irish Feis/Can You Dig	113041	\$ 18,000.00	\$ 15,000.00	\$ 35,000.00
518596	Net Positive DBA The Foundry	168005	\$ 5,000.00	\$ -	\$ 5,000.00

Monitoring Program – Phase II

ACT #	APPROPRIATION	VENDOR NUMBER	TAX YEAR 2020	TAX YEAR 2021	TAX YEAR 2022
517533	Buffalo Olmsted Parks Conservancy	140237	\$ 25,910.00	\$ 25,910.00	\$ 35,000.00
518008	Albright-Knox Art Gallery	106707	\$ 575,000.00	\$ 575,000.00	\$ 675,000.00
518009	Albright-Knox Public Art Curator	147238	\$ 68,350.00	\$ 68,350.00	\$ -
518025	Assembly House 150, Inc	167747	\$ 1,000.00	\$ 1,000.00	\$ 6,500.00
518034	Buffalo & Erie County Botanical Garden	108743	\$ 107,000.00	\$ 125,000.00	\$ 150,000.00
518036	Buffalo & Erie Co Historical Society	108772	\$ 417,000.00	\$ 667,000.00	\$ 417,000.00
518051	Buffalo & Erie County Naval & Servicemen's Park	105339	\$ 35,000.00	\$ 35,000.00	\$ 50,000.00
518060	Buffalo Philharmonic Chorus Society	101812	\$ 926,000.00	\$ 926,000.00	\$ 940,000.00
518061	Buffalo Philharmonic Chorus	105796	\$ 34,500.00	\$ 34,500.00	\$ 38,000.00
518064	Buffalo Society Natural Sciences	109767	\$ 955,000.00	\$ 955,000.00	\$ 955,000.00
518065	Buffalo String Works, Inc	167553	\$ 3,500.00	\$ 3,500.00	\$ 8,352.00
518068	Burchfield Penney Art Center	101004	\$ 155,000.00	\$ 155,000.00	\$ 180,000.00
518072	Center for Exploratory and Perceptu	109931	\$ 55,000.00	\$ 55,000.00	\$ 61,000.00
518082	Danceability	156639	\$ 2,500.00	\$ 5,500.00	\$ 3,000.00
518091	Explore & More Children's Museum	102751	\$ 42,000.00	\$ 42,000.00	\$ 78,000.00
518108	Hallwalls Contemporary Arts Center	106596	\$ 57,000.00	\$ 57,000.00	\$ 60,000.00
518112	Hamburg Nat Hist Society/Fenn/DuRe	105382	\$ 98,314.00	\$ 98,314.00	\$ 98,314.00
518116	Irish Classical Theatre Company	103727	\$ 83,500.00	\$ 83,500.00	\$ 91,500.00
518124	O'Connell College Kavinoky Theater	109341	\$ 11,750.00	\$ -	\$ 8,500.00
518128	Lancaster Opera House	111681	\$ 45,300.00	\$ 30,300.00	\$ 35,000.00
518140	Musicalfare Theatre	105308	\$ 81,523.00	\$ 81,523.00	\$ 64,000.00
518141	New Phoenix Theatre	109342	\$ 7,500.00	\$ 7,500.00	\$ -
518148	Road Less Travelled Productions	121243	\$ 83,500.00	\$ 83,500.00	\$ 67,000.00
518153	Roycroft Campus Corporation	118213	\$ 50,000.00	\$ 40,000.00	\$ 50,000.00
518156	Shakespeare In The Park	105675	\$ 95,000.00	\$ 95,000.00	\$ 95,000.00
518168	Theatre Of Youth	109888	\$ 69,400.00	\$ 69,400.00	\$ 74,000.00
518173	Torn Space Theatre	143973	\$ 20,460.00	\$ 15,460.00	\$ 29,500.00
518188	Zoological Society Of Buffalo	108623	\$ 1,500,000.00	\$ 1,500,000.00	\$ 1,700,000.00
518195	Orchard Park Symphony Orchestra	147747	\$ 4,615.00	\$ 4,615.00	\$ 6,000.00
518202	Buffalo Opera Unlimited Incorporated	159573	\$ 2,300.00	\$ 2,300.00	\$ 10,000.00
518203	Buffalo-Toronto Public Media WHEC/WBFO	172509	\$ 1,750.00	\$ -	\$ 5,000.00
518205	Orientawaga Comm Symphony Orchestra	109177	\$ -	\$ 7,500.00	\$ -
518209	Newstead Historical Society	105518	\$ 3,500.00	\$ 3,500.00	\$ 3,000.00
518213	O'Connell & Company Productions	159162	\$ 23,100.00	\$ 23,100.00	\$ 31,500.00
518219	Amherst Male Glee Club dba Red Brazer	162045	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
518221	Buffalo Center for Arts and Technology	151207	\$ 3,000.00	\$ 3,000.00	\$ 7,500.00
518226	Cheektowaga Historical Association	161121	\$ 1,350.00	\$ 8,350.00	\$ 6,100.00
518229	Second Generation Theatre Company	164927	\$ 2,020.00	\$ 2,020.00	\$ 5,000.00
518230	Steel Plant Museum of Western New York	147740	\$ 2,020.00	\$ 2,020.00	\$ 3,000.00
518503	Alden Christian Theater Society	141558	\$ 10,000.00	\$ -	\$ 3,000.00
518514	Clarence Concert Association	101711	\$ 3,500.00	\$ -	\$ 3,000.00
518515	Clarence Museum (Historical Soc. of the Town of Clarence)	113067	\$ 5,500.00	\$ -	\$ 9,000.00

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

Credit cards, particularly with smaller organizations, can provide a critical layer of expense control. The Division of Audit found a large quantity of small-dollar expenses appearing 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 paid and approved by the organization's board of directors.

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.

**STEEL PLANT MUSEUM OF WNY
BACKGROUND**

The Steel Plant Museum of Western New York (Steel Plant Museum or SPM) is a 501(c)3 non-profit organization established in 1984 in order to document and preserve the memories of the steelmaking industry in Western New York. The Steel Plant Museum showcases artifact collections from the Bethlehem Steel Plant as well as other local steel plants such as Republic Steel and Hanna Furnace. Part of SPM also includes a Reference Library which holds items such as books, manuals, technical papers, steel-related catalogues, union contract booklets, and other employment related documents such as grievance files and correspondence.

The Steel Plant Museum received \$2,020.00 in Cultural Grant Funding (CGF) for tax years 2020 and 2021. SPM received \$5,000.00 in funding for 2022.

AUDITOR'S OBSERVATIONS

The Steel Plant Museum operates as a small museum in a shared space inside the Heritage Discovery Center. The SPM holds exhibits and other events free of charge to the community. In addition to steel-making exhibits, the organization hosts events such as a monthly speaker series and semi-annual fundraisers. Apart from a paid part time curator, members of the Steel Plant Museum's staff are volunteers.

Memberships and donations are the major source of funding for the Steel Plant Museum. The SPM also transfers interest income from their capital investment account and receives corporate sponsorships to support its operations. Grant funding represents a small percentage of the operating budget for the Steel Plant Museum. For the years being monitored, cultural grant funds have represented anywhere between 4% and 12% of the organization's annual operating budget, which is well within the cultural grant program limits.

Cultural grant funds received by the Steel Plant Museum are allocated to offset the cost of annual operating expenses. Funds are primarily allocated towards rent and wage expenses for the organization's curator.

The Steel Plant Museum has an online store where merchandise is sold to support its operation. An analysis of the organization's inventory and online transactions confirmed that all merchandise sold is related to the organization and their mission.

In addition to online sales, SPM also has an annual appeal drive, holds semi-annual raffles and miscellaneous events such as pizza sales during their monthly speaker series to raise additional operating funds.

The SPM hosts an annual luncheon as part of their programming. The cost of the luncheon is fully covered by ticket sales and does not require the use of operating funds.

AUDITOR'S CONCLUSION

The Steel Plant Museum was able to provide substantiation for use of cultural grant funds. The organization allocates grant funding towards general operating expenses, with a primary focus towards the cost of rent and wage expenses.

The organization was able to provide documentation to substantiate expenses, including copies of cancelled checks, payroll expense summaries and copies of payroll returns filed on a quarterly basis. The total amount of expenses incurred by the organization exceeds funding amounts received for each year covered by this analysis.

SPM hosts several raffles each year to raise funds for the operation of the organization. The Auditor referenced the New York State Gaming Commission's (NYSGC) guidelines for conducting raffles and games of chance and verified that the organization was in compliance with Part 4620 of the NYSGC Regulations. SPM was not required to obtain a Game of Chance Identification Number or licensing as proceeds generated from the raffles fall well under applicable thresholds.

SPM currently has a seven-member operating Board of Directors. Board terms are currently unlimited as interest and participation has declined over the years. Even though board members are holding positions for many years, there appears to be an adequate level of internal controls as the organization segregates duties and responsibilities, has a requirement for dual signatures and performs adequate review of expenses incurred and income received.

The Steel Plant Museum is currently in compliance with the filing of all returns and other federal and state obligations.

Erie County Legislature
Meeting Date: 03/07/2024

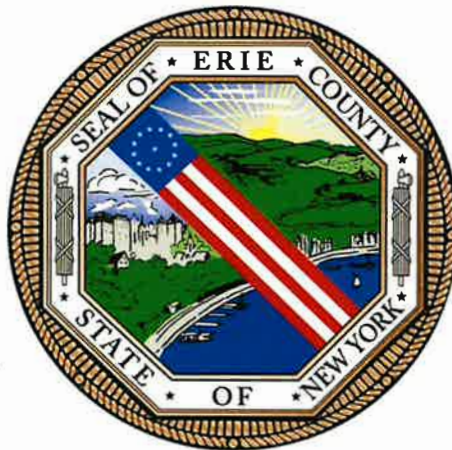
SUBJECT

COMM. 5E-4	COMPTROLLER	EC Cultural Funding Grant Program - Music Is Art
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24COMM. 5E-4	Attachments
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February 2024

**Erie County Cultural Funding Grant
Monitoring Program
Music is Art
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**



February 22, 2024

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, and a second batch was sent in early October 2023. The review of all agencies is expected to be completed by May 31, 2024.

2023 – 2024 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.

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ACT #	APPROPRIATION	VENDOR NUMBER	TAX YEAR 2020	TAX YEAR 2021	TAX YEAR 2022
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517125	Dog Ears Bookstore	152181	\$ 28,600.00	\$ 36,600.00	\$ 55,000.00
518004	African American Cultural Center	112604	\$ 275,450.00	\$ 311,950.00	\$ 200,000.00
518012	Alleyway Theatre	109340	\$ 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	100475	\$ 32,500.00	\$ 26,750.00	\$ 28,740.00
518019	Arts Services Initiative of WNY Inc	147159	\$ 26,050.00	\$ 26,050.00	\$ 30,000.00
518025	Ballet Artists Of WNY (Regina)	100794	\$ 24,000.00	\$ 24,000.00	\$ 30,000.00
	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	108557	\$ 27,000.00	\$ 27,000.00	\$ 27,000.00
518050	Buffalo Music Hall of Fame	113343	\$ 4,500.00	\$ -	\$ 5,500.00
518051	Buffalo Heritage Carousel	167820	\$ 30,000.00	\$ 30,000.00	\$ 35,000.00
518074	Colored Musicians Club	130177	\$ 5,000.00	\$ -	\$ 12,500.00
518084	El Museo Gallery	109836	\$ 12,585.00	\$ 8,585.00	\$ 11,000.00
518104	Graycliff Conservancy	103197	\$ 59,200.00	\$ 59,200.00	\$ 60,000.00
518115	Hull House Foundation	143473	\$ 15,375.00	\$ 5,375.00	\$ 7,500.00
	Jewish Community Center Cultural				
518119	(Jewish Ctr of Greater Buff)	111239	\$ 13,500.00	\$ 8,750.00	\$ 13,500.00
518120	Just Buffalo Literacy Center	108577	\$ 78,100.00	\$ 78,100.00	\$ 83,500.00
518132	Locust St Neighborhood Art Classes	109985	\$ 29,250.00	\$ 25,250.00	\$ 28,500.00
518136	Martin House Restoration	104563	\$ 175,500.00	\$ 175,500.00	\$ 190,000.00
518139	Music is Art	139615	\$ 48,000.00	\$ 48,000.00	\$ 39,000.00
518144	Polish Arts Club Of Buffalo Inc	106132	\$ 7,000.00	\$ 7,000.00	\$ 3,800.00
518147	Preservation Buffalo Niagara	147509	\$ 4,615.00	\$ 4,615.00	\$ 6,000.00
518160	Springville Center For The Arts	113368	\$ 30,505.00	\$ 20,505.00	\$ 35,000.00
518164	Squeaky Wheel	101268	\$ 20,920.00	\$ 20,920.00	\$ 27,000.00
518172	Theodore Roosevelt Inaugural Site	106552	\$ 32,320.00	\$ 32,320.00	\$ 37,000.00
518176	Ujima Company	101047	\$ 83,000.00	\$ 83,000.00	\$ 57,714.00
518180	Western New York Artists Group	108295	\$ 6,275.00	\$ 6,275.00	\$ 7,500.00
518181	WNY Book Arts Collaborative, Inc	135959	\$ 4,640.00	\$ 4,640.00	\$ 6,000.00
518184	Young Audiences Of WNY	109813	\$ 10,500.00	\$ 10,500.00	\$ 14,000.00
518196	Buffalo Niagara Heritage Village	151996	\$ 18,500.00	\$ 18,500.00	\$ 24,500.00
518200	Michigan Sr African Amer Heritage	152573	\$ 15,000.00	\$ 15,000.00	\$ 32,500.00
518201	General Pulaski Association	103060	\$ 10,000.00	\$ 11,000.00	\$ 12,500.00
518204	Brighton Place, Inc	156194	\$ 10,000.00	\$ 16,000.00	\$ 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)	170369	\$ 22,500.00	\$ 7,500.00	\$ 10,000.00
518233	Centro Culturale Italiano di Buffalo	167500	\$ 25,000.00	\$ 20,000.00	\$ 15,000.00
518545	South Buffalo Irish Feis/Can You Dig	113041	\$ 18,000.00	\$ 15,000.00	\$ 15,000.00
518596	Net Positive DBA The Foundry	168095	\$ 5,000.00	\$ -	\$ 5,000.00

Monitoring Program – Phase II

ACT #	APPROPRIATION	VENDOR NUMBER	TAX YEAR 2020	TAX YEAR 2021	TAX YEAR 2022
517531	Buffalo Olmsted Parks Conservancy	140237	\$ 21,910.00	\$ 25,910.00	\$ 35,000.00
518008	Albright-Knox Art Gallery	106707	\$ 575,000.00	\$ 575,000.00	\$ 675,000.00
518009	Albright-Knox Public Art Curator	147224	\$ 88,250.00	\$ 88,250.00	\$ -
518025	Assembly House 150, Inc	167747	\$ 1,000.00	\$ 1,000.00	\$ 5,500.00
518034	Buffalo & Erie County Botanical Garden	108741	\$ 102,200.00	\$ 125,000.00	\$ 150,000.00
518036	Buffalo & Erie Co Historical Society	106772	\$ 417,000.00	\$ 667,000.00	\$ 417,000.00
	Buffalo & Erie County Naval & Servicemans				
518051	Park	109331	\$ 35,000.00	\$ 35,000.00	\$ 50,000.00
518060	Buffalo Philharmonic Orch Society	101032	\$ 926,000.00	\$ 926,000.00	\$ 940,000.00
518061	Buffalo Philharmonic Chorus	109766	\$ 34,500.00	\$ 34,500.00	\$ 33,000.00
518064	Buffalo Society Natural Sciences	109767	\$ 955,000.00	\$ 955,000.00	\$ 955,000.00
518065	Buffalo String Works, Inc	167553	\$ 1,500.00	\$ 1,500.00	\$ 1,555.00
518068	Burchfield Penney Art Center	101004	\$ 155,000.00	\$ 155,000.00	\$ 160,000.00
518072	Center for Exploratory and Perennu	109934	\$ 35,000.00	\$ 35,000.00	\$ 61,000.00
518082	Danceability	156609	\$ 2,500.00	\$ 5,500.00	\$ 3,000.00
518094	Explore & More Children's Museum	102754	\$ 42,000.00	\$ 42,000.00	\$ 78,000.00
518108	Hallwalls Contemporary Arts Center	106598	\$ 57,000.00	\$ 57,000.00	\$ 60,000.00
518112	Hamburg Nat Hist Society/Penn-Dixie	103281	\$ 93,314.00	\$ 96,314.00	\$ 96,314.00
518116	Irish Classical Theatre Company	100727	\$ 83,500.00	\$ 83,500.00	\$ 94,500.00
518126	O'Youville College Ravinsky Theater	109342	\$ 11,750.00	\$ -	\$ 9,500.00
518128	Lancaster Opera House	111681	\$ 45,300.00	\$ 30,300.00	\$ 35,000.00
518130	MusicalFare Theatre	105308	\$ 61,525.00	\$ 61,525.00	\$ 64,000.00
518141	New Phoenix Theatre	109342	\$ 7,500.00	\$ 7,500.00	\$ -
518148	Road Less Traveled Productions	121043	\$ 63,500.00	\$ 63,500.00	\$ 67,000.00
518152	Roycroft Campus Corporation	118213	\$ 50,000.00	\$ 40,000.00	\$ 50,000.00
518156	Shakespeare In The Park	109575	\$ 95,000.00	\$ 95,000.00	\$ 95,000.00
518168	Theatre Of Youth	109688	\$ 69,400.00	\$ 69,400.00	\$ 74,000.00
518173	Town Square Theatre	145173	\$ 20,460.00	\$ 15,460.00	\$ 19,500.00
518188	Zoological Society Of Buffalo	106623	\$ 1,500,000.00	\$ 1,500,000.00	\$ 1,700,000.00
518195	Orchard Park Symphony Orchestra	147747	\$ 4,615.00	\$ 4,615.00	\$ 6,000.00
518202	Buffalo Opera Unlimited Incorporated	155973	\$ 2,300.00	\$ 2,300.00	\$ 10,000.00
518203	Buffalo-Toronto Public Media WNED/WBFO	172909	\$ 3,750.00	\$ -	\$ 5,000.00
518205	Cheektowaga Comm Symphony Orchestra	109177	\$ -	\$ 7,500.00	\$ -
518209	Newstead Historical Society	105518	\$ 5,500.00	\$ 3,500.00	\$ 3,000.00
518213	O'Connell & Company Productions	159162	\$ 23,100.00	\$ 23,100.00	\$ 31,500.00
	Amherst Male Glee Club Jrs Red Blazer				
518219	Men's Chorus	161245	\$ 3,000.00	\$ 3,000.00	\$ 8,000.00
518221	Buffalo Center for Arts and Technology	152207	\$ 3,000.00	\$ 3,000.00	\$ 7,500.00
518225	Cheektowaga Historical Association	169121	\$ 3,350.00	\$ 6,350.00	\$ 8,100.00
518229	Second Generation Theatre Company	166957	\$ 1,020.00	\$ 2,020.00	\$ 3,000.00
518230	Steel Plant Museum of Western New York	147740	\$ 2,020.00	\$ 2,020.00	\$ 3,000.00
518503	Alden Christian Theater Society	114556	\$ 10,000.00	\$ -	\$ 9,000.00
518516	Clarence College Association	101711	\$ 5,500.00	\$ -	\$ 1,000.00
518519	Town of Clarence	113067	\$ 5,500.00	\$ -	\$ 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

Credit cards, particularly with smaller organizations, can provide a critical layer of expense control. The Division of Audit found a large quantity of small-dollar expenses appearing 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 paid and approved by the organization's board of directors.

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.

MUSIC IS ART

BACKGROUND

Music is Art (MIA) is a 501(c)3 non-profit organization established in 2003 by Goo Goo Dolls bassist and Buffalo resident, Robby Takac. The goal of Music is Art is to enrich the local community with access to music, to create opportunities that fuel the unifying power of music in the local region, and to promote music as a form of art.

Music is Art received \$48,000 in Cultural Grant Funding (CGF) for tax years 2020 and 2021. MIA received \$39,000 in funding for 2022.

AUDITOR'S OBSERVATIONS

MIA operates out of a space owned by its founder, in Buffalo's Allentown District. MIA's programming includes a variety of events and collaborations through the Western New York region aimed at highlighting the value of music.

MIA initiated an instrument donation program, where new and used musical instruments are collected, assessed, cleaned, repaired, refurbished, and subsequently donated to students, schools, music programs or community centers on an as-needed basis and free of charge. MIA also hosts an annual competition called The Battle (formerly known as The Battle of the High School Bands) where participants compete for an opportunity to perform on the main stage at a prime-time spot at the annual festival, recording time at GCR Audio and a professional photo shoot. MIA also hosts a Youth Jazz Music Festival, collaborates with local businesses and non-profit organizations on their music events, and has set up the Lance Diamond Memorial scholarship, in memory of Mr. Lance Diamond, a deceased local music artist.

The largest event hosted by the organization is the annual Music is Art Festival. The festival showcases over 200 bands, 120 DJ's, dancers and other live performances. The Music is Art Festival takes place in September each year and is one of the largest expenses for the organization.

The main sources of funding for MIA include public grants, donations, sponsorships and fundraisers. CGF amounts received by the organization are allocated to offset the cost of payroll, liability issuance and special events insurance.

AUDITOR'S CONCLUSION

During the grant monitoring process, MIA was able to provide adequate substantiation for use of cultural grant funding. The organization allocates grant funding towards payroll expenses and liability and special events insurance premiums. MIA provided documentation including bank statements, invoices, receipts and payroll returns as substantiation for use of Cultural Grant Funding. Based on the documentation provided by the organization, the Auditor was able to conclude that expenses incurred for each year exceeded the amount of cultural grant funding received. No unused funds were identified.

MIA currently has an operating Board of Directors of approximately fifteen members. Board members are limited to two terms, which can be consecutive. The Board meets approximately six times per year and is consulted for all expenses more than \$5,000.

Music is Art's staff is composed of two employees, which include an Executive Director and a Program Director. Due to the limited number of employees, all finances for the organization are managed by a single employee. Segregation of duties were determined to be minimal and internal controls were concluded to be weak.

During the Auditor's assessment of expenses, it was noted that a number of meals and entertainment expenses incurred did not follow the Internal Revenue Code requirements, as the business purpose and business relationship was not documented and thus could not be determined. The Auditor recommends that in the future the organization 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 demonstrates that 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.

Based on the Auditor's review, it was determined that Music Is Art is currently compliant with federal and state return filing obligations.

SUBJECT

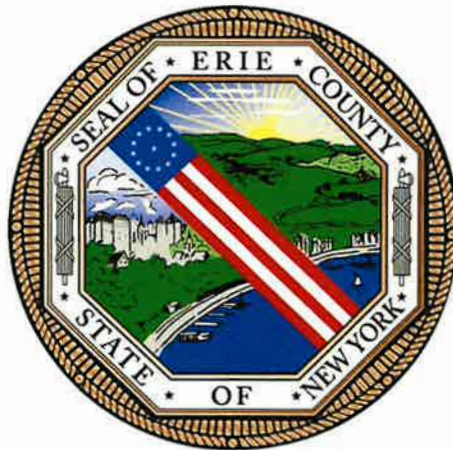
COMM. 5E-5	COMPTROLLER	EC Cultural Funding Grant Program - El Museo Francisco Oller Y Diego Rivera
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	Attachments
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24COMM. 5E-5

February 2024

**Erie County Cultural Funding Grant
Monitoring Program
El Museo Francisco Oller Y Diego Rivera
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**



February 22, 2024

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

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518221	Kien's Chorus	152207	\$ 3,000.00	\$ 3,000.00	\$ 7,500.00
518226	Buffalo Center for Arts and Technology	169121	\$ 3,250.00	\$ 6,250.00	\$ 8,100.00
518229	Cheektowaga Historical Association	169552	\$ 2,020.00	\$ 2,020.00	\$ 5,000.00
518230	Second Generation Theatre Company	147740	\$ 2,020.00	\$ 2,020.00	\$ 3,000.00
518230	Steel Plant Museum of Western New York	145458	\$ 10,000.00	\$ -	\$ 3,000.00
518503	Alden Christian Theater Society	101711	\$ 1,500.00	\$ -	\$ 3,000.00
518514	Clarence Vincent Association	113067	\$ 5,300.00	\$ -	\$ 6,000.00
518515	Clarence Museum (Historical Soc of the Town of Clarence)	113067	\$ 5,300.00	\$ -	\$ 6,000.00

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.

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Credit cards, particularly with smaller organizations, can provide a critical layer of expense control. The Division of Audit found a large quantity of small-dollar expenses appearing 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 paid and approved by the organization's board of directors.

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.

EL MUSEO FRANCISCO OLLER Y DIEGO RIVERA

BACKGROUND

El Museo Francisco Oller y Diego Rivera (El Museo) is a 501(c)3 non-profit organization dedicated to the exhibition of contemporary artwork by diverse artists and cultures. El Museo was established in 1981, from a visual artists program called Gallery Without Walls. The name originated from the desire to honor Francisco Oller and Diego Rivera, two highly regarded Puerto Rican and Mexican Artists. It was the founder's belief that the two groups were at odds with each other due to different political views and heritage backgrounds, and El Museo was established as a means to unite those groups.

El Museo received \$12,585.00 in Cultural Grant Funding (CGF) for tax year 2020, \$8,585 in 2021 and \$11,000 in 2022.

AUDITOR'S OBSERVATIONS

El Museo operates as a small visual art gallery in the heart of Buffalo's Allentown District. El Museo hosts approximately six to eight art exhibits per year. Exhibits are presented free of charge to the community.

El Museo shifted its mission and focus in 1993 from the exhibition of Latin art to African American art. The organization wanted to broaden its reach and serve more artists of color and those who identify as underserved artists.

El Museo relies on public funds as its main source of funding. Funding from government grants and foundations represents approximately 70% of El Museo's operating budget. The organization also sells merchandise related to its mission, as well as artwork.

El Museo has undergone many changes in administration over the past few years. The organization has had approximately five Executive Directors over a six-year period. As a result, the organization encountered difficulties providing certain information to the Auditor, including answers to questions regarding its operation in prior years and accessing some of the documentation requested.

El Museo allocated the cultural grant funds towards operational and administrative related expenses such as rent, payroll and insurance and has received other public funds to support the organization's operation.

AUDITOR'S CONCLUSION

During the analysis, El Museo was able to provide adequate substantiation for use of cultural grant funds. The organization allocates grant funding towards expenses for rent, payroll and insurance. Copies of bank statements, cancelled checks and invoices were used by the organization to substantiate expenses. Expenses reviewed by the Auditor for the years covered by this analysis exceeded the amount of the County's grant funding.

Additionally, it was determined that due to the many changes in the organization's administration, internal controls were very weak. The Auditor did observe some questionable practices that are listed below:

El Museo Gallery received a \$18,000 grant from a foundation to assist with the cost of transitioning the organization to a new administration during 2021. It was noted that El Museo hired a consulting firm which is operated by the person who secured the grant for the gallery and who was serving at the time as the interim Executive Director for the organization. Payments to the consulting firm exceeded the amount of the grant and it was unclear if the organization's administration was aware that grant funds were depleted due to the various changes in the gallery's administration. In addition, no IRS 1099-Misc. Information Return was provided showing that the payments made to the consulting firm were properly filed.

During the review of expenses, the invoices from the consulting firm that were submitted by the consultant (also serving as the interim Executive Director) did not provide a clear account of what type of transitioning services were provided during the year. It is recommended that a detailed description of the services rendered with a breakdown of hours worked, should be included on each invoice. This will assist the organization's leadership with verifying the work product or deliverables and help to dissuade any questions that may arise regarding conflict of interest.

The organization incurred an expense for payroll services, but some of the payroll checks were either hand-written or made via web payments. The auditor was unable to reconcile the amount of wages paid as reported on the payroll returns compared to the amounts deducted by the payroll company and the payments identified via canceled checks.

Based on the number of changes in administration, the organization was unable to provide information regarding some of the expenses incurred for the years under review, including ATM withdrawals, expenses incurred for meals, web payments and reimbursements.

The Auditor was not able to perform an analysis of the tax return for the fiscal year ending September 30, 2022, as an extension for filing had been granted and the organization had still not filed its return.

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-6

COMPTROLLER

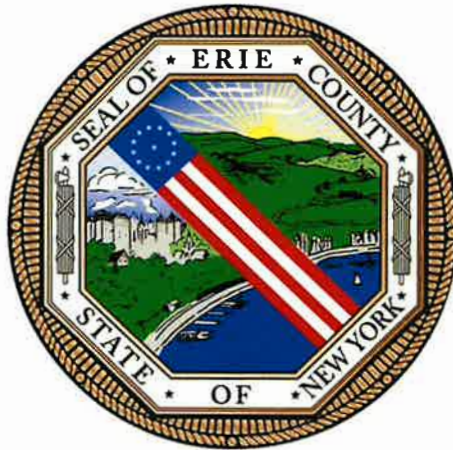
EC Cultural Funding Grant Program - Arts
Service Initiative of WNY, Inc.

24COMM. 5E-6

Attachments

February 2024

**Erie County Cultural Funding Grant
Monitoring Program
Arts Service Initiative of Western New York, 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**



February 22, 2024

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, and a second batch was sent in early October 2023. The review of all agencies is expected to be completed by May 31, 2024.

2023 – 2024 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	YENDOR NUMBER	TAX YEAR 2020	TAX YEAR 2021	TAX YEAR 2022
517123	Enlightenment Literary Arts Center & Dog Ears Bookstore	152183	\$ 28,500.00	\$ 36,600.00	\$ 55,000.00
518004	African American Cultural Center	112604	\$ 275,450.00	\$ 311,950.00	\$ 200,000.00
518012	Alleyway Theatre	109340	\$ 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	\$ 32,500.00	\$ 26,750.00	\$ 28,740.00
518019	Arts Services Initiative of WNY Inc	147159	\$ 26,050.00	\$ 26,050.00	\$ 30,000.00
518028	Ballet Artists Of WNY (Neglia)	100794	\$ 24,000.00	\$ 24,000.00	\$ 30,000.00
518040	Buffalo Arts Studio (Arts Studio of Western New York, Inc)	101244	\$ 38,000.00	\$ 45,500.00	\$ 53,000.00
518044	Buffalo Inner City Ballet Co, Inc	108557	\$ 27,000.00	\$ 27,000.00	\$ 27,000.00
518050	Buffalo Music Hall of Fame	113142	\$ 4,500.00	\$ -	\$ 5,500.00
518051	Buffalo Heritage Carousel	107829	\$ 30,000.00	\$ 30,000.00	\$ 35,000.00
518074	Colored Musicians Club	130377	\$ 5,000.00	\$ -	\$ 12,500.00
518084	El Museo Gallery	109836	\$ 12,585.00	\$ 8,545.00	\$ 11,000.00
518104	Graycliff Conservancy	103197	\$ 59,200.00	\$ 59,200.00	\$ 60,000.00
518111	Hull House Foundation	143473	\$ 15,375.00	\$ 5,375.00	\$ 7,500.00
518119	Jewish Community Center Cultural (Jewish Ctr of Greater Buff)	111289	\$ 13,500.00	\$ 8,750.00	\$ 13,500.00
518120	Just Buffalo Literary Center	108577	\$ 78,100.00	\$ 78,100.00	\$ 83,500.00
518132	Locust St Neighborhood Art Classes	109985	\$ 29,250.00	\$ 25,250.00	\$ 28,500.00
518135	Martin House Restoration	104810	\$ 175,500.00	\$ 175,500.00	\$ 190,000.00
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	\$ 3,800.00
518147	Preservation Buffalo Niagara	147509	\$ 4,615.00	\$ 4,615.00	\$ 6,000.00
518150	Springville Center For The Arts	113308	\$ 30,505.00	\$ 20,505.00	\$ 36,000.00
518164	Squeaky Wheel	101268	\$ 20,920.00	\$ 20,920.00	\$ 27,000.00
518172	Theodore Roosevelt Inaugural Site	106532	\$ 32,320.00	\$ 32,320.00	\$ 37,000.00
518176	Ujima Company	101047	\$ 83,000.00	\$ 83,000.00	\$ 57,714.00
518180	Western New York Artists Group	108295	\$ 6,275.00	\$ 6,275.00	\$ 7,500.00
518181	WNY Book Arts Collaborative, Inc	135959	\$ 4,640.00	\$ 4,640.00	\$ 6,000.00
518184	Young Audiences Of WNY	109813	\$ 10,500.00	\$ 10,500.00	\$ 14,000.00
518196	Buffalo Niagara Heritage Village	151996	\$ 18,500.00	\$ 18,500.00	\$ 24,500.00
518200	Michigan St African Amer Heritage	152578	\$ 15,000.00	\$ 15,000.00	\$ 32,500.00
518201	General Pulaski Association	100060	\$ 10,000.00	\$ 11,000.00	\$ 12,500.00
518204	Brighton Place, Inc	156194	\$ 10,000.00	\$ 16,000.00	\$ 20,000.00
518211	Hispanic Heritage Council of WNY	159305	\$ 12,000.00	\$ 20,000.00	\$ 24,500.00
518216	Black Rock Historical Society (Black Rock-Riverside Alliance)	170359	\$ 22,500.00	\$ 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 Fairs/Can You Dig	113041	\$ 18,000.00	\$ 15,000.00	\$ 15,000.00
518596	Net Positive DBA The Foundry	164005	\$ 5,000.00	\$ -	\$ 5,000.00

Monitoring Program – Phase II

ACT #	APPROPRIATION	YENDOR NUMBER	TAX YEAR 2020	TAX YEAR 2021	TAX YEAR 2022
517531	Buffalo Olmsted Parks Conservancy	140237	\$ 25,910.00	\$ 25,910.00	\$ 35,000.00
518008	Albright-Knox Art Gallery	106707	\$ 575,000.00	\$ 575,000.00	\$ 675,000.00
518009	Albright-Knox Public Art Curator	147238	\$ 68,250.00	\$ 68,250.00	\$ -
518025	Assembly House 150, Inc	167747	\$ 1,000.00	\$ 1,000.00	\$ 6,500.00
518034	Buffalo & Erie County Botanical Garden	108743	\$ 101,000.00	\$ 125,000.00	\$ 150,000.00
518036	Buffalo & Erie Co Historical Society	106772	\$ 417,000.00	\$ 667,000.00	\$ 417,000.00
518052	Buffalo & Erie County Naval & Servicemans Park	109331	\$ 35,000.00	\$ 35,000.00	\$ 50,000.00
518060	Buffalo Philharmonic Orch Society	101032	\$ 926,000.00	\$ 926,000.00	\$ 940,000.00
518061	Buffalo Philharmonic Chorus	107794	\$ 34,500.00	\$ 34,500.00	\$ 35,000.00
518064	Buffalo Society Natural Sciences	109767	\$ 955,000.00	\$ 955,000.00	\$ 955,000.00
518066	Burchfield Penney Art Center	163553	\$ 1,500.00	\$ 3,500.00	\$ 4,553.00
518072	Center for Exploratory and Perceptu	101004	\$ 155,000.00	\$ 155,000.00	\$ 160,000.00
518082	Danceability	109934	\$ 35,000.00	\$ 35,000.00	\$ 63,000.00
518089	Explore & More Children's Museum	156639	\$ 2,500.00	\$ 5,500.00	\$ 3,000.00
518109	Hallwalls Contemporary Arts Center	102758	\$ 42,000.00	\$ 42,000.00	\$ 78,000.00
518112	Hamburg Nat Hist Society/Fenn-Dive	106598	\$ 57,000.00	\$ 57,000.00	\$ 60,000.00
518116	Irish Classical Theatre Company	101282	\$ 95,314.00	\$ 96,314.00	\$ 97,314.00
518124	O'Connell & Company Productions	103727	\$ 83,500.00	\$ 83,500.00	\$ 93,500.00
518128	Lancaster Opera House	109342	\$ 7,500.00	\$ 7,500.00	\$ 9,500.00
518140	MusicalFare Theatre	106623	\$ 1,500,000.00	\$ 1,500,000.00	\$ 1,700,000.00
518141	New Phoenix Theatre	109342	\$ 7,500.00	\$ 7,500.00	\$ 9,500.00
518143	Road Less Traveled Productions	121543	\$ 61,500.00	\$ 61,500.00	\$ 67,000.00
518152	Roycroft Campus Cooperation	118213	\$ 50,000.00	\$ 40,000.00	\$ 50,000.00
518159	Shakespeare In The Park	106875	\$ 95,000.00	\$ 95,000.00	\$ 95,000.00
518168	Theatre Of Youth	109980	\$ 69,400.00	\$ 29,400.00	\$ 74,000.00
518171	Torn Space Theatre	145677	\$ 20,480.00	\$ 15,480.00	\$ 25,500.00
518188	Zoological Society Of Buffalo	106623	\$ 1,500,000.00	\$ 1,500,000.00	\$ 1,700,000.00
518195	Orchard Park Symphony Orchestra	147747	\$ 4,615.00	\$ 4,615.00	\$ 6,000.00
518202	Buffalo Opera Unlimited Incorporated	155973	\$ 2,300.00	\$ 2,300.00	\$ 10,000.00
518203	Buffalo-Toronto Public Media WHED/WSFO	172904	\$ 3,750.00	\$ -	\$ 5,000.00
518205	Cheektowaga Comm Symphony Orchestra	109177	\$ -	\$ 7,500.00	\$ -
518210	Hewitt-Hamilton Society	105318	\$ 1,500.00	\$ 1,500.00	\$ 3,000.00
518213	O'Connell & Company Productions	159162	\$ 23,100.00	\$ 23,100.00	\$ 31,500.00
518219	Amherst Male Glee Club dba Red Blazer Men's Chorus	162045	\$ 3,000.00	\$ 3,000.00	\$ 6,000.00
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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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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.

ARTS SERVICE INITIATIVE OF WESTERN NEW YORK, INC.

BACKGROUND

Arts Service Initiative, Inc (ASI) is a 501(c)3 non-profit organization established in 2011. The mission of ASI is to empower the region's artists and arts organizations with connections to funding, learning opportunities and community access to the arts. The organization serves as a resource hub for the Western New York arts and cultural sectors.

The ASI received \$26,050 in Cultural Grant Funding (CGF) for the years 2020 and 2021, and \$30,000 in CGF for the year 2022.

AUDITOR'S OBSERVATIONS

ASI provides financial and other operating support to many of Western New York's non-profit art organizations as well as local artists. The goal of the organization is to secure long-term sustainability for the arts and creative fields. ASI serves as a hub for the Western New York arts and cultural sector by providing connections to funding, advocacy services and learning opportunities. The ASI serves five counties in Western New York.

The Regrant Program sponsored by the ASI is one of the largest connections to funding the organization makes available to the WNY's arts and cultural sector. Grant funding support to arts and cultural organizations includes project specific grants as well as general operating grants. To fund the Regrant Program, ASI receives financial assistance from organizations such as the New York State Council for the Arts (NYSCA), Fund for the Arts, Erie County Cultural Grant Funding, Ralph Wilson, Jr. Arts & Culture Initiative, Community Foundation for Greater Buffalo, and Rupp Family Foundation amongst others.

ASI relies on corporate sponsorships and public funds as its main source of funding. Contributions from government grants and foundations represent approximately 30% of ASI's operating budget. Other sources of funding for the organization include fundraisers such as the Lawyers for the Arts fundraiser and private donations.

ASI also created the Arts Access Program, which provides entrance passes and transportation assistance to low-income county residents in order to make arts programming more accessible to those with otherwise limited resources.

Other services provided by ASI include pass-through fiscal sponsorship to individuals and organizations, bookkeeping services at reduced cost, grant writing workshops and lunch and learn sessions.

CGF funding received by ASI was allocated to fund the Statewide Community Regrant (SCR) and Give for Greatness programs.

AUDITOR'S CONCLUSION

During the grant monitoring process, ASI was able to provide adequate substantiation for use of CGF amounts. The organization allocates grant funding towards expenses for the Regrant programs. ASI provided documentation including bank statements, financial statements, credit card statements and other financial documentation as substantiation for use of CGF. Further, it was determined that ASI's expenses exceeded CGF amounts for each year reviewed by the Auditor.

In addition to the Regrant program sponsored by ASI, which accounts for approximately 30% of the organization's operating budget, the second largest expense for the organization is for payroll related expenses, which accounts for approximately 40% of ASI's operating budget.

ASI currently has a thirteen-member operating Board of Directors. Board members are limited to two terms, which can be consecutive. Based on information provided by the organization, there appears to be an adequate level of internal controls as the organization segregates duties and responsibilities and performs a review of expenses incurred and income received. The organization has dual signature requirements, but the threshold for a dual signature is set at \$10,000. The Auditor found this amount to be fairly high and could potentially lead to smaller expenses being incurred without dual approval.

Based on a review of the organization's financial documentation, the Auditor identified a larger than average expense for computer equipment incurred during the year 2022. A total of seven laptop computers were purchased, with an average cost of approximately \$1,800 per computer.

Based on additional information obtained during the analysis of the organization's financial records, the organization incurs frequent expenses for lunches and gifts for employee birthdays and similar celebrations. It is recommended that the organization refer to IRS Publications 535 and 463 to ensure that guidelines regarding gifts and other limitations are adequately followed.

ASI is currently in compliance with the filing of all returns and other federal and state obligations.

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-7

COMPTROLLER

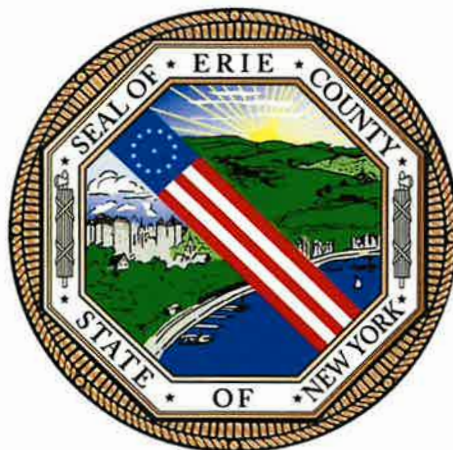
EC Cultural Funding Grant Program -
Historical Society of the Town of Clarence

Attachments

24COMM. 5E-7

February 2024

**Erie County Cultural Funding Grant
Monitoring Program
Historical Society of the Town of Clarence
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**



February 22, 2024

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

Dear Honorable Members:

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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, and a second batch was sent in early October 2023. The review of all agencies is expected to be completed by May 31, 2024.

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Monitoring Program – Phase I

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518044	Buffalo Inner City Ballet Co, Inc	108597	\$ 27,000.00	\$ 27,000.00	\$ 27,000.00
518050	Buffalo Music Hall of Fame	113142	\$ 4,500.00	\$ -	\$ 5,500.00
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518074	Colored Musicians Club	130377	\$ 5,000.00	\$ -	\$ 12,500.00
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518119	Jewish Ctr of Greater Buff	111239	\$ 13,500.00	\$ 8,750.00	\$ 15,500.00
518120	Just Buffalo Literary Center	108577	\$ 78,100.00	\$ 78,100.00	\$ 83,500.00
518132	Locust St Neighborhood Art Classes	109985	\$ 25,250.00	\$ 25,250.00	\$ 28,500.00
518133	Marion House Restoration	104963	\$ 175,500.00	\$ 175,500.00	\$ 190,000.00
518139	Music Is Art	139615	\$ 48,000.00	\$ 48,000.00	\$ 39,000.00
518142	Polish Arts Club Of Buffalo Inc	106112	\$ 7,000.00	\$ 7,000.00	\$ 3,800.00
518147	Preservation Buffalo Niagara	147509	\$ 4,615.00	\$ 4,615.00	\$ 6,000.00
518162	Springville Center For The Arts	113304	\$ 30,505.00	\$ 20,505.00	\$ 36,000.00
518164	Squeaky Wheel	101266	\$ 20,920.00	\$ 20,920.00	\$ 27,000.00
518171	Theodore Roosevelt Inaugural Site	106532	\$ 32,320.00	\$ 32,320.00	\$ 37,000.00
518176	Ujima Company	101047	\$ 83,000.00	\$ 83,000.00	\$ 57,714.00
518180	Western New York Artists Group	108295	\$ 6,275.00	\$ 6,275.00	\$ 7,500.00
518181	WNY Book Arts Collaborative, Inc	115959	\$ 4,640.00	\$ 4,640.00	\$ 6,000.00
518184	Young Audiences Of WNY	105811	\$ 10,500.00	\$ 10,500.00	\$ 14,000.00
518196	Buffalo Niagara Heritage Village	151996	\$ 18,500.00	\$ 18,500.00	\$ 24,500.00
518200	Michigan Sr African Amer Heritage	152578	\$ 15,000.00	\$ 15,000.00	\$ 32,500.00
518201	General Pulaski Association	103060	\$ 10,000.00	\$ 11,000.00	\$ 12,500.00
518204	Brighon Place, Inc	156194	\$ 10,000.00	\$ 16,000.00	\$ 20,000.00
518211	Hispanic Heritage Council of WNY Black Rock Historical Society (Black Rock-Riverside Alliance)	170369	\$ 22,500.00	\$ 7,500.00	\$ 10,000.00
518233	Centre Culturale Italiano di Buffalo	167500	\$ 25,000.00	\$ 20,000.00	\$ 15,000.00
518245	South Buffalo Irish Fests/Can You Dig	113041	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
518596	Net Positive DBA The Foundry	168005	\$ 5,000.00	\$ -	\$ 5,000.00

Monitoring Program – Phase II

ACT #	APPROPRIATION	VENDOR NUMBER	TAX YEAR 2020	TAX YEAR 2021	TAX YEAR 2022
517533	Buffalo Cimeter Parks Conservancy	140237	\$ 25,910.00	\$ 25,910.00	\$ 35,000.00
518008	Albright-Knox Art Gallery	108707	\$ 575,000.00	\$ 575,000.00	\$ 675,000.00
518009	Albright-Knox Public Art Curator	147224	\$ 48,350.00	\$ 48,350.00	\$ -
518025	Assembly House 150, Inc	167747	\$ 1,000.00	\$ 1,000.00	\$ 6,500.00
518034	Buffalo & Erie County Botanical Garden	108743	\$ 102,000.00	\$ 125,000.00	\$ 150,000.00
518036	Buffalo & Erie Co Historical Society Buffalo & Erie County Naval & Servicemen's	108772	\$ 417,000.00	\$ 467,000.00	\$ 417,000.00
518052	Park	109339	\$ 35,000.00	\$ 35,000.00	\$ 50,000.00
518060	Buffalo Philharmonic Orch Society	101032	\$ 926,000.00	\$ 926,000.00	\$ 940,000.00
518061	Buffalo Philharmonic Chorus	109796	\$ 35,500.00	\$ 34,500.00	\$ 35,000.00
518064	Buffalo Society Natural Sciences	109767	\$ 955,000.00	\$ 955,000.00	\$ 955,000.00
518741	Buffalo String Works, Inc	167851	\$ 3,500.00	\$ 3,500.00	\$ 3,553.00
518068	Burchfield Penney Art Center	101004	\$ 155,000.00	\$ 155,000.00	\$ 160,000.00
518072	Center for Exploratory and Perceptu	109931	\$ 55,000.00	\$ 55,000.00	\$ 62,000.00
518082	Danceability	156639	\$ 2,500.00	\$ 5,500.00	\$ 3,000.00
518096	Explore & More Children's Museum	102755	\$ 42,000.00	\$ 42,000.00	\$ 72,000.00
518108	Hallwalls Contemporary Arts Center	108598	\$ 57,000.00	\$ 57,000.00	\$ 60,000.00
518112	Imbrey Hall Trust Society/Farm Drive	103382	\$ 93,314.00	\$ 96,314.00	\$ 97,314.00
518116	Irish Classical Theatre Company	103727	\$ 83,500.00	\$ 83,500.00	\$ 93,500.00
518124	O'Youville College Kainoky Theater	109341	\$ 11,750.00	\$ -	\$ 8,500.00
518128	Lancaster Opera House	111681	\$ 45,800.00	\$ 30,300.00	\$ 35,000.00
518140	Musicalfare Theatre	105369	\$ 61,525.00	\$ 61,525.00	\$ 66,000.00
518141	New Phoenix Theatre	109342	\$ 7,500.00	\$ 7,500.00	\$ -
518145	Road Less Traveled Productions	121543	\$ 63,500.00	\$ 63,500.00	\$ 87,000.00
518152	Roycroft Campus Cooperation	118213	\$ 50,000.00	\$ 40,000.00	\$ 50,000.00
518156	Shakespeare In The Park	105571	\$ 95,000.00	\$ 25,000.00	\$ 93,000.00
518158	Theatre Of Youth	105848	\$ 69,400.00	\$ 69,400.00	\$ 74,000.00
518171	Torn Space Theatre	145873	\$ 20,480.00	\$ 15,480.00	\$ 20,000.00
518188	Zoological Society Of Buffalo	106623	\$ 1,500,000.00	\$ 1,500,000.00	\$ 1,700,000.00
518191	Orchard Park Symphony Orchestra	147742	\$ 4,615.00	\$ 4,615.00	\$ 8,000.00
518202	Buffalo Opera Unlimited Incorporated	155973	\$ 2,300.00	\$ 2,300.00	\$ 10,000.00
518203	Buffalo-Toronto Public Media WHEO/WBFO	172404	\$ 3,750.00	\$ -	\$ 5,000.00
518205	Cheektowaga Comm Symphony Orchestra	109177	\$ -	\$ 7,500.00	\$ -
518209	Newstead Historical Society	105118	\$ 1,500.00	\$ 2,500.00	\$ 3,000.00
518213	O'Connell & Company Productions Amherst Male Glee Club dba Red Blazer	159162	\$ 23,100.00	\$ 23,100.00	\$ 31,500.00
518219	Men's Chorus	162045	\$ 3,000.00	\$ 3,000.00	\$ 6,000.00
518221	Buffalo Center for Arts and Technology	152207	\$ 3,000.00	\$ 3,000.00	\$ 7,500.00
518226	Cheektowaga Historical Association	161121	\$ 2,250.00	\$ 6,250.00	\$ 5,100.00
518229	Second Generation Theatre Company	164957	\$ 2,020.00	\$ 2,020.00	\$ 5,000.00
518230	Steel Plant Museum of Western New York	147740	\$ 2,020.00	\$ 2,020.00	\$ 5,000.00
518503	Alden Christian Theater Society	134358	\$ 10,000.00	\$ -	\$ 3,000.00
518112	Clarence Concert Association Clarence Museum (Historical Soc of the 518515 Town of Clarence)	101711	\$ 3,300.00	\$ -	\$ 3,000.00
		113967	\$ 5,500.00	\$ -	\$ 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

Credit cards, particularly with smaller organizations, can provide a critical layer of expense control. The Division of Audit found a large quantity of small-dollar expenses appearing 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 paid and approved by the organization's board of directors.

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.

HISTORICAL SOCIETY OF THE TOWN OF CLARENCE

BACKGROUND

The Historical Society of the Town of Clarence (HSTC or Society) is a non-profit organization established in 1954 to preserve and share the history and heritage of the Town of Clarence as one of the first townships established in Erie County. HSTC showcases artifact collections, exhibits, books, manuals and genealogical records of the Town of Clarence. The HSTC is chartered with the New York State Department of Education.

HSTC received \$5,500 in County Cultural Grant funding in 2020.

Funding received by HSTC during 2021 and 2022 was determined to have been awarded as part of Legislative Earmark Grants such as the Public Benefit Funding Grant or Community Organization Relief Fund. Therefore, those years are outside the scope of the monitoring program.

AUDITOR'S OBSERVATIONS

HSTC operates a museum inside a property which is owned by the Town of Clarence. HSTC hosts exhibits and other events free of charge for the community. In addition to historical exhibits, the organization has a manuscript library and makes genealogical reference documentation available to the public. HSTC also hosts an annual speaker series on topics related to the establishment and history of the Town of Clarence.

HSTC currently does not have any paid positions. In years prior, the organization has offered compensation to interns and curators. However, in recent years, all staff members have been volunteers.

The largest source of funding for the HSTC is the Town of Clarence, as the organization is mainly supported by funds from the Town's operating budget. Other sources of funding for the organization include private donations, membership fees and an annual appeal campaign. The organization does not host social fundraising events such as dinners or galas.

A review of the organization's bank statements, cancelled checks, credit card statements and other financial documentation indicated that expenses incurred by the HSTC were related to programming and operating functions. No questionable or unallowable expenses were identified.

CGFs received by the HSTC are allocated to offset the cost of annual operating and programming expenses such as the rental of copier machines, honorariums for speakers, advertising expenses and insurance premiums. CGF amounts received in 2020 were not fully utilized by the organization as they were mandated to shut down operation during the COVID-19 pandemic, during which the Town of Clarence required all government owned properties to undergo an immediate shutdown. The HSTC is housed in a Town owned building and was thus required to follow the Town's COVID protocol. The remaining unutilized funds were placed in a savings account, to be utilized during the subsequent year. HSTC was unaware that the CGFs needed to be spent in the year it was received per the County's contract. HSTC secured the funding directly through their County Legislator and did not go through the established process for CGF.

AUDITOR'S CONCLUSION

During the course of this analysis, it was determined that for the year 2020, HSTC received funding which was classified as a Cultural Agency Grant. Such County funding usually goes through a vetting process by the Department of Environment and Planning. HSTC told the Auditor that it was unaware of the different grant programs the County offers and their requirements. Therefore, HSTC did not realize that the County funds needed to be spent in the year they were received. HSTC was advised that once a funding service contract is executed, it is required to follow the guidelines and stipulations within the established contract. HSTC was advised that per § 22 of the Erie County Cultural Service Contract, the use of County CGF funds shall be limited to current operating expenses including salaries, program costs, fringe benefits, rents, utilities, office supplies and equipment.

HSTC was notified that CGF amounts are to be utilized to cover programming and operating expenses in the year in which it was received. The Auditor advised HSTC that regardless of the type of funding received, recipients are required to adhere to the guidelines established in the executed contract.

HSTC is currently governed by a Board of Directors consisting of eight members, including two members who are spouses. It was noted that the organization's by-laws have established terms. However, most board members continue to serve on the Board beyond their term limits. The Auditor determined that even though board members are holding positions for many years, there appears to be an adequate system of internal controls. The organization segregates duties and responsibilities, has a requirement for dual signatures on checks and performs adequate review of income and expenses throughout the year. The organization's President and Treasurer are married. However, a third member of the board has signing authority and access to all financial information to avoid potential conflicts of interest.

The Historical Society of the Town of Clarence is currently in compliance with the filing of all returns and other federal and state obligations.

SUBJECT

COMM. 5E-8

BASKIN

Request of a Communication Tool Creation
with Gilbane-Turner Joint Venture Team

Attachments

24COMM. 5E-8

ERIE COUNTY LEGISLATURE

HON. APRIL N.M. BASKIN
CHAIR OF THE LEGISLATURE
2ND DISTRICT LEGISLATOR



92 Franklin St., 4th Fl.
Buffalo, NY 14202
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February 23, 2024

Peter Davoren, CEO
Turner Construction Company
66 Hudson Boulevard East
New York, NY 10001

Mr. Davoren,

I write to request your support with the creation of a communication tool wherein members of the local construction industry can submit questions, concerns, and information directly to the construction management team and receive a response.

There remain connectivity and communication issues between the Gilbane|Turner Joint Venture team ("GT") and members of the Western New York construction industry who wish to gain an understanding of local inclusionary and utilization practices on the new Buffalo Bills Stadium construction project.

I will first layout a brief timeline of conversations that my office has had with GT to date, as well as two initiatives I have led to help establish a foundation for community engagement during the construction phase of the new stadium. I will conclude with three specific questions which a member of your leadership team will need to respond to in order to maintain the public's confidence that GT is not only committed to complying with the legally binding construction coordinating outreach mandates outlined in the lease agreement and reaching NYS law MWBE utilization goals, but also meeting in both a manner in which the WNY construction community has a clear understanding of the processes that leads to getting work during the construction phase.

I will begin with the lease deal's Construction Coordinating Agreement ("CCA") which outlines specific outreach mechanisms and practices that the "Contractor Manager" must implement to ensure effective community engagement and participation. These mechanisms and practices are detailed in Exhibit B, Section II(D)(1) of the CCA and in the Community Benefits Agreement Section 3(D). Both sections are attached herein.

Shortly after the Erie County Legislature's approval of the lease deal in March 2023, I held a meeting at my office. The meeting was attended by 3 members of the Turner Construction leadership team, 2 members from Gilbane's leadership team, and representatives from the Buffalo Black Chamber of Commerce and the Buffalo Urban League. The goal of the meeting was to discuss concerns raised by experienced contractors regarding realistic opportunities for

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Women, Minority, and Disabled Veterans. The main concern identified was to have scope of work bid packages shaped to meet the capacity of smaller certified MWBE/SDVOB subcontractor firms based in WNY. And in regard to ALL WNY primes and subcontractors, we discussed the importance of a user-friendly website and in-person "Meet the Primes" sessions being equitably accessible across Erie County. At the conclusion of this meeting, Turner Construction felt it would be a good idea to establish a board of community members with expertise in MWBE subcontractor bidding to keep an understanding of progress and clarifying questions raised by the workforce and construction experts from our local community.

In June 2023 I advocated for GT to reconsider solely using Anchin as the firm to oversee the MWBE compliance reporting for the new stadium, and to think outside of the traditional inclusion model, which specifies goals in workforce and subcontracting, by including professional services as a goal to be met on the project. I also introduced the "Level Up" program, which was developed by my office as a tool to help local marginalized business owners with accessing corporate level contracts.

The matter was addressed. Following the meeting, Turner informed me they would be issuing two professional service RFPs. One would be a subcontractor for compliance and the other would be for a community outreach firm. To date, my office has received a report that the compliance contract was awarded to a Buffalo-based MWBE at a value of \$3 Million and the community outreach contract was awarded to a Buffalo-based MWBE valued at just under \$1 Million.

In July 2023, the Erie County Legislature unanimously approved a resolution directing GT to expand their "Meet the Primes Sessions" from being held solely in Orchard Park, by holding sessions in Erie County's three cities. The resolution also called for the Erie County's Division of Equal Employment Opportunity to survey Erie County's construction related MWBEs to assess whether they were contacted by GT or any other entity leading the project and whether they were interested in working on the project.

The matter was addressed. Following the passage of my legislative resolution, GT held a series of Meet the Primes sessions outside of the stadium grounds between August 2023 and December 2023. The Erie County survey was completed by 127 companies, of which 68 companies (53%) indicated they did not proceed with seeking additional information because they felt the project was too large for their company. The survey showed a clear need for more targeted outreach and right-sized contracting to engage local MWBEs.

Following the release of the survey results, in October 2023, I led a legislative committee discussion regarding community participation in the process of inclusivity and the GT's plan to

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meet the 36% NYS MWBE/SDVOB inclusion goal. At the meeting, GT indicated they were on track to exceed the 36% inclusion mark.

A representative from Turner and a representative from the Bills noted their intention to work with the New Stadium Community Inclusion Task Force, which was codified by the letter of support for the task force from the Bills. The intent of this task force is to assist GT and the Bills in obtaining a better utilization of local MWBE companies by providing a clearer understanding of what the barriers are for local companies, as shown in Erie County's survey where over 53% of local MWBEs felt they could not meet the needs of contracting on the project.

The New Stadium Community Inclusion Task Force made good faith efforts to engage GT and the Bills by requesting MWBE utilization data in December 2023. However, I was later informed that Turner asked three members on the committee to resign due to their attachment to ongoing bid responses. I was also informed that the GT and the Bills will not be responding to inquiries made by the New Stadium Community Inclusion Task Force, but rather will respond solely to the Community Benefits Oversight Committee outlined in the Community Benefits Agreement, a committee which will be holding its first meeting on February 26, 2024. **This decision made by GT has caused considerable confusion with members of the task force.**

Despite these setbacks, my office has received a list of 80 MWBEs that have either received bid awards, or who have an award in processing. Of the 80 MWBEs, nearly half of them are based in the WNY region. I am glad to see records that local MWBE utilization is underway.

However, outside of MWBE utilization, I continue to receive concerns raised by the Buffalo Niagara Building Trades Council leadership regarding fair processes in awarding prime contractor packages to capable local firms and local MWBE subcontractors continue to complain about poor communication in understanding where they stand in the bidding process. Additionally, it has been brought to my attention that GT has no plans to announce the name of the local Community Outreach firm to the public. When I advocated for a community outreach firm contract to be created, I understood that the firm would be a safe and trusted face that the local construction industry could rely on to translate information, opportunities, and concerns for the growth of the project.

These decisions made by GT in the space of community communication raise grave concerns around our massively publicly funded stadium project. The new stadium is a once-in-a-lifetime opportunity for our local, small business community in WNY that does not see many billion-dollar projects.

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I will conclude with three questions.

1. The Community Benefits Oversight Committee is not responsible for specifically supporting the community on issues involving local prime contractors, sub-contractors, or supplier compliance. Thus, the reason I implemented a New Stadium Community Inclusion Task Force to work with GT on strategies to enhance local MWBE utilization. Why is Turner Construction unwilling to share updates on inclusion progress with the New Stadium Community Inclusion Task Force?

2. It was my understanding that the community outreach firm would be a publicly facing source of support and a source of understanding for local contractors. If they are not being made public, then what is the function of the firm?

3. Would Turner be amenable to working with the Bills on creating a section on the <https://www.buffalobillsnewstadium.com> website that allows community members to submit concerns and clarification questions regarding bidding?

I thank you for the response to previously raised concerns. Expanding the location of Meet the Prime events, creating multi-million-dollar local professional services opportunities, and providing my office with a list of MWBEs who stand to be contracted thus far has been helpful.

However, the matter of community engagement and communication with GT remains a point of contention for many members of the local construction community. I have made two attempts to empower local construction professionals to support public communication but representatives from both the task force and the community outreach firm have expressed they are not being provided the information or tools to be a successful conduit of information.

The residents of Buffalo & Erie County see this generational construction project as a pathway toward prosperity after years of unforeseen tragedies including COVID fatalities, a racially charged shooting massacre, and a Christmas blizzard which claimed over 40 lives.

I trust that we can find a way to generate a pipeline of communication between GT and the local construction industry. Please let me know how we can work together to solve this problem.

ERIE COUNTY LEGISLATURE

HON. APRIL N.M. BASKIN
CHAIR OF THE LEGISLATURE
2ND DISTRICT LEGISLATOR



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Regards,

A handwritten signature in blue ink that reads "April Baskin".

Cc:

Terrence Pegula, Owner, Buffalo Bills
Hon. Kathy Hochul, Governor of New York
Hon. Mark Poloncarz, Erie County Executive
Erie County Legislature
Jason Clark, Executive Director, Empire State Development Minority & Women Business Development
James Blackwell, Director, Erie County Director Of Equal Employment Opportunity
Paul Brown, President, Buffalo-Niagara Building Trades Council
Patrick Freeman, Chair, New Stadium Community Inclusion Task Force
Community Benefits Oversight Committee
Penny Semaia, VP for Stadium Relations, Buffalo Bills
Fuquan Collins, Vice President Chief Diversity Officer Turner Construction
Joseph Byrne, VP - Program Director Buffalo Bills New Stadium Project

Attachments: Exhibit B, Section II(D)(1) of the Construction Coordinating Agreement and
Community Benefits Agreement Section 3(D)

EXHIBIT B**AFFIRMATIVE ACTION PLAN****PARTICIPATION BY MINORITY GROUP MEMBERS AND WOMEN WITH RESPECT TO
STATE CONTRACTS: REQUIREMENTS AND PROCEDURES****I. GENERAL PROVISIONS**

- A. Empire State Development and its subsidiaries, including the Erie County Stadium Corporation (collectively, "**ESD**"), are required to implement the provisions of New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations ("**NYCRR**") for all State contracts, as defined therein, with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction.
- B. **BILLS STADIUM AND EVENTS COMPANY, LLC**, The contractor to the subject contract (the "**Contractor**" and the "**Contract**," respectively) agrees, in addition to any other nondiscrimination provision of the Contract and at no additional cost to ESD, to fully comply and cooperate with ESD in the implementation of New York State Executive Law Article 15-A. These requirements include equal employment opportunities for minority group members and women ("**EEO**") and contracting opportunities for certified minority and women-owned business enterprises ("**MWBEs**"). The Contractor's demonstration of "good faith efforts" pursuant to 5 NYCRR § 142.8 shall be a part of these requirements. These provisions shall be deemed supplementary to, and not in lieu of, the nondiscrimination provisions required by New York State Executive Law Article 15 (the "**Human Rights Law**") or other applicable federal, state or local laws.
- C. Failure to comply with all of the requirements herein may result in a finding of non-responsiveness, non-responsibility and/or a breach of contract, leading to the assessment of liquidated damages pursuant to Section VII of this Appendix and such other remedies are available to ESD pursuant to the Contract and applicable law.

II. CONTRACT GOALS

- A. For purposes of this procurement, ESD and Erie County hereby establish an overall goal of 30% for MWBE participation, 15% for New York State certified Minority-owned ("MBE") participation and 15% for New York State certified Women-owned Business Enterprises ("WBE") participation (collectively "**MWBE Contract Goals**") based on the current availability of qualified MWBEs.
- B. For purposes of providing meaningful participation by MWBEs on the Contract and achieving the MWBE Contract Goals established in Section II-A hereof, the Contractor agrees to (i) structure bid packages to encourage participation by MWBE firms, including defining, segmenting or sizing bid packages at levels to increase the likelihood MWBE firms are reasonably able to successfully undertake such projects, which may include allowing for contract partnering and encouraging larger bidders to include MWBE firms as co-bidders or project subcontractors; (ii) streamline the bid submittal process to accommodate MWBE firms with efficient time and cost of bid

submittals; and (iii) assist ESD in implementing a bonding education and support program and connect MWBE firms with available resources to enhance the awareness of MWBE contractors and their bonding requirements to improve bonding capacity. In connection with the foregoing, the Contractor should reference the directory of New York State Certified MWBEs found at the following internet address: <https://ny.newnycontracts.com>. Additionally, the Contractor is encouraged to contact the Division of Minority and Women's Business Development at (212) 803-2414 to discuss additional methods of maximizing participation by MWBEs on the Contract.

- C. The Contractor understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. The portion of a contract with an MWBE serving as a supplier that shall be deemed to represent the commercially useful function performed by the MWBE shall be 60% of the total value of the contract. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be the monetary value for fees, or the markup percentage, charged by the MWBE.
- D. The Contractor must document "good faith efforts," pursuant to 5 NYCRR § 142.8, to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. Such documentation shall include, but not necessarily be limited to:
 - 1. Evidence of outreach to MWBEs;
 - 2. Any responses by MWBEs to the Contractor's outreach;
 - 3. Copies of advertisements for participation by MWBEs in appropriate general circulation, trade, and minority or women-oriented publications;
 - 4. The dates of attendance at any pre-bid, pre-award, or other meetings, if any, scheduled by ESD with MWBEs; and,
 - 5. Information describing specific steps undertaken by the Contractor to reasonably structure the Contract scope of work to maximize opportunities for MWBE participation.

III. EQUAL EMPLOYMENT OPPORTUNITY (EEO)

- A. The provisions of Article 15-A of the Executive Law and the rules and regulations promulgated thereunder pertaining to equal employment opportunities for minority group members and women shall apply to the Contract.
- B. In performing the Contract, the Contractor shall:
 - 1. Ensure that each contractor and subcontractor performing work on the Contract shall undertake or continue existing EEO programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, EEO shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation.
 - 2. The Contractor shall submit an EEO policy statement to ESD within seventy-two (72) hours after the date of the notice by ESD to award the Contract to the Contractor.

(b) Bills and Developer Support. Consistent with past practices, the Bills and Developer will further and continue the Community Investment and collaborate with the Community Benefits Oversight Committee (as defined herein) to identify community vulnerabilities and priorities where the Bills and Developer can best direct their extensive resource commitment. In furtherance of the goals of the Community Benefits, the Developer will support and will work with the Bills to support the programs and objectives with appropriate time, personnel, and resource dedication, including without limitation continuing and growing Developer- and Bills-supported programs, dedicating staff toward developing and promoting the goals of the Community Benefits, and promoting the programs, initiatives, and objectives of the Community Benefits through the power of the Team brand as an NFL club. In furtherance of the foregoing, the Bills and the Developer will be providing, at a minimum, the Community Investment each year of the Term adjusted annually by the Price Index (subject to a maximum year-over-year increase of 2.2% in any one year) for the programs and objectives described herein.

(c) Design Elements in the New Stadium. The Developer has solicited input and feedback from community members who live in the Region on the various design elements of New Stadium, including, without limitation, the exterior aesthetic, lights, noise, height of stadium, sidewalks, security (in and around the New Stadium), buffering distance between the New Stadium and surrounding neighborhood, parking, traffic, greenspace, and cleanup. The New Stadium Complex infrastructure design shall include, but not be limited to, a public transportation hub (as further described in Section 3(i)) incorporated into the New Stadium Complex design for safe and organized public transportation pick-up and drop-off points for employees and patrons, and the Developer will work with the County to develop a foot traffic route for pedestrians to navigate Abbott Road from Southwestern Blvd. to Milestrip Road for better pedestrian and homeowner safety. The Bills shall consider and, in good faith, where appropriate, cause the Architect to incorporate such input and feedback in the final New Stadium plans, subject to Applicable Laws.

(d) MWBE and DBE Participation. The Developer shall develop a local hiring and contracting program for design and construction jobs that encourage the applicable employer to directly employ residents of the County and the Region of diverse socioeconomic backgrounds. The plan shall include specific goals to target for MBE, WBE, SDVOB, minority-owned business, and women-owned business participation, as further described in the CCA and Project Labor Agreement (“PLA”) entered into for the Project. In connection with the Developer’s performance of its obligations under the CCA, the Developer shall use good faith efforts, together with the Construction Manager and the Architect, to implement initiatives for maximizing participation in the design and construction of the Project, including:

(i) Developing and maintaining an easily accessible Project website where contractors and vendors can access all Project documents and sign up to receive notifications;

(ii) Collaborating with local small, women, and minority business organizations to identify firms that may be interested in participating in the Project, for example: Latin Chamber of Commerce, National Association of Minority Contractors, Women Business Enterprise Council, New York Contractor’s Association, Buffalo Urban League, Independent Contractors Guild of WNY, Buffalo Employment Training Center (BETC), Center for Employment Opportunities (CEO) Buffalo and the Northland Workforce Training Center

(collectively, the “**Local Chambers**”) to ensure bid packages and other stadium-related contracting information are readily available to the Local Chambers, so they may circulate the same to their respective members;

(iii) Engaging and providing opportunities to MWBE firms consistent with the availability of MWBE firms in the marketplace;

(iv) The Construction Manager hosting pre-job conferences for contractors, suppliers, and subcontractors at every tier performing work on the Project, which shall address items such as manpower, key employees work dates, work hours, Project rules, employee transportation to and from the Project site, safety, employee absenteeism, and other relevant information.

(v) Encouraging partnerships between MWBE firms and other vendors, including encouraging vendors to partner with MWBE firms, encouraging larger vendors to subcontract work to MWBE firms, and encouraging business mentorship programs that might provide professional development opportunities for MWBE firms.

(vi) Encouraging the Construction Manager for the Project to develop a program that encourages long-term relationships with MWBE firms; that provides meaningful feedback to contractors, subcontractors and vendors relative to performance-related issues and encourages continued development of skills and abilities; that puts systems into place to ensure larger contractors and vendors are aware of MWBE firms that have successfully undertaken stadium related work.

(e) Post Construction Operation of the New Stadium. Developer shall use commercially reasonable efforts to implement initiatives for maximizing participation in the maintenance and operation of the New Stadium, including, without limitation, aiming to achieve the following goals:

(1) Maintenance and Operations.

(i) Thirty percent (30%) of all retailers, vendors, and service companies used in stadium maintenance and operations to be MWBE firms and six percent (6%) of all retailers, vendors and service companies used in the New Stadium shall be SDVOB firms; and

(ii) Thirty percent (30%) of all monies paid to retailers, vendors, and service companies used in stadium maintenance and operations be paid to MWBE firms and six percent (6%) of all monies paid to retailers, vendors and service companies used in the New Stadium be paid to SDVOB firms.

(2) Concessions.

(i) Any response for proposal for the concessionaire shall require the concessionaire to administer food and beverage service mentorship programs for MWBEs.

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-9

COMPTROLLER

State Authorization for the Private Sale of
Bonds or Notes by Negotiated Agreement

Attachments

24COMM. 5E-9



1-12-2024 13:31

ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

February 28, 2024

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

Re: State Authorization for the Private Sale of Bonds or Notes by Negotiated Agreement

Dear Honorable Members:

Enclosed are recommended Home Rule Requests to the New York State Senate and the New York State Assembly to amend New York State Local Finance Law §54.50 to permit the continued underwriting and private sale of Erie County obligations through negotiated agreement until June 30, 2025. A copy of the related legislation introduced in the New York State Senate by Senator Timothy Kennedy (S.8145) and in the New York State Assembly by Assemblywoman Crystal Peoples-Stokes (A.9066) is also attached for your information.

As outlined in the attached accompanying memorandum, this amendment will provide the county sufficient flexibility in the marketing of bonds. This flexibility allows the county the ability to adjust coupon rates and maturities to ensure a more successful sale of bonds. The county has utilized negotiated authority for decades, and unless the Legislature acts, such authority will expire on June 30, 2024. Please note that while the county can benefit from such authority through lower prices and better terms, there may be circumstances and situations in which the county also engages in a competitive process.

I am available to answer any questions that you may have on this issue. Please feel free to contact me at 858-8404 and thank you in advance.

Sincerely yours,

A handwritten signature in blue ink, which appears to read "K. R. Hardwick".

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

Encl.

ACCOMPANYING MEMORANDUM

RE: State Authorization to Arrange for the Underwriting and Private Sale of Bonds Through Negotiated Agreement

SUMMARY OF RECOMMENDED ACTION: That Erie County request the enactment of state legislation entitled “An Act to amend the local finance law, in relation to the sale of municipal obligations by the County of Erie.”

FISCAL IMPLICATIONS OF PROPOSAL: The underwriting of bonds or notes at private sale through a negotiated agreement offers needed flexibility to adjust coupon rates and maturities in response to unexpected events and uncertain credit market conditions. This flexibility can ensure a more successful sale and lower borrowing costs.

REASON FOR RECOMMENDATION: The ability for Erie County to sell serial bonds or notes at private sale expires on June 30, 2024.

BACKGROUND OF PROPOSAL: This method of marketing offers the advantage of greater flexibility. The structure of a bond or note issue or timing of a bond or note sale can be adjusted as necessary to respond to changing market conditions. Hence, the sale can be designed to meet investor needs and generate cost savings to the County.

CONSEQUENCES OF NEGATIVE ACTION: The flexibility needed to ensure a successful sale will be lost, and the County may realize higher borrowing costs.

STEPS FOLLOWING APPROVAL: Pursuant to Article IX of the New York State Constitution, Erie County will formally request enactment of State legislation to amend the New York State Local Finance Law.

HOME RULE REQUEST – ASSEMBLY

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2024; and

WHEREAS, Assembly Bill A.9066 and Senate Bill S.8145, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2025;

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill A.9066, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie".

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York State Assembly and two copies to the New York State Senate.

HOME RULE REQUEST – SENATE

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2024; and

WHEREAS, Senate Bill S.8145 and Assembly Bill A.9066, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2025;

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill S.8145, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie".

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York State Senate and two copies to the New York State Assembly.

A09066 Summary:

BILL NO A09066

SAME AS SAME AS

SPONSOR Peoples-Stokes

COSPNSR

MLTSPNSR

Amd §54.50, Loc Fin L

Extends provisions providing for the sale of municipal obligations by the county of Erie,

A09066 Actions:

BILL NO A09066

02/06/2024 referred to local governments

A09066 Memo:

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A9066**SPONSOR:** Peoples-Stokes**TITLE OF BILL:**

An act to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie

PURPOSE OR GENERAL IDEA OF BILL:

The purpose of this bill is to provide Erie County with flexibility in its bond sales to maximize its return on bonds sold.

SUMMARY OF PROVISIONS:

Section 1 amends section 54.50 of the local finance law to permit the county of Erie to market serial bonds at private sale through the sunset date.

Section 2 Provides for an immediate effective date.

JUSTIFICATION:

In competitive sales, the date of bidding is determined once the first advertisement is made, unless the sale is withdrawn and a new one advertised. In negotiated sales, the timing of sales is announced as an objective, but the date of the sale can be changed as required. The flexibility provided by this bill allows the county of Erie to adjust coupon rates, maturities, and general conditions of the sales to ensure a more successful sale of the instruments.

It is appropriate to continue to provide Erie County with this flexibility for an additional year.

PRIOR LEGISLATIVE HISTORY:

2023: Chapter 172; 2022: Chapter 329; 2021: Chapter 171; 2020: Chapter 83; 2019: Chapter 74; 2018: Chapter 83; 2017: Chapter 75; 2016: Chapter 85; 2015: Chapter 43; 2014: Chapter 74; 2013: Chapter 89; 2012: Chapter 80; 2011: Chapter 63; 2010: Chapter 127; 2009: Chapter 39; 2008: Chapter 80; 2007: Chapter 87; 2006: Chapter 123; 2005: Chapter 113; 2004: Chapter 115; 2003: Chapter 405; 2002: Chapter 98; 2001: Chapter 57; 2000: Chapter 96; 1999: Chapter 406; 1998: Chapter 139; 1997: Chapter 148; 1996: Chapter 119;

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:

None to the State. This legislation will result in lower interest rates for the county of Erie in negotiating the sale of their bonds.

EFFECTIVE DATE:

Immediately

A09066 Text:**STATE OF NEW YORK**

9066

IN ASSEMBLY

February 6, 2024

Introduced by M. of A. PEOPLES-STOKES -- read once and referred to the
Committee on Local Governments

AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. The opening paragraph of section 54.50 of the local finance
2 law, as amended by chapter 172 of the laws of 2023, is amended to read
3 as follows:
4 To facilitate the marketing of any issue of serial bonds or notes of
5 the county of Erie issued on or before June thirtieth, two thousand
6 [~~twenty-four~~] twenty-five such county may, notwithstanding any limita-
7 tions on private sales of bonds provided by law, and subject to approval
8 by the state comptroller of the terms and conditions of such sale:
9 § 2. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD14006-01-4

STATE OF NEW YORK

8145

IN SENATE

January 9, 2024

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. The opening paragraph of section 54.50 of the local finance
- 2 law, as amended by chapter 172 of the laws of 2023, is amended to read
- 3 as follows:
- 4 To facilitate the marketing of any issue of serial bonds or notes of
- 5 the county of Erie issued on or before June thirtieth, two thousand
- 6 [~~twenty-four~~] twenty-five such county may, notwithstanding any limita-
- 7 tions on private sales of bonds provided by law, and subject to approval
- 8 by the state comptroller of the terms and conditions of such sale:
- 9 § 2. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[~~-~~] is old law to be omitted.

LBD14006-01-4

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-10

COUNTY EXECUTIVE

PILOT Agreement for 1603 Seneca St. -
Affordable Housing Development

Attachments

24COMM. 5E-10



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

2024 MAR 1 24 PM 3:24

March 1, 2024

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

RE: Payment in Lieu of Taxes (PILOT) Agreement for 1603 Seneca Street, City of Buffalo – Affordable Housing Development

Dear Honorable Members:

Please find an enclosed resolution from the Department of Environment and Planning regarding a Payment in Lieu of Taxes (PILOT) Agreement for 1603 Seneca Street project. The resolution authorizes the County Executive to execute an agreement with SSSN Housing Development Fund Corporation, Seneca Street Special Needs, LP, and the City of Buffalo.

Should your Honorable Body require further information, I encourage you to contact Commissioner Daniel Castle. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in blue ink, reading "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/jw
Enclosure

cc: Daniel R. Castle, Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Payment in Lieu of Taxes (PILOT) Agreement 1603 Seneca Street Project, City of Buffalo– Affordable Housing Project
Date: March 1, 2024

SUMMARY

The resolution authorizes the County Executive to execute a PILOT Agreement with SSSN Housing Development Fund Corporation, Seneca Street Special Needs, LP, and the City of Buffalo.

The owner is seeking a PILOT from the City of Buffalo and Erie County consistent with the PILOT Policy adopted by the Erie County Legislature on December 16, 1999.

FISCAL IMPLICATIONS

In accordance with the PILOT policy, the proposed PILOT payment for 1603 Seneca Street project shall be based on a payment of \$14,003 in year 1 and would escalate by 3% each year for an additional fifteen-year term. The County would receive twenty-five percent (25%) of each annual payment, and the City of Buffalo would receive seventy-five percent (75%) of each annual payment. The payment Schedule A lists the payments for the 15 years of the Agreement.

REASONS FOR RECOMMENDATION

The City of Buffalo supports the PILOT and on November 14, 2023, the Common Council of the City of Buffalo approved the 1603 Seneca Street PILOT Agreement Extension. The project conforms to the provisions of Article XI of the New York Private Housing Finance Law.

BACKGROUND INFORMATION

The residential project is located at 1603 Seneca Street in the City of Buffalo, zip code 14210. The project consists of seventy-five (75) apartment units with one hundred percent (100%) of those units to occupants earning no more than 60% area median income (AMI) and seventy-two percent (72%) of the units for occupants earning no more than 50% area median income (AMI). The project is an extension of a PILOT Agreement from 2007. All seventy-five (75) units have been inspected and are current with all City of Buffalo building codes.

CONSEQUENCES OF NEGATIVE ACTION

Without the PILOT, it would not be economically feasible for SSSN Housing Development Fund Corporation and/or Seneca Street Special Needs, LP to operate the project as it is currently structured.

STEPS FOLLOWING APPROVAL

The County Executive or Deputy County Executive will enter into a PILOT Agreement with the noted parties.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Payment in Lieu of Taxes (PILOT) Agreement for 1603 Seneca Street, City of Buffalo – Affordable Housing Project

WHEREAS, 1603 Seneca Street consists of the extension of an existing PILOT Agreement in the City of Buffalo for 75 affordable rental units at 1603 Seneca Street, City of Buffalo, NY; 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 SSSN Housing Development Fund Corporation, Seneca Street Special Needs, LP to operate the housing project it is necessary to extend tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute a Payment in Lieu of Taxes (PILOT) Agreement with SSSN Housing Development Fund Corporation, Seneca Street Special Needs, LP, and the City of Buffalo, and any other organizations necessary to conclude this PILOT Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto; and be it further

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

SCHEDULE A
PILOT Payments

Year	PILOT Year	Total	City	County
2023-2024	15	\$ 13,595	\$ 10,196	\$ 3,399
2024-2025	1	\$ 14,003	\$ 10,502	\$ 3,501
2024-2026	2	\$ 14,423	\$ 10,817	\$ 3,606
2024-2027	3	\$ 14,856	\$ 11,142	\$ 3,714
2024-2028	4	\$ 15,301	\$ 11,476	\$ 3,825
2024-2029	5	\$ 15,760	\$ 11,820	\$ 3,940
2024-2030	6	\$ 16,233	\$ 12,175	\$ 4,058
2024-2031	7	\$ 16,720	\$ 12,540	\$ 4,180
2024-2032	8	\$ 17,222	\$ 12,916	\$ 4,305
2024-2033	9	\$ 17,738	\$ 13,304	\$ 4,435
2024-2034	10	\$ 18,271	\$ 13,703	\$ 4,568
2024-2035	11	\$ 18,819	\$ 14,114	\$ 4,705
2024-2036	12	\$ 19,383	\$ 14,537	\$ 4,846
2024-2037	13	\$ 19,965	\$ 14,974	\$ 4,991
2024-2038	14	\$ 20,564	\$ 15,423	\$ 5,141
2024-2039	15	\$ 21,181	\$ 15,885	\$ 5,295

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-11	COUNTY EXECUTIVE	Renaissance Commerce Park - Amendment to Contract
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	Attachments
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24COMM. 5E-11



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

2024 MAR 1 12:24 PM

March 1, 2024

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

RE: Renaissance Commerce Park - Amendment to Contract for Design and Construction of Water and Sewer Utilities

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Environment and Planning authorizing the execution of an amendment to a contract with the Erie County Industrial Development Agency for the design and construction of water and sewer infrastructure at the former Bethlehem Steel site, now known as Renaissance Commerce Park.

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

Sincerely yours,

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

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/nb
Enclosure

cc: Daniel R. Castle, AICP, Commissioner
Mark Rountree

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Renaissance Commerce Park - Amendment to Contract for Design and Construction of Water and Sewer Utilities
Date: March 1, 2024

SUMMARY

The Department of Environment and Planning is seeking authorization to enter into a First Amendment to an agreement with the Erie County Industrial Development Agency (ECIDA) for the purpose of increasing the original contract amount by \$50,000 to a new total of \$750,000. The County entered into an agreement with the ECIDA to contract with consultants and contractors specializing in the design and construction of utility infrastructure for the purpose of developing water and sewer infrastructure at the future Odell Street on the former Bethlehem Steel site. The additional \$50,000 will account for unforeseen obstructions and groundwater encountered during construction, and the resultant testing and treatment required by NYSDEC. The Legislature previously approved this amendment through Comm. 23E-18 (2023), the previous resolution incorrectly identified the amount of the original agreement.

FISCAL IMPLICATIONS

The proposed additional funding of \$50,000 is in A.19025.

REASONS FOR RECOMMENDATION

The amount of shovel ready industrial land available for new construction is at historic lows in the WNY region. Erie County, through the redevelopment of Renaissance Commerce Park, is addressing this need and ensuring that the County is able to successfully attract and retain businesses to the area. The addition of water and sewer infrastructure along with the future roads is the next step in progressing the redevelopment of the northern portion of the former Bethlehem Steel site. It will continue the recent momentum occurring at the southern portion of the site near Dona Street, which has recently seen the addition of several employers and new construction of industrial and warehouse space.

BACKGROUND INFORMATION

The ILDC, a subsidiary of the ECIDA, is the property owner of the site. During construction of the water and sewer infrastructure, the contractor encountered an unexpected amount of ground water during excavation of the trenches. The site is part of the NYSDEC Brownfield Cleanup Program, therefore the groundwater encountered is required be directed through a settling tank and tested to confirm the absence of hazardous materials prior to the groundwater being released. Additionally, several foundations and underground pipes were encountered during the excavation which required additional testing, removal, and disposal. The presence of obstructions and groundwater encountered during excavation and construction resulted in additional costs to the contractor.

CONSEQUENCES OF NEGATIVE ACTION

If a resolution to amend the original contract is not approved, Erie County and the ECIDA will not be able to complete this work. The installation of new infrastructure to open up the northern portion of the former Bethlehem Steel site will not be completed.

STEPS FOLLOWING APPROVAL

Upon approval of the resolution, the First Amendment to Agreement will be executed with the ECIDA and the construction of water and sewer infrastructure will be completed.

COMPTROLLER'S OFFICE REVIEW

The proposed item has been reviewed by the Comptroller's Office and is related to an authorized capital project (A.19025) for which there are sufficient appropriations for the action requested.

Trinity C. Callan
2/14/24
Comptroller's Office

A.19025

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Renaissance Commerce Park - Amendment to Contract for Design and Construction of Water and Sewer Utilities

WHEREAS, The County of Erie is interested in the fostering of business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the sound reuse of urban brownfields for productive use, be it industrial, commercial, or recreational; and

WHEREAS, County of Erie, City of Lackawanna, Erie County Industrial Development Agency, continue to work cooperatively toward achieving the redevelopment of the former Bethlehem Steel site; and

WHEREAS, the development of water and sewer infrastructure on the on the former Bethlehem Steel site is necessary to market the site as shovel ready; and

WHEREAS, the County and the Erie County Industrial Development Agency entered into an Agreement ("Agreement") dated August 7th, 2020, whereby the Erie County Industrial Development Agency shall contract with consultants and contractors specializing in the design of utility infrastructure for the purpose of developing water and sewer infrastructure at the future Odell Street on the former Bethlehem Steel site; and

WHEREAS, the parties desire to amend the Agreement to reflect additional costs incurred as a result of unforeseen obstructions and groundwater encountered during construction and resultant testing and treatment required by NYSDEC.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into a First Amendment to Agreement with the Erie County Industrial Development Agency to increase the original contract amount of \$700,000 by \$50,000 to a new total of \$750,000, 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 and Management, the Office of Comptroller, the Department of Environment and Planning, and the Department of Law.

TO: COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS


REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- | | |
|-----------------------|---|
| 1. CONTRACTOR'S NAME | <u>ECIDA</u> |
| 2. AMOUNT OF CONTRACT | <u>\$ 50,000.00</u> |
| 3. PROJECT NUMBER | <u>A.19025</u> |
| 4. PROJECT TITLE | <u>Renaissance Commerce Park - Amendment to
Contract for Design and Construction of
Water and Sewer Utilities</u> |
| | <u>Funding questions: Mark Rountree</u> |
| 5. DEPARTMENT CONTACT | <u>Letter pickup: Nancy Brown</u> |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|------------------------------------|--|
| 6. AVAILABILITY OF FUNDS | <u>\$ 1,000,000.00</u> |
| 7. PERFORMED BY | <u></u> |
| Date Sent to Comptroller's Office: | <u>February 14, 2024</u> |

[55 compt_10]

PROJECT TITLE: A.19025 2019 Bethlehem Steel Redevelopment.

1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE
OF THE PROJECT: YES X NO

IF NO, RETURN THIS REQUEST TO THE DEPARTMENT

IF YES, COMPLETE THE FOLLOWING VERIFICATION

2) PROJECT AVAILABLE APPROPRIATION

Total Project Revenues	\$ <u>1,000,000.00</u>
Total Project Appropriations	\$ <u>1,000,000.00</u>
Less: Total Expenditure To Date	\$ <u>-</u>
Less: Total Commitments	\$ <u>-</u>
Available Appropriations As Of Date Of Request	\$ <u>1,000,000.00</u>
Less: Contract Amount	\$ <u>50,000.00</u>
Net Available Appropriations	\$ <u><u>950,000.00</u></u>

Comments: There is currently \$1,000,000.00 Cash within the project.

Request Approved: *Tracy C. Calan*

Request Denied: _____

Date: 2/14/24

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-12	COUNTY EXECUTIVE	Authorization to Contract with BestSelf - Construction Funding for Child Advocacy Center
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	Attachments
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24COMM. 5E-12



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

LEG MAR 1 '24 PM 3:24

March 1, 2024

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

RE: Authorization to Contract with BestSelf to fund the construction of the Child Advocacy Center (CAC)

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Environment and Planning authorizing the execution of contracts for the Relocation of the Child Advocacy Center at BestSelf (CAC). The Department of Environment and Planning anticipates contracting with the Organization which will then bid the project for construction.

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

Sincerely yours,

A handwritten signature in blue ink, reading "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/nb
Enclosures

cc: Daniel R. Castle AICP, Commissioner
Mark Rountree

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Authorization to Contract with BestSelf to fund the Construction of the Child Advocacy Center (CAC)
Date: March 1, 2024

SUMMARY

It is recommended that the Erie County Legislature authorize the County Executive to enter into agreement with BestSelf Behavioral Health to assist with construction costs associated with the relocation of the Child Advocacy Center (CAC).

FISCAL IMPLICATIONS

The proposed funding of \$1,000,000 was allocated for this purpose in the 2023 Erie County Capital Budget (A.23069).

REASONS FOR RECOMMENDATION

BestSelf Behavioral Health is relocating its Child Advocacy Center and administrative headquarters to 899 Main Street in the City of Buffalo. The space is being renovated to increase operational capacity and allow for the co-location of partners such as Erie County Child Protective Services as well as medical, law enforcement, and other professionals. The space will be provided to Erie County Child Protective Services at no charge. This will enable BestSelf to provide comprehensive services for children and families affected by trauma and abuse in Erie County.

BACKGROUND INFORMATION

BestSelf Behavioral Health is a nonprofit organization that was formed in 2017 through the merger of Child & Adolescent Treatment Services and Lake Shore Behavioral Health. Erie County has the 2nd highest reported incidence of child abuse and neglect in New York State. There are more than 3,000 estimated cases of child sexual and physical abuse in Erie County annually; however, the existing CAC is only able to assist in roughly 1/3 of those cases. The proposed new site will better address the needs of Erie County.

CONSEQUENCES OF NEGATIVE ACTION

If a resolution to enter into a contract is not approved, Erie County and BestSelf will not be able to complete this work. The project will not occur as scheduled and the work will be delayed until such time that additional funds are raised.

STEPS FOLLOWING APPROVAL

Upon approval of the resolution, contracts will be prepared and bidding for the project will occur.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient appropriations for the action proposed available in A.23069.


Comptroller's Office

A.23069

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Authorization to Contract with BestSelf to fund the Construction of the Child Advocacy Center (CAC)

WHEREAS, BestSelf Behavioral Health provides critical services to Erie County families and children suffering from trauma and abuse; and

WHEREAS, Erie County has the second-highest incidence of child abuse and neglect in New York State, with over 3,000 estimated cases of child abuse and neglect annually; and

WHEREAS, BestSelf seeks to relocate its Child Advocacy Center in order to better address the significant need; and

WHEREAS, BestSelf plans to relocate the Child Advocacy Center to 899 Main Street, Buffalo to better suit its operational needs; and

WHEREAS, the proposed facility will co-locate many of the trauma and abuse service agencies and organizations into one location; and

WHEREAS, Erie County wishes to fund a portion of the construction of the Child Advocacy Center; and

WHEREAS, Best Self has agreed to provide space to Erie County Child Protective Services at no charge; and

WHEREAS, the County of Erie allocated \$1,000,000 for the construction of the Child Advocacy Center in the 2023 Capital Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into contracts, easements, and agreements with BestSelf Behavioral Health in amounts not to exceed a total of \$1,000,000 for the purpose of constructing the Child Advocacy Center; and be it further

RESOLVED, that the source of these funds shall be \$1,000,000 available in the 2023 Erie County Capital Budget, A.23069; and be it further

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

TO: COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

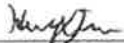
REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- | | |
|-----------------------|---|
| 1. CONTRACTOR'S NAME | <u>BestSelf Child Advocacy Center</u> |
| 2. AMOUNT OF CONTRACT | <u>\$ 1,000,000.00</u> |
| 3. PROJECT NUMBER | <u>A.23069</u>
<u>2023 Erie County Capital Budget</u> |
| 4. PROJECT TITLE | <u>Contract with BestSelf to fund Construction of</u>
<u>the Child Advocacy Center (CAC)</u> |
| | <u>Funding questions: Mark Rountree</u> |
| 5. DEPARTMENT CONTACT | <u>Letter pickup: Nancy Brown</u> |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|------------------------------------|--|
| 6. AVAILABILITY OF FUNDS | <u>\$1,000,000.00</u> |
| 7. PERFORMED BY | <u></u> |
| Date Sent to Comptroller's Office: | <u>February 15, 2024</u> |

[55 compt_10]

OFFICE OF THE COMPTROLLER REVIEW

DATE: 2/15/2024

PROJECT TITLE: A.23060 - 2023 Relocation of Child Advocacy Center at BestSelf (CAC)

1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE
OF THE PROJECT: YES X NO

IF NO, RETURN THIS REQUEST TO THE DEPARTMENT

IF YES, COMPLETE THE FOLLOWING VERIFICATION

2) PROJECT AVAILABLE APPROPRIATION

Total Project Revenues	\$ <u> -</u>
Total Project Appropriations	\$ <u>1,000,000.00</u>
Less: Total Expenditure To Date	\$ <u> -</u>
Less: Total Commitments	\$ <u> </u>
Available Appropriations As Of Date Of Request	\$ <u>1,000,000.00</u>
Less: Contract Amount	\$ <u>1,000,000.00</u>
Net Available Appropriations	\$ <u> -</u>

Comments: This project has no trial balance.

Request Approved: Tally G. Call

Request Denied: _____

Date: 2/16/24

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-13 COUNTY EXECUTIVE ECSD Nos. 1 & 3 - Contract Close Out

24COMM. 5E-13

Attachments



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 1, 2024

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

**RE: Erie County Sewer District Nos. 1 & 3
Contract No. 89
Contract Close Out – Kandey Company Inc.**

Dear Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning, Division of Sewerage Management, pertaining to the close out of Contract No. 89 with Kandey Company Inc.

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

Sincerely yours,

A handwritten signature in blue ink, reading "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

• MCP: nw
Enclosure

Cc: J. Fiegl – Environment and Planning

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District Nos. 1 & 3
Contract No. 89
Contract Close Out – Kandey Company Inc.
Date: March 1, 2024

SUMMARY

Acceptance and approval of Contract No. 89 in the final contract amount of \$930,930.36 together with Change Order No. 1 (final) as well as authorization to issue final payment to the contractor, Kandey Company Inc. is requested.

FISCAL IMPLICATIONS

There will be no impact on the County's General Fund. The funds for this contract were allocated from the Capital Reserve accounts of Erie County Sewer District No. 1 and No. 3, respectively. As the final amount is below the bid award, unused funds for this Contract will be returned to the Erie County Sewer District Capital Reserve Account from which they came based on guidance from the Division of Sewerage Management.

REASONS FOR RECOMMENDATION

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

BACKGROUND INFORMATION

Contract No. 89 was bid on May 10, 2023 and awarded by the Erie County Legislature on June 22, 2023 pursuant to Legislative Comm. 8E-5 (2023). This contract constructed the Various Sanitary Sewer Replacements Project in Erie County Sewer District Nos. 1 & 3. Change Order No. 1 is an adjustment of final quantities resulting in a net deduct of \$117,489.14.

CONSEQUENCES OF NEGATIVE ACTION

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

STEPS FOLLOWING APPROVAL

The County of Erie will execute the final change order and make a final payment to Kandey Company Inc.

COMPTROLLER'S OFFICE REVIEW

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

Signed Timothy C. Callan Date 2/16/24
Title Timothy C. Callan, Ph.D.
Deputy Comptroller

Erie County Sewer District Nos. 1 & 3
Contract No. 89
Contract Closeout – Kandey Company Inc. C.20001
Capital Reserve Account No. C.00033
Capital Reserve Account No. C.00007

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District Nos. 1 & 3
Contract No. 89
Contract Close Out – Kandey Company, Inc.

WHEREAS, pursuant to Legislative Comm. 8E-5 (2023), Contract No. 89 was awarded to Kandey Company, Inc. to construct the Various Sanitary Sewer Replacements Project in Erie County Sewer District Nos. 1 & 3; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 89 in the final contract amount of \$930,930.36 which includes Change Order No. 1 (final), a decrease of \$117,489.14, and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, the Erie County Legislature hereby authorizes Contract No. 89 between the County of Erie and Kandey Company, Inc. (19 Ransier Drive, West Seneca, NY 14224) to be accepted in the final contract amount of \$930,930.36 which includes Change Order No. 1 (final), a decrease of \$117,489.14 and is allocated in Sewer Management Capital Account C.20001; and be it further

RESOLVED, authorization is hereby given to the Erie County Comptroller to make final payment for Contract No. 89 to Kandey Company, Inc. for a total contract amount of \$930,930.36; and be it further

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

APPROVAL TO DISBURSE CAPITAL PROJECT CASH
(use a separate form for each capital project)

SEWER CAPITAL C. 20001 TITLE Erie County Sewer District Nos. 1 & 3

PROJECT PURPOSE: The construction of the Various Sanitary Sewer Replacements Project.

PROJ.AUTHORIZATION: BUDGET YEAR _____ OR DATE OF LEGISLATION _____

BOND RESOLUTION(S) AUTHORIZING PROJECT: TOTAL \$ _____
DATE(S) _____
AMT(S) _____ \$ _____

CONTRACT PURPOSE: Replacement of approximately 923 lineal feet (LF) of 8-inch diameter sanitary sewer, 20 sewer lateral reconnections, 12 new sanitary sewer lateral cleanouts, and 5 new sanitary sewer manholes across various locations in Erie County, including Erie County Sewer District No. 1: Maplewood Avenue in the Town of West Seneca and South Prince Drive in the Town of Cheektowaga, and Erie County Sewer District No. 3: Hugo Place in the Village of Blasdell and Oakland Place at Ockler Avenue in the Town of Hamburg.

<u>CONTRACTOR</u>	<u>\$ AMOUNT</u>	<u>W.B.S.#</u>	<u>TOTAL AVAILABLE APPROPRIATION</u>
<u>CO#1 Kandey Company, Inc.</u>	<u>-\$117,489.14</u>	<u>C.20001</u>	<u>\$ \$930,930.36</u>
Total	<u>-\$117,489.14</u>		

CHANGE ORDERS: PROJECT LEGISLATIVE HISTORY FOR THIS CONTRACT

<u>DATE</u>	<u>DESCRIPTION (Orig. Enc. Inc., Dec)</u>	<u>Amount</u>	<u>SFG Doc#</u>
<u>Original Contract</u>	<u>Kandey Company</u>	<u>\$1,048,419.50</u>	

REQUESTED BY: Nadine R. Wetzel, P.E.

	<u>Initials</u>	<u>Date</u>	
Amount Allocated	_____	_____	Deputy Commission
Amount Available	_____	_____	Accountant

TO: COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

1. CONTRACTOR'S NAME Kandey Company Inc.
2. AMOUNT OF CONTRACT \$930,930.36
3. PROJECT NUMBER C.20001
4. PROJECT TITLE Various Sanitary Sewer Replacements Proj.
5. DEPARTMENT CONTACT Beth Pfalzer x6144

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS \$31,864.03
7. PERFORMED BY *J. K. La*
- Date Sent to Comptroller's Office: February 14, 2024

[55 compt_10]

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-14 COUNTY EXECUTIVE ECSD No. 6 - 2024 Budget Transfer

24COMM. 5E-14

Attachments



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG MAR 1 '24 PM 3:24

March 1, 2024

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

**RE: Erie County Sewer District No. 6
2024 Budget Transfer**

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution pertaining to the transfer of funds within Erie County Sewer District No. 6's operating budgets.

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 blue ink, reading "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP: jf

Enclosure

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

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer Districts No. 6
2024 Budget Transfer
Date: March 1, 2024

SUMMARY

Additional funding is requested for the Erie County Sewer District (ECSD) No. 6 Lab and Technical Equipment account (G/L 561410). Funds will be transferred from Buildings, Grounds, and Heavy Equipment account (G/L 561430).

FISCAL IMPLICATIONS

There are no fiscal implications to the County's General Fund. The transfer would be effectuated using existing ECSD No. 6 funds from a budget account with anticipated surpluses. There will be no net impact to the ECSD ratepayers or the 2024 budgets as a result of this action.

REASONS FOR RECOMMENDATION

Funds budgeted by ECSD No. 6 for buildings, grounds, and heavy equipment should have been designated for lab and technical equipment purchases in the 2024 budget.

BACKGROUND INFORMATION

A budget transfer is required in order to have sufficient funds available to purchase lab and technical equipment for ECSD No. 6. District funds budgeted for building, grounds, and heavy equipment should have been budgeted for lab and technical equipment for 2024. The Division of Sewerage Management is requesting that \$164,500 be transferred into the Lab and Technical Equipment account (G/L 561410) in ECSD No. 6. This transfer would come from ECSD No. 6's Buildings, Grounds, and Heavy Equipment account (G/L 561430).

CONSEQUENCES OF NEGATIVE ACTION

ECSD No. 6 will have insufficient budget for lab and technical equipment to be purchased in 2024.

STEPS FOLLOWING APPROVAL

The Comptroller will be requested to transfer funds between the appropriate ECSD No. 6 accounts.

**A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING**

RE: Erie County Sewer District No. 6
2024 Budget Transfer

WHEREAS, the Division of Sewerage Management identified that additional funds are needed to pay for lab and technical equipment in Erie County Sewer District (ECSD) No. 6 for the 2024 fiscal year; and

WHEREAS, the Division of Sewerage Management analyzed the budget and expenses and determined that a surplus will exist in ECSD No. 6 account 561430 – Buildings, Grounds, and Heavy Equipment; and

WHEREAS, a transfer of funds from accounts with surplus funds will allow ECSD No. 6 to maintain daily operations with no net impact on the 2024 budget.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Division of Sewerage Management – Sewer District No. 6's 2024 General Fund Budget (Fund 220, Funds Center 18610) to be amended as follows:

Division of Sewerage Management
Erie County Sewer District No. 6
Fund 220, Funds Center 18610

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
561410	Lab & Technical Equipment	\$164,500
	Building, Grounds, & Heavy	
561430	Equipment	<u>(164,500)</u>
	TOTAL	<u>\$ 0</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any required budgetary adjustments to implement the actions and appropriations in this resolution; and be it further

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

SUBJECT

COMM. 5E-15	COUNTY EXECUTIVE	ECSD No. 3 - Southtowns Incinerator Tray Scrubbers Replacement & Crane Installation Project
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	Attachments
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24COMM. 5E-15



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

CC LEG NAR 1 '24 PM 3:25

March 1, 2024

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

**RE: Erie County Sewer District No. 3
Southtowns Incinerator Tray Scrubbers Replacement
and Crane Installation Project
Contract No. 68, Change Order No. 3**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning pertaining to Change Order No. 3 for the Southtowns Incinerator Tray Scrubbers Replacement and Crane Installation Project, Erie County Sewer District No. 3, Contract No. 68.

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

Sincerely yours,

A handwritten signature in blue ink, reading "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP: mp
Enclosure

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

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 3
Southtowns Incinerator Tray Scrubbers Replacement
and Crane Installation Project
Contract No. 68, Change Order No. 3
Date: March 1, 2024

SUMMARY

Your Honorable Body is requested to receive and file this communication pertaining to Change Order No. 3 to Quackenbush Co., Inc. for the Southtowns Incinerator Tray Scrubbers Replacement and Crane Installation Project, Erie County Sewer District No. 3, Contract No. 68. The Change Order increases the Contract amount by \$43,283.00 and the project time by 33 days. The cost and time was necessary to procure and install over 60 linear feet of 6-inch diameter ductile iron pipe with an improved alignment and new connections, fittings, trap valves, pipe supports or hangers, and all other appurtenances.

FISCAL IMPLICATIONS

There will be no fiscal impact on the County's General Fund. This project is funded by American Rescue Plan funding provided through Capital Account No. C.21150.

REASONS FOR RECOMMENDATION

When installing the new X-Scrubber drain, deficiencies in the pipe construction of Y-Scrubber drain were discovered that were not present or apparent during the project design. In addition, improvements to the Y-Scrubber drain were recommended to increase longevity, meet current codes, and provide the optimal conditions for operation of the new Y-Scrubber. A time extension is needed in order to procure ductile iron pipe, fittings, and connections and allow for installation.

BACKGROUND INFORMATION

This Southtowns Incinerator Tray Scrubbers Replacement and Crane Installation Project was awarded to Quackenbush Co., Inc. under Legislative Comm. 25E-4 (2021) and involves the replacement of two tray scrubbers, installation of a JIB crane, and other solids handling area maintenance and improvements. Change Order No. 1 was authorized pursuant to Legislative Comm. 13E-21 (2022) and increased the contract amount by \$222,076.00 to replace more air pollution control equipment associated with the scrubbers. Change Order No. 2 was authorized pursuant to Legislative Comm. 11E-25 (2023) and increased project time by 309 days due to delays in equipment procurement and incinerator operational restrictions.

During construction of Contract No. 68, work on this project revealed that the Y-Scrubber drain, which was anticipated to be re-used, needed to be replaced. This replacement was not anticipated at the time of design and was not accounted for in the Contract Documents.

CONSEQUENCES OF NEGATIVE ACTION

If replacement of the piping and connections are not made and brought up to code, existing Y-Scrubber drain or connections could fail, causing the Y-Incinerator to be inoperable. If the improvements are not implemented, it could negatively impact scrubber operation and result in insufficient pressures or incorrect pH readings, that could impact air permit compliance.

STEPS FOLLOWING APPROVAL

This is a receive and file item.

COMPTROLLER'S OFFICE REVIEW

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

Signed Timothy C. Callan Date 2/4/24
Title Timothy C. Callan, PhD
Deputy Comptroller

**Erie County Sewer District No. 3
Southtowns Incinerator Tray Scrubbers Replacement And Crane Installation Project
Contract No. 68, Change Order No. 3
Capital Account No. C.21150**

TO: COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

1. CONTRACTOR'S NAME Quackenbush Co., Inc.
2. AMOUNT OF CONTRACT \$43,283.00
3. PROJECT NUMBER C.21150
4. PROJECT TITLE Southtowns Incinerator Tray Scrubber Repl.
& Crane Installation – Change Order 3
5. DEPARTMENT CONTACT Beth Pfalzer x6144

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS \$6,398,871.78
 7. PERFORMED BY *Houghton*
- Date Sent to Comptroller's Office: February 5 2024

[55 compt_10]

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-16	COUNTY EXECUTIVE	ECSD No. 6 - Engineer Term Contract Agreement
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24COMM. 5E-16	Attachments
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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG MAR 1 '24 PM 3:25

March 1, 2024

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

**RE: Erie County Sewer District No. 6
Engineer Term Contract Agreement
JM Davidson Engineering, DPC
Work Order: JMD-3**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, for the issuance of a work order as authorized by the Erie County Legislature, related to 3-year Term Agreements.

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

Sincerely yours,

A handwritten signature in blue ink, reading "Mark C. Poloncarz", is written over a horizontal line.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:ms
Enclosure

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

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 6
Engineer Term Contract Agreement
JM Davidson Engineering, DPC
Work Order: JMD-3
Date: March 1, 2024

SUMMARY

The Erie County Legislature is requested to receive and file this communication pertaining to the Department of Environment and Planning's issuance of a work order with JM Davidson Engineering, DPC for Erie County Sewer District (ECSD) No. 6 in the amount not to exceed \$16,840.00.

FISCAL IMPLICATIONS

There will be no impact to the County's General Fund. The cost of the engineering work related to this communication will be paid from ECSD No. 6 Professional Services Account 516020.

REASONS FOR RECOMMENDATION

The Division of Sewerage Management (DSM) has issued work order JMD-3 to JM Davidson Engineering, DPC to provide additional engineering services associated with design of a bypass pump around chamber and piping improvements for the Dorrance Avenue Pumping Station.

BACKGROUND INFORMATION

Your Honorable Body passed Legislative Comm. 16E-11 (2022) authorizing a 3-year Term Agreement with JM Davidson Engineering, DPC for engineering services for small and/or time critical projects. At the time of the award, the DSM committed to notifying the Honorable Legislature of each work order issued.

The Term Agreement was approved to provide the DSM with engineering services required to complete various initiatives throughout the ECSDs. As part of work order JMD-3, JM Davidson Engineering, DPC will provide engineering documents (plans and specifications) for the addition of a bypass pump around chamber and piping modifications for the Dorrance Avenue Pumping Station force main.

CONSEQUENCES OF NEGATIVE ACTION

This is a receive and file item.

STEPS TO FOLLOW APPROVAL

This is a receive and file item.

**ERIE COUNTY SEWER DISTRICT NO. 6
WORK ORDER NO. JMD-3**

ENGINEER: JM Davidson Engineering, DPC

CONTRACT DATE: November 17, 2022

1. Title of Proposal:

ECSD #6 – Dorrance Ave. Pumping Station Forcemain – Bypass pump around Chamber.

2. Name and Business Address of Proposer:

Jaime Davidson, P.E.
JM Davidson Engineering, DPC
935 Sheridan Drive
Tonawanda, NY 142150

3. Effective Dates of Proposal:

February 22, 2024

4. Brief Description of Work for Which Proposal is Submitted:

The engineer will provide engineering documents (plans and specifications) associated with the addition of a bypass pump around chamber and piping for the ECSD No. 6, Dorrance Avenue Pumping Station forcemain as detailed in the attached JM Davidson Engineering, DPC letter, dated February 15, 2024.

5. Engineering Cost: \$16,840.00

6. Source of Funds: Erie County Sewer District No. 6 Professional Services Account 516020.

7. Project No: JMD-3

8. Attachments JM Davidson Engineering, DPC letter, dated 2/15/2024, 3 pages.

9. File: 0.3.2. JMD (23-25) Eng.

DATE: February 22, 2024

Accepted By: _____

Prepared By: _____
Matt A. Salah, P.E.

Authorized By: _____
Joseph Fiegl, P.E., BCEE
Deputy Commissioner

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-17	COUNTY EXECUTIVE	ECSD No. 1 - Electric Ave. & Casimir St. Sanitary Sewer Replacement
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24COMM. 5E-17	Attachments
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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEGAL 24 PM 3:25

March 1, 2024

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

**RE: Erie County Sewer District No. 1
Electric Ave and Casimir St Sanitary Sewer Replacement
Bid Opening – Contract No. 46**

Dear Honorable Members:

The Department of Environment and Planning, Division of Sewerage Management will be opening bids for a construction project titled Erie County Sewer District No. 1 Contract No. 46 Electric Ave and Casimir St Sanitary Sewer Replacement.

In order to award said contract in the required forty-five (45) day time period, we respectfully request this item be placed on the agenda of the Energy and Environment Committee. After receipt of bids, the Department will provide the necessary bid tabulations, engineer's recommendation to award, and a suggested resolution.

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 blue ink, reading "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP: nw

cc: J. Fiegl – Division of Sewerage Management

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-18 COUNTY EXECUTIVE January 2024 Winter Lake Effect Snowstorms

24COMM. 5E-18

Attachments



EC LEG MAR 1 '24 PM 3:25

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

March 1, 2024

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

Re: January 2024 Winter Lake Effect Storms
IMMEDIATE CONSIDERATION REQUESTED

Dear Honorable Members:

This resolution is requesting authorization from the County Executive for the Department of Public Works, Division of Highways to reappropriate funding to cover outstanding obligations to contractors who assisted with snow removal services during the January 2024 back-to-back Winter Lake Effect Storms.

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

Sincerely yours,

A handwritten signature in blue ink, reading "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/rb
Enclosure

cc: William E. Geary, Commissioner of Public Works

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Public Works
Re: January 2024 Winter Lake Effect Storms
Date: March 1, 2024

SUMMARY

The Department of Public Works is requesting authorization from the County Executive to reappropriate funding to cover outstanding obligations in the amount of \$3,463,215 with regards to snow removal services rendered to the County of Erie by the Union Concrete Company during the back-to-back January 2024 Winter Lake Effect Storms.

FISCAL IMPLICATIONS

The funds to cover the department's outstanding obligations with the contractor are currently available in the previous fiscal year which would be carried forward into 2024 to cover these costs. We are requesting that an interfund transfer utilizing unbudgeted interest earnings from the 2023 Countywide Comptroller Budget (Fund 110, Funds Center 17000) be made into the Road Fund (Fund 210), thereby amending the 2023 Division of Highways (Fund 210, Funds Center 123) Budget, and reappropriating the funding to 2024.

REASONS FOR RECOMMENDATION

Given the unforeseen circumstances, the Department of Public Works was not able to properly budget for these costs necessitating the requested interfund transfer per this resolution.

BACKGROUND INFORMATION

The County Executive declared a State of Emergency on January 12, 2024, due to winter weather conditions throughout the region. The January 2024 Winter Lake Effect Storms required extensive snow removal operations to allow for the reopening of roads and ensuring travel safety. These operations required outside contractors to assist Erie County, surrounding municipalities, and the City of Buffalo.

It had been previously determined to contract with the Union Concrete Company as the Prime Contractor responsible for making Erie County roads safe and passable. Permission to subcontract under "Assignment A" was given by the Erie County Director of the Bureau of Purchasing. The contract was allowed to include any administrative service costs along with all subcontracting service costs in their cost package.

The \$3,463,215 reflects the cost package plus an additional 7% overhead and profit per the Highway Maintenance Bid Book. If requested, equipment can be added to the cost package only with prior approval from the Commissioner of the Erie County Department of Public Works or Deputy Commissioner of Highways.

CONSEQUENCES OF NEGATIVE ACTION

If no action is taken the County of Erie will not be able to cover its obligations to the vendor which could impact future operations and established relationship with the Union Concrete Company.

STEPS FOLLOWING APPROVAL

Upon Legislative approval, the Department of Public Works can process payment to the Union Concrete Company in a timeous manner.

**A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS**

Re: January 2024 Winter Lake Effect Storms

WHEREAS, the Department of Public Works is requesting authorization from the County Executive to reappropriate funding to cover outstanding obligations with regards to snow removal services rendered to the County of Erie by the Union Concrete Company during the back-to-back January 2024 Winter Lake Effect Storms; and

WHEREAS, the funds to cover the department's outstanding obligations with the contractor are currently available in the previous fiscal year; and

WHEREAS, require fiscal reappropriation via an interfund transfer into the Road Fund (Fund 210), thereby amending the 2023 Division of Highways (Fund 210, Funds Center 123) Budget, and reappropriating the funding to 2024; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the recognition of \$3,463,215 in previously total construction earnings revenue in Countywide Budget Accounts – Comptroller (Fund 110, Funds Center 17000) Account #445030 – Interest & Earnings General Investments Revenue and the appropriation of a like amount of funding into the Countywide Interfund (Fund 110, Funds Center 14020) Account #570020 – Interfund - Road:

2023 Budget
Fund 110, Funds Center 17000
Countywide Budget Accounts - Comptroller

REVENUES	CHANGE
445030 Interest & Earnings General Investments	<u>\$3,463,215</u>
TOTAL	<u><u>\$3,463,215</u></u>

2023 Budget
Fund 110, Funds Center 14020
Countywide Interfund Accounts

APPROPRIATIONS	CHANGE
570020 Interfund – Road	<u>\$3,463,215</u>
TOTAL	<u><u>\$3,463,215</u></u>

and be it further

RESOLVED, that authorization is hereby given accept \$3,463,215 in funding into the Road Fund (Fund 210) as an interfund transfer and amend the Division of Highways (Fund 210, Funds Center 123) 2023 Budget as follows:

2023 Budget
Fund 210, Funds Center 123
Division of Highways

REVENUES	CHANGE
4486000 Interfund Revenue Subsidy	<u>\$3,463,215</u>
TOTAL	<u>\$3,463,215</u>
APPROPRIATIONS	CHANGE
545000 Rental Charges	<u>\$3,463,215</u>
TOTAL	<u>\$3,463,215</u>

and be it further

RESOLVED, that authorization is hereby given to re-appropriate \$3,463,215 in 2023 funding into 2024; and be it further

RESOLVED, the two certified copies of the resolution be sent to the Department of Public Works, Commissioner’s Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-19	COUNTY EXECUTIVE	2023 Real Estate Transfer Tax Surplus Appropriation to Road Fund
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	Attachments
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24COMM. 5E-19



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG MAR 1 '24 PM 3:25

March 1, 2024

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

RE: 2023 Real Estate Transfer Tax Surplus Appropriation to Road Fund

Dear Honorable Members:

Please find attached a resolution requesting authorization to appropriate \$4,000,000 of surplus 2023 Transfer Tax revenue into the Road Fund's Road Repair Reserve Fund to facilitate 2024 road projects.

Should your Honorable Body require further information, please contact Budget Director Robert Keating or Public Works Commissioner William E. Geary, Jr. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in blue ink, reading "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/jp/rwk
Enclosure

Cc: William E. Geary, Jr., Commissioner of Public Works
Robert Keating, Director of Budget and Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works, Division of Highways and the Division of Budget and Management
Re: 2023 Real Estate Transfer Tax Surplus Appropriation to Road Fund
Date: March 1, 2024

SUMMARY

The attached resolution requests authorization to appropriate \$4,000,000 in 2023 surplus Transfer Tax revenue into the Road Fund's Road Repair Reserve Fund to facilitate additional 2024 road projects as part of the Capital Overlay Program (B.24050).

FISCAL IMPLICATIONS

Funding at year-end 2023 in the Road Fund generated from Transfer Tax revenue and prior year Road Repair Reserve is available to fund this request.

REASONS FOR RECOMMENDATION

Approval of this resolution will allow for important road work to occur in 2024.

BACKGROUND INFORMATION

Higher than expected collection of Transfer Tax has provided funding for this action.

CONSEQUENCES OF NEGATIVE ACTION

Failure to approve this resolution will result in less road work being done in 2024.

STEPS FOLLOWING APPROVAL

The Division of Budget and Management and the Division of Highways will implement this resolution.

RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS
AND DIVISION OF BUDGET AND MANAGEMENT

RE: 2023 Real Estate Transfer Tax Surplus Appropriation to Road Fund

WHEREAS, the Erie County Road Repair Reserve Fund has been established pursuant to Tax Law Section 1432 and General Municipal Law, Section 6-d; and

WHEREAS, the 2024 Adopted County Budget contains available funds from the collection of Real Estate Transfer Tax for repair of roads, bridges, and equipment; and

WHEREAS, use of Road Repair Reserve funds is restricted to repair of roads and bridges in the County; and

WHEREAS, the Division of Budget and Management recommends the appropriation of \$4,000,000 in 2023 surplus Transfer Tax revenue in the Road Fund's Road Repair Reserve Fund to conduct important road work in 2024; and

WHEREAS, appropriations from the Road Repair Reserve Fund may be made only following a public hearing; and

WHEREAS, a public hearing was held on February 15, 2024.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the appropriation of \$4,000,000 in 2023 surplus Transfer Tax revenue into the 2024 Road Repair Reserve Fund (Fund 210, Funds Center 12330) and amend the Division of Highways' 2024 Road Fund Budget (Fund 210, Funds Center 1231010) as follows:

2024 Road Fund Budget – Road Repair Reserve
Fund 210, Funds Center 12330

REVENUES	CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET
402190 Appropriated Fund Balance		\$4,000,000	\$ 4,000,000
402600 Transfer Tax	<u>\$14,500,000</u>	<u>\$ 0</u>	<u>\$14,500,000</u>
Total Revenues	<u>\$14,500,000</u>	<u>\$4,000,000</u>	<u>\$18,500,000</u>
APPROPRIATIONS			
912300 ID Highway Services	<u>\$14,500,000</u>	<u>\$4,000,000</u>	<u>\$18,500,000</u>
Total Appropriations	<u>\$14,500,000</u>	<u>\$4,000,000</u>	<u>\$18,500,000</u>

Net Change – Road Repair Reserve \$ 0

2024 Road Fund Budget – Division of Highways
Fund 210, Funds Center 1231010

	CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET
APPROPRIATIONS			
570000 Interfund Transfer Subsidy	\$11,650,000	\$4,000,000	\$15,650,000
912300 ID Highway Services	<u>(\$14,533,100)</u>	<u>(\$4,000,000)</u>	<u>(\$18,533,100)</u>
Total Appropriations	<u>(\$ 2,883,100)</u>	<u>\$ 0</u>	<u>(\$ 2,883,100)</u>
Net Change – Highways		\$ 0	

and be it further

RESOLVED, that authorization is hereby given for \$4,000,000 in funding within the Division of Highways' 2024 Road Fund Budget (Fund 210, Funds Center 1231010) Account # 570000 – Interfund Transfer Subsidy be appropriated into Capital Project B.24050 – Capital Overlay Program Countywide as follows:

Capital Project B.24050
Capital Overlay Program Countywide
Fund 420, Funds Center 123

	CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET
REVENUES			
486000 Interfund Revenue Subsidy	<u>\$10,000,000</u>	<u>\$4,000,000</u>	<u>\$14,000,000</u>
Total Revenues	<u>\$10,000,000</u>	<u>\$4,000,000</u>	<u>\$14,000,000</u>
APPROPRIATIONS			
Capital Projects	<u>\$10,000,000</u>	<u>\$4,000,000</u>	<u>\$14,000,000</u>
Total Appropriations	<u>\$10,000,000</u>	<u>\$4,000,000</u>	<u>\$14,000,000</u>

and be it further

RESOLVED, that the Clerk of the Legislature did publish a Notice of Public Hearing once in each of the official newspapers of the County, at least five days prior to the date of the Public Hearing and said hearing took place on February 15, 2024; and be it further

RESOLVED, that authorization is given to the Director of Budget and Management to make any technical adjustments necessary to effectuate this transfer; 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, Office of the Commissioner, and one copy each to the County Executive's Office, Comptroller's Office, Department of Law and Division of Budget and Management.

SUBJECT

COMM. 5E-20	COUNTY EXECUTIVE	East Concord Highway Facility & EC Correctional Facility - Fuel Tank Replacement & Upgrades
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	Attachments
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24COMM. 5E-20



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

11-150 MAR 1 '24 13:25

March 1, 2024

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

RE: East Concord Highway Facility and Erie County Correctional Facility – Fuel Tank Replacement & Upgrades

Dear Honorable Members:

This resolution is requesting authorization for the County Executive to enter into a contract with the lowest responsible bidders for the 134 West Eagle – Fuel Tank Replacement & Upgrades project. Copies of the bid tabulations are attached for your reference.

This project involves replacement and upgrades of the diesel fuel system that serves the emergency generators and one dual-fuel boiler for the 120 and 134 West Eagle building and the Erie County Holding Center.

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

Sincerely yours,

A handwritten signature in blue ink, reading "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/ks
Enclosure

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

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: East Concord Highway Facility and Erie County Correctional Facility – Fuel Tank Replacement & Upgrades
Date: March 1, 2024

SUMMARY

This resolution is requesting authorization for the County Executive to enter into a contract with the lowest responsible bidders for the 2022 Fuel Tank Replacement Project which includes tank replacements and upgrades at the East Concord Highway Facility and Erie County Correctional Facility project. General Construction and Electrical Construction bids were received by the Department of Public Works on January 12, 2024. Copies of the bid tabulations are attached for your reference.

This project involves replacement and upgrades of the petroleum bulk storage tanks that serve the emergency standby generators at the Erie County Correctional Facility as well as the fueling station replacement at East Concord Highway Facility.

FISCAL IMPLICATIONS

Funds for the project are currently available from the previously approved, as adopted Erie County Capital Budget, Fund 410, Fund Center 122 as follows:

A.23002 – DPW (Buildings and Grounds) – Mechanical, Electrical, Plumbing, and Miscellaneous Improvements	\$ 400,000.00
A.21157 – DPW (Buildings and Grounds) – Preservation of County Highway Facilities - Countywide	\$ 141,438.42
A.23051 – 2023 EPA Environmental Regulatory Compliance	\$ 85,000.00
A.21150 – 2021 EPA Environmental Regulatory Compliance	\$ 578,602.75
A.19003 – 2019 Countywide Code and Environmental Compliance	\$ 11,191.83
A.23004 – DPW (Buildings and Grounds) – Erie County Sheriff's Department – Miscellaneous Renovations	\$ 610,000.00
Total not to exceed	\$1,826,233.00

REASONS FOR RECOMMENDATION

To comply with NYS Department of Environmental Conservation (DEC) and the US Environmental Protection Agency (EPA) regulations, existing underground fuel tanks will be properly removed from service and replaced with above ground storage tanks at both facilities. Tank replacements, fuel system re-piping, fire suppression at fueling station for Concord Facility, site improvements at both facilities and tank replacement at ECCF standby generators are supplied with diesel fuel in the event of an electric service interruption.

BACKGROUND INFORMATION

The tanks at the Concord Facility have an active spill that has been reported to the DEC that is required to be addressed. The tank at the Erie County Correctional Facility is a single wall below ground tank that is well beyond its useful life. This tank does not have an active leak, however, considering its age and type of tank, a spill is likely to happen as the tank continues to age being underground.

Repairs have been done at both facilities over the years and these repairs are becoming more frequent pointing toward the need for replacement. Replacement of these tanks and systems will also move the to above ground, making the system much more reliable and maintenance for each system much easier.

CONSEQUENCES OF NEGATIVE ACTION

If this project is not completed, then the EPA and DEC regulations will not be complied with and fines could be issued.

STEPS FOLLOWING APPROVAL

Upon Legislative approval, the County Executive will enter into a contract with the lowest responsible bidders.

COMPTROLLER'S OFFICE REVIEW

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

 2/2/24

TIMOTHY C. CALLAN

Deputy Comptroller

Comptroller's Office

A.23002 – DPW (Buildings and Grounds) – Mechanical, Electrical, Plumbing, and Miscellaneous Improvements

A.21157 – DPW (Buildings and Grounds) – Preservation of County Highway Facilities - Countywide

A.23051 – 2023 EPA Environmental Regulatory Compliance

A.21150 – 2021 EPA Environmental Regulatory Compliance

A.19003 – 2019 Countywide Code and Environmental Compliance

A.23004 – DPW (Buildings and Grounds) – Erie County Sheriff's Department – Miscellaneous Renovations

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS

RE: East Concord Highway Facility and Erie County Correctional Facility – Fuel Tank Replacement & Upgrades - Construction Award

WHEREAS, the County of Erie must comply with NYS Department of Environmental Conservation (DEC) and the US Environmental Protection Agency (EPA) regulations; and

WHEREAS, the East Concord Highway Facility and Erie County Correctional Facility – Fuel Tank Replacement & Upgrades, titled “2022 Fuel Tank Replacement” project (herein called the “Project”) seeks to replace petroleum bulk storage tanks at both facilities

WHEREAS, the below ground storage tanks at both facilities are well beyond their useful life and will be replaced with above ground storage tanks that are easier to maintain; and

WHEREAS, completion of the Project will relocate the existing tank location at the Erie County Correctional Facility outside the secure perimeter as it is currently located inside the perimeter and will ensure that the emergency generators at this facility are supplied with the necessary diesel fuel to operate in the event of electric service interruptions; and

WHEREAS, completion of the Project will satisfy the documented petroleum spill with the DEC at the Concord Highway Facility by replacing the existing below ground diesel and gasoline storage tanks with above ground storage tanks as well as relocating them on the northern side of the site considering Highway operations; and

WHEREAS, the tank replacement at the Concord Highway Facility will also include a fueling station for vehicles with a fire suppression system tied to the existing building monitoring system; and

WHEREAS, the County of Erie Department of Public Works publicly advertised and received Construction bids in conformance with General Municipal Law 103 for the Project on January 12, 2024; and

WHEREAS, the Department of Public Works and Wendel Architecture, Engineering, Surveying & Landscaping Architecture, P.C. are recommending award of the contracts to the lowest responsible bidder for the Electrical Contract and to the lowest responsible bidder for the General Construction Contract.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into contracts with the lowest responsible bidders for the Project for an amount not to exceed as follows:

General Construction Work

The Pump Doctor Inc.	Base Bid:	\$ 1,402,886.00
	Alternate G-1	\$ 49,507.00

Total Award of General Construction Contract: \$ 1,452,393.00

Electrical Construction Work

The Pump Doctor Inc. Base Bid: \$ 266,512.00

Alternate E-1 \$ 7,328.00

Total Award of Electrical Construction Contract: \$ 273,840.00

and be it further

RESOLVED, that authorization is hereby given for the sum of \$100,000 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that change order reductions will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from the previously approved, as adopted capital projects in Fund 410, Funds Center 122 as follows:

A.23002 – DPW (Buildings and Grounds) – Mechanical, Electrical, Plumbing, and Miscellaneous Improvements	\$ 400,000.00
A.21157 – DPW (Buildings and Grounds) – Preservation of County Highway Facilities - Countywide	\$ 141,438.42
A.23051 – 2023 EPA Environmental Regulatory Compliance	\$ 85,000.00
A.21150 – 2021 EPA Environmental Regulatory Compliance	\$ 578,602.75
A.19003 – 2019 Countywide Code and Environmental Compliance	\$ 11,191.83
A.23004 – DPW (Buildings and Grounds) – Erie County Sheriff's Department – Miscellaneous Renovations	\$ 610,000.00
Total not to exceed	\$1,826,233.00

and be it further

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

TO: TIMOTHY C. CALLAN, COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5


1. CONTRACTOR'S NAME The Pump Doctor Inc.
2. AMOUNT OF CONTRACT

Construction Contingency	\$ 100,000.00
The Pump Doctor (Electrical)	\$ 273,840.00
The Pump Doctor (General)	\$1,452,393.00
Total	<u>\$1,826,233.00</u>
3. PROJECT NUMBER

A.23002 – \$	400,000.00
A.21157 - \$	141,438.42
A.23051 - \$	85,000.00
A.21150 – \$	578,602.75
A.19003 – \$	11,191.83
<u>A.23004 – \$</u>	<u>610,000.00</u>
Total not to exceed	<u>\$1,826,233.00</u>
4. PROJECT TITLE Fuel Tank Replacement & Upgrades at East Concord Hwy and Erie County Correctional Facilities – Construction Award
5. DEPARTMENT CONTACT Funding questions: Kristofer Straus, PE at x7294
Letter pickup: Christy Weber at x8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS \$ 3,967,595.56
 7. PERFORMED BY 
- Date Sent to Comptroller's Office: February 2, 2024

[55 compt_10]



DEPARTMENT OF PUBLIC WORKS
DIVISION OF BUILDINGS AND GROUNDS
Unofficial Bid Results

Project Name: Fuel Tank Replacement Project

Bid Date: 01/12/2024

Project No.: 2022-999-05, Electrical Construction

Bid Time, Local: 10:30 A.M.

Bidder	Base Bid	Alt Bid G-1
NW Contracting	\$ 311,118.00	+ \$ 8,150.00
The Pump Doctor Inc.	\$ 266,512.00	+ \$ 7,328.00



DEPARTMENT OF PUBLIC WORKS
DIVISION OF BUILDINGS AND GROUNDS
Unofficial Bid Results

Project Name: Fuel Tank Replacement Project

Bid Date: 01/12/2024

Project No.: 2022-999-05, General Construction

Bid Time, Local: 10:30 A.M.

Bidder	Base Bid	Alt. Bid G-1
NW Contracting	\$ 1,635,240.00	+ \$ 54,598.00
The Pump Doctor Inc.	\$ 1,402,886.00	+ \$ 49,507.00

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-21	COUNTY EXECUTIVE	B&ECPL - Various Capital Projects Term Agreement, One Year Extension for On-Call Services
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	Attachments
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24COMM. 5E-21



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG MAR 1 '24 PM 3:21

March 1, 2024

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

**RE: Buffalo & Erie County Public Library – Various Capital Projects Term Agreement
One Year Extension for On-Call Services**

Dear Honorable Members:

This resolution is requesting authorization for the County Executive to enter into an Agreement Amendment with the firm of Trautman Associates to extend the Buffalo & Erie County Public Library – Various Capital Projects Term Agreement for an additional one year to complete the current projects through design, bidding and construction administration.

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

Sincerely yours,

A handwritten signature in blue ink, reading "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/dag

Enclosure

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

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Buffalo & Erie County Public Library – Various Capital Projects Term Agreement One Year Extension for On-Call Services
Date: March 1, 2024

SUMMARY

This resolution is requesting authorization for the County Executive to enter into an Agreement Amendment with the firm of Trautman Associates to extend the Buffalo & Erie County Public Library – Various Capital Projects Term Agreement on both a lump sum and on-call basis an additional one year.

Under COMM. 15E-34 (2019), your Honorable Body previously authorized the County Executive to enter into a two-year Term Agreement with the firm of Trautman Associates on both a lump sum and on-call basis with three, one-year extensions from July 25, 2019 to July 25, 2024 for the Buffalo & Erie County Public Library. Currently Trautman Associates has several projects under design & construction requiring a one-year extension from July 25, 2024 to July 25, 2025 to complete the projects through construction administration.

FISCAL IMPLICATIONS

No additional funding is required.

REASONS FOR RECOMMENDATION

To complete the various projects, Trautman Associates is currently working on including but not limited to the loading dock renovations, emergency egress fire alarm upgrades and switch gear replacement. A one-year extension from July 25, 2024 to July 25, 2025 is necessary to complete the current projects through construction administration.

BACKGROUND INFORMATION

Under COMM. 15E-34 (2019), your Honorable Body previously authorized for the County Executive to enter into a two-year Term Agreement on the Buffalo & Erie County Public Library with the firm of Trautman Associates on both a lump sum and on-call basis with a three-year, one-year extensions. The professional services original two-year with three, one-year extensions will expire on July 25, 2024. To progress the current projects through construction administration, a one-year extension from July 25, 2024 to July 25, 2025 is necessary.

CONSEQUENCES OF NEGATIVE ACTION

If the Agreement is not approved, no further professional services work will be completed at the Buffalo & Erie County Public Library – Central Library. The current capital projects already designed will not be completed. With an ever-aging building, corrective action to maintain and/or repair the building and its systems is essential.

STEPS FOLLOWING APPROVAL

Upon legislative approval, an Agreement Amendment will be executed with the firm of Trautman Associates, extending the Agreement from July 25, 2019 to July 25, 2025.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS

RE: Buffalo & Erie County Public Library – Various
Capital Projects Term Agreement Extension for
On-Call Services

WHEREAS, the Erie County Department of Public Works, in collaboration with the Buffalo & Erie County Public Library, have various capital improvement projects at the Central Library requiring continued professional design services; and

WHEREAS, under COMM. 15E-34 (2019), your Honorable Body previously authorized for the County Executive to enter into a two (2) year Term Agreement with the firm of Trautman Associates on both a lump sum and on-call basis with a (3) one-year extensions for the Buffalo & Erie County Public Library – Various Capital Projects (herein called the “Project”); and

WHEREAS, the (2) year Term Agreement with the (3) one-year extensions will expire on July 25, 2024; and

WHEREAS, the current on-call design scope at the Buffalo & Erie County Public Library includes the loading dock renovations, emergency egress and fire alarm upgrades, electrical switch gear replacement and other miscellaneous work; and

WHEREAS, to complete these projects through construction administration, a (1) year extension from July 25, 2024 to July 25, 2025 is requested

WHEREAS, no additional funding is required.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to amend the existing agreement for professional engineering services on both a lump sum and on-call basis with the firm of Trautman Associates to extend the term of the agreement for one (1) additional year from July 25, 2024 to July 25, 2025; and be it further

RESOLVED, that two certified copies each of this resolution be sent to the Department of Public Works and one copy each to the County Executive’s Office, Comptroller’s Office, Division of Budget and Management and Buffalo & Erie County Central Library.

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-22

COUNTY EXECUTIVE

Department of Social Services - Position
Changes

Attachments

24COMM. 5E-22



COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

EC LEG MAR 1 '24 PM 3:25

March 1, 2024

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

RE: Department of Social Services – Position Changes

Dear Honorable Members:

The Department of Social Services requests authorization to make position changes to suit the needs of the department.

Should your Honorable Body require further information, I encourage you to contact Commissioner Marie Cannon at the Department of Social Services. Thank you for your consideration of this request.

Sincerely yours,

A handwritten signature in blue ink, reading "Mark C. Poloncarz", with a long horizontal flourish extending to the right.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mmk

Enclosure

cc: Marie Cannon, Commissioner of Social Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Social Services
Re: Department of Social Services – Position Changes
Date: March 1, 2023

SUMMARY

The Department of Social Services requests authorization to create a Case Assistant (Job Grade 6), a Social Welfare Examiner (Job Grade 6), an Energy Crisis Worker 2 (Job Grade 5), and a Senior Cashier (Job Grade 7).

FISCAL IMPLICATIONS

Type	Department	Title	Status	Bargaining Unit	JG	Annualized Salary	Pro-Rated Salary	Number of Positions	Total Annualized Salary	Total Pro-Rated Salary	B100 #
New	DSS	Case Assistant	FT	CSEA	6	\$ 47,595	\$ 34,744	1	\$ 47,595	\$ 34,744	13745
Delete	DSS	Homemaker	FT	CSEA	3	\$ (37,841)	\$ (27,624)	-2	\$ (75,682)	\$ (55,248)	13745
New	DSS	Social Welfare Examiner	FT	CSEA	6	\$ 47,595	\$ 34,744	1	\$ 47,595	\$ 34,744	14093
Delete	DSS	Senior Clerk Typist	FT	CSEA	4	\$ (43,270)	\$ (31,587)	-1	\$ (43,270)	\$ (31,587)	14093
New	DSS	Energy Crisis Worker 2	FT	CSEA	5	\$ 44,913	\$ 32,786	1	\$ 44,913	\$ 32,786	14184
Delete	DSS	Senior Clerk Typist	FT	CSEA	4	\$ (52,876)	\$ (38,599)	-1	\$ (52,876)	\$ (38,599)	14184
New	DSS	Senior Cashier	FT	CSEA	7	\$ 50,446	\$ 36,826	1	\$ 50,446	\$ 36,826	14102
Delete	DSS	Senior Account Clerk	FT	CSEA	7	\$ (60,294)	\$ (44,015)	-1	\$ (60,294)	\$ (44,015)	14102
TOTALS						\$ (3,732)	\$ (2,724)	-1	\$ (41,573)	\$ (30,348)	

<u>Annualized Salary of Deletions</u>	(\$232,122)
<u>Annualized Salary of Additions</u>	<u>\$190,549</u>
<u>NET</u>	(\$ 41,573)

<u>Salary for Remainder of Year of Deletions</u>	(\$169,449)
<u>Salary for Remainder of Year of Additions</u>	<u>\$139,101</u>
<u>NET</u>	(\$ 30,348)

<u>Funding Source</u>	State and Federal Allocations
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REASONS FOR RECOMMENDATION

Due to the hiring challenges that the County is experiencing since the COVID-19 pandemic we are requesting the deletion of two Homemaker positions, two Senior Clerk Typist positions and a Senior Account Clerk to create positions for a Case Assistant, a Social Welfare Examiner, an Energy Crisis Worker 2 and a Senior Cashier. Many of the positions that we are requesting to be deleted have been vacant for more than 6 months and many over one year. The positions that are

being added will have a great benefit to the operations of the Department of Social Services as Case Assistants and Social Welfare Examiners help take some of the load off of the Caseworker.

CONSEQUENCES OF NEGATIVE ACTION

The Department of Social Services will continue to have many unfilled vacancies and the important work that is done will be hindered.

STEPS FOLLOWING APPROVAL

The vacant positions of Homemaker, Senior Clerk Typist, and Senior Account Clerk will be deleted and the positions of Case Assistant, Social Welfare Examiner, Energy Crisis Worker 2, and a Senior Cashier will be created.

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

RE: Department of Social Services – Position Changes

WHEREAS, the Department of Social Services has two Homemaker positions, two Senior Clerk Typist positions, and a Senior Account Clerk position that have been vacant for a period of time that are currently in the 2024 Adopted Budget; and

WHEREAS, the Department of Social Services has a need to fill positions of Case Worker, Social Welfare Examiner, Energy Crisis Worker 2, and Senior Cashier to aid in the administering of the department's duties; and

WHEREAS, the added positions will increase efficiency throughout various departments contained in the Department of Social Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the creation of the following full-full time positions within the Department of Social Services, effective March 23,204:

Type	Department	Title	Status	Bargaining Unit	JG	Number of Positions	B100 #
New	DSS	Case Assistant	FT	CSEA	6	1	13745
	DSS	Social Welfare Examiner	FT	CSEA	6	1	14093
New	DSS	Energy Crisis Worker 2	FT	CSEA	5	1	14184
New	DSS	Senior Cashier	FT	CSEA	7	1	14102

and be it further

RESOLVED, that sufficient savings will be achieved through the deletion of the five (5) noted positions to cover the costs these new positions within the Department of Social Services 2024 Adopted Budget (Fund 110, Funds Center 120); and be it further

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

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-23	COUNTY EXECUTIVE	Acceptance of State Aid for Youth Employment Programs (YEP)
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	Attachments
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24COMM. 5E-23



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 1, 2024

EC LEG MAR 1 '24 PM 3:25

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

RE: Acceptance of State Aid for Youth Employment Programs (YEP)

Dear Honorable Members:

The Department of Social Services has been awarded \$2,461,752 in 100% State funds to administer a Youth Employment Program (YEP) to support a reduction in gun involved violence as part of the New York State Gun Involved Violence Elimination (GIVE) Initiative. This proposed resolution authorizes the Department to amend the 2024 Adopted Budget and to enter into contract with Career Connection Network as the lead agency for this program funding.

We would also like to request that the Erie County Legislature waive Erie County Administrative Code Section 26.08 to enter into the contract with Career Connection Network as this is a pilot program with a short turn around.

Should your Honorable Body require further information, I encourage you to contact Commissioner Marie Cannon at the Department of Social Services. Thank you for your consideration of this request.

Sincerely yours,

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

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mmk
Enclosure

cc: Marie Cannon, Commissioner of Social Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Social Services
Re: Acceptance of State Aid for Youth Employment Program (YEP)
Date: March 1, 2024

SUMMARY

This proposed resolution authorizes the Department of Social Services to amend the 2024 Adopted Budget and enter into contract with Career Connection Network as the lead agency for the Youth Employment Program (YEP).

FISCAL IMPLICATIONS

This resolution authorizes the acceptance of \$2,461,752 of State funds and to enter into a contract with Career Connection Network in the amount of \$2,311,752 for the provision of services for the Youth Employment Program (YEP). \$150,000 will be retained to defray administrative costs within the Department of Social Services.

REASONS FOR RECOMMENDATION

The YEP is an important platform which is intended to help reduce community gun violence and youth criminal justice involvement by providing year-round employment opportunities. Research shows, vulnerable at-risk and unemployed youth can face struggles later in life including poverty, dependence on public assistance programs and criminal justice involvement. In addition, youth exposed to trauma and violence may suffer long term harmful effects including barriers to successful employment and financial prospects later in life. These funds will support the establishment of a program which includes employment, education and/or career exploration opportunities for TANF-eligible youth from low-income households. This funding is further intended to support employment programs for youth at risk of gun violence as part of a statewide gun violence reduction intervention model.

CONSEQUENCES OF NEGATIVE ACTION

These important services could not be provided.

STEPS FOLLOWING APPROVAL

The 2024 adopted budget will be amended and a contract established with Career Connection Network as the lead agency for the Youth Employment.

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

RE: Acceptance of State Aid for Youth Employment Program (YEP)

WHEREAS, the Youth Employment Program (YEP) is an important platform intended to help reduce community gun violence and youth criminal justice involvement by providing year-round employment opportunities; and

WHEREAS, these funds will support the establishment of a program which includes employment, education and/or career exploration opportunities for TANF-eligible youth from low-income households; and

WHEREAS, \$150,000 of these funds will be retained by the Department of Social Services to defray administrative costs; and

WHEREAS, Career Connection Network has the expertise to be the lead agency for this program by preparing payroll checks, tax reporting, and providing educational trainings with support from the Employment Division of the Department of Social Services; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Social Services to accept \$2,461,752 in State Aid and amend the Department of Social Services' 2024 General Fund Budget (Fund 110, Funds Center 1206045) as follows:

Department of Social Services
Fund 110, Funds Center 1206045

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
409000	State Aid Revenue	<u>\$2,461,752</u>
	TOTAL	<u>\$2,461,752</u>
<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516020	Professional Svcs, Contracts & Fees	<u>\$2,311,752</u>
	TOTAL	<u>\$2,311,752</u>

and be it further

RESOLVED, that authorization is hereby given to the County Executive or Deputy County Executive to enter into contract with Career Connection Network in the amount of \$2,311,752 for the provision of services for the Youth Employment Programs (YEP), waiving the procedures in Section 26.08 of the Erie County Administrative Code; and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to make any additional budget adjustment which may be required in order to match expense with State funding allocation adjustments; and be it further

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

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-24	COUNTY EXECUTIVE	Acceptance of State Aid for Youth Sports Services
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24COMM. 5E-24	Attachments
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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG MAR 1 '24 PM 3:25

March 1, 2024

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

RE: Acceptance of State Aid for Youth Sports Services

Dear Honorable Members:

The Department of Social Services-Youth Bureau is seeking approval to accept funding and execute contracts with community providers in the amount of \$216,312. These funds will be used to provide Youth Sports Services to children and youth under the age of 18. The Youth Bureau distributed a request-for-proposal (RFP #2023-018VF for this program and Youth Board panel recommendations were used to determine contract award amounts).

Should your Honorable Body require further information, I encourage you to contact Commissioner Marie Cannon at the Department of Social Services. Thank you for your consideration of this request.

Sincerely yours,

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

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mmk

Enclosure

cc: Commissioner of Social Services Marie Cannon

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Social Services-Youth Bureau
Re: Acceptance of State Aid for Youth Sports Services
Date: March 1, 2024

SUMMARY

The Department of Social Services-Youth Bureau is seeking approval to accept funding and execute contracts with community providers in the amount of \$216,312 for Youth Sports Services.

FISCAL IMPLICATIONS

The funding for this action is derived from 100% New York State Aid. No local share is required.

REASONS FOR RECOMMENDATION

A grantmaking fund was created under Office of Children and Family Services (OCFS) for the purpose of providing annual awards to support sports programs for underserved children and youth under the age of 18. The focus of these grants will be to support youth development via local nonprofit organizations. These awards are designed to promote positive youth development and family engagement. Sports enable opportunities for young people to succeed economically through leadership roles.

CONSEQUENCES OF NEGATIVE ACTION

These important services could not be continued.

STEPS FOLLOWING APPROVAL

The 2024 adopted budget will be amended and contracts will be executed with community providers for Youth Sports Services.

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

RE: Acceptance of State Aid for Youth Sports Services

WHEREAS, a grantmaking fund was created under Office of Children and Family Services (OCFS) for the purpose of providing annual awards to support sports programs for underserved children and youth under the age of 18; and

WHEREAS, these awards are designed to promote positive youth development and family engagement; and

WHEREAS, The Department of Social Services-Youth Bureau has been awarded funding in the amount of \$216,312; and

WHEREAS, The Department of Social Services-Youth Bureau distributed a request for proposal (RFP #2023-019VF) to interested parties and the Youth Board panel recommendations were utilized to determine contract award amounts; and

WHEREAS, there is no additional local share necessary for these awards, and there is no fiscal impact based on this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Social Services-Youth Bureau to accept \$216,312 in State Aid and amend the 2024 General Fund Budget (Fund 110, Funds Center 12530) as follows:

Department of Social Services-Youth Bureau
Fund 110, Funds Center 12530

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
408055	Youth Sports and Education	<u>\$216,312</u>
	TOTAL	<u>\$216,312</u>
<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
517874	Youth Sports and Education	<u>\$216,312</u>
	TOTAL	<u>\$216,312</u>

and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into contract with the community providers in the amount of \$216,312 for the provision of Youth Sports Services as indicated in the scoring summary; and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to make any additional budget adjustment which may be required in order to match expense with State funding allocation adjustments; and be it further

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

SCORING SUMMARY

Agency	TOTAL SCORE	RANKING by Score	Current Funding Amount	Requested Amount	Recommended Award	RANKING by Vote
G.I.R.L.S. SPORTS FOUNDATION, INC.	88.33	1	-	\$10,000.00	\$10,000.00	1
THE SALVATION ARMY	86.00	2	-	\$10,000.00	\$10,000.00	2
WNY STEM HUB	83.33	3	-	\$10,000.00	\$10,000.00	3
BOYS ON THE RIGHT TRACK	82.67	4	-	\$5,000.00	\$5,000.00	4
ERIE REGIONAL HOUSING DEVELOPMENT CORPORATION	82.00	5	-	\$10,000.00	\$10,000.00	5
KAREN SOCIETY OF BUFFALO	81.67	6	-	\$10,000.00	\$10,000.00	6
UNITED CHURCH HOME	80.67	7	-	\$5,322.00	\$5,325.00	7
TOWN OF HAMBURG, NEW YORK	80.33	8	-	\$10,000.00	\$10,000.00	8
SENECA-BABCOCK COMMUNITY ASSOCIATION, INC.	80.00	9	-	\$10,000.00	\$10,000.00	9
VALLEY COMMUNITY ASSOCIATION, INC.	79.67	10	-	\$10,000.00	\$10,000.00	10
NORTHWEST BUFFALO COMMUNITY CENTER INC	79.00	11	-	\$10,000.00	\$10,000.00	11
BOYS & GIRLS CLUBS OF THE NORTHTOWNS	76.67	12	-	\$10,000.00	\$10,000.00	12
TOTAL PACKAGE SPORTS, INC.	74.33	13	-	\$10,000.00	\$10,000.00	13
PEOPLE UNITED FOR SUSTAINABLE HOUSING INC	74.00	14	-	\$10,000.00	\$10,000.00	14
BAKER HALL	71.33	15	-	\$9,834.00	\$9,834.00	15
BOYS & GIRLS CLUB OF HOLLAND	70.33	16	-	\$10,000.00	\$10,000.00	16
POLICE ATHLETIC LEAGUE OF BUFFALO, INC.	68.67	17	-	\$10,000.00	\$10,000.00	17
THE CHAMPION PROJECT	68.67	18	-	\$9,980.00	\$9,980.00	18
TRE & ASSOCIATES INC. AKA WILLIE HUTCH JONES	68.00	19	-	\$10,000.00	\$10,000.00	19
BOYS & GIRLS CLUBS OF BUFFALO, INC.	63.67	20	-	\$10,000.00	\$10,000.00	20
TOWN OF CHEEKTOWAGA	63.67	21	-	\$10,000.00	\$10,000.00	21
BESTSELF BEHAVIORAL HEALTH	62.33	22	-	\$10,000.00	\$10,000.00	22
UNIVERSITY DISTRICT COMMUNITY DEVELOPMENT ASSOCIATION, INC.	62.33	23	-	\$10,000.00	\$6,173.00	23

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-25 COUNTY EXECUTIVE Acceptance of State Aid for Safe Harbor

24COMM. 5E-25

Attachments



COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

EC LEG MAR 1 '24 PM 3:28

March 1, 2024

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

RE: Acceptance of State Aid for Safe Harbor for Sexually Exploited Children

Dear Honorable Members:

The Department of Social Services has been awarded \$40,000 in 100% State funds as a graduated community in the Safe Harbor for Exploited Children program. This proposed resolution authorizes the Department to amend the 2024 Adopted Budget and to enter into contract with the International Institute as the lead agency for this program funding.

Should your Honorable Body require further information, I encourage you to contact Commissioner Marie Cannon at the Department of Social Services. Thank you for your consideration of this request.

Sincerely yours,

A handwritten signature in blue ink, reading "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mmk
Enclosure

cc: Marie Cannon, Commissioner of Social Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Social Services
Re: Acceptance of State Aid for Safe Harbor for Sexually Exploited Children
Date: March 1, 2024

SUMMARY

This proposed resolution authorizes the Department of Social Services to amend the 2024 Adopted Budget and enter into contract with the International Institute as the lead agency for the Safe Harbor program funding.

FISCAL IMPLICATIONS

This resolution authorizes the acceptance of \$40,000 of State funds and to enter into a contract with the International Institute of Buffalo in the amount of \$40,000 for the provision of services for the Safe Harbor for Sexually Exploited Children program.

REASONS FOR RECOMMENDATION

Regulations and legislation at the Federal and State Level require local districts to respond to and prevent sex trafficking. The International Institute of Buffalo is the area agency with expertise in human trafficking and sex trafficking of minors. Since 2015 the International Institute has enhanced the Department of Social Services programs through their services.

CONSEQUENCES OF NEGATIVE ACTION

These important services could not be continued.

STEPS FOLLOWING APPROVAL

The 2024 adopted budget will be amended and a contract established with International Institute for the Safe Harbor for Exploited Children program.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SOCIAL SERVICES

RE: Acceptance of State Aid for Safe Harbor for Sexually Exploited Children

WHEREAS, a key provision of the Preventing Sex Trafficking and Strengthening Families Act is to move sexually exploited youth from the criminal and juvenile justice systems to the family court where children and their families can receive support and services from the child welfare system; and

WHEREAS, services are to be provided to victims of sex trafficking and core elements of the service include case management, emergency temporary housing, health care, mental health counseling, language interpretation and translation services, job training and placement and services to assist in establishing permanent residence; and

WHEREAS, International Institute of Buffalo has been the lead agency for this program since its inception and is the only local agency with the expertise and existing resources to carry out the program; and

WHEREAS, International Institute of Buffalo was re-awarded this contract in 2021 after a request-for-proposal, and the next scheduled request for proposal for this program is scheduled for 2024; and

WHEREAS, a gradual decrease in State funding over the past few years has required additional county funding to operate this valuable program.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Social Services to accept \$40,000 in State Aid and amend the 2024 Adopted Budget (Fund 110, Funds Center 1209010) as follows:

Department of Social Services
Fund 110, Funds Center 1209010

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
409000	State Aid Revenue	<u>\$40,000</u>
	TOTAL	<u>\$40,000</u>
<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516400	Preventative Agencies–International	\$40,000
	TOTAL	<u>\$40,000</u>

and be it further

RESOLVED, that authorization is hereby given to the County Executive or Deputy County Executive to enter into contract with the International Institute of Buffalo in the amount of \$40,000 for the provision of services for the Safe Harbor for Exploited Children program, waiving the procedures in Section 26.08 of the Erie County Administrative Code; and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to make any additional budget adjustment which may be required in order to match expense with State funding allocation adjustments; and be it further

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

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-26

COUNTY EXECUTIVE

Department of Social Services - Authorization
to Enter into Contract with Konica Minolta

Attachments

24COMM. 5E-26



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 1, 2024

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

**RE: Department of Social Services - Authorization to enter into Contract with
Konica Minolta Business Solutions U.S.A., Inc.**

Dear Honorable Members:

The Department of Social Services is seeking approval to enter into contract with Konica Minolta Business Solutions U.S.A., Inc. to expand paperless office efficiency within the OnBase Package.

Should your Honorable Body require further information, I encourage you to contact Commissioner Marie Cannon at the Department of Social Services. Thank you for your consideration of this request.

Sincerely yours,

A handwritten signature in blue ink, reading "Mark Poloncarz", with a stylized flourish at the end.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mmk

Enclosure

cc: Commissioner of Social Services Marie Cannon

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Social Services
Re: Authorization to enter into Contract with Konica Minolta Business Solutions
Date: March 1, 2024

SUMMARY

This proposed resolution authorizes the Department of Social Services to enter into contract with Konica Minolta Business Solutions U.S.A., Inc. to develop new solutions and modify existing ones, related to the OnBase Package, specifically, projects to expand WorkFlow and WorkView, with the possibility of adding API Code as necessary to meet the agreed to requirements and specifications.

FISCAL IMPLICATIONS

The funding for this project is available from the 2020 Pay-As-You-Go Component of the Capital Budget Project A.20069 (\$100,000 PAYGO + \$50,000 State Aid+ \$50,000 Federal Aid).

REASONS FOR RECOMMENDATION

Erie County Department of Social Services (ECDSS) is seeking to expand paperless office efficiencies. In April of 2022 ECDSS issued a Request for Proposal (RFP) #2022-021 VF to provide OnBase program development. ECDSS consists of multiple program areas, including but not limited to Temporary Assistance, Supplemental Nutrition Assistance Program, Home Energy Assistance, Medicaid, Child Protective Services, Children's Services, Adoption and Family Services, Adult Protective Services, Office of Child Support Enforcement, Day Care Assistance, Comprehensive Employment, Special Investigations, Legal Assistance to the Disabled, and Youth Services. ECDSS utilizes OnBase as its document repository and through the use of internal and external resources has been able to develop workflow and application tracking systems for several program areas. This contract is needed to support the consultation for the development and design of additional program systems within OnBase.

CONSEQUENCES OF NEGATIVE ACTION

These important services could not be continued.

STEPS FOLLOWING APPROVAL

The Department of Social Services will establish a contract with Konica Minolta Business Solutions U.S.A., Inc. to support the development and design of additional program systems within OnBase.

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.

A.20069

Fund 110



~~TIMOTHY C. CALLAN~~

~~Deputy Comptroller~~

~~Comptroller's Office~~

John Solecki

Director of Accounting Services & Cash Management

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SOCIAL SERVICES

Re: Authorization to enter into Contract with Konica Minolta Business Solutions

WHEREAS, the Department of Social Services stores the majority of its records on OnBase and through the use of internal and external resources has been able to develop work flow and application tracking systems for several programs; and

WHEREAS, funds are available from the 2020 Pay-As-You-Go Component of the Capital Budget Project A.20069; and

WHEREAS, the Department of Social Services issued a Request for Proposal (RFP) in April of 2022 RFP #2022-021 VF; and

WHEREAS, Konica Minolta Business Solutions U.S.A., Inc. responded to the RFP with a strong proposal; and

WHEREAS, the Department of Social Services wishes to have Konica Minolta Business Solutions U.S.A., Inc. develop new solutions, and modify existing ones, related to the OnBase Package; and

WHEREAS, the Department of Social Services is seeking to expand paperless office efficiency.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with Konica Minolta Business Solutions U.S.A., Inc. in the amount of \$200,000 to develop new solutions, and modify existing ones, related to the OnBase Package; and be it further

RESOLVED, that sufficient funds to cover the cost of this contract already exist within the Department of Social Services Capital Budget (Fund 410, Funds Center 120) Project A.20069 – ECDSS Paperless Office Efficiencies; and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to make any additional budget adjustment which may be required in order to match expense with State funding allocation adjustments; and be it further

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

Recommendation for RFP #2022-021VF: OnBase Program Development

Date: June 3, 2022

Agency	TOTAL SCORE	RANKING by Score	Requested Amount	Recommended Award	RANKING by Vote
EDOCS TECHNOLOGIES	63.00	3	\$200,000.00	0	3
HYLAND SOFTWARE, INC.	79.33	1	\$199,831.87	\$199,831.87	1
KONICA MINOLTA BUSINESS SOLUTIONS U.S.A., INC.	78.00	2	\$197,600.00	0	2

Total Score by Reviewer							
	Agency	APP COMPLETENESS	MBWE	Reviewer #1	Reviewer #2	Reviewer #3	Average
1	EDOCS TECHNOLOGIES	2	2	39	70	68	63.00
2	HYLAND SOFTWARE, INC.	4	0	76	74	76	79.33
3	KONICA MINOLTA BUSINESS SOLUTIONS U.S.A., INC.	4	0	75	74	73	78.00

Projects Budget Consumption Report		Date: 02/21/2024	Page: 1 / 3
Fund/Group		(2020 EODS Paperless Office Efficiencies)	
Funds Center		(1)	
Funded Program A, 20069			
Commitment Item	Original Budget	Adjustments	Current Budget
40000 State Aid Revenues	50,000.00-		50,000.00-
41000 Federal Aid	50,000.00-		50,000.00-
45000 Interfund Rev Subsidy	100,000.00-		100,000.00-
* Revenue	200,000.00		200,000.00-
CAPITAL PROJECTS Capital Project Exp	100,000.00	100,000.00	200,000.00
UNALLOCATED Unallocated Capital	100,000.00	100,000.00-	
* Expense	200,000.00		200,000.00
** Commitment Item			

Capital Trial Balance		Date Printed: 02/21/2024		Client: 100 Page: 2 of 2	
Fund(s): 400..599		Fiscal Year: 2024		Project(s): A 20005	
Period: 1 to 2				2020 ECD55 Paperless Office Efficiencies	
Account	Proj. Yr.	YTD Debit	YTD Credit	End Bal	
117000 CASE CONTROL MONITOR	100,000.00			100,000.00	
116050 OPERATIONAL/ADMINISTRATIVE FUND BALANCE	100,000.00			100,000.00	
Balance Sheet					
116000 OPERATIONAL MONITOR	100,000.00			100,000.00	
Revenues	100,000.00			100,000.00	
** Total					

TIMOTHY CALLAN - COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

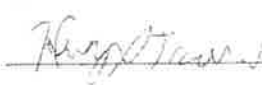
REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- | | |
|-----------------------|--|
| 1. CONTRACTOR'S NAME | <u>Konica Minolta Business Solutions U.S.A, Inc.</u> |
| 2. AMOUNT OF CONTRACT | <u>\$200,000</u> |
| 3. PROJECT NUMBER | <u>2020 Capital Project A.20069</u> |
| 4. PROJECT TITLE | <u>Pay-As-You-Go</u> |
| 5. DEPARTMENT CONTACT | <u>Funding questions: Peggy Krathaus</u>
<u>Letter pickup: Peggy Krathaus</u> |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|------------------------------------|---|
| 6. AVAILABILITY OF FUNDS | <u>\$200,000.00</u> |
| 7. PERFORMED BY | <u></u> |
| Date Sent to Comptroller's Office: | <u>February 22, 2024</u> |

[55 compt_10]

OFFICE OF THE COMPTROLLER REVIEW

DATE: 2/22/2024

PROJECT TITLE: A.20069 - 2020 ECDSS Paperless Office Efficiencies

1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE
OF THE PROJECT: YES X NO

IF NO, RETURN THIS REQUEST TO THE DEPARTMENT

IF YES, COMPLETE THE FOLLOWING VERIFICATION

2) PROJECT AVAILABLE APPROPRIATION

Total Project Revenues	\$ <u>100,000.00</u>
Total Project Appropriations	\$ <u>200,000.00</u>
Less: Total Expenditure To Date	\$ <u> </u>
Less: Total Commitments	\$ <u> </u>
Available Appropriations As Of Date Of Request	\$ <u>200,000.00</u>
Less: Contract Amount	\$ <u>200,000.00</u>
Net Available Appropriations	\$ <u> </u>

Comments: There is currently \$100,000.00 cash within the project. This project
is budgeted as PAY-AS-YOU-GO.

Request Approved: 

Request Denied:

Date: 2/22/24

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-27

COUNTY EXECUTIVE

Authorization to Accept Funding & Enter into
Contract - NYS Rental Supplement Program

Attachments

24COMM. 5E-27



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG VAR 1 '24 PM 3:2

March 1, 2024

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

**RE: Authorization to Accept Funding and Enter into Contract to provide
Outreach and Application Assistance for the New York State Rental
Supplement Program**

Dear Honorable Members:

Please find attached a resolution requesting legislative authorization to accept funding from the New York State Office of Temporary and Disability Assistance (OTDA) and to enter into contract with Buffalo Federation of Neighborhood Center for the New York State Rental Supplement Program for residents of Erie County.

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

Sincerely yours,

A handwritten signature in blue ink, reading "Mark C. Poloncarz", with a stylized flourish at the end.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mmk
Enclosure

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Social Services
Re: Authorization to Accept Funding and Enter into Contract to provide Outreach and Application Assistance for the New York State Rental Supplement Program
Date: March 1, 2024

SUMMARY

Legislative authorization is requested to accept \$3,874,658 in funding from the New York State Office of Temporary and Disability Assistance (OTDA), to provide outreach and application assistance to Erie County Residents for the New York State Rental Supplement Program.

FISCAL IMPLICATIONS

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

REASONS FOR RECOMMENDATION/BACKGROUND INFORMATION

The Erie County Department of Social Services, through the New York State Office of Temporary and Disability Assistance (OTDA), has been awarded \$3,874,658 to provide outreach and application assistance to residents of Erie County for the New York State Rental Supplement Program. Based on the results of a Request for Proposal (RFP), The Department of Social Services seeks to enter into contract with Buffalo Federation of Neighborhood Centers to provide Rental Supplements and in-person case management. The funds have been established to provide vital rental assistance to individuals and families, regardless of immigration status, who are experiencing homelessness or are facing an imminent loss of housing. Erie County Department of Social Services wishes to partner with Buffalo Federation of Neighborhood Centers to determine eligibility, substantiate claims, and issue supplements for referred eligible individuals and families.

CONSEQUENCES OF NEGATIVE ACTION

We would be unable to provide outreach and application assistance to residents of Erie County for the New York State Rental Supplement Program.

STEPS FOLLOWING APPROVAL

The Department of Social Services will work with the Division of Budget and Management to amend the existing 2024 Adopted Budget amounts and will then enter into contract with Buffalo Federation of Neighborhood Centers to provide services that will determine eligibility, substantiate claims, and issue supplements for referred eligible individuals and families.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SOCIAL SERVICES

RE: Authorization to Accept Funding and Enter into Contract to provide
Outreach and Application Assistance for the New York State Rental Supplement Program

WHEREAS, the Erie County Department of Social Services has been awarded an amount of \$3,874,658 in 100% State Aid funds to provide Outreach and Application Assistance for the New York State Rental Supplement Program; and

WHEREAS, the Erie County Department of Social Services issued a Request for Proposal (RFP) on February 14, 2022 to qualified agencies interested in providing Outreach and Application Assistance Services to customers in Erie County applying for New York State Rental Supplement Program funding; and

WHEREAS, based on the results of the RFP the Erie County Department of Social Services has identified Buffalo Federation of Neighborhood Centers as the recipient of this funding to provide administrative services in the amount of \$569,575 and rental supplements in the amount of \$3,227,590 to the residents of Erie County; and

WHEREAS, the remaining \$77,493 in revenue will be utilized to defray existing administrative costs within the Department of Social Services; and

WHEREAS, the Department of Social Services requires legislative approval to accept the State funds and to amend the Adopted 2024 Adopted Budget; and

WHEREAS, no County funds will be necessary for Erie County to accept this federal aid to serve individuals residing in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Social Services to accept State funds for the Outreach and Application Assistance for the New York State Rental Supplement Program in the amount of \$3,874,658 and authorizes the Division of Budget and Management to amend the 2024 Adopted Budget (Fund 110, Fund Center 120) as follows:

Department of Social Services
Fund 110, Funds Center 120

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
409010	State Aid Revenue	<u>\$3,874,658</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516010	Contract Payments Nonprofit Purch	<u>\$3,797,165</u>

and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into contract with Buffalo Federation of Neighborhood Centers in the amount of \$3,797,165 to provide administrative services in the amount of \$569,575 and rental supplements in the amount of \$3,227,590 to residents of Erie County; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the award, provided there are no changes to county share amounts; and be it further

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



Department of Social Services

RECEIVED
SEP 19 2022

County Executive's Office

Recommendation for RFP #2022-002VF: Rental Support

Program (RSP) Date: September 15, 2022

The review panel has completed its task of evaluating the proposals for the above-named RFP. The proposals were graded individually by each panel member as well by Administration as to compliance with the RFP requirements and fiscal compliance/soundness.

Agency	TOTAL SCORE	RANKING by Score	Requested Amount*	Recommended Award	RANKING by Vote
BUFFALO FEDERATION OF NEIGHBORHOOD CENTERS	80.33	1	\$ 569,575.00	\$ 569,575.00	1
COMPASS HOUSE	65.33	3	\$ 227,244.49	0	3
GEOCKO, INC.	76.00	2	\$387,487.00	0	2

*Plus \$3,293,637 to be distributed to eligible individuals

It is recommended that Buffalo Federation of Neighborhood Centers provide Rental Support Program (RSP) Services in Erie County in 2022. Supporting documentation is included in this packet.

The Department of Social Services has complied with all applicable provisions of Section 26.08 of the Erie County Administrative Code.

Program Director Signature <i>Daniel Szewc</i>	Printed Name Dan Szewc	Date 9/15/22
1 st Deputy Commissioner Signature <i>Karen R. Bicki</i>	Printed Name Karen R. Bicki	Date 9/15/2022
Deputy County Executive Signature <i>Maria White</i>	Printed Name Maria White	Date 9/20/22

Once reviewed and approved, please return to Carrie Godfrey, Assistant Social Services Program Director at Carrie.Godfrey@erie.gov or Room 867 for processing. Thank you.

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-28	COUNTY EXECUTIVE	Restructuring Positions in Community Service for the Elderly, 2024-25 Grant
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	Attachments
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24COMM. 5E-28



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EO LEG MAR 1 '24 PM 3:26

March 1, 2024

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

**Re: Restructuring Positions in Community Service for the Elderly (CSE)
2024-25 Grant**

Dear Honorable Members:

The attached resolution requests authorization for the Department of Senior Services to restructure budgeted positions, within its Community Services for the Elderly grant (163CSE2425), to better meet current and future needs of an expanding recreation program. The restructuring would create one new full-time position and cover a portion of the cost by deleting one vacant full-time and one vacant part-time position.

Should your Honorable Body require any further information, I encourage you to contact Commissioner Angela Marinucci of the Department of Senior Services. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in blue ink, reading "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/ajm
Enclosure

cc: Angela Marinucci, Commissioner, Department of Senior Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Senior Services
Re: Restructuring Positions in Community Service for the Elderly (CSE) 2024-25 Grant
Date: March 1, 2024

SUMMARY

The attached resolution requests authorization for the Department of Senior Services to restructure budgeted positions, within its Community Services for the Elderly grant (163CSE2425), to better meet the current and future needs of an expanding recreation program. The restructuring creates one new full-time Project Administrator (Senior Services) Job Group 12 position and deletes two positions, a currently vacant full-time Outreach Aide (Senior Services) Job Group 6 and a currently vacant Community Service Aide (PT) Job Group 1. This position will be created as of April 1, 2024, due to the position being funded by a grant that runs on the New York State fiscal calendar.

FISCAL IMPLICATIONS

Project Administrator (Senior Services)

<u>Annualized Salary</u>	<u>\$85,700</u>
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<u>Salary for Balance of Year</u>	<u>\$64,275</u>
--	------------------------

<u>Funding Source</u>	<u>New York State</u>
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If Grant funded:

Grant Source:	<u>NYS Office for Aging</u>
---------------	------------------------------------

Grant Duration:	<u>April 1 2024- March 31 2025</u>
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Remaining Grant Funding:	<u>\$2,501,459</u>
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Alternative Source of Funding if Grant is not renewed: **No Alternative**

No additional County funds are required. The proposed changes do not affect the overall grant budget and will be implemented by shifting appropriations among accounts within the grant.

The creation of one position and deletion of two others results in a net increase of payroll appropriations (salaries and fringes) of \$40,819 for the period April 1, 2024, to March 31, 2025, in the 163CSE2425 grant. The net payroll cost increase is covered by shifting what formerly were transportation appropriations from the Professional Services account. The Department of Senior Services is now able to make this budgetary change due to its recent award of \$738,342 of federal transportation grant monies (see Legislative Resolution "Acceptance of NYSDOT Section 5310 Enhanced Emobility Grant").

REASONS FOR RECOMMENDATION

Erie County's aging population is growing and projects to be over 300,000 residents above the age of 60 by 2030. Our older adults today are looking for ways to get involved that are more than bingo and cards; they're more active socially and physically than they have been in the past, and they are more technologically advanced, many of them having worked for decades with computers, email, and internet before retirement.

The Department's Recreation Unit, under Wellness & Nutrition, has exploded over the past few years. While some fields shrank in the aftermath of COVID, we have seen exponential growth. Our menu of wellness programming includes the Club 99 exercise program, Retired Senior Volunteer Program, and University Express educational classes. Our Recreation Unit hosts special events that include March Madness brackets, lawn game days, and trivia sessions.

Our programs get older adults through the doors of Senior Centers. The older adult population lives healthier and longer lives when we have strong social supports. The Department of Senior Services believes aging should be celebrated, instead of dreaded or mocked and our programs reflect that. We provide programming that appeals to people of all interests, abilities, and backgrounds.

As the Recreation Unit continues to grow and expand, it is clear that we need a manager to oversee the expansion of programming. The Project Administrator (Senior Services) will be charged with management of our recreation subdivisions as well as ensuring our programs meet the needs of our older adult population by evaluating surveys and data metrics. This position will ensure that our programs continue to provide experiences and opportunities that engage older adults, leading to longer, healthier, and hopefully happier lives in Erie County.

BACKGROUND INFORMATION

Duties required of the position required by Law or Contract: Erie County and Grant

Position Classification: CSEA Job Group 12 step 5

The Department of Senior Services desires to amend the budget of its Community Services for the Elderly Grant, which because this grant follows the New York State fiscal year (April 1st to March 31st) require the amendment of the upcoming 163CSE2425 grant which runs April 1, 2024, to March 31, 2025.

CONSEQUENCES OF NEGATIVE ACTION

The Department of Senior Services will not be able to refine and expand its recreation programming options to continue to meet the needs of our growing older adult population. The Department of Senior Services is maximizing all personnel resources for the programming already in place; in order to innovate and expand and hence needs higher level management oversight.

As the older adult population continues to change in its needs, the Department of Senior Services must evolve with the population to ensure effective use of our resources. If a Project Coordinator (Senior Services) position is not created, our Recreation unit will not be able to innovate and expand to better serve our active older adults.

STEPS FOLLOWING APPROVAL

The Department of Senior Services will amend the 163CSE2425 grant budget to reflect these changes and work with Personnel for the newly created Project Administrator (Senior Services) position.

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

RE: Restructuring Positions in Community Service for the Elderly (CSE) 2024-25 Grant

WHEREAS, the Department of Senior Services creates and implements innovative programming to meet the needs of Erie County's growing older adult population; and

WHEREAS, Erie County's older adult population continues to be more active and socially engaged than previous generations, leading to programming evolution to include additional opportunities for social recreation, including an ever expanding lifelong learning curriculum and adaptive fitness classes; and

WHEREAS, in order to meet the needs of Erie County's older adult population, the Department of Senior Services needs a management position to manage and drive the vision of the Department's growing Recreation Unit; and

WHEREAS; the Department of Senior Services desires to amend the budget of its Community Services for the Elderly Grant Program 163CSE2425, which runs April 1, 2024 to March 31, 2025, due to the following the New York State fiscal year (April 1st to March 31st); and

WHEREAS, the Department of Senior Services desires to create, effective April 1, 2024, a new civil service position, Project Administrator (Senior Services), Job Group 12, (B-100 #14157), in the 163CSE2425 grant to oversee the operation of the Department of Senior Services' Recreation Unit, which includes, among other program initiatives, the AmeriCorps Senior RSVP Program, University Express, and Health and Fitness programming; and

WHEREAS, to help cover the cost of creating the new position, effective April 1, 2024 to delete two vacant positions in the 163CSE2425 grant, a vacant Outreach Aide (Senior Services) position #6777 and a vacant Community Service Aide (PT) position #1810.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes effective April 1, 2024 the creation of a Project Administrator (Senior Services), Job Group 12, (B-100 #14157), in the 163CSE2425 grant; and be it further

RESOLVED, that the budget for the 163CSE2425 grant be amended as follows:

		INITIAL BUDGET	CHANGE	AMENDED BUDGET
APPROPRIATIONS				
500000	Full Time - Salaries	\$602,703	+36,210	\$638,913
500010	Part Time – Wages	\$60,498	(17,091)	\$43,407
502000	Fringe Benefits	\$324,952	+21,700	\$346,652
516020	Professional Srvcs Contracts/fees	\$253,766	(40,819)	\$212,947
TOTAL			<u>-0-</u>	

; and be it further

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

RESOLVED, that authorization is hereby given to the County Executive or Deputy 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, and the Department of Senior Services.

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-29

COUNTY EXECUTIVE

Acceptance of NYSDOT Section 5310
Enhanced Mobility 2024-27 Grant

Attachments

24COMM. 5E-29



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 1, 2024

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

Re: Acceptance of NYSDOT Section 5310 Enhanced Mobility 2024-27 Grant

Dear Honorable Members:

The attached resolution requests authorization for the Department of Senior Services to accept \$738,342 in Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities federal grant funds from the New York State Department of Transportation (NYSDOT) for the January 1, 2024 through December 31, 2027 period. The monies will fund the Department's Going Places and additional transportation programs, which provide rides for older adults unable to secure their own transportation.

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,

A handwritten signature in blue ink, reading "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/md
Enclosure

cc: Angela Marinucci, Commissioner, Department of Senior Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Senior Services
Re: Acceptance of NYSDOT Section 5310 Enhanced Mobility 2024-27 Grant
Date: March 1, 2024

SUMMARY

Approve the attached resolution to accept Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities federal grant funds, from the New York State Department of Transportation (NYSDOT). The Department of Senior Services was awarded the monies through a competitive process and will use the funds for the operation of its Going Places Transportation Program and additional transportation programs. This funding will enable the creation of a full-time Project Administrator (Senior Services) job group 12.

The funds were awarded under three separate categories: vehicle purchases, mobility management, and operating assistance. These funds will cover 80% of the cost of four replacement mini-bus vehicles, a portion of the payroll costs for a newly created CSEA Civil Service position, and a portion of the cost per ride for wheelchair and ambulatory riders of the Department's Going Places van service.

FISCAL IMPLICATIONS

Project Administrator (Senior Services)

Annualized Salary \$84,471

Salary for Balance of Year \$63,556

Funding Source US Dept of Transportation

If Grant funded:

Grant Source: NYSDOT

Grant Duration: 1/1/2024- 12/31/27

Remaining Grant Funding: \$1,193,406

Alternative Source of Funding if Grant is not renewed: No Alternative

The Department's 163CSE2324 grant's Motor Vehicle account (#561440) has appropriations available to cover the \$66,823 County cost for the 20% share (plus a 10% contingency fee to cover possible cost increases) of the purchase of the four new mini-bus vehicles.

Although the grant allows for retroactively charging 2022 and 2023 expenses to it, the Department of Senior Services was fully funded for those years and will instead use the funding beginning in 2024. Existing appropriations are available in the 2024 County budget's General Fund Administration & Support Cost Center account (#1631010) and County Share Grant account (#559000) to cover the required local match for Mobility Management and Operating Assistance funds in 2024. County appropriations for subsequent grant years will be included in the Department's annual County budgets.

REASONS FOR RECOMMENDATION

The Going Places transportation program provides older adults, who have no other means of transportation, with rides to medical appointments, grocery shopping, and senior centers for congregate meals. The Department of Senior Services performs the central dispatch function for the program, which is a partnership with Erie County municipalities and subcontracted transportation service providers.

Erie County's aging population is growing and projects to be over 300,000 residents above the age of 60 by 2030. The need for transportation services is also expected to grow and these grant funds will assist in meeting this need. The monies will also provide for the creation of a new Project Administrator (Senior Services) position to bolster its transportation services by overseeing our current partnerships and fostering new ones, supervising current transportation operations, and collaborating with other regional providers. The current Going Places Van Service only has a presence in 11 towns and municipalities throughout Erie County. The aim of the position will be to help create a transportation network that covers the whole county and give residents options in transportation that meets their individual needs. By creating new relationships, collaborating with agencies already involved in transportation, and pooling resources, the position will streamline efforts to make sure all residents of Erie County have access to necessary transportation options. The position will also address barriers for clients and partners alike, while looking toward the future to help set up the Department's transportation services for success in meeting current and future demands as our aging population grows.

BACKGROUND INFORMATION

Duties required of the position required by Law or Contract: Erie County and grant

Job Classification: CSEA Job Group 12 step 5

NYSDOT periodically awards these federal transportation monies through a competitive application process to governmental and not-for-profit entities operating transportation programs for either elderly and/or disabled individuals. This is the fourth time, since 2015, that the Department has applied for and received these grant monies.

CONSEQUENCES OF NEGATIVE ACTION

The Department of Senior Service would not be able to accept these transportation monies and expand our transportation options for the benefit of older adults in Erie County.

STEPS FOLLOWING APPROVAL

The Department of Senior Services will take steps to create the grant and purchase, through NYSDOT, the four mini-bus vehicles and work with Personnel to implement this.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SENIOR SERVICES

RE: Acceptance of NYSDOT Section 5310 Enhanced Mobility Grant

WHEREAS, the Department of Senior Services Going Places Transportation Program provides older adults who have no other means of transportation, with rides to medical appointments, grocery shopping, and senior centers for congregate meals, along with performing the central dispatch function for vehicles operated by partner Erie County municipalities and subcontracted transportation service providers; and

WHEREAS, the Department of Senior Services applied in the Spring of 2022, to the New York State Department of Transportation (NYSDOT) for Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities federal grant funding for the operation and expansion of the Going Places Transportation Program; and

WHEREAS, NYSDOT recently awarded the Department of Senior Services a Section 5310 Enhanced Mobility Grant for a period beginning January 1, 2024 through December 31, 2027, with funding under three categories; and

WHEREAS, NYSDOT requires upon grant contract execution, a check payable to the NYSDOT for \$66,823, which represents the required 20% local share of the vehicles plus a 10% contingency amount to cover possible price increases; and

WHEREAS, existing appropriations in the 163CSE2324 grant's Motor Vehicle account (#561440) will fund the \$66,823 local share of the vehicles; and

WHEREAS, the Department of Senior Services does not anticipate using any of these new grant monies until 2024, when existing appropriations are available in its 2024 County budget's General Fund Administration & Support Cost Center's (#1631010) County Share Grant account (#559000) to cover the required local match for drawing down the grant's mobility management and operating assistance funds; and

WHEREAS, County appropriations for subsequent grant years local share amounts will be included in the Department's annual County budget for those years.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to contract with the NYSDOT to accept the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities grant funding beginning January 1, 2024 through December 31, 2027; and be it further

RESOLVED, that authorization is hereby given to acquire the four mini-bus vehicles and upon passage of this resolution and to pay the NYSDOT the 20% local share plus the 10% contingency for possible cost changes by issuing a check for the required

\$66,823, utilizing existing appropriations from the 163CSE2324 grant's Motor Vehicle account; and be it further

RESOLVED, that effective April 1, 2024 a new civil service position, Project Administrator (Senior Services), Job Group 12, (B-100 #14156) be created in this grant, to oversee the operation of the Going Places Program; and

RESOLVED, that the budget for the Section 5310 Enhanced Mobility Grant for the period January 1, 2024 through December 31, 2027 be established as follows:

Grant fund 281 fund center 1632010
5310 Enhanced Mobility Grant
163EMOBLTY2227
January 1, 2024 – December 31, 2027

REVENUES

BUDGET

Account	Description	
414000	Federal Aid	\$ 738,342
417000	Contributions Participants	\$ 17,700
417060	Other Income Senior Services	\$ 6,747
479000	County Share Contribution	\$ 791,040
	TOTAL REVENUE	<u>\$1,553,829</u>

APPROPRIATIONS

BUDGET

Account	Description	
500000	Full Time – Salaries	\$ 360,423
502000	Fringe Benefits	\$ 183,817
516019	Transportation Services	<u>\$1,009,589</u>
	TOTAL APPROPRIATIONS	<u>\$1,553,829</u>

and be it further

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

RESOLVED, that authorization is hereby given to the County Executive or Deputy 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, and the Department Senior Services.

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-30

COUNTY EXECUTIVE

Authorization to Extend the ADRCVAC2122
Grant

Attachments

24COMM. 5E-30



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG MAR 1 '24 PM 3:26

March 1, 2024

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

RE: Authorization to Extend the ADRCVAC2122 Grant

Dear Honorable Members:

Please approve the attached resolution to extend the Department of Senior Services' 163ADRCVAC2122 grant, for the twelve-month period from 10/01/2023 to 09/30/2024. This will allow the remaining \$32,755 of available funds in the grant to be utilized to continue efforts to educate older adults and disabled individuals on the importance vaccinations to their overall health.

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,

A handwritten signature in blue ink, reading "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/md
Enclosure

cc: Angela Marinucci, Commissioner, Department of Senior Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Senior Services
Re: Authorization to Extend the ADRCVAC2122 Grant
Date: March 1, 2024

SUMMARY

The Department of Senior Services is requesting authorization to extend the 163ADRCVAC2122 grant, for the twelve-month period from 10/01/23 to 09/30/2024, and utilize the remaining \$32,755 of available funds in the grant to continue efforts to educate older adults and disabled individuals on the importance of vaccinations to their overall health.

FISCAL IMPLICATIONS

No additional county funds are required as the grant is 100% grant federally funded.

REASONS FOR RECOMMENDATION

The grantor, the New York State Office for the Aging (NYSOFA), is making this grant extension available to counties to support local efforts to educate older adults and disabled individuals on the importance of vaccinations through various advertising mediums.

BACKGROUND INFORMATION

NYSOFA is making available to Counties throughout the State these federal grant monies, from the Administration on Community Living and the Center for Disease Control.

CONSEQUENCES OF NEGATIVE ACTION

The Department of Senior Services would be unable to provide the 100% grant funded services for older adults in Erie County.

STEPS FOLLOWING APPROVAL

The Department of Senior Services will utilize the grant funding to promote and provide education of vaccinations and boosters to older adults and disabled individuals.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SENIOR SERVICES

RE: AUTHORIZATION TO EXTEND THE ADRCVAC2122 GRANT

WHEREAS, the New York State Office for the Aging (NYSOFA) has offered to extend through September 30, 2024 the Department of Senior Services 163ADRCVAC2122 grant; and

WHEREAS, such an extension would allow the remaining \$32,755 of grant funds to be utilized to continue efforts to educate older adults and disabled individuals on the importance of vaccinations to their overall health; and

WHEREAS, no additional County funds are required as the grant is 100% federally funded by the grantor.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to accept the NYSOFA extension of the 163ADRCVAC2122 grant through September 30, 2024 and allow the Department of Senior Services to utilize the grant funds to continue vaccination education efforts among older adults and disabled individuals; and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to implement any budget adjustments as required to comply with the grantor funding requirements provided there are no changes to authorized personnel levels or county share amounts; 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, and the Department of Senior Services.

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-31 COUNTY EXECUTIVE Overnight Respite Services Contract

24COMM. 5E-31

Attachments



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC-LEG MAR 1 '24 11:3:26

March 1, 2024

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

RE: Overnight Respite Services Contract

Dear Honorable Members:

The attached resolution requests authorization for the Department of Senior Services to contract with Niagara Lutheran Health System Inc. (Niagara Lutheran), Schofield Residence (Schofield), and Absolut Care/The McGuire Group (TMG) to assist caregivers of memory impaired and physically disabled older adults by providing overnight respite services. Niagara Lutheran, Schofield, and TMG were selected through an RFP process. The Department of Senior Services will utilize available grant funding to pay for eligible client overnight stays.

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,

A handwritten signature in blue ink, reading "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/CM
Enclosure

cc: Angela Marinucci, Commissioner, Department of Senior Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Senior Services
Re: Overnight Respite Services Contract
Date: March 1, 2024

SUMMARY

The Department of Senior Services seeks approval of the attached resolution to allow the Department to contract with Niagara Lutheran Health System Inc. (Niagara Lutheran), Schofield Residence (Schofield), and Absolut Care/The McGuire Group (TMG) for the period January 1, 2024 through December 31, 2026. Contracting with these providers will assist caregivers of memory impaired and physically disabled older adults by providing overnight respite services. Niagara Lutheran, Schofield and TMG were selected through an RFP process and will be paid with existing Department grant funds at various rates between \$199 and \$465 per day, dependent upon the level of care required. Contracting with each of these providers will allow clients and their caregivers the opportunity to select an overnight stay at a location of their choosing, dependent upon availability.

FISCAL IMPLICATIONS

No additional County funds are required. Budgetary appropriations of \$20,000 are available in the 163III-E2024 grant's Professional Services Contracts and Fees account (#516020) to cover the cost of overnight respite services. The amounts for subsequent contract years would be determined by appropriations available in each of those contract year's County budgets.

REASONS FOR RECOMMENDATION

Older adult care receives with Alzheimer's disease and other dementias as well as physical disabilities can cause high levels of stress to even the most capable and well-intentioned caregiver. Providing an opportunity for the caregiver to have overnight respite can reduce stress levels, abuse, unplanned hospital stays, and defer permanent admission to Long-Term Care Facilities.

BACKGROUND INFORMATION

The Department of Senior Services is funded to provide respite care to the caregivers of Erie County. Providing overnight respite has long been sought as a service by caregivers across the County and is shown both anecdotally and empirically to have significant positive impact on the well-being of caregivers.

CONSEQUENCES OF NEGATIVE ACTION

The Department of Senior Services would be unable to utilize available grant appropriations to meet the needs of older adults and their caregivers by providing respite and preventing caregiver burnout.

STEPS FOLLOWING APPROVAL

The Department of Senior Services will contract with Niagara Lutheran, Schofield and TMG who in turn will begin offering caregivers in need opportunities for overnight respite services.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SENIOR SERVICES

RE: Overnight Respite Services Contract

WHEREAS, the Department of Senior Services continually looks to enhance services to help older adults remain in their homes longer; and

WHEREAS, caregiver burnout is a significant contributor to premature placement of older adult care receivers in long-term care settings; and

WHEREAS, the Department of Senior Services desires to offer overnight respite services to eligible caregivers of memory impaired and physically disabled older adults at various locations; and

WHEREAS, the Department of Senior Services, through an RFP process, selected Niagara Lutheran Health System Inc. (Niagara Lutheran), Schofield Residence (Schofield), and Absolut Care/The McGuire Group (TMG) which operate multiple locations to provide overnight respite services; and

WHEREAS, overnight respite services will be provided at various rates ranging from \$199 to \$465 per day, dependent upon the level of care required by the older adults. Clients and their caregivers will be able to select a preferred location; and

WHEREAS, the Department of Senior Services now desires to contract with the Niagara Lutheran, Schofield, and TMG to provide overnight respite services during the initial period of January 1, 2024 to December 31, 2026, with an option to extend for up to two additional one-year periods at prices and conditions agreed upon by County and Providers; and

WHEREAS, \$20,000 of budgetary appropriations are available in the 163III-E2024 grant's Professional Services Contracts and Fees account (#516020) to pay for overnight respite services for eligible older adults, with amounts for subsequent contract years to be determined by appropriations available in each of those year's County budgets.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to contract with the Niagara Lutheran, Schofield, and TMG (and their multiple locations) to provide overnight respite services for the Department of Senior Services during the initial period of January 1, 2024 to December 31, 2026, with the option to extend the contract beyond the initial term for up to two additional one-year periods at prices and conditions agreed upon by County and Providers; and be it further

RESOLVED, that authorization is hereby given to utilize existing appropriations in the 163III-E2024 grant's Professional Services Contracts and Fees account (#516020) to pay for

overnight respite services, with amounts for subsequent contract years to be determined by appropriations available in each of those year's County budgets; and be it further

RESOLVED, that authorization is hereby given for the County Executive or Deputy County Executive to execute amendments to the contract to effectuate adjusted funding levels if necessary; 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, and the Department of Senior Services.

RFP # 2023-061VF

Total Score by Reviewer

Agency	Reviewer #1	Reviewer #2	Reviewer #3	Reviewer #4	Reviewer #5	Average
	MAX POSSIBLE = 100	MAX POSSIBLE = 100	MAX POSSIBLE = 100	MAX POSSIBLE = 100	MAX POSSIBLE = 100	MAX POSSIBLE = 100
Niagara Lutheran Health Systems	49	48	61	71	70	59.8
McGuire/Absolut Care	49	70	72	71	81	68.6
Schofield	48	50	64	58	64	60.8
Agency	Ranking	Award Amount				
Niagara Lutheran Health Systems, McGuire/ Absolut Care, and Schofield	1	Up to \$60,000 total				

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-32	COUNTY EXECUTIVE	2024 EC Healthcare Careers Program Contract Authorization
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	Attachments
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24COMM. 5E-32



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG MAR 1 '24 PM 3:26

March 1, 2024

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

RE: 2024 Erie County Healthcare Careers Program Contract Authorization

Dear Honorable Members:

The attached resolution requests authorization to enter in to contract with the Buffalo & Erie County Workforce Investment Board (WIB) and its fiscal agent the Buffalo & Erie County Workforce Development Consortium (WDC) for the purpose of funding the Erie County Healthcare Careers (EHC) program, as approved and adopted in the 2024 Erie County Budget.

Since the ending of the federally-funded Health Profession Opportunity Grants (HPOG) at the end of 2021, EHC has outperformed HPOG in terms of annual enrollment, total enrollment, cost-per-student, and variety of eligible training programs. As of December 31, 2023, EHC has enrolled 544 Erie County residents into healthcare career training pathways. As agreed to and adopted by your Honorable Body in the 2024 Erie County Budget, I request the authorization to enter into contract with the WIB, and continue operations and grow this highly-successful and much-needed program.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/ze
Enclosure

cc: Jacqueline Hall, Executive Director of the Buffalo and Erie County Workforce Investment Board, Inc.
Lavon Stephens, Administrative Director of the Buffalo and Erie County Workforce Development Consortium, Inc.

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Office of the Erie County Executive
Re: 2024 Erie County Healthcare Careers Program Contract Authorization
Date: March 1, 2024

SUMMARY

It is recommended that the Legislature authorize the County Executive to enter into a contract with the Buffalo & Erie County Workforce Investment Board, Inc. (“WIB”) to accept funding in the amount of \$3,387,236.00 for administration and program execution of the highly successful Erie County Healthcare Careers (“ECHC”) program. This funding will provide for program sustainability, including the ongoing enrollment and support services for current ECHC students. These funds will also allow for the ECHC program to grow its enrolled population, providing even more benefit to our Erie County healthcare system.

FISCAL IMPLICATIONS

This appropriation is funded by \$3,387,236.00 in approved and adopted funds in the 2024 Erie County Budget - Fund 110, Funds Center 1331010, Account 518700 – WDC Healthcare Careers Program.

REASONS FOR RECOMMENDATION

Legislative approval is required for the County Executive to enter into contract with outside entities, including the WIB.

BACKGROUND INFORMATION

The ECHC program has outperformed the former Health Profession Opportunity Grants (“HPOG”), adding more highly trained nurses and other health professionals to the healthcare workforce in Erie County. To date, the ECHC program has enrolled more students over 2021 baselines by 65% in 2022 and a further 54% in 2023. HPOG also restricted enrollment to only Licensed Practical Nurses, whereas ECHC does not have those restrictions. With the ongoing need for healthcare staffing locally and nationally, the ECHC program directly addresses the need for health professions training.

CONSEQUENCES OF NEGATIVE ACTION

Failure to approve this resolution will place the continuation and future expansion of the highly successful ECHC program in jeopardy.

STEPS FOLLOWING APPROVAL

Upon approval of this resolution the Department of Environment and Planning and County Attorney’s Office will begin the drafting and of a contract with the WIB for the 2024 ECHC funds.

**A RESOLUTION SUBMITTED BY:
THE ERIE COUNTY EXECUTIVE**

RE: 2024 Erie County Healthcare Careers Program Contract Authorization

WHEREAS, the Erie County Healthcare Careers (“EHC”) program has successfully enrolled 544 Erie County residents into training and education programs related to highly in-demand healthcare careers as of December 31, 2023; and

WHEREAS, the Erie County Legislature at the request of the Erie County Executive, approved and adopted appropriations in the amount of \$3,387,236 for EHC in the 2024 Adopted Erie County Budget; and

WHEREAS, significant demand remains for additional healthcare staffing here in Erie County and across the United States, and SUNY Erie Community College and other local training providers have available capacity to train those seeking healthcare careers; and

WHEREAS, Erie County hospitals, skilled nursing facilities, and other healthcare employers report a significant shortage of trained employees, contributing to hospital crowding and a lack of available beds; and

WHEREAS, further support of the EHC program can bolster and expand the number of high-quality employees in high-demand, frontline healthcare positions across Erie County; and

WHEREAS, healthcare careers provide ladders of opportunity to family-sustaining wages, in line with the Federal, State, and County workforce development objectives, which boost the economic livelihoods of Erie County residents and the community overall;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into contract with the Buffalo and Erie County Workforce Investment Board, Inc. (“BECWIB”) and Buffalo and Erie County Workforce Development Consortium, Inc. (“WDC”), the BECWIB fiscal agent, for the purposes of expanding the EHC program; and be it further

RESOLVED, that the amount of \$3,387,236 has been appropriated from Fund 110, Funds Center 1331010, Account 518700 – WDC Healthcare Careers Program for the purposes of funding the 2024 EHC Program; and be it further

RESOLVED, the BECWIB and WDC may further expend any remaining 2023 EHC funds for the sole purpose of continuing the Program’s operation and enrollment of students; and be it further

RESOLVED, that the Director of Budget and Management is authorized to make any technical adjustments necessary to facilitate this resolution; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive's Office, Comptroller's Office, Division of Budget and Management, Department of Law and Department of Personnel.

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-33

COUNTY EXECUTIVE

Department of Probation - Personnel
Adjustment

Attachments

24COMM. 5E-33



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG MAR 1 '24 PM 3:26

March 1, 2024

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

RE: Department of Probation – Personnel Adjustment

Dear Honorable Members:

Enclosed, please find a memorandum and proposed resolution from the Department of Probation requesting authorization to delete a Cashier position and add a Senior Cashier position.

Should your Honorable Body require further information, I encourage you to contact Richard B. Robillard, Commissioner of the Department of Probation and Brian Bray, Commissioner of the Department of Personnel. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in blue ink, reading "Mark Poloncarz", with a long horizontal flourish extending to the right.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/bb
Enclosure

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Departments of Personnel and Probation
Re: Department of Probation – Personnel Adjustment
Date: March 1, 2024

SUMMARY

The Probation Department is requesting authorization to delete a Cashier position and add a Senior Cashier position.

FISCAL IMPLICATIONS

There are adequate funds in the Probation Department's 2024 Adopted General Fund Budget to cover the \$3,438 increase in salary for the remainder of the year.

Annualized Salary

Senior Cashier (JG 7, Step B)	\$61,462
Cashier (JG 6, Step B)	(\$56,757)
Net Increase	\$ 4,705

Increased Salary for Balance of Year: \$3,438

Funding Source: 100% Local Share

REASONS FOR RECOMMENDATION

The Probation Section of the Erie Unit of CSEA Local 815 has argued that the incumbent in the Cashier position routinely and regularly does out-of-title work and should be reclassified as a Senior Cashier. In response, the Personnel Department did an audit of her job duties, and the duties and responsibilities of a position to assure classification in the most appropriate title. The Personnel Department opined that the employee could appropriately be classified in either title. However, the employee's job duties were more consistent with Senior Cashiers in Erie County government than Cashiers.

BACKGROUND INFORMATION

Individuals on probation supervision have several forms of financial obligations that they are responsible for. Erie County has a small team of cashiers and billing account clerks responsible for collecting the funds from the individuals on probation supervision. This work has grown increasingly complex in recent years, and the employee in the Cashier job title has duties and responsibilities that are greater than those assigned to other Cashiers in county service.

CONSEQUENCES OF NEGATIVE ACTION

Erie County would compensate this employee less than individuals in County service doing similar work.

STEPS FOLLOWING APPROVAL

The position will be reclassified from a Cashier to a Senior Cashier.

A RESOLUTION SUBMITTED BY:
DEPARTMENTS OF PERSONNEL AND PROBATION

RE: Department of Probation – Personnel Adjustment

WHEREAS, the Erie County Department of Probation has identified a need to delete its existing Cashier position (JG-6) and add a Senior Cashier position (JG-7); and

WHEREAS, the Probation Section of the Erie Unit of CSEA Local 815 has advocated for the existing employee to be moved to the Senior Cashier job title due to the incumbent's regular engagement in out-of-title work and filed a grievance for her to be paid at the Senior Cashier rate; and

WHEREAS, the Personnel Department, in response to a grievance, reviewed the responsibilities of the Cashier and concluded that the current incumbent of the Cashier position performs duties and responsibilities aligning more closely with those of a Senior Cashier; and

WHEREAS, the deletion of the Cashier position and the addition of the Senior Cashier would result in an increase in the hourly rate from \$27.287 (JG-6, Step B) to \$29.549 (JG-7, Step B), with sufficient budgetary provisions within the Probation Department to accommodate this increase; and

WHEREAS, the complexities and responsibilities associated with the Cashier position within the Erie County Department of Probation have increased, justifying the need for a change to the Senior Cashier job title to better reflect the scope of work and responsibilities;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the deletion of one (1) full-time Cashier position (JG-6, Step B, CSEA) and the creation of one (1) Senior Cashier position (JG-7, Step B, CSEA) within the Erie County Department of Probation (B100 # 14129) effective March 23, 2024; and be it further

RESOLVED, that sufficient funding exists within the Department of Probation's 2024 Budget (Fund 110, Funds Center 126) to cover the cost increase of this personnel adjustment; 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, Division of Budget and Management, Department of Personnel and Department of Probation.

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-34	COUNTY EXECUTIVE	Authorization to Enter into Contract with the Olsen Group
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Attachments

24COMM. 5E-34



COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

EC LEG MAR 1 '24 PM 3:12

March 1, 2024

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

RE: Authorization to Enter into Contract with the Olsen Group

Dear Honorable Members:

Enclosed please find a proposed resolution and accompanying memorandum from the Department of Homeland Security & Emergency Services requesting authorization to contract with the Olsen Group to develop a regional distribution plan for addressing supply chain concerns.

Should your Honorable Body require further information, I encourage you to contact the Department of Homeland Security & Emergency Services. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in blue ink, reading "Mark C. Poloncarz", followed by a horizontal line.

Mark C. Poloncarz, Esq. Erie
County Executive

MCP/crn
Enclosure

cc: Daniel Neaverth, Commissioner of Homeland Security & Emergency Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Homeland Security & Emergency Services
Re: Authorization to Enter into Contract with the Olsen group
Date: March 1, 2024

SUMMARY

This proposed resolution authorizes the Department of Homeland Security and Emergency Services to contract with the Olsen Group to conduct a regional assessment of logistics practices including the distribution of critical supplies for public health response.

FISCAL IMPLICATIONS

The New York State Department of Homeland Security and Emergency Services provided Erie County with \$184,883 in the FY2020 State Homeland Security Regional Catastrophic Grant Program to be utilized for planning of personnel. The planning from the Olsen Group will be consistent with the guidance and approval from New York State and cost \$124,752.60, which will be paid in full by grant funds.

REASONS FOR RECOMMENDATION

The Erie County Department of Homeland Security & Emergency Services as the fiduciary agency has determined that the Olsen Group will be able to provide the requested planning in a timely and efficient manner. As a result of a request for proposal the Olsen Group was deemed the most competent firm to accomplish this regional task.

BACKGROUND INFORMATION

During the first months of 2020 during the COVID-19 pandemic, there existed several supply shortages of critical medical and safety products that were necessary to the safety of the people of Erie County. As such, many improvements have been made with regards to Erie County's ability to store essential equipment. The goal of this project is to have a more efficient process and supporting policy for consumable goods.

CONSEQUENCES OF NEGATIVE ACTION

Without Legislative approval, planning will not occur and the gap in emergency response capability will not be addressed.

STEPS FOLLOWING APPROVAL

The Department of Homeland Security and Emergency Services will establish a contract with the Olsen Group, to support the consulting provided in 2024.

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

RE: Authorization to Enter into Contract with the Olsen Group

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

WHEREAS, the Department of Homeland Security and Emergency Services issued a Request for Proposal (RFP) on 10/05/2023 RFP #2023-053-VP and

WHEREAS, the Olsen Group has been identified as an appropriate and competent provider of the requested planning; and

WHEREAS, funding is available in the HS167RCP/PPCOVID2023 Regional Catastrophic Preparedness Grant allocation to cover the costs incurred for this planning; and

WHEREAS, the vendor will be managed by the Erie County Department of Homeland Security & Emergency Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorizes the County Executive or Deputy County Executive to enter into contract with the Olsen Group in an amount not to exceed \$184,883 to conduct emergency response planning; and be it further

RESOLVED, that sufficient funds to cover the cost of this contract already exist within HS167RCP/PP2023 Regional Catastrophic Preparedness grant, budget line 516020 Professional Services Contracts and Fees; and be it further

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

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



Department of Homeland Security & Emergency Services

Recommendation for RFP# 2023-053-VF

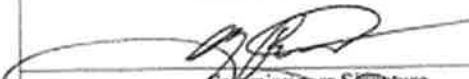

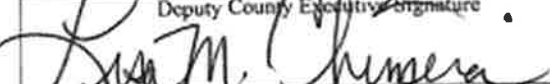
Date: 03/01/2024

The review panel has completed its task of evaluating the proposals for the above-named RFP. The proposals were graded individually by each panel member as well by Administration as to compliance with the RFP requirements and fiscal compliance/soundness.

Agency	TOTAL SCORE	RANKING by Score	Current Funding Amount	Requested Amount	Recommended Award
All Hands Consulting Group	26.93	3	\$184,883	\$168,702	0
Constant Associates	30.21	2	\$184,883	\$141,673.08	0
Olsen Group	30.28	1	\$184,883	\$124,752.60	\$124,752.60
New York Medical College	26.14	4	\$184,883	\$105,780.00	0

It is recommended that the Olsen Group provide consulting services in Erie County in 2024. Supporting documentation is included in this packet.

The Department of Homeland Security and Emergency Services has complied with all applicable provisions of Section 26.08 of the Erie County Administrative Code.

Committee Chair Signature 	Printed Name Darion Pratchett	Date 02/28/2024
Commissioner Signature 	Printed Name Daniel Neaverth	Date 2/29/24
Deputy County Executive Signature 	Printed Name Lisa Chimera	Date 2/29/24

Once reviewed and approved, please return to Carraugh Nowak at Carraugh.Nowak@erie.gov for processing. Thank you.

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-35 COUNTY CLERK Clerk's Office Software RFP

24COMM. 5E-35

Attachments



EC LEG MAR 4 '24 PM 4:14

COUNTY OF ERIE

MICHAEL P. KEARNS
COUNTY CLERK

March 4, 2024

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

Re: Clerk's Office Software RFP

Dear Honorable Members:

I write to provide an update on the efforts of the Clerk's Office to find a new recordkeeping software system and provide an overview of the challenges that lie ahead in this process.

As this Honorable Body is aware, a significant number of findings in the two audits of the Clerk's Office by the Comptroller's Office over the past year relate to legacy software and agreements that long predate the current administrations of either Office. The Clerk's Office submitted the findings of the first Audit to our existing software vendor for a detailed analysis, which was included in the Clerk's Office response to the first audit released on September 25, 2023. At the same time, the Clerk's Office also met with an adjacent county clerk's office and potential software vendors to discuss both improvements to the existing software and the feasibility of acquiring new software.

It is undisputed that several technical issues and visual bugs were discovered in the existing software, which accounted for several findings in both audits. The Clerk's Office was also recently made aware that the existing recordkeeping application of our current software, known as RecordsNG, is being phased out within the next few years. As such, it is abundantly clear that new software is no longer a luxury, but a necessity. The Clerk's Office is the principal business office of Erie County, handling hundreds of thousands of transactions and millions of dollars every year. Updated and efficient software is essential.

Despite the clear need for new software, I feel the Legislature should be made aware of the significant anticipated costs, both in funding and time. Our preliminary research yielded early estimates between \$500,000 - \$1 million. Transitioning all of the recordkeeping duties from one system to another could take as long as eight months to one year, with an additional six months of staff training to understand the new system. It goes without saying that the full attention of Clerk's Office staff will be needed on the software transition. The costs of such an operation are perhaps the reason this legacy software has survived multiple administrations, despite its flaws.

As has been noted, the Clerk's Office anticipated releasing a Request for Proposals ("RFP") for new software in the fall of 2023. That process was put on hold due to the length of the second audit but is now ready to move forward in light of the audit's conclusion. The Clerk's Office now anticipates publishing the RFP in the coming weeks. Following the required review of proposals, a vendor will be selected and approval sought from this Honorable Body.

The Clerk's Office remains grateful to the Comptroller's Office for the long-overdue audits that highlighted the need for new software. I personally look forward to working with both the Comptroller and this Honorable Body on the continued correction of longstanding issues to strengthen the government of Erie County.

Very truly yours,



MICHAEL P. KEARNS
Erie County Clerk

MPK/wal

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-36	COMPTROLLER	Fraud Prevention Services Available from M&T Bank
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	Attachments
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24COMM. 5E-36



EC LEG MAR 4 '24 PM 1:51

ERIE COUNTY COMPTROLLER

KEVIN R. HARDWICK
February 29, 2024

Hon. Michael P. Kearns
Erie County Clerk
92 Franklin Street
Buffalo, New York 14202

Re: Fraud Prevention Services Available from M&T Bank

Dear Clerk Kearns:

As a result of my office's two audits and the findings therein, including a counterfeited check totaling \$326,456.16, I am writing to recommend that your office immediately implement several anti-fraud measures.

Because your office maintains separate bank accounts at M&T Bank, we strongly recommend using the anti-fraud prevention services that my office uses for the bank accounts controlled by my office. These services are offered at no cost by M&T Bank. These include ACH (Automated Clearing House) Monitor Fraud Review and Approval, Positive Pay, Check Block, ACH Account Number Masking (UPIC) and for cash, the bank's Deposit Reconciliation Service.

One additional important fraud prevention service offered by M&T is Payee Positive Pay. That service features files being uploaded to the bank which show the payee on checks to help prevent counterfeiting of paper checks. Had your office utilized this service, it is very unlikely, if not impossible, that the counterfeited check payable to Get Mobile LLC could have cleared your account.

We further recommend that you consider limiting, reducing, or ending the practice of issuing paper checks altogether. Our office has been working for years to reduce the number of paper checks we issue to County vendors and payees by moving to more secure electronic ACH payments. Multiple financial institutions and law enforcement have been urging Americans to stop using paper checks due to check washing, in which thieves intercept paper checks and counterfeit them to new payees with different dollar amounts.

In addition, we understand that your office has not been utilizing Remote Deposit Capture (RDC) to scan and remotely deposit checks. M&T offers this service and their scanners to the County at no cost. I recommend you commence using RDC machines to

scan and deposit checks at the point of sale in your offices (especially for your Concentration Account) to help prevent possible fraud or missing checks.

I strongly urge you to contact your relationship manager at M&T Bank and to engage the bank to utilize these anti-fraud services. Because I do not control your bank accounts, I cannot take this step on your behalf.

If you have any questions concerning these services or would like the assistance of my office with deploying and using these fraud prevention options, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kevin R. Hardwick".

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

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-37	MILLS	Letter Regarding Upcoming Absence
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24COMM. 5E-37		Attachments
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EC LEG MAR 5 '24 AM 9:21

ERIE COUNTY LEGISLATURE

HON. JOHN J. MILLS
11TH DISTRICT LEGISLATOR
MINORITY LEADER

March 5, 2024

Olivia Owens
Clerk of the Erie County Legislature
92 Franklin St – 4th Floor
Buffalo, NY 14202

Re: Upcoming Absence

Dear Clerk Owens,

This is notice I have a pre-scheduled trip out-of-town from March 4th through March 13th, which I unfortunately cannot alter. I will miss the scheduled session for March 7th and any other legislative meetings during this time.

Please enter the aforementioned in the Legislature's official record. I appreciate your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. J. Mills", is written over a faint, larger version of the same signature.

John J. Mills

Minority Leader
Erie County Legislature

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-38

DISTRICT ATTORNEY

Court Modernization Agreement with NYS
Unified Court System

Attachments

24COMM. 5E-38



OFFICE OF THE ERIE COUNTY DISTRICT ATTORNEY

JOHN J. FLYNN
DISTRICT ATTORNEY

MICHAEL J. KEANE
FIRST DEPUTY DISTRICT ATTORNEY

March 5, 2024

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

Re: Court Modernization Agreement with New York State Unified Court
System
Immediate Consideration Requested

Honorable Members:

Please find an enclosed resolution requesting authorization to collaborate with New York State Unified Court System on the modernization of the criminal courtrooms located within the Erie County Courthouse. Our office is requesting authorization to enter into an agreement with the New York State Unified Court System to purchase the equipment & parts necessary to upgrade various courtrooms at 25 Delaware Avenue. This MOU was negotiated and approved by the County Attorney's Office.

Thank you for your consideration of this matter. If your Honorable Body requires any further information, kindly contact our office and we will be happy to accommodate your requests.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be "John J. Flynn", is written over a circular embossed seal. The signature is fluid and cursive.

JOHN J. FLYNN
DISTRICT ATTORNEY

JJF/lh

MEMORANDUM

To: Erie County Legislature
From: John J. Flynn, District Attorney
Date: March 5, 2024
Re: Court Modernization Agreement with New York State Unified Court System

I. Summary of Recommended Action

The proposed resolution requests authorization to enter into a Memorandum of Understanding (MOU) and pay \$250,000 to the New York State Unified Court System (UCS) for the purchase of new courtroom presentation equipment to be installed in five criminal parts of the Erie County Court Building located at 25 Delaware Avenue. The District Attorney's Office has agreed to provide \$50,000 for each of five courtrooms to upgrade the courtroom technology.

II. Fiscal Implication of Proposal

Funds are available for this project within the District Attorney's Office Aid to Prosecution grant. There is no cost to county taxpayers.

III. Reasons for Recommendation and Background of Proposal

Technology plays an integral part in the effective prosecution of cases in Erie County. Evidence presentation is critical to any successful prosecution and the technology necessary to present that evidence (body camera footage, maps, documents and audio statements, etc.) is crucial. UCS in collaboration with our office has agreed to modernize the equipment and infrastructure in the Erie County Courthouse to allow better access to justice to all those involved in the criminal justice process. This new technology will allow for more inclusive and user-friendly enhancements in the courtrooms. Some of the components will include high-definition monitors situated within arms-length of every party, the judge, and the jurors; HDMI compatible devices and back-end network equipment for the display of evidence; witness monitors which have touch screen capabilities, allowing for marking of digital exhibits; new courtroom speakers, allowing for amplification of audio evidence to all parties; and new cameras in the front and back of the courtroom allowing video capture of the judge, witnesses, attorney tables and podium (where/when applicable) to enable hybrid courtroom appearances via video conferencing as well as to enable the ability to live stream court proceedings if required or deemed necessary to do so.

The agreement provides for an investment by both UCS and the County. UCS will incur all the costs necessary to install the infrastructure necessary to support all the equipment enhancements, as well as future costs to maintain and replace the equipment that will be installed. The District Attorney's Office will provide \$50,000 per each of five criminal courtrooms at 25 Delaware Avenue to go towards the purchase of all the equipment and parts.

IV. Consequences of Negative Action

Failure to approve this request will inhibit our ability to provide the most efficient and timely criminal proceedings we can provide to the citizens of Erie County.

V. Steps Following Approval of Measure

The District Attorney's Office will work with the Division of Budget and Management, the Department of Public Works, Purchasing, and the Comptroller's Office to implement this proposal.

**RESOLUTION SUBMITTED BY THE
DISTRICT ATTORNEY**

Re: Court Modernization Agreement with New York State Unified Court System

WHEREAS the Erie County District Attorney's Office (ECDA) is a local law enforcement agency with the mission of investigating and prosecuting criminal activity in Erie County; and

WHEREAS the mission of New York State Unified Court System (UCS) is to promote the rule of law and serve the public by achieving just and timely resolution of all matters before the courts; and

WHEREAS the County is the owner of the Erie County Court building located at 25 Delaware Avenue, Buffalo, NY, which includes court rooms provided to the UCS pursuant to Judiciary Law § 39; and

WHEREAS the above parties have agreed to share the cost to modernize the criminal courtrooms with the technology and infrastructure necessary to allow better access to justice for all; and

WHEREAS there are sufficient funds in the 2023-2024 appropriations of the District Attorney's Office Aid to Prosecution grant and these funds need to be expended prior to end of the grant year of March 31, 2024.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County is authorized to enter into an agreement with UCS to delineate the responsibilities and costs associated with the Court Modernization project occurring at the Erie County Courthouse annex located at 25 Delaware Avenue; and be it further

RESOLVED, that the Erie County District Attorney's Office is authorized to pay \$250,000 to UCS to be used for the purchase of equipment necessary to outfit five criminal courtrooms; and be it further

RESOLVED, the Director of Purchasing is authorized to issue a purchase order to the New York State Unified Court System upon execution of the Memorandum of Understanding between the County and UCS for the Court Modernization project; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Erie County District Attorney, Erie County Division of Purchase, Erie County Department of Public Works, and the Erie County Comptroller.

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-39 DISTRICT ATTORNEY OPDV Flexible Funding Project

24COMM. 5E-39

Attachments



OFFICE OF THE ERIE COUNTY DISTRICT ATTORNEY

JOHN J. FLYNN
DISTRICT ATTORNEY

MICHAEL J. KEANE
FIRST DEPUTY DISTRICT ATTORNEY

March 5, 2024

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

Re: OPDV Flexible Funding Project
For Immediate Consideration

Honorable Members:

Enclosed please find a proposed resolution and memorandum from the District Attorney's Office requesting authorization to accept grant funding in the amount of \$38,268 from the NYS Office for the Prevention of Domestic Violence. These monies will be used to provide direct financial assistance to victims and survivors of domestic violence.

Thank you for your consideration of this matter. If your Honorable Body requires any further information, kindly contact our office and we will accommodate your request.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "John J. Flynn", is written over a printed name and title.

JOHN J. FLYNN
DISTRICT ATTORNEY

JJF/lh

MEMORANDUM

To: Erie County Legislature
From: John J. Flynn, District Attorney
Date: March 5, 2024
Re: OPDV Flexible Funding Project

I. Summary of Recommended Action

The proposed resolution requests authorization to enter into a contract with the NYS Office for the Prevention of Domestic Violence to accept grant funding in the amount of \$38,268 under their Flexible Funding Project.

II. Fiscal Implications of Proposal

The NYS Office for the Prevention of Domestic Violence (OPDV) has awarded the District Attorney's Office monies in the amount of \$38,268 for the calendar year 2024. These monies will be used to provide financial assistance directly to victims and survivors of domestic violence at no cost to county taxpayers.

- Grant Duration: 1 year – 1/1/24 – 12/31/24
- Funding Source: NYS Office for the Prevention of Domestic Violence

III. Reason for Recommendation and Background of Proposal

The purpose of the project is to provide Flexible Funding Assistance to domestic violence victims and survivors throughout Erie County. This funding is to provide direct financial assistance to eligible survivors of domestic violence and their families to address financial and housing needs. The ultimate goal of the program is to not only provide resources to victims to address immediate financial needs, but to also improve their overall financial and housing stability and retention. Our office can provide assistance directly to victims or to a third party, such as a landlord. We are able to assist with housing, utilities, food, education, child care and other vital services.

IV. Consequences of Negative Action

Accepting this grant award will hinder our ability to help victims of domestic violence get the financial assistance they need.

V. Steps Following Approval of Measure

The District Attorney's Office will work with the Division of Budget and Management and the Comptroller's Office to implement this proposal.

**RESOLUTION SUBMITTED BY THE
DISTRICT ATTORNEY**

Re: OPDV Flexible Funding Project

WHEREAS, the District Attorney's Office's has been awarded \$38,268 under the NYS Office for the Prevention of Domestic Violence Flexible Funding Project for the period of January 1, 2024 to December 31, 2024; and

WHEREAS, authorization is required by the Erie County Legislature for the County Executive to enter into a grant contract and accept \$38,268 in state aid to provide financial assistance to domestic violence victims and families;

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the NYS Office for the Prevention of Domestic Violence; and be it further

RESOLVED, that authorization is hereby provided to establish the District Attorney's OPDV Flexible Funding Project:

OPDV Flexible Funding Project
January 1, 2024 to December 31, 2024
Fund: 281, Cost Center: 1140050, Grant: 114FLEXFUNDING24

Revenue

409000 State Revenue	<u>\$ 38,268</u>
Total Revenue	<u>\$ 38,268</u>

Appropriation

530000 Other Expenses	<u>\$ 38,268</u>
Total Appropriations	<u>\$ 38,268</u>

and be it further

RESOLVED, that the Division of Purchase and the Comptroller's Office will work together with the District Attorney's Office to process payments to victims and/or third parties as quickly and efficiently as possible in order to most expeditiously provide immediate assistance to families; and be it further

RESOLVED, that the Director of Budget & Management is hereby authorized to establish and adjust budgets as required to comply with grantor-approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, the Erie County Comptroller, the Director of Purchasing and the Director of Budget and Management.

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-40	SHERIFF	Funding for Furniture
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24COMM. 5E-40	Attachments
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JOHN C. GARCIA
SHERIFF
WILLIAM J. COOLEY
UNDERSHERIFF



EC LEG MAR 5 '24 AM 9:55
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

March 4, 2024

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

RE: Funding for Furniture

Honorable Members:

Attached, please find a proposed resolution and accompanying memorandum requesting authorization to transfer money from the Erie County Sheriff's Office Shared Revenue (ICE) Seized Asset Fund for the purposes of purchasing furniture and A/V equipment.

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

Very truly yours,

John C. Garcia
Sheriff of Erie County

Attachments

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Sheriff's Office
Re: Funding for Furniture
Date: March 4th, 2024

Summary of Recommended Action

This proposed resolution requests authorization to transfer \$300,000 from the Erie County Sheriff's Office's Shared Revenue (ICE) Seized Asset account. This transfer would provide sufficient funding to purchase furniture and A/V equipment, a majority of which would be used at 13 Centre Drive. \$275,000 will be appropriated to purchase furniture from a firm off of the New York State bid list. \$25,000 will be appropriated for A/V equipment, which will require the Sheriff, working with the Division of Purchase, to issue an RFP. At the conclusion of the RFP process, the Sheriff will return to the legislature for approval to enter into contract to purchase the A/V equipment, assuming the equipment cannot be purchased off a state bid list.

Fiscal Implications of Proposal

Sufficient funds are available in the ECSO's Shared Revenue (ICE) Seized Asset account.

Reasons for Recommendation

As your Honorable Body is aware, the Erie County Sheriff's Office has entered into a lease for space at 13 Centre Drive in Orchard Park. There is now a need to furnish this space and add A/V equipment.

Consequences of Negative Action

The Erie County Sheriff's Office will not have sufficient funds available to purchase furniture and A/V equipment for its office space.

Steps Following Approval of Measure

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

A RESOLUTION SUBMITTED BY:
ERIE COUNTY SHERIFF'S OFFICE

RE: Funding for Furniture

WHEREAS, it is the mission of the Erie County Sheriff's Office to provide quality public safety services to our community by promoting a safe environment through police and citizen interaction, with an emphasis on integrity, fairness and professionalism, and

WHEREAS, The Erie County Sheriff's Office has entered into a 10-year lease for office space at 13 Centre Drive in the Town of Orchard Park, and

WHEREAS, the leased space will house the Erie County Sheriff's Office Administrative staff, Special Operations Unit and Investigative Unit, and

WHEREAS, The Erie County Sheriff's Office is in need of furniture and A/V equipment for said office space, and

WHEREAS, The ECSO's current balance in the Shared Revenue (ICE) Seized Asset account is \$596,091 as of March 4th, 2024,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Sheriff's Office and Division of Budget and Management to transfer \$300,000 in funding from the Shared Revenue (ICE) Seized Asset account as follows:

DECREASE

421560 Shared Revenue (ICE) Seized Asset	<u>(\$300,000)</u>
TOTAL	<u>(\$300,000)</u>

INCREASE

561410 Lab and Tech	\$25,000
561420 Furniture and Fixture	<u>\$275,000</u>
TOTAL	<u>\$300,000</u>

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract with Prentice Office Environments, a vendor on the New York State OGS Bid List, for furniture, and be it further

RESOLVED, that the Division of Budget and Management and Erie County Sheriff's Office are authorized to transfer any unused funding returned to the Shared Revenue (ICE) Seized Asset account, and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any technical adjustments necessary, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the County Executive's Office, the Erie County Division of Budget and Management, the Erie County Purchasing Department, the Office of the Comptroller and the Erie County Sheriff's Office

SUBJECT

COMM. 5E-41

SHERIFF

Purchase of Blast and Ballistic Resistant Bomb
Squad/SWAT Response Vehicle

Attachments

24COMM. 5E-41

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

March 4th, 2024

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

RE: Purchase of Blast and Ballistic Resistant Bomb Squad/SWAT Response Vehicle

Honorable Members:

Attached, please find a proposed resolution authorizing the purchase of a Blast and Ballistic Resistant Bomb Squad/SWAT Response Vehicle from Roshel Inc. for \$320,000. The vehicle would be used by the Erie County Sheriff's Office's Special Operations Division.

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

Very truly yours,

A handwritten signature in black ink, reading "John C. Garcia".

John C. Garcia
Sheriff of Erie County

Attachments

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Sheriff's Office
Re: Purchase of Blast and Ballistic Resistant Bomb Squad/SWAT Response Vehicle
Date: March 4th, 2024

Summary of Recommended Action

The Erie County Sheriff's Office is requesting authorization to purchase a Blast and Ballistic Resistant Bomb Squad/SWAT Response Vehicle from Roshel, Inc. for \$320,000.

Fiscal Implications of the Proposal

Sufficient funding was previously transferred into Erie County Sheriff's Office account 561440, Motor Vehicles (COMM. 17E-13 (2023)) for the purchase of a BearCat from Lenco. This purchase order will be cancelled.

Reasons for Recommendation

Lenco was unable to fulfill the Erie County Sheriff's Office BearCat order due to cost increases. Roshel is able to provide the Erie County Sheriff's Office with a similar vehicle for the original cost of \$320,000.

Consequences of Negative Action

The Erie County Sheriff's Office will be unable to operate with adequate safety equipment for its SWAT and Bomb Units.

Steps Following Approval of Measure

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

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

RE: Purchase of Blast and Ballistic Resistant Bomb Squad/SWAT Response Vehicle

WHEREAS, it is the mission of the Erie County Sheriff's Office to provide quality public safety services to our community by promoting a safe environment through police and citizen interaction, with an emphasis on integrity, fairness and professionalism, and

WHEREAS, the Erie County Sheriff's Office wishes to purchase a new Blast and Ballistic Resistant Bomb Squad/SWAT Response Vehicle, and

WHEREAS, the BearCat currently in use by the Erie County Sheriff's Office is old and in disrepair and continues to increase in cost for expensive maintenance and repair, and

WHEREAS, your Honorable Body previously transferred \$320,000 from Erie County Sheriff's Revenue account 421560 Shared Revenue (ICE) Seized Asset into Erie County Sheriff's Office account 561440, Motor Vehicles for the purchase of a BearCat from Lenco, and

WHEREAS, Lenco was unable to fulfill that order for the agreed upon price,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office and Erie County Purchasing Department are here by authorized to complete the purchase of a new Blast and Ballistic Resistant Bomb Squad/SWAT Response Vehicle from Roshel, Inc., 255 Biscayne Crescent, Bampton, Ont., in an amount not to exceed \$320,000, and be it further

RESOLVED, that funds from account 561440, Motor Vehicles be used to complete the purchase, and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any technical adjustments necessary, and be it further

RESOLVED, that the Erie County Legislature hereby waives the procedures, as impractical, provided for in Section 26.08 of the Erie County Administrative Code for purposes of securing the purchase order with Roshel, Inc. in order to obtain a Blast and Ballistic Resistant Bomb Squad/SWAT Response Vehicle, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the County Executive's Office, the Erie County Division of Budget and

Management, the Erie County Purchasing Department, the Office of the Comptroller and the Erie County Sheriff's Office

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5E-42	COUNTY CLERK	Legislature Meeting and Committee Invitations
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24COMM. 5E-42	Attachments
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EC LEG MAR 1 '24 PM 1:43

COUNTY OF ERIE

MICHAEL P. KEARNS
COUNTY CLERK

March 1, 2024

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

Re: Legislature Meeting and Committee Invitations

Dear Honorable Members:

I write to express my disappointment on not receiving an invitation or notice of any kind to attend the Finance & Management Committee meeting held yesterday, February 29, 2024. I was made aware only through The Buffalo News that the proposed external audit of the Clerk's Office was discussed at yesterday's meeting, and it could be implied by the article that the Clerk's Office intentionally did not attend, which is simply untrue. I was in my office and could easily have attended had I known.

As I stated in my letter to this Honorable Body filed February 12, 2024, I am more than happy to make myself or a member of my staff available to discuss the proposed external audit, the two audits by the Comptroller over the past year, and the positive changes that have already taken place to strengthen the Clerk's Office based on the Comptroller's recommendations.

Meaningful discussions cannot be held if one of the key parties is not present. Going forward, it would be greatly appreciated if some advance notice could please be sent to my Office when matters concerning the Clerk's Office are going to be discussed, and offer the Clerk's Office the chance to be part of the conversation.

Very truly yours,

A handwritten signature in blue ink that reads "Michael P. Kearns".

MICHAEL P. KEARNS
Erie County Clerk

MPK/wal

SUBJECT

COMM. 5D-1	COMMISSIONER OF PUBLIC WORKS	Response to COMM. 4E-3 (2024) - Conner Road in Clarence
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24COMM. 5D-1	Attachments
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EC LEG FEB 14 '24 PM 12:18

COUNTY OF ERIE

WILLIAM E. GEARY, JR.
COMMISSIONER

DEPARTMENT OF PUBLIC WORKS

95 Franklin St. 14th Floor
Buffalo, NY 14202

TELEPHONE: 716.858.8300
FAX: 716.858.8301

January 31st, 2024

Dear Legislator Greene,

I am writing in response to your letter regarding Conner Road in Clarence. The Department of Public Works Highways Division has been working on compiling a draft of the 2024 Road program. This process begins with coordination between our maintenance districts and engineering department and is assembled in a draft copy by the Deputy Commissioner of Highways. Generally, roads are selected based on conditions identified by the GBNRTC road score and recorded traffic counts.

The information that Deputy Commissioner, Karen Hoak relayed in her email dated March 27th, 2023, was accurate indicating a rating of 5 with a traffic count of 1,322 vehicles per day.

Our department is aware of the conditions on Conner Road and the previous obstacles to completing the necessary drainage work. One of those obstacles, a homeowner that would not authorize an easement. Our maintenance crews have previously addressed areas with hot mix asphalt when plants are open during the construction season. During the winter months, these areas are addressed with a cold patch material.

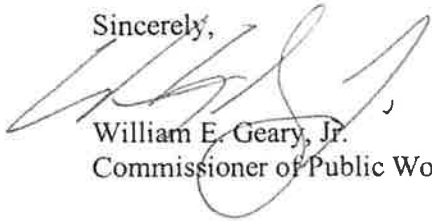
As indicated during our May 2nd meeting there are drainage issues that also need to be addressed along the roadway, and off right of way by the Town Highway. EC Highways Engineering team had been working on design plans for this work, within the right of way. Since that meeting the design plan has been completed and the district will be prioritizing drainage work on Conner as the weather allows. In our initial draft of the 2024 Road program our department proposed Conner Road as a resurfacing candidate and have identified that there is funding available to complete the resurfacing work as well as the drainage work.

From the department, the document is reviewed by the administration and submitted to the legislature for funding approval. Typically, this occurs later in the spring and is released as our official road program. I am happy to report that we have completed our draft earlier this year than we have in previous years and will be sharing the proposed road program with the legislature in the coming weeks.

The weather of the past few weeks has increased the deterioration on Conner Road. Freeze thaw cycles and unavailability of Hot Mix material during the winter months have made maintenance efforts a bit more challenging. Our team will continue to keep an eye on conditions on Conner as we await legislative approval of the road program, construction season and project completion.

Thank you for your continued support and collaboration in our efforts to make Erie County an even better place to live.

Sincerely,

A handwritten signature in dark ink, appearing to read 'W. Geary, Jr.', is written over the printed name and title.

William E. Geary, Jr.
Commissioner of Public Works

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5D-2

COUNTY ATTORNEY

Transmittal of New Claims Against Erie
County

Attachments

24COMM. 5D-2



EC LEG MAR 4 '24 AM 9:47

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

MEMORANDUM

TO: Olivia Owens, Clerk, Erie County Legislature

FROM: Jeremy C. Toth, Erie County Attorney

DATE: March 1, 2024

RE: Transmittal of New Claims Against Erie County

JCT/dld

Ms. Owens:

In accordance with the Resolution passed by the Erie County Legislature on June 25, 1987 (Int. 13-14), attached please find 14 new claims brought against the County of Erie. The claims are as follows:

Claim Name

1. Stephanie LaPiana v. County of Erie, et al.;
2. Joseph Robinson v. County of Erie, et al.;
3. Jerrel Black v. County of Erie, et al.;
4. Town of Lancaster v. County of Erie, et al.;
5. Wanda Lee v. County of Erie, et al.;
6. Edward Turner v. ECSO, et al.;
7. Leah Huttner v. County of Erie;
8. Tyler Bartkowiak v. County of Erie, et al.;
9. Jayna Hendren v. County of Erie, et al.;
10. Preston Baughman by PNG Nicole Sheppard v. County of Erie;
11. Preston Baughman v. County of Erie, et al. (separate action);
12. Mary Ann Murphy v. County of Erie, et al.
13. Jennifer Hager, et al. v. County of Erie, et al.; and
14. Zohifa Hanif by PNG Mohammed Hanif v. County of Erie, et al.;

JCT:dld
Attachments



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

February 2, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

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>LaPiana, Stephanie v. County of Erie, et al.</i>
Document Received:	Notice of Motion with Motion
Name of Claimant:	Stephanie LaPiana 1340 Borden Road Depew, New York 14043
Claimant's attorney:	Leonard D. Zaccagnino, Esq. Shaw & Shaw, P.C. 4819 South Park Avenue Hamburg, New York 14075

Should you have any questions, please call.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Toth", is written over the typed name.

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

STEPHANIE LaPIANA
1340 Borden Road
Depew, NY 14043

Plaintiff

-vs-

Index No.: 801402/2024

COUNTY OF ERIE
25 Delaware Avenue
Buffalo, NY 14202

JOHN C. GARCIA, Sheriff
ERIE COUNTY SHERIFF'S OFFICE
10 Delaware Avenue
Buffalo, NY 14202

JOSEPH L. OROSZI
10 Delaware Avenue
Buffalo, NY 14202

Oral Argument Requested

Defendants

NOTICE OF MOTION

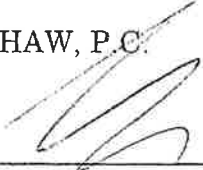
Upon the annexed Affirmation of Leonard D. Zaccagnino, Esq. dated January 30, 2024, the plaintiff will move this Court on the 6th day of March 2024 at 9:30 a.m., or as soon thereafter as counsel may be heard before the Honorable John B. Licata, Justice, New York State Supreme Court, at the Erie County Courthouse, 25 Delaware Avenue, Part 8, Buffalo, New York 14202 for an Order granting leave to file a late Notice of Claim on defendants.

This paper received at the
Erie County Attorney's Office
from Anthony Crowley
the 18th day of February 2024
at 9:40 a.m./p.m.
[Signature]
Assistant County Attorney

The claim herein is one for personal injuries sustained by the plaintiff on October 17, 2023.

Dated: January 30, 2024
Hamburg, New York

SHAW & SHAW, P.C.



Leonard D. Zaccagnino
Attorneys for Plaintiff
Office and Post Office Address
4819 South Park Avenue
Hamburg, New York 14075
(716) 412-0612 Direct Dial
(716) 648-3020 Office
(716) 648-3730 Fax
lzaccaganino@shawlawpc.com

TO: COUNTY OF ERIE
25 Delaware Avenue
Buffalo, NY 14202

JOHN C. GARCIA, Sheriff
ERIE COUNTY SHERIFF'S OFFICE
10 Delaware Avenue
Buffalo, NY 14202

JOSEPH L. OROSZI
10 Delaware Avenue
Buffalo, NY 14202

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

STEPHANIE LaPIANA
1340 Borden Road
Depew, NY 14043

Plaintiff

-vs-

Index No.: 801402/2024

COUNTY OF ERIE
25 Delaware Avenue
Buffalo, NY 14202

JOHN C. GARCIA, Sheriff
ERIE COUNTY SHERIFF'S OFFICE
10 Delaware Avenue
Buffalo, NY 14202

JOSEPH L. OROSZI
10 Delaware Avenue
Buffalo, NY 14202

Defendants

AFFIRMATION

LEONARD D. ZACCAGNINO, under penalties of perjury, states
upon information and belief, as follows:

(1) I am an attorney at law, duly licensed to practice in the Courts
of the State of New York, and am a partner with Shaw & Shaw, P.C., attorneys
for the plaintiff herein.

(2) That this Affirmation is made in support of plaintiff's Motion for leave to file a late Notice of Claim.

(3) As attorney for the claimant, I am familiar with the facts and circumstances set forth herein.

(4) That Shaw & Shaw, P.C. was retained to represent the interests of plaintiff relative to personal injuries she sustained in a motor vehicle collision which occurred on October 17, 2023.

(5) That plaintiff retained Shaw & Shaw, P.C. on January 27, 2024.

(6) On October 17, 2023, as the plaintiff was being transported to the Erie County Court in Buffalo, New York in a van owned by the Erie County Sheriff's Department in Buffalo, New York, and operated by deputy Joseph L. Oroszi, that vehicle was involved in a motor vehicle collision. A copy of the Police Accident Report is attached hereto as **Exhibit A**.

(7) That the Erie County Sheriff's Department was aware of plaintiff's involvement in this crash and, in fact, rendered aid to her at the Erie County Holding Center, and then transporting her to the Erie County Medical Center for further evaluation.

(8) That upon information and belief, the matter was investigated by the County of Erie and the Erie County Sheriff's Department's agents, servants and employees.

(9) That the plaintiff was not aware that a Notice of Claim need be filed, and was never informed of her right to do so by any agent, servant or employee of the Erie County Sheriff's Office. The plaintiff was never given any application for motor vehicle no-fault benefits.

(10) Attached hereto as **Exhibit B** is plaintiff's proposed Notice of Claim to be served on defendants.

(11) The Court is vested with broad discretion to grant or deny an application that seeks permission to file a late Claim. *See Langer v. State of New York*, 65 A.D.3d 780, 783 (3rd Dept., 2009); *Matter of Magee v State of New York*, 54 AD3d 1117, 1118 (2008).

(12) The Court should consider the following:

- a. whether the delay in filing the claim was excusable;
- b. whether the defendants had notice of the essential facts constituting the claim;
- c. whether the defendants had the opportunity to investigate the circumstances underlying the claim;
- d. whether the claim appears to be meritorious;
- e. whether the failure to file or serve upon the defendants a timely claim resulted in substantial prejudice to the defendants; and
- f. whether the plaintiff has any other available remedy.

(13) "While a party must serve a notice of tort claim upon a municipality within 90 days after the claim arises, Supreme Court may, '[u]pon

application' and in its discretion, extend the time to serve a notice of claim. *See* General Municipal Law § 50-e; *see also Matter of Hinton v. New Paltz Cent. School Dist.*, 50 AD3d 1414, 1415, 857 NYS2d 753 (2008); *Matter of Lanphere v. County of Washington*, 301 AD2d 936, 937, 754 NYS2d 125 (2003).

(14) In *Accadia Site Contr., Inc. v. Town of Pendleton*, 214 AD3d 1325, 186 NYS3d 465 (NY App. Div. 2023), the Appellate Court determined that although the plaintiff failed to comply with the requirements of the town law, "it should be permitted to file a late notice of claim inasmuch as defendant had actual notice of the essential facts of the claim."

(15) Further, "[a] municipality may be estopped from asserting that a claim was filed untimely when its improper conduct induces reliance by a party who changes his position to his detriment or prejudice." *See Accadia, supra*; *see also Putrelo Constr. Co. v. Town of Marcy*, 105 AD3d 1406, 1407, 964 NYS2d 812 (4th Dept., 2013).

(16) Further, in *Matter of Holbrook v. Village of Hoosick Falls*, 168 AD3d 1263, 90 NYS3d 717 (N.Y. App. Div 2019), the court held that a late notice of claim, pursuant to General Municipal Law § 50-e(5) could be filed because "there was sufficient proof in the record to establish the village's actual knowledge" of the facts and circumstances of the matter.

(17) Plaintiff states that the defendants had notice of the essential facts constituting this claim based on their own involvement and investigation of the crash of October 17, 2023, as well as records and documents in possession of the defendants which are contained within documents and files kept at the Erie County Holding Center and Erie County Sheriff's Department under the custody and control of the defendants.

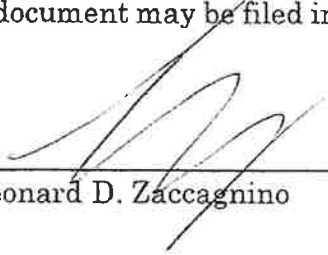
(18) That the Erie County Holding Center is owned, operated and maintained by defendants, their agents, servants and employees, and records constituting the basis of this claim are, and have been, readily available to defendants since the date of claimant's injury, *i.e.*, October 17, 2023.

(19) This claim is not patently groundless, frivolous or legally defective, and that there is reasonable cause to believe that a valid cause of action exists.

(20) That no prejudice will exist against defendants by reason of this late filing of the Notice of Claim.

WHEREFORE, plaintiff prays that an Order issue from this Court for leave to file a late Notice of Claim on defendants.

I affirm this 30th day of January 2024, under the penalties of perjury, under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.



Leonard D. Zaccagnino

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

STEPHANIE LaPIANA

Plaintiff,

-vs- Index No.: 801402/2024

COUNTY OF ERIE, et. al.,

Defendants.

NOTICE OF ELECTRONIC FILING

You have received this Notice because:

- The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts e-filing system, and
 - You are a Defendant/Respondent (a party) in this case.
- (CPLR § 2111, Uniform Rule § 202.5-bb)

If you are represented by an attorney: give this Notice to your Attorney, along with its attachments. (Attorneys: see "Information for Attorneys" on page 2)

If you are not represented by an attorney: you are not required to e-file. You may serve and file documents in paper form and you must be served with documents in paper form. However, as a party without an attorney, you may participate in e-filing.

Benefits of E-Filing

You can:

- serve and file your documents electronically
- view your case file on-line
- limit your number of trips to the courthouse
- pay any court fees on-line.

There are no additional fees to e-file, view, or print your case records.

To sign up for e-filing or for more information about how e-filing works, you may:

- visit: www.nycourts.gov/efile-unrepresented, or
- go to the Help Center or Clerk's Office at the court where the case was filed. To find legal information to help you represent yourself visit www.nycourthelp.gov.

Information for Attorneys

An attorney representing a party who is served with this Notice must either:

- 1) immediately record his or her representation within the e-filed matter on the NYSCEF site
<https://iapps.courts.state.ny.us/nyscef/HomePage>; or
- 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the operational knowledge to comply with e-filing requirements. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov)

Dated: January 31, 2024

of counsel

SHAW & SHAW, P.C.
Leonard D. Zaccagnino, Esq.,

Attorneys for Plaintiff
Office and Post Office Address
4819 South Park Avenue
Hamburg, NY 14075
(716) 412-0612 Direct
(716) 648-3020 Office
(716) 648-3730 Fax
lzaccagnino@shawlawpc.com

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

STEPHANIE LAPIANA
1340 Borden Road
Depew, NY 14043

Plaintiff

-vs-

COUNTY OF ERIE
25 Delaware Avenue
Buffalo, NY 14202

JOHN C. GARCIA
Sheriff
ERIE COUNTY SHERIFF'S OFFICE
10 Delaware Avenue
Buffalo, NY 14202

JOSEPH L. OROSZI
10 Delaware Avenue
Buffalo, NY 14202

Defendants

SUMMONS

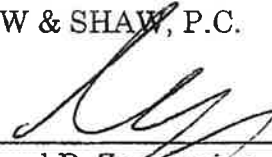
TO THE ABOVE-NAMED DEFENDANTS:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED
to appear in this action by serving a notice of appearance on the plaintiff at the
address set forth below within 20 days after the service of this Summons (not
counting the day of service itself), or within 30 days after service is complete if
the summons is not delivered personally to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer or appear, a judgment will be entered against you by default for the relief demanded below.

Dated: January 30, 2024
Hamburg, New York

SHAW & SHAW, P.C.



Leonard D. Zaccagnino
Attorneys for Plaintiff
Office and Post Office Address
4819 South Park Avenue
Hamburg, New York 14075
(716) 412-0612 Direct Dial
(716) 648-3020 Telephone
(716) 648-3730 Fax
lzaccagnino@shawlawpc.com

**REQUEST FOR JUDICIAL INTERVENTION**

Supreme COURT, COUNTY OF Erie

Index No: 801402/2024 Date Index Issued: 01/30/2024

For Court Use Only:**CAPTION** Enter the complete case caption. Do not use et al or et ano. If more space is needed, attach a caption rider sheet.

Stephanie LaPiana

Plaintiff(s)/Petitioner(s)

-against-

County of Erie, John C Garcia Sheriff, Erie County Sheriff's Department, Joseph L Oroszi

Defendant(s)/Respondent(s)

IAS Entry Date

Judge Assigned

RJI Filed Date

NATURE OF ACTION OR PROCEEDING: Check only one box and specify where indicated.**COMMERCIAL**

- ☐ Business Entity (includes corporations, partnerships, LLCs, LLPs, etc.)
☐ Contract
☐ Insurance (where insurance company is a party, except arbitration)
☐ UCC (includes sales and negotiable instruments)
☐ Other Commercial (specify): _____

NOTE: For Commercial Division assignment requests pursuant to 22 NYCRR 202.70(d), complete and attach the **COMMERCIAL DIVISION RJI ADDENDUM (UCS-840C)**.**TORTS**

- ☐ Adult Survivor's Act
☐ Asbestos
☐ Environmental (specify): _____
☐ Medical, Dental or Podiatric Malpractice
☒ Motor Vehicle
☐ Products Liability (specify): _____
☐ Other Negligence (specify): _____
☐ Other Professional Malpractice (specify): _____
☐ Other Tort (specify): _____

SPECIAL PROCEEDINGS

- ☐ Child-Parent Security Act (specify): ☐ Assisted Reproduction ☐ Surrogacy Agreement
☐ CPLR Article 75 - Arbitration [see **NOTE** in **COMMERCIAL** section]
☐ CPLR Article 78 - Proceeding against a Body or Officer
☐ Election Law
☐ Extreme Risk Protection Order
☐ MHL Article 9.60 - Kendra's Law
☐ MHL Article 10 - Sex Offender Confinement (specify): ☐ Initial ☐ Review
☐ MHL Article 81 (Guardianship)
☐ Other Mental Hygiene (specify): _____
☐ Other Special Proceeding (specify): _____

MATRIMONIAL

- ☐ Contested
NOTE: If there are children under the age of 18, complete and attach the **MATRIMONIAL RJI Addendum (UCS-840M)**.
 For Uncontested Matrimonial actions, use the Uncontested Divorce RJI (**UD-13**).

REAL PROPERTY Specify how many properties the application includes: _____

- ☐ Condemnation
☐ Mortgage Foreclosure (specify): ☐ Residential ☐ Commercial

Property Address: _____
NOTE: For Mortgage Foreclosure actions involving a one to four-family, owner-occupied residential property or owner-occupied condominium, complete and attach the **FORECLOSURE RJI ADDENDUM (UCS-840F)**.

- ☐ Partition
NOTE: Complete and attach the **PARTITION RJI ADDENDUM (UCS-840P)**.
☐ Tax Certiorari (specify): Section: _____ Block: _____ Lot: _____
☐ Tax Foreclosure
☐ Other Real Property (specify): _____

OTHER MATTERS

- ☐ Certificate of Incorporation/Dissolution [see **NOTE** in **COMMERCIAL** section]
☐ Emergency Medical Treatment
☐ Habeas Corpus
☐ Local Court Appeal
☐ Mechanic's Lien
☐ Name Change/Sex Designation Change
☐ Pistol Permit Revocation Hearing
☐ Sale or Finance of Religious/Not-for-Profit Property
☐ Other (specify): _____

STATUS OF ACTION OR PROCEEDING Answer YES or NO for every question and enter additional information where indicated.

	YES	NO	
Has a summons and complaint or summons with notice been filed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If yes, date filed: 01/30/2024
Has a summons and complaint or summons with notice been served?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes, date served: _____
Is this action/proceeding being filed post-judgment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes, judgment date: _____

NATURE OF JUDICIAL INTERVENTION Check one box only and enter additional information where indicated.

- ☐ Infant's Compromise
☐ Extreme Risk Protection Order Application
☐ Note of Issue/Certificate of Readiness
☐ Notice of Medical, Dental or Podiatric Malpractice Date Issue Joined: _____
☐ Notice of Motion Relief Requested: _____ Return Date: _____
☐ Notice of Petition Relief Requested: _____ Return Date: _____
☐ Order to Show Cause Relief Requested: _____ Return Date: _____
☐ Other Ex Parte Application Relief Requested: _____
☐ Partition Settlement Conference
☐ Poor Person Application
☐ Request for Preliminary Conference
☐ Residential Mortgage Foreclosure Settlement Conference
☐ Writ of Habeas Corpus
☒ Other (specify): Judge Assignment for Motion to be filed

RELATED CASES List any related actions. For Matrimonial cases, list any related criminal or Family Court cases. If none, leave blank. If additional space is required, complete and attach the RJI Addendum (UCS-840A) .				
Case Title	Index/Case Number	Court	Judge (if assigned)	Relationship to instant case

PARTIES For parties without an attorney, check the "Un-Rep" box and enter the party's address, phone number and email in the space provided. If additional space is required, complete and attach the RJI Addendum (UCS-840A) .				
Un-Rep	Parties List parties in same order as listed in the caption and indicate roles (e.g., plaintiff, defendant, 3 rd party plaintiff, etc.)	Attorneys and Unrepresented Litigants For represented parties, provide attorney's name, firm name, address, phone and email. For unrepresented parties, provide party's address, phone and email.	Issue Joined For each defendant, indicate if issue has been joined.	Insurance Carriers For each defendant, indicate insurance carrier, if applicable.
<input type="checkbox"/>	Name: LaPiana, Stephanie Role(s): Plaintiff/Petitioner	LEONARD ZACCAGNINO, Shaw & Shaw, P.C., 4819 South Park Avenue, Hamburg, NY 14075, 7166483020, lzaccagnino@shawlawpc.com	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
<input checked="" type="checkbox"/>	Name: County of Erie Role(s): Defendant/Respondent	25 Delaware Avenue, Buffalo, NY 14202	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input checked="" type="checkbox"/>	Name: Garcia, John C. Role(s): Defendant/Respondent	10 Delaware Avenue, Buffalo, NY 14202	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input checked="" type="checkbox"/>	Name: Oroszi, Joseph L. Role(s): Defendant/Respondent	10 Delaware Avenue, Buffalo, NY 14202	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, UPON INFORMATION AND BELIEF, THERE ARE NO OTHER RELATED ACTIONS OR PROCEEDINGS, EXCEPT AS NOTED ABOVE, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION BEEN PREVIOUSLY FILED IN THIS ACTION OR PROCEEDING.

Dated: 01/30/2024

LEONARD D. ZACCAGNINO

Signature

1901628

LEONARD D. ZACCAGNINO

Print Name

Attorney Registration Number

This form was generated by NYSCEF



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

February 5, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

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>Robinson, Joseph v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Joseph Robinson 90 Knoche Way Orchard Park, New York 14127
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,

A handwritten signature in blue ink, appearing to read "J. Toth", is written over a light blue circular stamp.

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

STATE OF NEW YORK

JOSEPH ROBINSON

90 Knoche Way
Orchard Park, NY 14127

Claimant,

-VS-

NOTICE OF CLAIM

ORCHARD PARK LAND COMPANY, LLC

1080 PITTSFORD VICTOR ROAD, SUITE 202
PITTSFORD, NY, UNITED STATES, 14534

TEAM PRO 3707 SOUTHWESTERN BLVD, LLC

3707 SOUTHWESTERN BOULEVARD
ORCHARD PARK, NY, UNITED STATES, 14127

TOWN OF ORCHARD PARK

4295 South Buffalo Street
Orchard Park, NY 14127

VILLAGE OF ORCHARD PARK

4295 S. Buffalo Street
Municipal Building – 1st Floor
Orchard Park, NY 14127

ERIE COUNTY WATER AUTHORITY

295 Main Street
Room 350
Buffalo, NY 14203

COUNTY OF ERIE

C/O Erie County Department of Law
95 Franklin Street, Room 1634
Buffalo, NY 14202

ERIE COUNTY SEWER AUTHORITY

A DIVISION OF THE COUNTY OF ERIE

C/O Erie County Department of Law
95 Franklin Street, Room 1634
Buffalo, NY 14202

**ERIE COUNTY DIVISION OF SEWERAGE MANAGEMENT
A DIVISION OF THE COUNTY OF ERIE**

C/O Erie County Department of Law
95 Franklin Street, Room 1634
Buffalo, NY 14202

**ERIE COUNTY SEWER DISTRICT NO. 3
A DIVISION OF THE COUNTY OF ERIE**

C/O Erie County Department of Law
95 Franklin Street, Room 1634
Buffalo, NY 14202

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

C/O Erie County Department of Law
95 Franklin Street, Room 1634
Buffalo, NY 14202

Respondents.

TO: ORCHARD PARK LAND COMPANY, LLC
1080 PITTSFORD VICTOR ROAD, SUITE 202
PITTSFORD, NY, UNITED STATES, 14534

TEAM PRO 3707 SOUTHWESTERN BLVD, LLC
3707 SOUTHWESTERN BOULEVARD
ORCHARD PARK, NY, UNITED STATES, 14127

TOWN OF ORCHARD PARK
4295 South Buffalo Street
Orchard Park, NY 14127

VILLAGE OF ORCHARD PARK
4295 S. Buffalo Street
Municipal Building – 1st Floor
Orchard Park, NY 14127

ERIE COUNTY WATER AUTHORITY
295 Main Street
Room 350
Buffalo, NY 14203

COUNTY OF ERIE

C/O Erie County Department of Law
95 Franklin Street, Room 1634
Buffalo, NY 14202

ERIE COUNTY SEWER AUTHORITY

A DIVISION OF THE COUNTY OF ERIE

C/O Erie County Department of Law
95 Franklin Street, Room 1634
Buffalo, NY 14202

ERIE COUNTY DIVISION OF SEWERAGE MANAGEMENT

A DIVISION OF THE COUNTY OF ERIE

C/O Erie County Department of Law
95 Franklin Street, Room 1634
Buffalo, NY 14202

ERIE COUNTY SEWER DISTRICT NO. 3

A DIVISION OF THE COUNTY OF ERIE

C/O Erie County Department of Law
95 Franklin Street, Room 1634
Buffalo, NY 14202

ERIE COUNTY DEPARTMENT OF PUBLIC WORKS

C/O Erie County Department of Law
95 Franklin Street, Room 1634
Buffalo, NY 14202

1. The name and address of **Claimant** is:

JOSEPH ROBINSON

90 Knoche Way
Orchard Park, NY 14127

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 he was caused to fall on the property and premises and, more specifically, on the shoulder of the roadway at or near a storm/sanitary sewer/drain on Taylor Road in Orchard Park, adjacent to/abutting 3707 Southwestern Blvd, Orchard Park, NY 14127 and/or 3801 Taylor Rd, Orchard Park, NY 14127.

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 November 14, 2023 at approximately 12:17AM.

NATURE AND BASIS FOR THIS CLAIM:

6. Attached as **Exhibit A**, please find a real property parcel search and deed of the adjacent/abutting properties mentioned above where the incident took place.

Same indicates that **ORCHARD PARK LAND COMPANY, LLC** and **TEAM PRO 3707 SOUTHWESTERN BLVD, LLC** owns those properties.

Attached as **Exhibit B**, please find a map indicating that Taylor Road where this incident took place is owned by the **COUNTY OF ERIE**.

7. As the Claimant walked on the shoulder of the roadway in the location mentioned above, he was caused to trip and fall over a dangerous condition on the shoulder of the

roadway at or near a storm/sanitary sewer/drain.

More specifically, the walking surface at the location of his fall was not level, not even, was cracked, had dangerous holes and cracks in it, was improperly lit, and was poorly maintained, causing and creating a dangerous condition of which they had actual and constructive notice of.

When he fell, he came into contact with the ground, seriously injuring himself.

Attached as **Exhibit C**, please find google images of the dangerous conditions that caused the Claimant's fall.

Attached as **Exhibit D**, please find close up images of the dangerous conditions that caused the Claimant's fall.

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 area where the incident took place;
- Failure to properly and adequately supervise and control the area

where the Claimant fell on the date of the incident;

- Carelessly and negligently designing the area on said premises where the incident occurred;
- Failure to take the necessary steps to correct un-level walking surfaces, un-even walking surfaces, shoulders of roadways, including but not limited to roadways with holes and cracks in them;
- Failure to give attention to walking surfaces that were not level, not even, were cracked, and had dangerous holes in it, and that were poorly maintained;
- 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 his injuries;
- They failed in their duty to use reasonable care to keep their property in a reasonably safe condition for the protection of the Claimant whose presence was reasonably foreseeable on the date of the fall;
- The Respondents created the condition that caused the Claimant 's fall; and had actual and constructive notice of it;
- The Respondents either knew, or in the use of reasonable care, should have known that the condition that caused the Claimant's fall long enough before the fall to have allowed them, in the use of reasonable care to correct it or to take other suitable precautions, but they failed to do so;
- The Respondents failed to warn the Claimant about the dangerous

condition before her fall;

- in having prior written notice of the dangerous sidewalk conditions shown herein, and in failing to timely fix/repair it (pursuant to, Town Law Section 65-a; Highway Law § 139(2); Local Law No. 3-2004)
- in prior negligent maintenance/repair of the conditions where this incident took place, immediately resulting in the dangerous conditions described herein;
- in affirmatively creating the dangerous conditions described herein through an act of negligence;
- in having special use of location where this incident took place, and the location of the incident, that resulted in a special benefit to the Respondents;
- causing/allowing the dangerous condition to have jagged edges, a rough irregular surface, poor lighting, to have the presence of other defects in the vicinity, to be irregular, the dangerous condition was located in an area where people are naturally distracted from looking down at their feet, and the surrounding circumstances and dangerous condition increased the risk of people, such as the Claimant, falling;

- in failing to warn of the dangerous conditions described herein;
- causing/allowing the intrinsic characteristics of area in question to be such that it was difficult for pedestrians to see and identify and to traverse safely on foot;
- the Respondents had constructive notice of the defect;
- such defective conditions described herein existed for so long a period that the same should have been discovered and remedied in the exercise of reasonable care and diligence, but they were negligent in not doing so;
- the defect mentioned above in the highway under the care of Respondents, and the defective, unsafe, dangerous and or obstructed conditions existed for so long a period that the same should have been discovered and remedied in the exercise of reasonable care and diligence, but they negligently failed to do so;
- in violating Highway Law § 139(1);
- the Respondents were negligent in allowing the dangerous conditions to exist when, in the exercise of reasonable care, it could and should

have had knowledge of the condition;

- in affirmatively creating said condition by failing and omitting to properly construct and/or repair the area of the incident;
- in permitting the area of the incident to remain in such a hazardous and dangerous condition;
- in failing and omitting to reasonably anticipate that persons traversing the area could sustain physical injury by reason of the hazardous condition;
- in failing and omitting to use reasonable and prudent care to keep the said area in safe condition;
- in failing and omitting to use proper maintenance and care of the area where the incident took place at the aforesaid premises and in failing and omitting to avoid the incident, which in the exercise of reasonable care, could and should have been avoided;
- that the Respondents, its agents, servants and/or employees were otherwise careless and negligent.

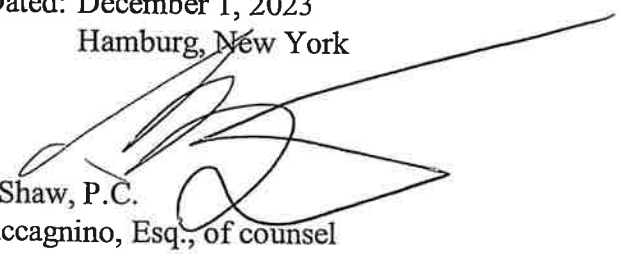
DAMAGES CLAIMED:

9. By reason of the aforesaid occurrence, the Claimant sustained severe, painful and permanent injuries in and about his body, including, but not limited to, **a right anterior shoulder dislocation with greater tuberosity fracture requiring surgery**, 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 him from performing his 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 he 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.

10. The Claimant also makes a claim for any and all medical expenses incurred as to his 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: December 1, 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

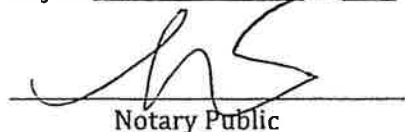
VERIFICATION

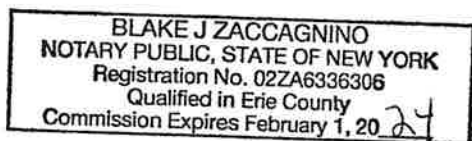
STATE OF NEW YORK)
)ss.:
COUNTY OF EMIE)

JOSEPH ROBINSON being duly sworn, deposes and says that (he)(she) is the Plaintiff/Claimant in the within action; that (he)(she) has read the foregoing and knows the contents thereof; that the same is true to (his) (her) own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes it to be true.



Sworn to before me this 28
day of NOVEMBER 2023


Notary Public





COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

February 7, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

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>Black, Jerrel v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Jerrel Black 168 Westminster Avenue Buffalo, New York 14215
Claimant's attorney:	Catherine D. Aughey, Esq. The Dietrich Law Firm 2410 North Forest Road Amherst, NY 14068

Should you have any questions, please call.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Toth", is written over the printed name of the County Attorney.

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

JERREL BLACK,

NOTICE OF CLAIM

Claimant,

VS.

**COUNTY OF ERIE, ERIE COUNTY SHERIFF'S
DEPARTMENT, and SHERIFF JOHN C. GARCIA,
in his official capacity as Sheriff of Erie County,**

Respondents.

PLEASE TAKE NOTICE that the above-named Claimant claims and demands from the County of Erie, State of New York, Erie County Sheriff's Department and Sheriff John C. Garcia, in his official capacity as Sheriff of Erie County, recompense for personal injuries sustained by the Claimant by reason of the wrongful, unlawful, negligent and careless acts and omissions of the Respondents, their agents, servants and/or employee, and in support thereof the Claimant states:

1. The address of the Claimant is 168 Westminster Avenue, Buffalo, New York 14215.
2. The Claimant is represented by The Dietrich Law Firm P.C., 101 John James Audubon Parkway, Buffalo, New York 14228 (716-839-3939).
3. The incident in which personal injuries were sustained by the Claimant occurred on or about October 17, 2023 at approximately 11:03 a.m. on

Church Street near its intersection with Lower Terrace, in the City of Buffalo, the County of Erie, and the State of New York. Said incident is described in the attached **Exhibit A - Police Report** - wherein it notes that the Claimant was a passenger, as an incarcerated person under the care, custody, and control of the Respondents, in a certain 2020 Ford Erie County Sheriff vehicle being driven by Sheriff Joseph L. Oroszi when it collided with a certain 2014 Jeep driven by Dar-Vel K. Beaner bearing New York License Plate KBL4511. As a result of said collision, the Claimant sustained permanent and severe injuries.

4. Following the above-mentioned collision, while the Claimant was under the care, custody, and control of the Respondents, said Claimant was delayed, denied, or otherwise withheld from medical care and/or attention which further aggravated, exacerbated and/or caused the Claimant to sustain permanent and severe injuries.

5. By virtue of the recklessness and/or negligence of the employees, agents and/or servants of the respondent, the Claimant has incurred medical and hospital expenses, which are to date undetermined, and will incur loss of earnings, impairment of health and permanent injuries.

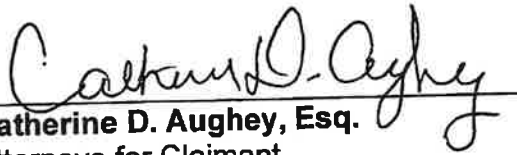
6. Upon information and belief, the Claimant will be obligated further medical expenses including drugs, medicines and prosthetic devices, the amount of which cannot be reasonably calculated at this time.

TAKE NOTICE that the Claimant demands payment of his claim as set forth above.

Dated: December 13, 2023

THE DIETRICH LAW FIRM P.C.

By:



Catherine D. Aughey, Esq.

Attorneys for Claimant

101 John James Audubon Parkway

Buffalo, New York 14228

(716) 839-3939

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

JERREL BLACK,

Claimant,

VERIFICATION

vs.


COUNTY OF ERIE, ERIE COUNTY SHERIFF'S
DEPARTMENT, and SHERIFF JOHN C. GARCIA,
in his official capacity as Sheriff of Erie County,

Respondents.

JERREL BLACK, being duly sworn, deposes and says, that the deponent is the Claimant in the within action; that the deponent has read the foregoing Notice of Claim and know the contents hereof; that the same is true to the deponent's knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters deponent believes them to be true.


JERRELL BLACK

Sworn to before me this 18th day
of December, 2023


NOTARY PUBLIC

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

February 9, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

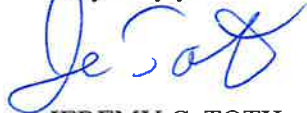
Dear Ms. Owens:

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>Town of Lancaster v. Balper Enterprises, Inc., Josela Enterprises, Inc. and County of Erie</i>
Document Received:	Verified Petition
Name of Claimant:	Town of Lancaster
Claimant's attorney:	Charles W. Malcomb, Esq. Hodgson Russ The Guaranty Building 140 Pearl Street, Suite 100 Buffalo, New York 14202-4040

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

TOWN OF LANCASTER,

Petitioner,

Index No. 801463/2024

v.

BALPER ENTERPRISES, INC. JOSELA
ENTERPRISES, INC., and COUNTY OF ERIE,

Respondents.

NOTICE OF PETITION

NATURE OF

ACTION/PROCEEDING:

Real Property Actions and Proceedings Law § 1983
Abandoned Property

MOVING PARTY:

Petitioner.

DIRECTED TO:

Respondents.

DATE AND TIME:

March 13, 2024 at 9:30 a.m.

PLACE:

Justice Gerald J. Greenan, J.S.C.
Erie County Supreme Court
50 Delaware Avenue, Part 32, 9th Floor
Buffalo, New York 14202

SUPPORTING PAPERS:

Verified Petition, verified January 29, 2024, with
exhibits.

ANSWERING PAPERS:

If any, are required to be served at least seven (7) days
prior to the return date of the petition, in accordance
with CPLR § 403(b). Petitioner intends to file and
serve reply papers.

RELIEF REQUESTED:

A Decision, Order and Judgment:

- (1) Finding that the commercial properties at issue are abandoned; and
- (2) Final judgment directing such officer of the Town in which the Properties are located to execute and record a deed conveying fee simple absolute title of the Properties to Petitioner within thirty days of the judgment; and
- (3) Granting such other and further relief as the Court may deem just and proper.

GROUND FOR RELIEF:

RPAPL Article 19-B; RPAPL §§ 1980-1984.

ORAL ARGUMENT:

Requested.

Dated: February 6, 2024
Buffalo, New York

HODGSON RUSS LLP

Attorneys for Petitioner

By: 

Charles W. Malcomb, Esq.

Joshua B. Levitt, Esq.

The Guaranty Building
140 Pearl Street, Suite 100
Buffalo, New York 14202
(716) 856-4000
cmalcomb@hodgsonruss.com
jlevitt@hodgsonruss.com



JEREMY C. TOTH
COUNTY ATTORNEY

COUNTY OF ERIE

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

February 8, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

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>Lee, Wanda v. City of Buffalo and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Wanda Lee 909 E. Delevan Avenue Buffalo, New York 14215
Claimant's attorney:	Gregory P. Krull, Esq. Lipsitz Green Scime Cambria LLP 42 Delaware Avenue, Suite 120 Buffalo, New York 14202-3924

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

In the Matter of the Claim of
WANDA LEE,

NOTICE OF CLAIM

Claimant

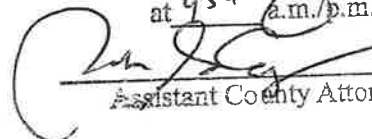
vs.

City of Buffalo
65 Niagara Square
Buffalo, New York 14202

County of Erie
95 Franklin Street
Buffalo, New York 14202

Respondents

This paper received at the
Erie County Attorney's Office
from Miss K. L. Delevan on
the 28th day of Dec, 2023
at 9:54 a.m./p.m.


Assistant County Attorney

State of New York)
County of Erie) SS:
City of Buffalo)

WANDA LEE, being duly sworn, deposes and hereby provides written NOTICE
OF CLAIM to the CITY OF BUFFALO and COUNTY OF ERIE and states that:

1.) The name of the Claimant is WANDA LEE, and her post office address is
909 E. Delevan Avenue, Buffalo, New York 14215. Claimant's attorney is Gregory P.
Krull, Esq., of Lipsitz Green Scime Cambria, LLP, 42 Delaware Avenue, Suite 120,
Buffalo, New York 14202.

2.) The nature of this Claim is for negligence and premises liability in the
failure of Respondents to properly maintain, repair and operate the roadway known as
Bailey Avenue near the intersection of E. Delevan Avenue in the City of Buffalo and/or

causing there to be a defect and hole in the roadway at 2489 Bailey Avenue causing Claimant to trip and fall sustaining injuries.

3.) The Claim arose on October 24, 2023, at approximately 6:00 a.m. at a location on the northbound, right-hand lane of the roadway of Bailey Avenue in the City of Buffalo adjacent to 2489 Bailey Avenue approximately 18 inches from the eastern curb and approximately 36 inches south of the roadway light standard #2489. At that location and time, a pothole existed on the roadway surface on the northeast corner of a larger rectangular patch of asphalt on the roadway. As Claimant stepped off the curb to cross Bailey Avenue from east to west, her right foot became caught within the pothole causing her to trip and fall to the ground thereby sustaining injuries.

4.) The Claimant has sustained and/or exacerbated physical injuries requiring medical care and treatment to her body, including her knees, legs, left hip, back and neck and has experienced headaches and physical and emotional pain and suffering and loss of enjoyment of life since the incident and has incurred costs for medical care and loss of wages.

5.) Claimant hereby demands Respondents pay her Claim and make her whole for the injuries and damages set forth herein.

Dated: December 22, 2023
Buffalo, New York


Gregory P. Krull, Esq.
Lipsitz Green Scime Cambria LLP
42 Delaware Avenue, Suite 120
Buffalo, New York 14202
(716) 849-1333

Wanda Lee
WANDA LEE

Sworn to before me this
22^d day of December, 2023

Gregory P. Krull
Notary Public

GREGORY P. KRULL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Mar. 24, 2026



JEREMY C. TOTH
COUNTY ATTORNEY

COUNTY OF ERIE

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

February 8, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

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>Turner, Edward v. NYS Department of Corrections, ECSO, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Edward Turner
Claimant's attorney:	Mark A. Overall, Esq. United Legal Fighters 3960 Harlem Road, Suite 4 Amherst, New York 14226

Should you have any questions, please call.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Je Toth", is written over the typed name.

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.



UNITED LEGAL FIGHTERS

"Standing United to Fight for YOU!"

December 18, 2023

NOTICE OF CLAIM

RE: *Edward Turner (DIN# 23B3936; 4-13-84) v. The New York State Department of Corrections and Community Supervision (DOCCS), Erie County Sheriff's Office, and various unnamed individuals*

To Whom It May Concern:

Please allow this correspondence to serve as official notice of my client's claims against the above-mentioned Respondents, as well as those whose identities have yet to be revealed. Specifically, we allege:

- That on or about July 6, 2023, Mr. Turner was involved in an altercation with another inmate in the shower area at the Erie County Correctional Facility (Alden);
- That the deputy who was working that unit told both men to stop fighting and Mr. Turner immediately complied and put his hands up. While Mr. Turner was standing in a defenseless position, the other inmate picked him up and slammed him on the shower floor, breaking his kneecap and lodging part of said kneecap into his lower left thigh. This also dislocated his left thumb;
- The inmate then proceeded to get on top of Mr. Turner and started punching him in the face repeatedly, causing him to momentarily lose consciousness. The Deputy stood there watching and did nothing to stop this assault and this was captured on his body worn camera. Also, approximately thirty (30) other inmates saw this incident and can attest to it happening;
- That Mr. Turner was taken to the Erie County Medical Center (ECMC) from Alden that night and it was determined that he had a ruptured patella tendon. His left hand and wrist also had to be put into a soft cast. Mr. Turner was admitted into surgery around July 10, 2023 in an attempt to repair the broken kneecap;
- That Mr. Turner was released from ECMC on or about July 19, 2023, but was sent right back to ECMC on July 20, 2023 because the Erie County Holding Center (Downtown Buffalo) would not properly treat and care for Mr. Turner's

injuries. Mr. Turner was released back to the Holding Center on or about July 22, 2023.

- On July 31, 2023, Mr. Turner was taken to a private clinic in Erie County and was taken there again on or about August 10, 2023 to have a follow-up on his knee surgery. It was there when it was determined that Mr. Turner's kneecap had broken again due the inferior and inadequate treatment rendered by the Respondents. Mr. Turner had a second surgery on his knee on or about August 12, 2023 at ECMC.
- Mr. Turner was fitted with a cast from his hip to his ankle. Although he was only supposed to wear the cast for 2-3 weeks, Mr. Turner was forced to wear it for nearly eight (8) weeks. During this time, multiple sick calls and requests for treatment by Mr. Turner were ignored despite him repeatedly complaining about his knee pain;
- On or about September 6, 2023, Mr. Turner was transported to Elmira Correctional Facility and stayed in the infirmary for the most part. Over the next few weeks, Mr. Turner made multiple complaints about his knee pain and the smell that was coming from his ankle. On or about September 28, 2023, the doctor in the Elmira infirmary finally examined Mr. Turner's knee again and noted that due to the prolonged wearing of the cast and the lack of treatment by correctional medical staff, he had developed an infection in his lower leg and behind his ankle. The infection stemmed from pressure ulcers from the cast and, due to the lack of care, it worsened into a flesh-eating infection.
- Mr. Turner was transported to Franklin Correctional Facility on September 29, 2023 and was transferred to Alice Hyde Hospital in Malone, New York on September 30, 2023. This is because the nurses at Franklin C.F. saw the infection and immediately sent him to the hospital. However, the staff at Alice Hyde Hospital were not equipped to deal with infections that severe, so Mr. Turner was transported to Albany Medical Center where the cast was finally removed. Unfortunately, it was discovered that the infection spread throughout his leg and ankle and another surgery was required.
- Mr. Turner was kept at Albany Medical Center under 24-hour antibiotics from September 30 – October 11, 2023. Mr. Turner was scheduled for a third surgery on his kneecap on October 19, 2023, but Franklin Correctional Facility cancelled the surgery, causing Mr. Turner prolonged, extended, and excruciating pain. Multiple sick calls, grievances, and requests for medical treatment were ignored and Mr. Turner's medical condition remains in a dire state. The Respondents', both individually and collectively, displayed a deliberate indifference to Mr. Turner's health, safety, and medical needs.

I look forward to hearing from you or your legal representative. Thank you very much.

Sincerely,

Mark A. Overall

Mark A. Overall, Esq.

UNITED LEGAL FIGHTERS

3960 Harlem Road, Suite 4

Amherst, New York 14226

Ph: 716-777-6554

E: askmarkesq@gmail.com

www.unitedlegalfighters.com

CLAIMANT'S AFFIDAVIT

I swear or affirm under the penalty of perjury that the statements contained herein are true and accurate to the best of my knowledge or belief. I also swear or affirm that if any statement contained herein subsequently becomes untrue or inapplicable, that I will promptly notify all parties involved of the change in circumstances pertaining to the truthfulness of my allegations.

M. Overall

Mark A. Overall, Esq.

Claimant's Counsel

12/19/23

Date

NOTARY PUBLIC CERTIFICATE OF ACKNOWLEDGEMENT

STATE OF NEW YORK)

COUNTY OF ERIE)

On this date, December 19, 2023, the Declarant, Mark A. Overall, Esq., personally appeared before me and having provided verifiable identification to be the Declarant whose name is subscribed to this instrument and acknowledged to me that s/he executed the same in his/her capacity, and that by his/her signature on this instrument, did, indeed, execute said document willfully.

WITNESS by my hand and seal.

Robert J. Wilczak

(Notary Signature)

My Commission Expires: March 20, 2025

ROBERT J. WILCZAK
NOTARY PUBLIC-STATE OF NEW YORK
No. 01W16355838
Qualified in Erie County
My Commission Expires March 20, 2025



JEREMY C. TOTH
COUNTY ATTORNEY

COUNTY OF ERIE

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

February 8, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

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>Huttner, Leah v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Leah Huttner 4154 Trailing Drive Williamsville, New York 14221
Claimant's attorney:	Robert J. Maranto, Jr., Esq. Andrews, Bernstein, Maranto & Nicotra PLLC 420 Franklin Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Toth", is written over the typed name.

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

STATE OF NEW YORK
SUPREME COURT : ERIE COUNTY

LEAH HUTTNER
4154 Trailing Drive
Williamsville, New York
14221

Claimant,

NOTICE OF CLAIM

COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202

Respondent.

PLEASE TAKE NOTICE, that the Claimant, LEAH HUTTNER, hereby intends to file a claim against the COUNTY OF ERIE, in support of said Claim states the following:

1. The current address of the Claimant is 4154 Trailing Drive, Williamsville, New York 14221.
2. The attorneys for the Claimant are Andrews, Bernstein, & Maranto, PLLC, 420 Franklin Street, Buffalo, New York, 14202, Telephone (716) 842-2200.
3. The Claim arose as follows: On or about October 1, 2023, Claimant attended the Buffalo Bills game at 1 Bills Drive, Orchard Park, New York 14127. Upon information and belief, at approximately 4:30 p.m., Claimant in the process of leaving the stadium; in proximity to the outside of gate 7, when she was caused to fall on uneven pavement in the Buffalo Bills' parking lot. Upon information and belief, Claimant was subsequently brought to the Buffalo Bills' medical tent to treat her severe injuries including, but not limited to: concussion; nausea, left arm pain; left hand pain; numbness and/or tingling in left arm; facial pain; left leg pain; open cuts and lacerations; and bone fractures.


4. This incident was caused by the negligence, carelessness, and recklessness on the part of defendant ERIE COUNTY through their agents, servants and/or employees as follows:
 - a. The Defendant and/or their agents, servants and/or employees were negligent in failing to exercise the care and caution under the circumstances and in allowing the patrons, including Claimant in particular, to have access to the unsafe, dangerous, hazardous and defective area;
 - b. The Defendant and/or their agents, servants and/or employees were negligent in maintaining and/or creating a dangerous and hazardous condition on the premises;
 - c. The Defendant and/or their agents, servants, and/or employees were negligent in failing to maintain the premises in a reasonable and safe condition;
 - d. The Defendant and/or their agents, servants, or employees were negligent in failing to remedy the aforesaid condition;
 - e. The Defendant and/or their agents, servants, or employees were negligent in failing to warn the Claimant of the dangerous and hazardous conditions on the subject premises;
 - f. The Defendant and/or their agents, servants and/or employees were negligent in failing to take proper measures to correct the dangerous condition in the subject area;
 - g. The Defendant and/or their agents, servants and/or employees were otherwise negligent.
5. The claim for LEAH HUTTNER is for personal injuries, conscious physical and emotional pain and suffering, medical expenses, as well as consequential damages.
6. By virtue of the negligence, carelessness and recklessness of the ERIE COUNTY, Claimant LEAH HUTTNER, was caused to suffer serious, significant and permanent injuries from this incident.

7. Claimant, LEAH HUTTNER, also suffered other injuries and complications as yet undetermined as a result of this incident and by reason of the same, Claimant sustained damages in an amount which cannot be reasonably calculated at this time.
8. By virtue of the negligence and carelessness of the ERIE COUNTY, and/or their agents, servants and/or employees, Claimant has also incurred medical expenses and other necessary related expenses, the amount of which is undetermined to date.

WHEREFORE, Claimant LEAH HUTTNER requests that the COUNTY OF ERIE, compensate Claimant, LISA LUTHRINGER, for her injuries and economic damages.

DATED: Buffalo, New York
December 6, 2023

ANDREWS, BERNSTEIN & MARANTO, PLLC



Robert J. Maranto, Jr., Esq.

**ANDREWS, BERNSTEIN, & MARANTO,
PLLC**

Attorney for Claimant

420 Franklin Street
Buffalo, New York 14202
(716) 842-2200

VERIFICATION


STATE OF NEW YORK :
COUNTY OF ERIE : ss.
CITY OF BUFFALO :

LEAH HUTTNER, being duly sworn, deposes and says that she is the Claimant in this action for herself as Claimant, LEAH HUTTNER.; that she has read the foregoing Notice of Claim in this action and knows the contents thereof; that the same is true to the knowledge of deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters, he believes them to be true.



LEAH HUTTNER

Sworn to before me this 14th
day of December, 2023


Notary Public

HANNAH MARY HULL
NOTARY PUBLIC-STATE OF NEW YORK
No. 01HU6250351
Qualified in Erie County
My Commission Expires 10-24-2025





COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

February 9, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

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>Bartkowiak, Tyler v. Erie County Water Authority and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Tyler D. Bartkowiak 7582 Eddy Road Colden, New York 14033
Claimant's attorney:	James M. O'Keefe, Esq. William Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, New York 14221

Should you have any questions, please call.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Toth", is written over a circular blue ink stamp.

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

This paper received at the
Erie County Attorney's Office
from M. Beising on
the 17 day of Feb, 2024
at 12:05 a.m./p.m.
A. Ortiz - Legg
Assistant County Attorney

IN THE MATTER OF THE CLAIM OF:

TYLER D. BARTKOWIAK

7582 Eddy Road
Colden, New York 14033,

Claimant,

-against-

NOTICE OF CLAIM

ERIE COUNTY WATER AUTHORITY

Ellicott Square Building
295 Main Street, Room 350
Buffalo, New York 14203,

COUNTY OF ERIE

Edward A. Rath County Office Building
95 Franklin Street
Buffalo, New York 14202,

,
Respondents.

PLEASE TAKE NOTICE that Tyler D. Bartkowiak (hereinafter referred to as claimant), hereby makes claim against the Erie County Water Authority and County of Erie (hereinafter collectively referred to as respondents) and in support thereof the claimant alleges:

1. That claimant resides at 7582 Eddy Road, Colden, New York 14033, and makes this notice of claim by and through his attorneys, William Mattar, P.C., 6720 Main Street, Suite 100, Williamsville, New York 14221 against respondents for personal injuries, pain and suffering, general and special damages, medical expenses, and other damages sustained by him.

2. That the nature of the claim is for personal injuries sustained by claimant on December 21, 2022 at approximately 1:00 p.m. at 12810 Main Street, Akron, New York 14001, while providing services to respondents on said property that was owned, operated, and under the direction and control of respondents, their servants, agents, and employees, to wit: a water tower situated in the Town of Newstead, 12810 Main Street, Akron, New York 14001. Claimant sustained injuries due to falling ice that fell from the water tower.

3. That claimant's damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of others by respondents, their servants, agents, and employees who failed to provide a safe place to work and failed to provide protection from overhead falling objects, namely falling ice.

4. That respondents by and through their agents, servants, and employees had actual and constructive notice of the dangerous condition and hazard before claimant sustained injury.

5. That as a result of the foregoing, claimant sustained serious injuries, including: splenic hemorrhage, left upper quadrant pain, ruptured spleen, splenic laceration, splenic infarct, splenic artery aneurysm with rupture, intraperitoneal hemorrhage, and hemorrhagic shock, and other injuries. Some of these injuries are permanent and indefinite in nature, and claimant has and will in the future be forced to expend sums of money for hospitals, doctors, and other medical expenses.

6. That the injuries were occasioned solely and wholly as a result of the negligence of respondents by and through their agents, servants, and employees and without any negligence on the part of claimant contributing thereto.

7. That leave of the Erie County Supreme Court by order dated February 5, 2024 under index number 816343/2023 permits claimant to serve this notice of claim upon respondents beyond the first 90 days following the date of loss. The Court's order is attached hereto as

Exhibit A.


DATED: Williamsville, New York
 February 5, 2024



James M. O'Keefe, Esq.
WILLIAM MATTAR, P.C.
Attorneys for Claimant
Office and P.O. Address
6720 Main Street, Suite 100
Williamsville, NY 14221-5986
(716)633-3535

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

Tyler Bartkowiak, being duly sworn, deposes and says that he is the Claimant; that he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to the knowledge of the deponent, except as to matters therein stated to be alleged on information and belief, and that as to those matters he believes them to be true.


Tyler Bartkowiak

Sworn to before me this
5th day of February, 2024


Notary Public

James O'Keefe
Notary Public, State of New York
Registration No. 02OK6383588
Qualified In Erie County
My Commission Expires January 14, 20__

Exhibit A

At a Special Term of the Supreme Court
of the State of New York, held in and for
the County of Erie, located at
92 Franklin Street, Buffalo, New York and
conducted in person on the
1st day of February, 2024

PRESENT:

Hon. Catherine Nugent Panepinto, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

TYLER D. BARTKOWIAK

Petitioner

Index no.: 816343/2023

v.

ERIE COUNTY WATER AUTHORITY,
COUNTY OF ERIE,
TOWN OF NEWSTEAD, and
VILLAGE OF AKRON

Respondents

Petitioner, Tyler D. Bartkowiak, having moved the Court for an order granting leave to serve late notices of claim upon respondents, Erie County Water Authority, County of Erie, Town of Newstead, and Village of Akron, or deem previously served notices of claim timely *nunc pro tunc*, together with such other and further relief as the Court deems just and proper;

NOW UPON reading the Order to Show Cause dated December 21, 2023, the petition of James M. O'Keefe, Esq. dated December 21, 2023 with exhibits, the memorandum of law of petitioner dated December 21, 2023, the affirmation in opposition to the order show cause of James J. Gascon, Esq. dated January 17, 2024 on behalf of respondent, Village of Akron, the affidavit of Brian T. Perry dated January 17, 2024 on behalf of respondent, Village of Akron, the attorney affirmation in opposition of Jennifer L. Rodgers, Esq. dated January 18, 2024 on behalf

of respondent, Town of Newstead, the memorandum of law in opposition of Jennifer L. Rogers dated January 18, 2024, the affirmation of Dawn Izydorczak (unsigned and never sworn to) on behalf of the Town of Newstead, the affidavits of service of the order to show cause on respondents Erie County Water Authority and County of Erie dated January 10, 2024, the affidavits of service of the notice of the February 1, 2024 hearing date on respondents Erie County Water Authority and County of Erie dated January 24, 2024;

And this matter having been orally argued before the:

Hon. Catherine Nugent Panepinto, J.S.C. on February 1, 2024 in person by James M. O'Keefe, Esq. appearing on behalf of the claimant in support of the application, Jennifer L. Rodgers, Esq. appearing on behalf of respondent, Town of Newstead, in opposition to the application, and James J. Gascon, Esq. appearing on behalf of respondent, Village of Akron, in opposition to the application;

And there being no appearance and no opposition made on behalf of respondents Erie County Water Authority, nor County of Erie; it is hereby

ORDERED that the application is **DENIED**, without prejudice, as related to the respondents Village of Akron and Town of Newstead; and it is hereby

ORDERED that the application is **GRANTED**, claimant has permission to serve late notices of claim upon respondents, Erie County Water Authority and County of Erie, and the notices of claim served on respondents, Erie County Water Authority and County of Erie, on or about October 12, 2023 are deemed timely served *nunc pro tunc*.

ENTER

DATED: February 5, 2024

Catherine Nugent Panepinto

Hon. Catherine Nugent Panepinto, J.S.C.



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

February 9, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

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>Hendren, Jayna v. Town of Orchard Park and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Jayna Hendren 515156 11 Line Woodstock, Ontario N4S 7V7 CANADA
Claimant's attorney:	Moses Ahn, Esq. Morgan & Morgan NY, PLLC 199 Water Street Suite 1500 New York, New York 10038

Should you have any questions, please call.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Toth", is written over the typed name.

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

RECEIVED
DEC 29 2023

ERIE COUNTY
DEPARTMENT OF LAW

In the Matter of the Claim of

JAYNA HENDREN

-against-

This document received at
ECDSS OFFICE OF COUNSEL
from Jennifer Crowley on the
27 day of December, 2023
at a.m. 2:43 p.m.
RECEIVED BY

TOWN OF ORCHARD PARK and COUNTY OF ERIE, NEW YORK

**TO: TOWN OF ORCHARD PARK – c/o Town Attorney, 4295 South Buffalo Street,
Orchard Park, NY 14127**

**COUNTY OF ERIE, NEW YORK – c/o County Attorney, 95 Franklin Street, Room
1634, Buffalo, New York 14202,**

PLEASE TAKE NOTICE that the undersigned claimant hereby makes claim and demand against the **TOWN OF ORCHARD PARK** and **COUNTY OF ERIE, NEW YORK**, as follows:

1. The name and post-office address of claimant and claimant's attorneys is:

Claimant:

JAYNA HENDREN

515156 11 Line

Woodstock, Ontario N4S 7V7, Canada

Attorneys:

Morgan & Morgan NY, PLLC

199 Water Street, Suite 1500

New York, New York 10038

2. The nature of the claim:

Negligence - The claimant, **JAYNA HENDREN**, was injured when she was caused to trip and fall over an uneven, elevated, cracked, defective, dangerous, improperly maintained, improperly repaired, improperly constructed and/or improperly designed sewer cover. The accident herein and the injuries to the claimant, **JAYNA HENDREN**, were due to the negligence of the **TOWN OF ORCHARD PARK ("Town")** and **COUNTY OF ERIE, NEW YORK ("County")**, their agents, servants and/or employees, in failing to properly maintain, inspect, construct, repair, and/or repave the sidewalk and/or sewer cover, causing and/or resulting in this dangerous condition, despite having caused and/or created this condition, and/or having actual notice, prior written notice, and/or constructive notice of the aforesaid dangerous condition.

3. The time when, the place where and the manner in which the claim arose:

The claim herein arose on October 15, 2023, at approximately 7:45 p.m., on the sidewalk between gates 3 and 4 of the Buffalo Bills Stadium, located at 1 Bills Drive, Orchard Park, New York 14127, when claimant, **JAYNA HENDREN**, while lawfully on the sidewalk, was caused to trip and fall on an uneven, elevated, cracked, defective, dangerous, improperly maintained, improperly repaired, improperly constructed and/or improperly designed sewer cover, and was caused to sustain serious and permanent personal injuries, pain and suffering, mental anguish and distress. That the accident herein and the injuries to the claimant resulting therefrom were due to the negligence of the **Town** and/or the **County**, their agents, servants and/or employees, in failing

to properly maintain, inspect, construct, repair, and/or repave the sidewalk and/or sewer cover, causing and/or resulting in this dangerous condition, despite having caused and/or created this condition, and/or having actual notice, prior written notice, and/or constructive notice of the aforesaid dangerous condition; in failing to provide the claimant with a safe path to traverse, in failing to warn the claimant of the dangers that existed at the aforesaid location; in failing to place any signs or barriers to prevent the claimant from traversing the dangerous condition. Photos of the offending area are attached and incorporated herein.

4. The items of damage or injuries claimed are:


At this time the full extent of the claimant's injuries is not known. However, the claimant, **JAYNA HENDREN**, sustained multiple injuries, including, but not limited to, injuries to her head, teeth, and neck, which will likely require surgery, and other bodily injuries, causing pain, suffering, mental anguish, distress, and medical expenses. The claimant, **JAYNA HENDREN**, is claiming damages in the amount of \$1,000,000 for her damages. The claimant reserves the right to supplement her request for damages.

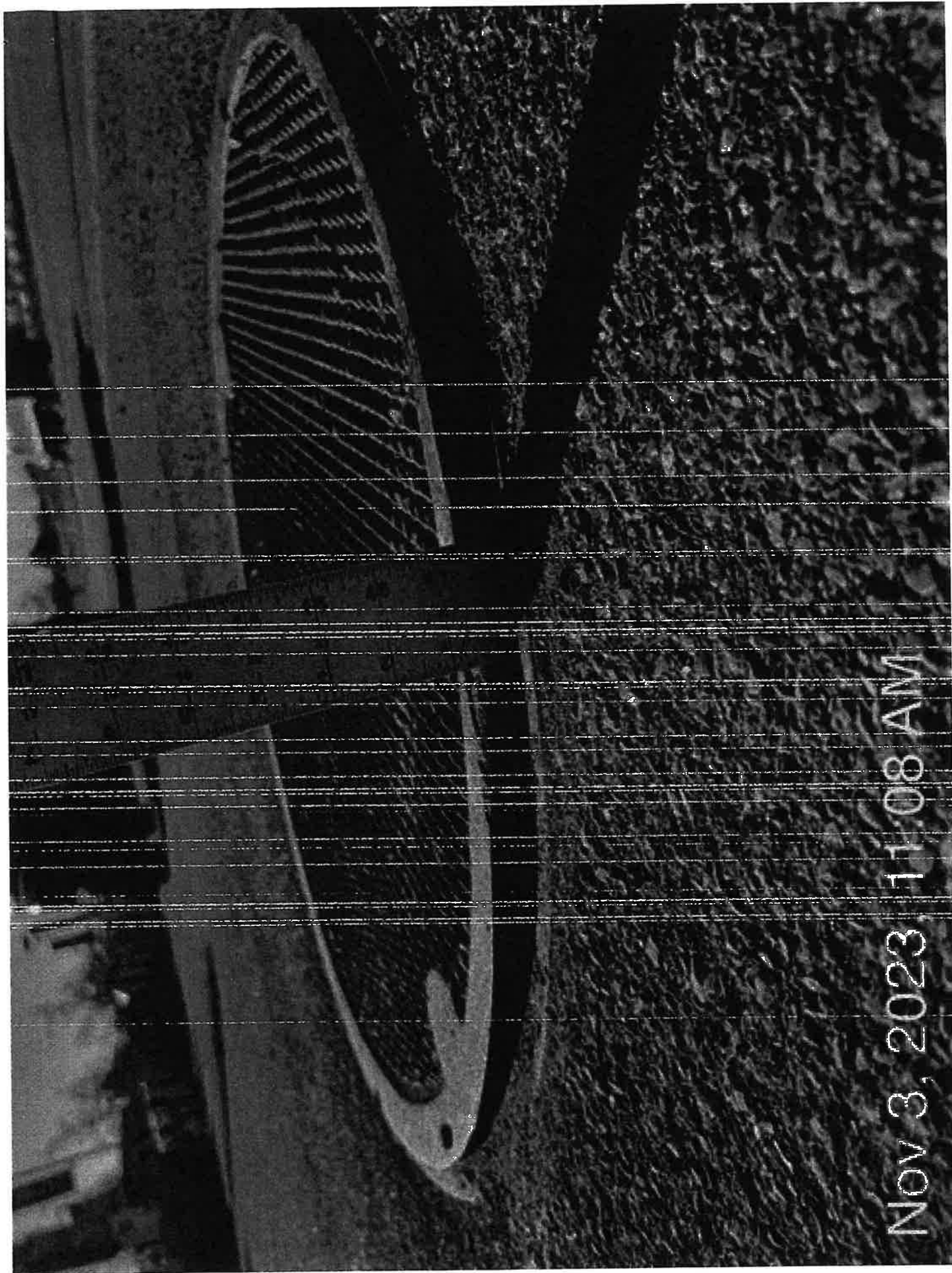
PRESERVATION DEMAND

DEMAND IS HEREBY MADE that you preserve the following: any accident reports for any accidents involving any falls at the subject area for the three years prior to and including the date of the accident; any written complaints regarding the subject area for the three years prior to and including the date of the accident; any permits issued for the subject area for the three years prior to and including the date of the accident for any maintenance, repair, installation, of the sewer cover at the subject intersection for the three years prior to and including the date of the accident; any contracts for any maintenance, repair, installation of the sewer cover at the subject area in effect for the three years prior to and including the date of the accident; any Notice of Claims involving the subject roadway for the three years prior to and including the date of the accident; any 311 calls or reports involving the subject sewer cover for the three years prior to and including the date of the accident; any video and/or photographic evidence relating to the subject accident in respondent's possession.

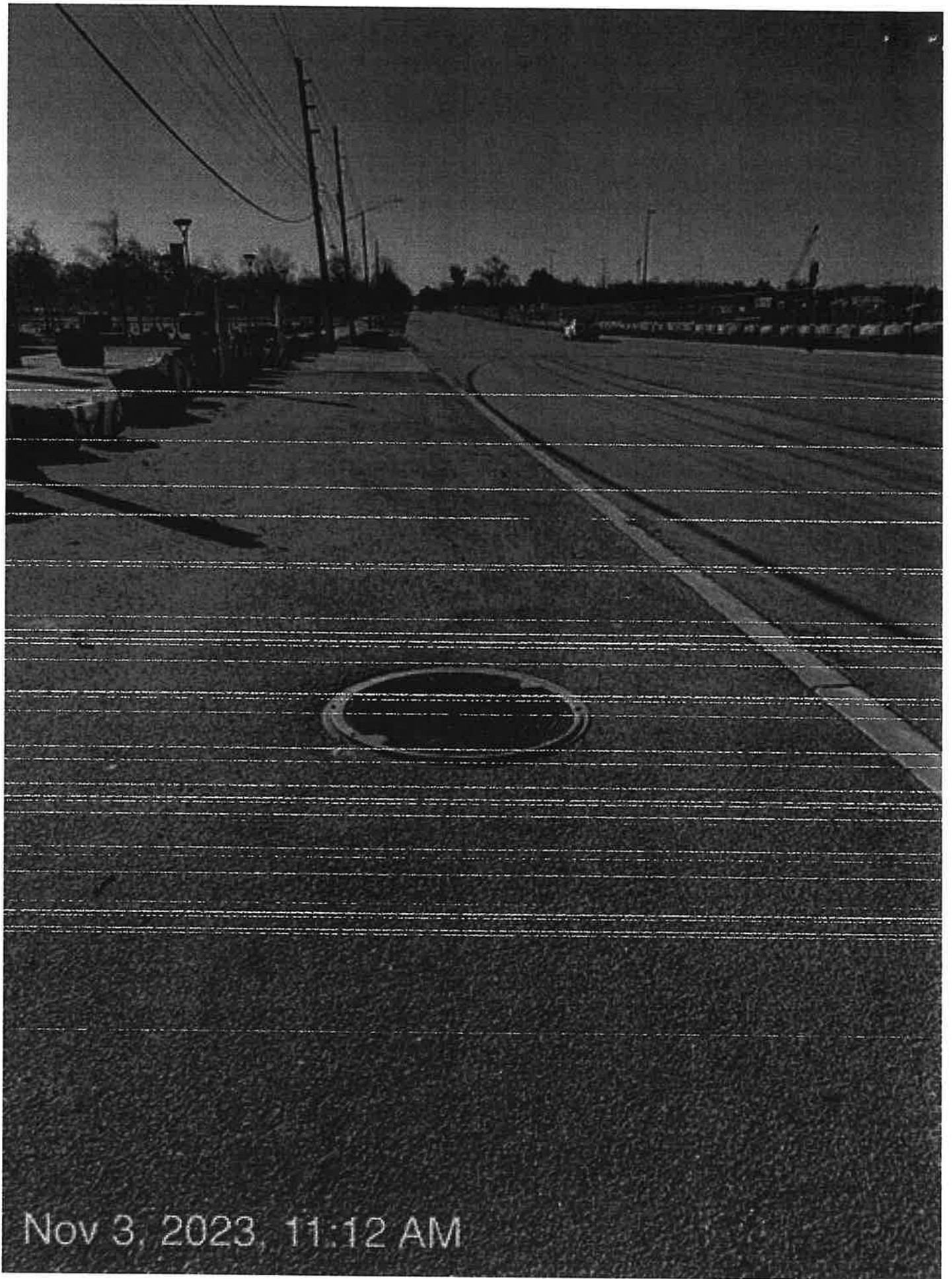
Please do not alter, transfer, modify or destroy any other items or documents requested herein. Please be advised that should any of the items or documents requested herein be altered, modified and/or destroyed, we will be seeking appropriate penalties in this litigation.

Dated: New York, New York
December 20, 2023

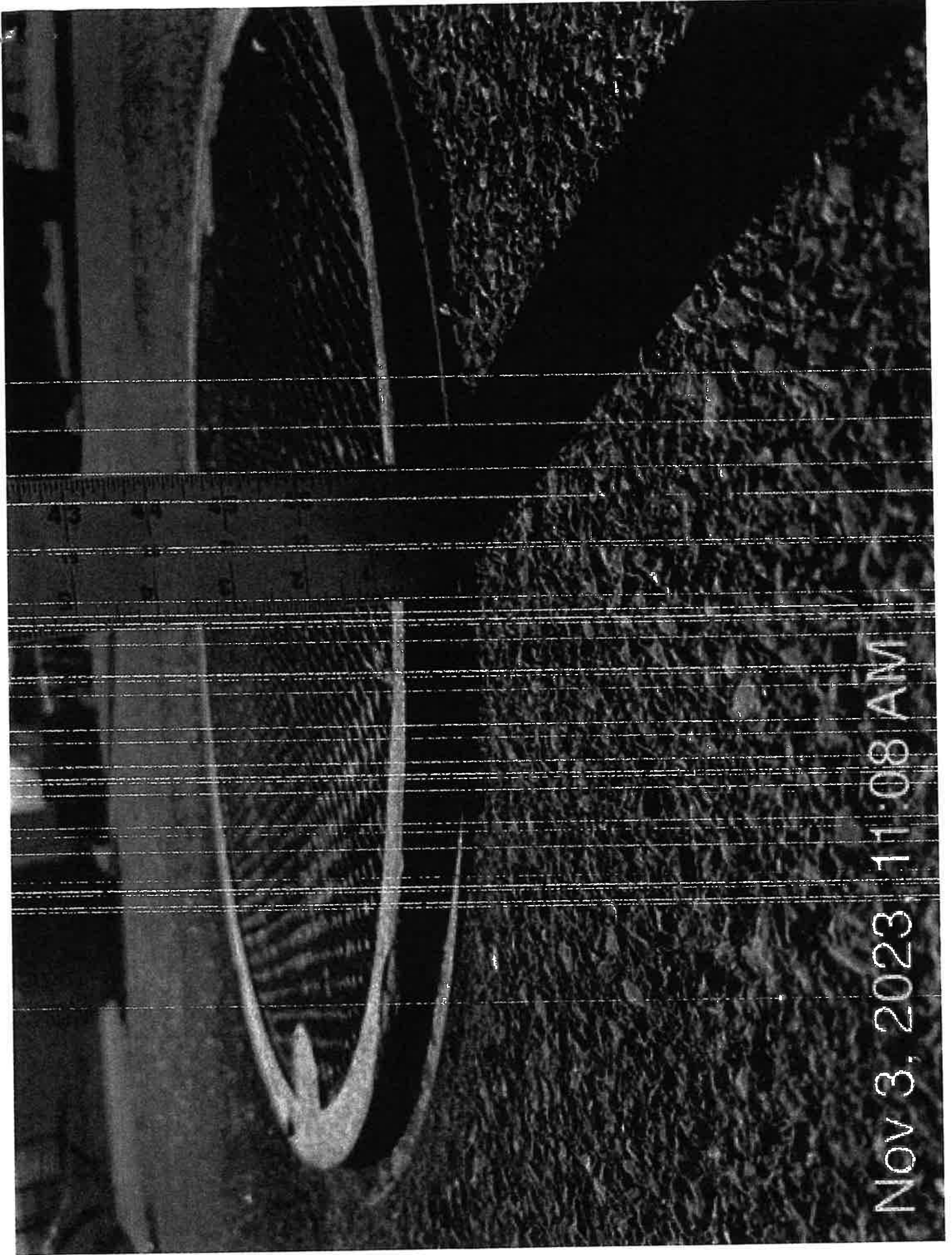

By: Moses Ahn, Esq.
Morgan & Morgan, PLLC
Attorneys for Claimant
199 Water Street, Suite 1500
New York, New York 10038



Nov 3, 2023 11:08 AM



Nov 3, 2023, 11:12 AM



Nov 3, 2023, 11:08 AM

ATTORNEY'S VERIFICATION

The undersigned, an attorney admitted to practice law in the Courts of the State of New York, shows:

That deponent is an attorney with the firm of Morgan & Morgan, NY PLLC, the attorneys for the claimant herein; 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 those matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.

That deponent further states that the reason for this verification being made by deponent and not by the claimant herein is that the plaintiff resides in another county, other than where deponent maintains his office.

The grounds of your deponent's knowledge and information as to all matters not stated upon deponent's knowledge are from files, investigation and information furnished.

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated: New York, New York
December 20, 2023



By: Moses Ahn, Esq.
Morgan & Morgan, NY PLLC
Attorneys for Claimant
199 Water Street, Suite 1500
New York, New York 10038



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

February 12, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

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>Baughman, Preston, by PNG Nicole Sheppard, v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Nicole Sheppard PNG of Preston Baughman 40 Crowell Court Tonawanda, New York 14150
Claimant's attorney:	Kevin F. Walsh, Esq. Fanizzi & Barr P.C. 7311 Niagara Falls Boulevard Niagara Falls, New York 14304

Should you have any questions, please call.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Toth", is written over the typed name.

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

In the matter of:

**NICOLE SHEPPARD, as Parent and Natural Guardian
of, PRESTON BAUGHMAN, an Infant,**
40 Crowell Court
Tonawanda, New York 14150,

NOTICE OF CLAIM

Claimant,

-VS-

COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202,

Respondent.

PLEASE TAKE NOTICE, that the claimant, **NICOLE SHEPPARD, as Parent and Natural Guardian of, PRESTON BAUGHMAN, an Infant**, has and hereby intends to file a Claim against the above-listed respondent and in support of said Claim states the following:

1. The post office address of the claimant, **NICOLE SHEPPARD, as parent and natural guardian of, PRESTON BAUGHMAN, an Infant**, is 40 Crowell Court, Tonawanda, New York 14150. The Infant claimant also resides at this address.
2. The attorney for the claimant and Infant claimant is Kevin F. Walsh, Esq. of Fanizzi and Barr, P.C., 7311 Niagara Falls Boulevard, Niagara Falls, New York 14304; Telephone: (716) 284-8888.
3. The Claim arose as follows: On October 26, 2023, at approximately 5:30 p.m., the Infant Claimant, **PRESTON BAUGHMAN**, sustained personal injuries when he was caused to fall due to the defective and hazardous condition of a portion of roadway between 32 Channing Place, Tonawanda, New York, 14150 and the corner of Cobb Street, in Tonawanda, New York, 14150.

The defective and hazardous condition consists of cracked portions of roadway surrounding a pothole. Upon information and belief, Respondent created, knew, or should have known of the aforementioned dangerous condition through prior actual notice, constructive notice, prior written notice, complaints and/or inspections. Photographs of the above-described defective and hazardous condition are attached as **Exhibit A**.


4. The Claim of the infant claimant, PRESTON BAUGHMAN, is for personal injuries including, without limitation, a right arm fracture, past and future pain and suffering, and being rendered sick, sore, lame, and disabled. The claim is also for past and future consequential damages and past and future economic damages.

5. Upon information and belief, the incident herein described, and the resultant injuries and damages sustained, were caused as a result of negligence, carelessness, and reckless conduct on the part of the Respondent, COUNTY OF ERIE, and/or its agents, servants, and employees.

WHEREFORE, Claimant, NICOLE SHEPPARD, as parent and natural guardian of PRESTON BAUGHMAN, requests that the Respondent, COUNTY OF ERIE compensate him for his injuries.

DATED: Niagara Falls, New York
 December 21, 2023

By:



Kevin F. Walsh, Esq.
FANIZZI & BARR, P.C.
Attorney for Claimant
7311 Niagara Falls Blvd.
Niagara Falls, New York 14304
Telephone: (716) 284-8888

VERIFICATION

STATE OF NEW YORK)
COUNTY OF NIAGARA) SS.:

NICOLE SHEPPARD, *as parent and natural guardian of*, PRESTON BAUGHMAN, *an Infant*, being duly sworn, says: I am the Claimant in the above entitled matter; I have read the foregoing Notice of Claim and know its contents; the same is true to my own knowledge, except to those matters therein stated to be alleged upon information and belief, and as to those matters I believe them to be true.



Nicole Sheppard

Sworn to before me this
21 day of December, 2023



Notary Public

Kelly L. Colucci
Commissioner of Deeds, City of Niagara ~~Fau~~
Cert. Filed in Niagara County
Commission Expires on 12-31, 2023



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

February 13, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

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>Baughman, Preston v. Erie I BOCES, Sweet Home School District and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Brandon L. Baughman PNG of Preston L. Baughman 61 Sheridan Parkside Drive Tonawanda, New York 14150
Claimant's attorney:	Anjelika Abrahamyan, Esq. William Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, New York 14221

Should you have any questions, please call.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. C. Toth", is written over a blue circular stamp.

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

IN THE MATTER OF THE CLAIM OF:

PRESTON L. BAUGHMAN

61 Sheridan Parkside Drive
Tonawanda, NY 14150

Claimant,

-against-

NOTICE OF CLAIM

ERIE 1 BOCES

333 Dexter Terrace
Tonawanda, NY 14150

SWEET HOME SCHOOL DISTRICT

1901 Sweet Home Road
Amherst, NY 14228

ERIE COUNTY

95 Franklin Street
Buffalo, NY 14202

Respondents.

PLEASE TAKE NOTICE that **PRESTON L. BAUGHMAN**, hereby makes claim against **ERIE 1 BOCES, SWEET HOME SCHOOL DISTRICT, ERIE COUNTY** and in support thereof Claimant alleges:

1. That the undersigned Claimant, **PRESTON L. BAUGHMAN**, residing at 61 Sheridan Parkside Drive, Tonawanda, NY 14150, by and through his attorney, **ANJELIKA ABRAHAMYAN**, 6720 Main Street, Suite 100, Williamsville, NY 14221-5986, claims damages against the Respondents, **ERIE 1 BOCES, SWEET HOME SCHOOL DISTRICT, and ERIE**

COUNTY, its servants, agents or employees for personal injuries, pain and suffering, general and special damages, medical expenses, and property damages sustained by him.

2. That the said injuries were sustained by PRESTON L. BAUGHMAN on or about October 16, 2023, at approximately 1:23 pm, when he was put in a hold by a special education teacher. A copy of the nurses' records are attached hereto as **Exhibit A**.

3. That the Claimant's damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of others including Claimant, PRESTON L. BAUGHMAN, by ERIE 1 BOCES, SWEET HOME SCHOOL DISTRICT, and ERIE COUNTY, its servants, agents or employees in negligently putting the child in a hold, in failing to touch the claimant in a way to avoid harm, in failing to provide adequate training, in failing to provide a safe environment, in negligent hiring of the special education teacher, including but not limited to failure supervise the special education teacher, along with the other acts of negligence, carelessness and recklessness.

4. That the aforesaid ERIE 1 BOCES, SWEET HOME SCHOOL DISTRICT, and ERIE COUNTY, its servants, agents or employees by and through his agents, servants and employees had actual or constructive notice of the dangerous condition and hazard caused by said activity.

5. That, as a result of the foregoing, the Claimant, PRESTON L. BAUGHMAN, sustained very serious injuries to left wrist, and other injuries. Some of these injuries will be of a permanent or indefinite duration, and Claimant, PRESTON L. BAUGHMAN, has and will, in the future be forced to expend sums of money for hospitals, doctors and other medical expenses.

6. That the said injuries were occasioned as a result of the negligence of the ERIE 1 BOCES, SWEET HOME SCHOOL DISTRICT, and ERIE COUNTY, its servants, agents or employees, and without any negligence on the part of the Claimant contributing thereto.


DATED: Williamsville, New York
January 4, 2024



Anjelika Abrahamyan, Esq.
Attorney for Claimant
Office and P.O. Address
6720 Main Street Suite 100
Williamsville, NY 14221-5986
(716)633-3535

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

Brandon L. Baughman, being duly sworn, depose and say that he is the Claimant in this action; that he 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.


Brandon L. Baughman, as Parent and Natural
Guardian of Preston L. Baughman, an Infant


Sworn to before me this
4 day of January, 2024


Notary Public

H LAUREN WILLIAMS
Notary Public, State of New York
Reg. No. 02WI6347491
Qualified in Genesee County
Commission Expires September 08, 2024

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

Brandon L. Baughman, being duly sworn, depose and say that he is the Claimant in this action; that he 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.


Brandon L. Baughman, as Parent and Natural
Guardian of P.L.B., an Infant

Sworn to before me this
4 day of January, 2024



Notary Public

H LAUREN WILLIAMS
Notary Public, State of New York
Reg. No. 02WI6347491
Qualified in Genesee County
Commission Expires September 06, 2024



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

February 13, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

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>Murphy, Mary Ann v. City of Buffalo, County of Erie, Buffalo Niagara Convention Center, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Mary Ann Murphy 47 Arbour Lane Buffalo, New York 14220
Claimant's attorney:	William P. Moore, Esq. Lipsitz Green Scime Cambria LLP 42 Delaware Avenue, Suite 120 Buffalo, New York 14202-3924

Should you have any questions, please call.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Toth", is written over a faint, larger signature.

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

In the Matter of the Claim of

MARY ANN MURPHY,

Claimant,

-against-

CITY OF BUFFALO, COUNTY OF ERIE,
BUFFALO NIAGARA CONVENTION CENTER
MANAGEMENT CORPORATION and BUFFALO
NIAGARA CONVENTION & VISITORS BUREAU, INC.

Respondents.

NOTICE OF CLAIM

This paper received at the
Erie County Attorney's Office
from Rocco Zentaro on
the 5th day of January 2024
at 1:47 a.m./pm.
Am R
Assistant County Attorney

**TO: CITY OF BUFFALO, COUNTY OF ERIE,
BUFFALO NIAGARA CONVENTION CENTER
MANAGEMENT CORPORATION and BUFFALO
NIAGARA CONVENTION & VISITORS BUREAU, INC.**

PLEASE TAKE NOTICE, that MARY ANN MURPHY, has and hereby makes claim against the CITY OF BUFFALO, COUNTY OF ERIE, BUFFALO NIAGARA CONVENTION CENTER MANAGEMENT CORPORATION, and BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC., and in support of said claim states the following:

1. The Post Office address of the claimant is 47 Arbour Lane, Buffalo, New York 14220.
2. The attorneys for the claimant are LIPSITZ GREEN SCIME CAMBRIA LLP, and their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202.
3. The claim of MARY ANN MURPHY is for personal injuries, including without limitation, medical expenses and for consequential damages generally.

4. The claim arose at the Buffalo Niagara Convention Center, located in the City of Buffalo, County of Erie and State of New York.

5. The claim arose in substance as follows: On the 21st day of October, 2023, Claimant, MARY ANN MURPHY, while lawfully and properly walking within the aforesaid premises, was caused to trip and fall, resulting in serious injuries to the claimant.

6. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of the CITY OF BUFFALO, COUNTY OF ERIE, BUFFALO NIAGARA CONVENTION CENTER MANAGEMENT CORPORATION and BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC., and more particularly, among other things, in failing and omitting to ensure that the escalator/stairway landing area was safe and free from tripping hazards.

7. Upon information and belief, as a result of the aforesaid incident, the Claimant, MARY ANN MURPHY, sustained severe bodily injuries, including a shoulder injury; was rendered sick, sore, lame and disabled; sustained pain and suffering and shock to her nerves and nervous system. Upon information and belief, these injuries will result in permanent defects.

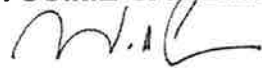
WHEREFORE, claimant requests that the CITY OF BUFFALO, COUNTY OF ERIE, BUFFALO NIGARA CONVENTION CENTER MANAGEMENT CORPORATION, and BUFFALO NIAGARA CONVENTION & VISTORS BUREAU, INC., honor and pay the claim on behalf of Mary Ann Murphy.

DATED: January 4, 2024
Buffalo, New York



MARY ANN MURPHY

LIPSITZ GREEN SCIME CAMBRIA LLP

By: 

WILLIAM P. MOORE, ESQ.

Attorneys for Claimant
42 Delaware Avenue, Suite 120
Buffalo, New York 14202
Tel: (716) 849-1333
[WPM: #073369.0001]

STATE OF NEW YORK)
) ss:
COUNTY OF ERIE)

MARY ANN MURPHY, being duly sworn deposes and says that she is the claimant above named; and makes this claim on behalf of self; she has read the foregoing claim and knows the contents thereof; the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, she believes them to be true.



MARY ANN MURPHY

Sworn to before me on this
4 day of January, 2024.



Notary Public

BRIANA E. CROCE
NOTARY PUBLIC-STATE OF NEW YORK
No. 01CR6340476
Qualified in Erie County
My Commission Expires 04-18-2024



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

February 13, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

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>Hager, Jennifer, Tina Pope and Tammy Cumpston v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Jennifer Hager 136 Heather Hill Drive West Seneca, New York 14224
Claimant's attorney:	Brittany L. Penberthy, Esq. Penberthy Law Group LLP 227 Niagara Street Buffalo, New York 14201

Should you have any questions, please call.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Toth", is written over the typed name.

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

In the Matter of the Claim of
JENNIFER HAGER, TINA POPE,
and TAMMY CUMPSTON, as Proposed Administratrix of
the Estate of WILLIAM HAGER, Deceased,

Claimants,

NOTICE OF CLAIM

-VS-

COUNTY OF ERIE, ERIE COUNTY
SHERIFF'S DEPARTMENT,
and JOHN GARCIA, in his official individual and
official capacity as Sheriff of ERIE County,

Respondents.

TO: COUNTY OF ERIE
ERIE COUNTY SHERIFF'S DEPARTMENT
And SHERIFF JOHN GARCIA

PLEASE TAKE NOTICE that JENNIFER HAGER, TINA POPE, and TAMMY CUMPSTON, as Proposed Administratrix of the Estate of WILLIAM HAGER (hereinafter referred to as 'W. HAGER'), deceased, hereby claims and demands from the above-named Respondents damages for personal injuries sustained by decedent W. HAGER and for medical and hospital expenses incurred and/or to be incurred together with consequential damages as a result of the negligent, careless and reckless acts and omissions of the above-named Respondents, its agents, servants and/or employees, appointees, designees, departments or divisions thereof and in support thereof, the Claimant states the following:

1. The post office address of the Claimant JENNIFER HAGER is 136 Heather Hill Drive, West Seneca, New York 14224.
2. The post office address of the Claimant TINA POPE is 1401 Reed Canal Road, #4105, Port Orange, Florida 32129.

3. The post office address of the Claimant TAMMY CUMPSTON is 4473 Oxford Terrace, Hamburg, New York 14075.

4. The name and post office address of Claimants' attorney is Brittanylee Penberthy, Esq., of Penberthy Law Group LLP, 227 Niagara Street, Buffalo, New York 14201.

5. The claimants, JENNIFER HAGER, TINA POPE, and TAMMY CUMPSTON, are anticipated Administratrix of the Estate of W. HAGER, deceased. The decedent, W. HAGER, died on or about November 19, 2023, while in the custody of the Erie County Sheriff's Office.

6. Upon information and belief, W. HAGER was found unresponsive in his cell at Alden County Correctional Facility, located at 11581 Walden Avenue, Alden, New York, an inmate housing facility of the ERIE COUNTY SHERIFF'S DEPARTMENT, on or about November 18 or 19, 2023. Ultimately Deceased Claimant was caused to sustain deadly injuries.

7. Respondents failed to provide timely and appropriate security, medical, and mental health care.

8. Prior to his death, W. HAGER, upon information and belief, decedent was subjected to inadequate mental health care and medical treatment by employee(s) and/or agents of ERIE COUNTY SHERIFF'S DEPARTMENT.

9. Upon information and belief, decedent, who suffered from mental illness, had not been eating in the days leading up to his death.

10. The additional details of the death of Claimant Decedent are entirely within Respondents' custody.

11. That the nature of the instant claim is for the negligent, careless and reckless acts or omissions of the above-named Respondents, their agents, servants and/or employees, appointees,

designees, departments and divisions thereof, in that W. HAGER suffered injuries and wrongful death while in the custody of Respondents.

12. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of the COUNTY OF ERIE, ERIE COUNTY SHERIFF'S DEPARTMENT and SHERIFF JOHN GARCIA, more particularly, in failing to appropriately supervise and observe claimant's decedent while he was incarcerated; in failing and omitting to make and undertake proper safeguards for care and protection of the decedent; in failing and omitting to ensure decedent was provided and supplied with necessary and proper medical care; in failing and omitting to ensure decedent was provided and supplied with necessary food and drink essentials; in failing and omitting to have comprehensive policies, procedures and/or guidelines established and in place to prevent deaths of inmates; in failing and omitting to have comprehensive policies, procedures and/or guidelines established and in place to the malnutrition of inmates; and in failing to properly train and monitor their agents, servants and/or employees with respect to the proper handling, supervision and monitoring of inmates.

13. That by reason of the foregoing injuries, said Deceased Claimant, prior to his untimely death, suffered great pain, discomfort and disfigurement; that as a result of the aforesaid injuries and the resulting death said Claimant has forever been precluded from his educational pursuits and/or profession and/or employment, cessation of earning capacity of the Claimant, and cessation of the activities, professional, social and personal endeavors and hobbies of the Claimant and his enjoyment of life will forever be forgone thereof, all to the damage of said Deceased Claimant.

14. The instant claim is also for funeral expenses, pain and suffering, wrongful death, punitive and consequential damages on behalf of the decedent's distributees.

PLEASE TAKE FURTHER NOTICE that the Claimants request payment of the claims and damages sustained by them as hereinbefore set forth.

DATED: December 24, 2023
Buffalo, New York

PENBERTHY LAW GROUP LLP

By: 

BRITTANYLEE PENBERTHY, ESQ.

Attorneys for Claimant
Office and P.O. Address
227 Niagara Street
Buffalo, New York 14201
(716) 803-8402

VERIFICATION

STATE OF NEW YORK)

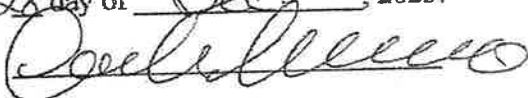
) SS.:

COUNTY OF Erie)

JENNIFER HAGER, being duly sworn, deposes and says that she is the claimant above named; she has read the foregoing claim and knows the contents thereof; the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, she believes them to be true.


JENNIFER HAGER

Sworn to before me this
28 day of Dec, 2023.



Notary Public

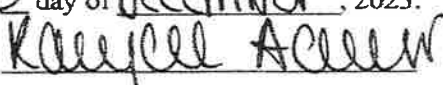
AMANDA L VISCIANO
Notary Public - State of New York
No. 01-VI6388412
Qualified in Erie
Commission Exp. 03/04/2027

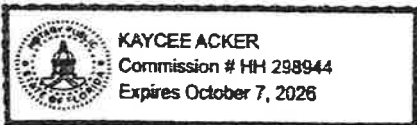
VERIFICATION

STATE OF ~~NEW YORK~~)
Florida) SS.:
COUNTY OF Volusia)

TINA POPE, being duly sworn, deposes and says that she is the claimant above named; she has read the foregoing claim and knows the contents thereof; the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, she believes them to be true.


TINA POPE

28 day of December, 2023.

Notary Public



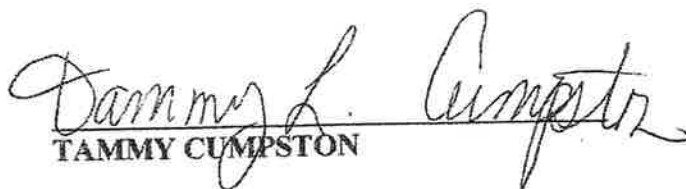
VERIFICATION

STATE OF NEW YORK)

) SS.:

COUNTY OF Erie)

TAMMY CUMPSTON, being duly sworn, deposes and says that she is the claimant above named; she has read the foregoing claim and knows the contents thereof, the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, she believes them to be true.


TAMMY CUMPSTON


Notary Public

AMANDA L VISCIANO
Notary Public - State of New York
No. 01-VI6388412
Qualified in Erie
Commission Exp. 03/04/2027



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

February 15, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

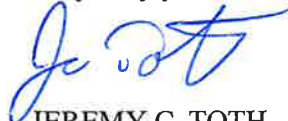
Dear Ms. Owens:

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>Smith, Bryan v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Bryan Smith c/o Erie County Correctional Facility 11581 Walden Avenue Alden, New York 14004
Claimant's attorney:	Catherine D. Aughey, Esq. The Dietrich Law Firm 2410 North Forest Road Amherst, NY 14068

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

BRYAN SMITH,

NOTICE OF CLAIM

Claimant,

vs.

**COUNTY OF ERIE, ERIE COUNTY SHERIFF'S
DEPARTMENT, and SHERIFF JOHN C. GARCIA,
in his official capacity as Sheriff of Erie County,**

Respondents.

PLEASE TAKE NOTICE that the above-named Claimant claims and demands from the County of Erie, State of New York, Erie County Sheriff's Department and Sheriff John C. Garcia, in his official capacity as Sheriff of Erie County, recompense for personal injuries sustained by the Claimant by reason of the wrongful, unlawful, negligent and careless acts and omissions of the Respondents, their agents, servants and/or employee, and in support thereof the Claimant states:

1. The address of the Claimant is 11581 Walden Avenue, Alden, New York 14004.
2. The Claimant is represented by The Dietrich Law Firm P.C., 101 John James Audubon Parkway, Buffalo, New York 14228 (716-839-3939).
3. The incident in which personal injuries were sustained by the Claimant occurred on or about October 17, 2023 at approximately 11:03 a.m. on

Church Street near its intersection with Lower Terrace, in the City of Buffalo, the County of Erie, and the State of New York. Said incident is described in the attached **Exhibit A - Police Report** - wherein it notes that the Claimant was a passenger, as an incarcerated person under the care, custody, and control of the Respondents, in a certain 2020 Ford Erie County Sheriff vehicle being driven by Sheriff Joseph L. Oroszi when it collided with a certain 2014 Jeep driven by Dar-Vel K. Beaner bearing New York License Plate KBL4511. As a result of said collision, the Claimant sustained permanent and severe injuries.

4. Following the above-mentioned collision, while the Claimant was under the care, custody, and control of the Respondents, said Claimant was delayed, denied, or otherwise withheld from medical care and/or attention which further aggravated, exacerbated and/or caused the Claimant to sustain permanent and severe injuries.

5. By virtue of the recklessness and/or negligence of the employees, agents and/or servants of the respondent, the Claimant has incurred medical and hospital expenses, which are to date undetermined, and will incur loss of earnings, impairment of health and permanent injuries.

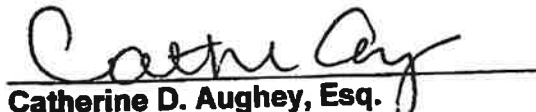
6. Upon information and belief, the Claimant will be obligated further medical expenses including drugs, medicines and prosthetic devices, the amount of which cannot be reasonably calculated at this time.

TAKE NOTICE that the Claimant demands payment of his claim as set forth above.

Dated: January 2, 2024

THE DIETRICH LAW FIRM P.C.

By:


Catherine D. Aughey, Esq.
Attorneys for Claimant
101 John James Audubon Parkway
Buffalo, New York 14228
(716) 839-3939

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

BRYAN SMITH,

Claimant,


VERIFICATION

vs.

COUNTY OF ERIE, ERIE COUNTY SHERIFF'S
DEPARTMENT, and SHERIFF JOHN C. GARCIA,
in his official capacity as Sheriff of Erie County,

Respondents.

BRYAN SMITH, being duly sworn, deposes and says, that the deponent is the Claimant in the within action; that the deponent has read the foregoing Notice of Claim and know the contents hereof; that the same is true to the deponent's knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters deponent believes them to be true.


BRYAN SMITH

Sworn to before me this 6 day
of JANUARY, 2023

JOHN FLOWERS
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2024


NOTARY PUBLIC



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

February 28, 2024

Ms. Olivia Owens, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. Owens:

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>Hanif, Zohifa, an Infant, by Mohammed Hanif v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Mohammed A. Hanif 65 Peace Street Buffalo, New York 14211
Claimant's attorney:	Mark J. Mahoney, Esq. Harrington Mahoney 70 Niagara Street, 3rd Floor Buffalo, NY 14202

Should you have any questions, please call.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Toth", is written over a circular blue ink stamp.

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

In the Matter of the Claim of

MOHAMMED HANIF,

As Parent and Natural Guardian

On Behalf of

ZOHIFA HANIF,
Claimant

-against-

CITY OF BUFFALO POLICE DEPARTMENT
AND
COUNTY OF ERIE DEPARTMENT OF SOCIAL SERVICES,

Respondents.

NOTICE OF CLAIM

HARRINGTON & MAHONEY

Mark J. Mahoney, Esq.

Counsel for the Claimant

70 Niagara Street, Third Floor

Buffalo, New York 14202

(716) 853-3700

mjm@harringtonmahoney.com

NOTICE OF CLAIM

In the Matter of the Claim of

MOHAMMED HANIF,
As Parent and Natural Guardian

On Behalf of

ZOHIFA HANIF,
Claimant

-against-

CITY OF BUFFALO POLICE DEPARTMENT
AND
COUNTY OF ERIE DEPARTMENT OF SOCIAL SERVICES,

Respondents.

TO:

City of Buffalo
Corporation Counsel
Niagara Square Room 1100
Buffalo, New York 14202

County of Erie
County Attorney
Department of Law
Edward A Rath County Office
Building
95 Franklin Street
Buffalo, New York 14202

PLEASE TAKE NOTICE that the undersigned claimant(s) hereby
make(s) claim and demand against you, as follows:

1. The name and post office address of each claimant and claimant's attorney is:

Mohammed Hanif,
OBO Zohif A. Hanif
Claimant
65 Peace Street,
Buffalo, NY 14211

HARRINGTON &
MAHONEY
Counsel for the Claimant
Mark J. Mahoney, Esq.,
of Counsel
70 Niagara Street, Third Floor
Buffalo, New York 14202
(716) 853-3700
jph@harringtonmahoney.com

2. The nature of the claim:

-SEE RIDER-

3. The time when, the place where and the manner in which the claim arose:

-SEE RIDER-

4. The items of damage or injuries claimed are:

-SEE RIDER-

*****RIDERS*****

2. The nature of the claim:

The Claim by MOHAMMED HANIF, on behalf of his minor son, ZOHIFA HANIF, is as a result of intentional, reckless and negligent conduct of Respondents and their agents, servants and employees of Erie County ("County") Department of Social Services, and of the City of Buffalo Police Department ("BPD"). Claimant brings this claim for: assault; battery;

wrongful arrest and imprisonment; excessive force; failure to provide adequate and safe housing and detention; allowing and failure to protect claimant's son from physical, sexual and emotional assaults and abuse while in the custody and care of the County; negligent hiring; negligent training; negligent supervision; negligent retention and hiring; respondeat superior; violation of civil rights; violation of the Federal and New York State Constitution. Claimant also alleges that BPD police officers failed to intervene to prevent the deprivation of claimant's constitutional, civil and common law rights and the Americans with Disabilities Act.

3. The time when, the place where and the manner in which the claim arose:

Claimant's minor son, who is diagnosed with Autism Spectrum Disorder, was targeted by Detective William Rezabek of the BPD following statements he made to a School Social Worker at City Honors School ("City Honors") at 186 E. North Street, Buffalo, NY 14204. Completely disregarding the findings of City Honors administration and other knowledgeable clinicians relating to Claimant's minor son's present risk, Detective Rezabek target continued to target Claimant's minor son.

Detective Rezabek admitted in his personal notes, which were provided in discovery, that his main goal in targeting Claimant's minor son was to remove him from Claimant and Claimant's wife and put Claimant's minor son into long term care, despite the affirmation from Child Protective Services that there were presently no circumstances that warranted Claimant's minor sons removal from the home.

Detective Rezabek proceeded to approach the Erie County District Attorney and the FBI to discuss what solutions were available to detain Claimant's minor son, however both agencies made clear that Claimant's minor son had not committed a prosecutable crime.

On April 4, 2023, at approximately 10:10 a.m., in the vicinity of 65 Peace Street, Buffalo, New York, Claimant's minor son was arrested without a warrant by Detective Rezabek, and other unknown officers with the BDP.

Prior to securing an arrest warrant for Claimant's minor son, Detective Rezabek, in addition to other BPD Officers, entered Claimants home and unlawfully arrested Claimant's minor son. These officers all unlawfully entered Claimant's home, placed their hands about his minor son's body as the minor recited to himself his Miranda warnings, and forced the minor outside of his residence barefoot and in handcuffs.

The officers placed Claimant's minor son into the back of a police vehicle and transported him to the Youth Services Center at 810 East Ferry Street, Buffalo, NY, 14211, where he remained until October 13, 2023.

Claimant's minor son unlawfully remained in detention for 192 days following a preliminary decision by Erie County Family Court Judge Kelly Brinkworth. This preliminary decision was continued by Erie County Family Court Judge Brenda Freedman without following the proper procedure or allowing Claimant's minor son's counsel from concluding their argument on the issue of detention.

During Claimant's minor son's detention, the minor endured repeated physical and sexual abuse at the hands of other detained juveniles. Claimant's minor son suffered a fractured orbital bone that required reconstructive surgery, was hit in the back and knees repeatedly which now keeps him from praying as required by the Muslim faith, was forced to smoke cigarettes, was repeatedly hit in the penis, and had things put in and around his anus.

4. The items of damage or injuries that will be claimed:

Claimant sustained severe physical, mental and emotional injury and anguish; loss of liberty; loss and/or deprivation of civil rights; diminution of the quality of life; loss of enjoyment of life's pleasures and pursuits; loss of standing in the community; humiliation; fear; and loss of earning capacity. Punitive damages and attorney's fees are also claimed. The amount of damages for these claims is to be determined at trial.

Said claim and demand is hereby presented for adjustment and payment. You are hereby notified that unless the claim is adjusted and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action on these claims.

SPOILIATION NOTICE:

The public entity to which this claim is addressed may have records, physical evidence, documents, recordings, or other evidence relevant to a civil claim. This shall serve as notice that all such documents, items, and records

should be preserved, regardless of purge schedules, as evidence in a prospective legal action.


Mark J. Mahoney

INDIVIDUAL VERIFICATION

State of New York, County of New York ss.:

Mark J. Mahoney, being duly sworn, deposes and says that I am an attorney with Harrington & Mahoney, attorneys representing the Claimant in the within action; I have read the foregoing Notice of Claim and know the contents thereof; and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.


Mark J. Mahoney

Sworn to before me this
17th day of January, 2024


Notary Public

JAMES J. HARRINGTON
Notary Public, State of New York
County of New York
My Comm. Expires 12/31/2027

02HA67765T

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT		
COMM. 5M-1	NFTA	NFTA Capital Expenditure Reports, 2nd Quarter
Attachments		
24COMM. 5M-1		



Niagara Frontier Transportation Authority
Serving the Niagara Region

EC LEG FEB 15 '24 PM 1:51

181 Ellicott Street
Buffalo, New York 14203
716-855-7300
TDD: 855-7650
www.nfta.com

February 14, 2024

VIA EMAIL (Ross.Farrell@dot.ny.gov)

Ross R. Farrell, Director
State of New York Department of Transportation
Public Transportation Bureau
50 Wolf Road, POD 54
Albany, New York 12232

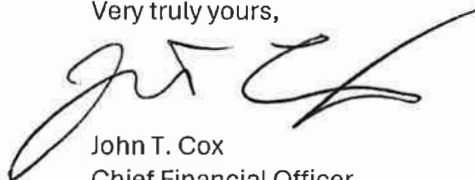
Re: Niagara Frontier Transportation Authority

Dear Mr. Farrell:

In accordance with item 19 and 21 of the funding agreement between the County of Erie and Niagara Frontier Transit Metro, Inc., signed February 4, 1991, enclosed are copies of the 17A Report and the Capital Expenditure Reports for the second quarter of fiscal year ending March 31, 2024.

If you have any questions or require further information, please feel free to contact me at 716-855-7250.

Very truly yours,



John T. Cox
Chief Financial Officer

JTC/ds
Enclosure

cc Kathy Hochul, Governor, New York State
Marie Therese Dominguez, Commissioner, NYS Department of Transportation
Kevin R. Hardwick, Erie County Comptroller
Liz Krueger, NYS Senator, Chair, Senate Finance Committee
Thomas O'Mara, NYS Senator, Ranking Minority Member, Senate Finance Committee
Olivia M. Owens, Clerk of the Erie County Legislature
Mark C. Poloncarz, Erie County Executive
Edward Ra, NYS Assemblyman, Ranking Minority Member, Assembly Ways & Means Committee
Blake G. Washington, Budget Director, NYS Division of the Budget
Helene Weinstein, NYS Assemblywoman, Chair, Assembly Ways & Means Committee
Rebecca Wydysh, Chairman, Niagara County Legislature

TRANSIT OPERATION DATA FORM (A-1)
SYSTEM TOTAL

EXPENSES, REVENUE AND SUBSIDY	2023 or SFY 23-24 ESTIMATE	2ND QUARTER or SEP 30, 2023 YTD BUDGET	2ND QUARTER or SEP 30, 2023 YTD ACTUAL	2ND QUARTER or SEP 30, 2022 YTD ACTUAL
OPERATOR SALARY & WAGES	33,354,608	15,475,428	15,336,371	14,990,992
VEHICLE MAINTENANCE SAL. & WAGES	14,128,096	6,247,926	5,561,290	5,840,107
OTHER SALARY & WAGES	<u>56,584,516</u>	<u>27,172,848</u>	<u>28,722,535</u>	<u>24,720,152</u>
TOTAL SALARY & WAGES	104,067,220	48,896,202	47,620,196	45,551,251
FRINGE BENEFITS	84,875,481	39,463,776	38,025,861	39,333,394
SERVICES	49,806,551	23,598,907	23,573,775	21,208,736
PURCHASED TRANSPORTATION	0	0	0	0
FUEL AND LUBRICANTS	7,166,332	3,406,252	2,234,195	3,265,507
PARTS AND REPAIRS	20,097,751	8,066,194	8,108,481	7,980,188
OTHER MATERIAL & SUPPLIES	8,619,670	3,849,008	3,762,553	3,309,731
UTILITIES	7,457,291	3,137,467	2,428,979	3,222,177
CASUALTY AND LIABILITY COSTS	6,704,583	3,340,763	3,309,687	3,127,496
TAXES	395,121	202,388	210,977	212,434
INTEREST EXPENSE	0	0	174,887	201,232
LEASE AND RENTALS	2,059,764	918,210	843,800	952,242
EXPENSE TRANSFERS	(36,031,749)	(17,482,713)	(17,770,874)	(16,437,190)
DEPRECIATION: PRIVATE CAPITAL	12,624,714	6,312,357	6,072,307	6,373,360
MISCELLANEOUS EXPENSES	3,411,494	1,600,020	1,666,667	1,396,737
SPONSOR DISALLOWED EXPENSES	0	0	0	0
ALLOWANCE FOR PROFIT	0	0	0	0
ALLOCATED ADMINISTRATION COSTS	0	0	0	0
A TOTAL OPERATING COSTS	271,254,223	125,308,831	120,261,291	119,697,295
PASSENGER REVENUE (METRO ONLY)	14,687,443	7,552,708	9,241,175	8,197,621
SPECIAL REIMBURSEMENT (METRO ONLY)	0	0	0	0
CHARTER/CONTRACT REVENUE (METRO ONLY)	9,501,379	3,870,943	3,728,620	3,759,310
NON USER REVENUE (METRO ONLY)	<u>1,144,670</u>	<u>452,811</u>	<u>3,143,236</u>	<u>859,117</u>
B TOTAL OPERATING REVENUE (ALL OPERATIONS)	123,553,783	59,274,853	61,790,322	54,237,979
FEDERAL SECTION 5307	19,389,072	9,694,536	9,694,524	9,504,444
FEDERAL SECTION 5311	81,000	40,500	40,500	40,842
OTHER FEDERAL FUNDS	<u>86,978,583</u>	<u>5,572,127</u>	<u>5,471,719</u>	<u>23,238,589</u>
C TOTAL FEDERAL FUNDING	106,448,655	15,307,163	15,206,743	32,783,875
STOA REQUIRING LOCAL MATCH	4,100,000	2,050,000	2,049,996	2,049,996
STOA NOT REQUIRING MATCH	73,999,800	36,999,900	36,999,870	31,657,974
OTHER STATE FUNDS	<u>2,423,634</u>	<u>1,211,817</u>	<u>1,211,808</u>	<u>1,188,048</u>
D TOTAL STATE FUNDING	80,523,434	40,261,717	40,261,674	34,896,018
REQUIRED LOCAL MATCH TO STOA	4,100,000	2,050,000	2,049,996	2,049,996
LOCAL VOLUNTARY FUNDS	27,486,304	13,722,717	14,036,703	13,581,604
LOCAL MORTGAGE RECORDING TAX	<u>13,067,029</u>	<u>6,883,110</u>	<u>6,462,442</u>	<u>8,414,689</u>
E TOTAL LOCAL GOVERNMENT FUNDING	44,653,333	22,655,827	22,549,141	24,046,289
F TOTAL GOVERNMENT SUBSIDIES (C+D+E)	231,625,422	78,224,707	78,017,558	91,726,182
G LOCAL MATCH FROM OPERATOR				
H TOTAL REVENUE & SUBSIDIES (B+F+G)	355,179,205	137,499,560	139,807,880	145,964,161
AUDIT ADJUSTMENT	0	0	0	0
(SURPLUS) OR DEFICIT (A. LESS H.)	(83,924,982)	(12,190,729)	(19,546,589)	(26,266,866)

TRANSIT OPERATION DATA FORM (A-1)**METRO DIVISION TOTAL**

EXPENSES, REVENUE AND SUBSIDY	2023 or SFY 23-24 ESTIMATE	2ND QUARTER or SEP 30, 2023 YTD BUDGET	2ND QUARTER or SEP 30, 2023 YTD ACTUAL	2ND QUARTER or SEP 30, 2022 YTD ACTUAL
OPERATOR SALARY & WAGES	33,354,608	15,475,428	15,336,371	14,990,992
VEHICLE MAINT SALARY & WAGES	14,128,096	6,247,926	5,561,290	5,840,107
OTHER SALARY & WAGES	<u>11,742,249</u>	<u>5,446,199</u>	<u>5,643,078</u>	<u>4,977,631</u>
TOTAL SALARY & WAGES	59,224,953	27,169,553	26,540,739	25,808,730
FRINGE BENEFITS	60,100,421	27,425,158	26,598,882	28,498,189
SERVICES	24,401,916	11,725,287	11,677,049	10,782,693
PURCHASED TRANSPORTATION	0	0	0	0
FUEL & LUBRICANTS	6,333,332	3,057,442	2,009,734	2,979,532
PARTS & REPAIRS	6,248,037	3,162,554	3,268,660	3,039,120
OTHER MATERIALS & SUPPLIES	7,448,940	3,305,542	3,315,901	2,812,345
UTILITIES	2,837,145	1,365,790	998,327	1,243,554
CASUALTY & LIABILITY COSTS	5,175,524	2,578,877	2,529,808	2,486,055
TAXES	300	0	0	0
INTEREST EXPENSE	0	0	174,687	201,232
LEASE & RENTALS	594,300	295,983	254,487	281,841
EXPENSE TRANSFERS	(237,216)	(121,764)	(107,095)	(104,265)
DEPRECIATION: PRIVATE CAPITAL	6,100,387	3,050,194	3,217,511	2,900,663
MISCELLANEOUS EXPENSES	990,851	468,749	590,326	667,199
SPONSOR DISALLOWED EXPENSES	0	0	0	0
ALLOWANCE FOR PROFIT	0	0	0	0
ALLOCATED ADMINISTRATION COSTS	<u>10,347,715</u>	<u>5,129,647</u>	<u>5,138,470</u>	<u>4,355,274</u>
A. TOTAL OPERATING COSTS	189,566,605	88,613,012	86,207,486	85,952,162
PASSENGER REVENUE	14,687,443	7,552,708	9,241,175	8,197,621
SPECIAL REIMBURSEMENTS	0	0	0	0
CHARTER/CONTRACT REVENUE	9,501,379	3,870,943	3,728,620	3,759,310
NON USER REVENUE	<u>1,144,670</u>	<u>452,811</u>	<u>3,143,236</u>	<u>859,117</u>
B. TOTAL OPERATING REVENUE	25,333,492	11,876,462	16,113,031	12,816,048
FEDERAL SECTION 5307	19,389,072	9,694,536	9,694,524	9,504,444
FEDERAL SECTION 5311	81,000	40,500	40,500	40,842
OTHER FEDERAL FUNDS	<u>75,834,334</u>	<u>0</u>	<u>0</u>	<u>17,700,000</u>
C. TOTAL FEDERAL FUNDS	95,304,406	9,735,036	9,735,024	27,245,286
STOA REQUIRING LOCAL MATCH	4,100,000	2,050,000	2,049,996	2,049,996
STOA NOT REQUIRING MATCH	73,999,800	36,999,900	36,999,870	31,657,974
OTHER STATE FUNDS	<u>2,423,634</u>	<u>1,211,817</u>	<u>1,211,808</u>	<u>1,188,048</u>
D. TOTAL STATE FUNDS	80,523,434	40,261,717	40,261,674	34,896,018
REQUIRING LOCAL MATCH TO STOA	4,100,000	2,050,000	2,049,996	2,049,996
LOCAL VOLUNTARY FUNDS	27,486,304	13,722,717	14,036,703	13,581,604
LOCAL MORTGAGE TAX	<u>13,067,029</u>	<u>6,883,110</u>	<u>6,462,442</u>	<u>8,414,689</u>
E. TOTAL LOCAL FUNDS	44,653,333	22,655,827	22,549,141	24,046,289
F. TOTAL SUBSIDIES (C+D+E)	220,481,173	72,652,580	72,545,839	86,187,693
G. LOCAL MATCH FROM OPERATOR	0	0	0	0
H. TOTAL REVENUE & SUBSIDIES (B+F+G)	245,814,665	84,529,042	88,658,870	99,003,641
AUDIT ADJUSTMENT	0	0	0	0
(SURPLUS) OR DEFICIT (A. LESS H.)	(56,248,060)	4,083,970	(2,451,384)	(13,051,479)

TRANSIT OPERATION DATA FORM (A-1)
BUS AND RAIL COMBINED (excluding paratransit)

EXPENSES, REVENUE AND SUBSIDY	2023 or SFY 23-24 ESTIMATE	2ND QUARTER or SEP 30, 2023 YTD BUDGET	2ND QUARTER or SEP 30, 2023 YTD ACTUAL	2ND QUARTER or SEP 30, 2022 YTD ACTUAL
OPERATOR SALARY & WAGES	29,097,151	13,449,688	13,289,489	13,057,627
VEHICLE MAINT SALARY & WAGES	13,649,305	6,001,083	5,343,023	5,609,633
OTHER SALARY & WAGES	<u>11,546,229</u>	<u>5,351,922</u>	<u>5,637,050</u>	<u>4,958,054</u>
TOTAL SALARY & WAGES	54,292,685	24,802,694	24,269,562	23,625,314
FRINGE BENEFITS	55,448,688	25,162,283	24,467,234	26,248,610
SERVICES	22,820,091	10,939,726	10,876,698	10,018,953
PURCHASED TRANSPORTATION	0	0	0	0
FUEL & LUBRICANTS	5,516,631	2,634,391	1,691,197	2,585,462
PARTS & REPAIRS	5,778,037	2,897,624	3,032,929	2,847,792
OTHER MATERIALS & SUPPLIES	7,058,562	3,116,536	3,081,861	2,702,948
UTILITIES	2,724,945	1,310,732	971,017	1,203,094
CASUALTY & LIABILITY COSTS	4,908,779	2,446,038	2,280,273	2,349,404
TAXES	300	0	0	0
INTEREST EXPENSE	0	0	174,687	201,232
LEASE & RENTALS	594,300	295,983	254,487	281,841
EXPENSE TRANSFERS	(451,821)	(229,066)	(198,169)	(189,149)
DEPRECIATION: PRIVATE CAPITAL	5,907,526	2,953,763	3,131,325	2,802,914
MISCELLANEOUS EXPENSES	964,229	455,887	580,322	657,327
SPONSOR DISALLOWED EXPENSES	0	0	0	0
ALLOWANCE FOR PROFIT	0	0	0	0
ALLOCATED ADMINISTRATION COSTS	10,213,787	5,063,255	5,071,964	4,298,904
A. TOTAL OPERATING COSTS	175,776,739	81,849,846	79,685,387	79,634,646
PASSENGER REVENUE	14,190,138	7,319,969	8,900,346	7,891,462
SPECIAL REIMBURSEMENTS	0	0	0	0
CHARTER/CONTRACT REVENUE	9,501,379	3,870,943	3,728,620	3,759,310
NON USER REVENUE	1,144,670	452,811	3,142,566	857,177
B. TOTAL OPERATING REVENUE	24,836,187	11,643,723	15,771,532	12,507,949
FEDERAL SECTION 5307	19,059,458	9,529,729	9,529,722	9,342,870
FEDERAL SECTION 5311	81,000	40,500	40,500	40,842
OTHER FEDERAL FUNDS	74,317,647	0	0	17,346,000
C. TOTAL FEDERAL FUNDS	93,458,105	9,570,229	9,570,222	26,729,712
STOA REQUIRING LOCAL MATCH	4,018,000	2,009,000	2,008,998	2,008,998
STOA NOT REQUIRING MATCH	72,519,804	36,259,902	36,259,878	31,024,824
OTHER STATE FUNDS	2,382,432	1,191,216	1,191,210	1,167,852
D. TOTAL STATE FUNDS	78,920,236	39,460,118	39,460,086	34,201,674
REQUIRING LOCAL MATCH TO STOA	4,018,000	2,009,000	2,008,998	2,008,998
LOCAL VOLUNTARY FUNDS	26,936,578	13,448,267	13,755,971	13,309,975
LOCAL MORTGAGE TAX	12,805,688	6,745,448	6,333,195	8,246,396
E. TOTAL LOCAL FUNDS	43,760,266	22,202,715	22,098,164	23,565,369
F. TOTAL SUBSIDIES (C+D+E)	216,138,807	71,233,062	71,128,472	84,496,755
G. LOCAL MATCH FROM OPERATOR	0	0	0	0
H. TOTAL REVENUE & SUBSIDIES (B+F+G)	240,974,794	82,876,785	86,900,004	97,004,704
AUDIT ADJUSTMENT	0	0	0	0
(SURPLUS) OR DEFICIT (A. LESS H.)	(65,198,055)	(1,026,939)	(7,214,617)	(17,370,058)

TRANSIT OPERATION DATA FORM (A-1)

FIXED ROUTE TOTAL (COMBINED URBAN - BUS & RURAL - BUS)

EXPENSES, REVENUE AND SUBSIDY	2023 or SFY 23-24 ESTIMATE	2ND QUARTER or SEP 30, 2023 YTD BUDGET	2ND QUARTER or SEP 30, 2023 YTD ACTUAL	2ND QUARTER or SEP 30, 2022 YTD ACTUAL
OPERATOR SALARY & WAGES	27,362,279	12,616,640	12,532,081	12,334,225
VEHICLE MAINT SALARY & WAGES	12,029,002	5,260,325	4,777,009	4,720,472
OTHER SALARY & WAGES	<u>5,537,428</u>	<u>2,549,060</u>	<u>2,658,682</u>	<u>2,418,376</u>
TOTAL SALARY & WAGES	44,928,709	20,426,024	19,967,772	19,473,073
FRINGE BENEFITS	46,152,048	20,800,845	20,376,423	21,992,792
SERVICES	13,675,695	6,689,066	6,640,400	6,172,710
PURCHASED TRANSPORTATION	0	0	0	0
FUEL & LUBRICANTS	5,479,783	2,617,109	1,675,507	2,569,276
PARTS & REPAIRS	5,295,737	2,639,149	2,855,843	2,609,407
OTHER MATERIALS & SUPPLIES	5,717,462	2,495,077	2,411,270	2,236,028
UTILITIES	1,375,650	686,289	419,137	551,717
CASUALTY & LIABILITY COSTS	3,481,386	1,735,197	1,613,056	1,818,077
TAXES	300	0	0	0
INTEREST EXPENSE	0	0	173,434	201,232
LEASE & RENTALS	594,300	295,983	254,487	281,841
EXPENSE TRANSFERS	(1,636,865)	(818,426)	(666,048)	(632,443)
DEPRECIATION: PRIVATE CAPITAL	4,553,328	2,276,664	2,293,439	2,217,761
MISCELLANEOUS EXPENSES	888,229	410,956	554,649	618,810
SPONSOR DISALLOWED EXPENSES	0	0	0	0
ALLOWANCE FOR PROFIT	0	0	0	0
ALLOCATED ADMINISTRATION COSTS	7,551,671	3,743,571	3,750,009	3,178,440
A. TOTAL OPERATING COSTS	138,057,433	63,997,504	62,319,378	63,288,721
PASSENGER REVENUE	12,214,769	6,360,669	7,710,074	6,754,971
SPECIAL REIMBURSEMENTS	0	0	0	0
CHARTER/CONTRACT REVENUE	8,551,241	3,503,780	3,359,244	3,408,984
NON USER REVENUE	844,155	356,856	2,274,810	685,910
B. TOTAL OPERATING REVENUE	21,610,165	10,221,305	13,344,128	10,849,865
FEDERAL SECTION 5307	16,151,097	8,075,549	8,075,544	7,917,204
FEDERAL SECTION 5311	81,000	40,500	40,500	40,842
OTHER FEDERAL FUNDS	62,942,497	0	0	14,691,000
C. TOTAL FEDERAL FUNDS	79,174,594	8,116,049	8,116,044	22,649,046
STOA REQUIRING LOCAL MATCH	3,403,000	1,701,500	1,701,498	1,701,498
STOA NOT REQUIRING MATCH	61,419,834	30,709,917	30,709,902	26,276,130
OTHER STATE FUNDS	2,018,887	1,009,444	1,009,440	989,646
D. TOTAL STATE FUNDS	66,841,721	33,420,861	33,420,840	28,967,274
REQUIRING LOCAL MATCH TO STOA	3,469,420	1,734,710	1,734,708	1,734,708
LOCAL VOLUNTARY FUNDS	22,813,632	11,389,858	11,650,465	11,272,733
LOCAL MORTGAGE TAX	11,129,513	5,854,638	5,564,641	7,155,449
E. TOTAL LOCAL FUNDS	37,412,565	18,979,206	18,949,814	20,162,890
F. TOTAL SUBSIDIES (C+D+E)	183,428,880	60,516,115	60,486,698	71,779,210
G. LOCAL MATCH FROM OPERATOR	0	0	0	0
H. TOTAL REVENUE & SUBSIDIES (B+F+G)	205,039,045	70,737,420	73,830,826	82,629,075
AUDIT ADJUSTMENT	0	0	0	0
(SURPLUS) OR DEFICIT (A. LESS H.)	(66,981,612)	(6,739,916)	(11,511,448)	(19,340,354)

TRANSIT OPERATION DATA FORM (A-1)**URBAN - BUS**

EXPENSES, REVENUE AND SUBSIDY	2023 or SFY 23-24 ESTIMATE	2ND QUARTER or SEP 30, 2023 YTD BUDGET	2ND QUARTER or SEP 30, 2023 YTD ACTUAL	2ND QUARTER or SEP 30, 2022 YTD ACTUAL
OPERATOR SALARY & WAGES	27,224,647	12,553,178	12,469,045	12,273,232
VEHICLE MAINT SALARY & WAGES	11,968,496	5,233,865	4,752,981	4,697,129
OTHER SALARY & WAGES	<u>5,509,575</u>	<u>2,536,238</u>	<u>2,645,309</u>	<u>2,406,417</u>
TOTAL SALARY AND WAGES	44,702,718	20,323,281	19,867,335	19,376,778
FRINGE BENEFITS	45,923,826	20,696,217	20,273,930	21,884,038
SERVICES	13,606,906	6,655,420	6,606,999	6,142,186
PURCHASED TRANSPORTATION	0	0	0	0
FUEL & LUBRICANTS	5,452,220	2,603,945	1,667,079	2,556,571
PARTS & REPAIRS	5,269,099	2,625,874	2,841,478	2,596,503
OTHER MATERIALS & SUPPLIES	5,688,703	2,482,527	2,399,141	2,224,971
UTILITIES	1,368,730	682,837	417,029	548,989
CASUALTY & LIABILITY COSTS	3,463,875	1,726,469	1,604,942	1,809,087
TAXES	298	0	0	0
INTEREST EXPENSE	0	0	172,562	200,237
LEASE & RENTALS	591,311	294,494	253,207	280,447
EXPENSE TRANSFERS	(1,628,632)	(814,309)	(662,698)	(629,316)
DEPRECIATION: PRIVATE CAPITAL	4,530,425	2,265,213	2,281,903	2,206,794
MISCELLANEOUS EXPENSES	883,761	408,888	551,859	615,750
SPONSOR DISALLOWED EXPENSES	0	0	0	0
ALLOWANCE FOR PROFIT	0	0	0	0
ALLOCATED ADMINISTRATION COSTS	<u>7,513,686</u>	<u>3,724,741</u>	<u>3,731,147</u>	<u>3,162,722</u>
A. TOTAL OPERATING COSTS	137,366,927	63,675,596	62,005,913	62,975,757
PASSENGER REVENUE	12,203,800	6,354,957	7,703,150	6,754,066
SPECIAL REIMBURSEMENTS	0	0	0	0
CHARTER/CONTRACT REVENUE	8,551,241	3,503,780	3,359,244	3,408,984
NON USER REVENUE	<u>843,397</u>	<u>356,536</u>	<u>2,272,767</u>	<u>685,818</u>
B. TOTAL OPERATING REVENUE	21,598,438	10,215,273	13,335,161	10,848,868
FEDERAL SECTION 5307	16,151,097	8,075,549	8,075,544	7,917,204
FEDERAL SECTION 5311	0	0	0	0
OTHER FEDERAL FUNDS	<u>62,942,497</u>	<u>0</u>	<u>0</u>	<u>14,691,000</u>
C. TOTAL FEDERAL FUNDS	79,093,594	8,075,549	8,075,544	22,608,204
STOA REQUIRING LOCAL MATCH	3,403,000	1,701,500	1,701,498	1,701,498
STOA NOT REQUIRING MATCH	61,364,679	30,682,340	30,682,325	26,272,609
OTHER STATE FUNDS	<u>2,018,887</u>	<u>1,009,444</u>	<u>1,009,440</u>	<u>989,646</u>
D. TOTAL STATE FUNDS	66,786,566	33,393,283	33,393,263	28,963,753
REQUIRING LOCAL MATCH TO STOA	3,469,420	1,734,710	1,734,708	1,734,708
LOCAL VOLUNTARY FUNDS	22,813,632	11,389,858	11,650,465	11,272,733
LOCAL MORTGAGE TAX	<u>11,129,513</u>	<u>5,854,638</u>	<u>5,564,641</u>	<u>7,155,449</u>
E. TOTAL LOCAL FUNDS	37,412,565	18,979,206	18,949,814	20,162,890
F. TOTAL SUBSIDIES (C+D+E)	183,292,725	60,448,038	60,418,621	71,734,847
G. LOCAL MATCH FROM OPERATOR	0	0	0	0
H. TOTAL REVENUE & SUBSIDIES (B+F+G)	204,891,163	70,663,310	73,753,782	82,583,715
AUDIT ADJUSTMENT	0	0	0	0
(SURPLUS) OR DEFICIT (A. LESS H.)	(67,524,236)	(6,987,714)	(11,747,869)	(19,607,958)

TRANSIT OPERATION DATA FORM (A-1)

RURAL - BUS

EXPENSES, REVENUE AND SUBSIDY	2023 or SFY 23-24 ESTIMATE	2ND QUARTER or SEP 30, 2023 YTD BUDGET	2ND QUARTER or SEP 30, 2023 YTD ACTUAL	2ND QUARTER or SEP 30, 2022 YTD ACTUAL
OPERATOR SALARY & WAGES	137,632	63,462	63,036	60,993
VEHICLE MAINT SALARY & WAGES	60,506	28,459	24,028	23,343
OTHER SALARY & WAGES	<u>27,853</u>	<u>12,822</u>	<u>13,373</u>	<u>11,959</u>
TOTAL SALARY & WAGES	225,991	102,743	100,437	96,295
FRINGE BENEFITS	228,222	104,628	102,493	108,754
SERVICES	68,789	33,646	33,401	30,524
PURCHASED TRANSPORTATION	0	0	0	0
FUEL & LUBRICANTS	27,563	13,164	8,428	12,705
PARTS & REPAIRS	26,638	13,275	14,385	12,904
OTHER MATERIALS & SUPPLIES	28,759	12,550	12,129	11,057
UTILITIES	6,920	3,452	2,108	2,728
CASUALTY & LIABILITY COSTS	17,511	8,728	8,114	8,990
TAXES	2	0	0	0
INTEREST EXPENSE	0	0	872	995
LEASE & RENTALS	2,989	1,489	1,280	1,394
EXPENSE TRANSFERS	(8,233)	(4,117)	(3,350)	(3,127)
DEPRECIATION: PRIVATE CAPITAL	22,903	11,452	11,536	10,987
MISCELLANEOUS EXPENSES	4,468	2,067	2,790	3,060
SPONSOR DISALLOWED EXPENSES	0	0	0	0
ALLOWANCE FOR PROFIT	0	0	0	0
ALLOCATED ADMINISTRATION COSTS	37,985	18,830	18,863	15,717
A. TOTAL OPERATING COSTS	690,506	321,907	313,466	312,963
PASSENGER REVENUE	10,969	5,712	6,924	905
SPECIAL REIMBURSEMENTS	0	0	0	0
CHARTER/CONTRACT REVENUE	0	0	0	0
NON USER REVENUE	758	320	2,043	92
B. TOTAL OPERATING REVENUE	11,727	6,032	8,967	997
FEDERAL SECTION 5307	0	0	0	0
FEDERAL SECTION 5311	81,000	40,500	40,500	40,842
OTHER FEDERAL FUNDS	0	0	0	0
C. TOTAL FEDERAL FUNDS	81,000	40,500	40,500	40,842
STOA REQUIRING LOCAL MATCH	0	0	0	0
STOA NOT REQUIRING MATCH	55,155	27,578	27,577	3,521
OTHER STATE FUNDS	0	0	0	0
D. TOTAL STATE FUNDS	55,155	27,578	27,577	3,521
REQUIRING LOCAL MATCH TO STOA	0	0	0	0
LOCAL VOLUNTARY FUNDS	0	0	0	0
LOCAL MORTGAGE TAX	0	0	0	0
E. TOTAL LOCAL FUNDS	0	0	0	0
F. TOTAL SUBSIDIES (C+D+E)	136,155	68,078	68,077	44,363
G. LOCAL MATCH FROM OPERATOR	0	0	0	0
H. TOTAL REVENUE & SUBSIDIES (B+F+G)	147,882	74,110	77,044	45,360
AUDIT ADJUSTMENT	0	0	0	0
(SURPLUS) OR DEFICIT (A. LESS H.)	542,624	247,797	236,422	267,603

TRANSIT OPERATION DATA FORM (A-1)**LIGHT RAIL**

EXPENSES, REVENUE AND SUBSIDY	2023 or SFY 23-24 ESTIMATE	2ND QUARTER or SEP 30, 2023 YTD BUDGET	2ND QUARTER or SEP 30, 2023 YTD ACTUAL	2ND QUARTER or SEP 30, 2022 YTD ACTUAL
OPERATOR SALARY & WAGES	1,734,872	833,049	757,408	723,402
VEHICLE MAINT SALARY & WAGES	1,620,303	740,758	566,014	889,161
OTHER SALARY & WAGES	<u>6,008,801</u>	<u>2,802,863</u>	<u>2,978,368</u>	<u>2,539,678</u>
TOTAL SALARY & WAGES	9,363,975	4,376,670	4,301,790	4,152,241
FRINGE BENEFITS	9,296,640	4,361,438	4,090,811	4,255,818
SERVICES	9,144,396	4,250,660	4,236,298	3,846,243
PURCHASED TRANSPORTATION	0	0	0	0
FUEL & LUBRICANTS	36,848	17,282	15,690	16,186
PARTS & REPAIRS	482,300	258,475	177,086	238,385
OTHER MATERIALS & SUPPLIES	1,341,100	621,459	670,591	466,920
UTILITIES	1,349,295	624,443	551,880	651,377
CASUALTY & LIABILITY COSTS	1,427,393	710,841	667,217	531,327
TAXES	0	0	0	0
INTEREST EXPENSE	0	0	1,253	0
LEASE & RENTALS	0	0	0	0
EXPENSE TRANSFERS	1,185,044	589,360	467,879	443,294
DEPRECIATION: PRIVATE CAPITAL	1,354,198	677,099	837,886	585,153
MISCELLANEOUS EXPENSES	76,000	44,931	25,673	38,517
SPONSOR DISALLOWED EXPENSES	0	0	0	0
ALLOWANCE FOR PROFIT	0	0	0	0
ALLOCATED ADMINISTRATION COSTS	2,662,117	1,319,684	1,321,954	1,120,464
A. TOTAL OPERATING COSTS	37,719,306	17,852,342	17,366,008	16,345,925
PASSENGER REVENUE	1,975,369	959,300	1,190,272	1,136,491
SPECIAL REIMBURSEMENTS	0	0	0	0
CHARTER/CONTRACT REVENUE	950,138	367,163	369,376	350,326
NON USER REVENUE	300,515	95,955	867,756	171,267
B. TOTAL OPERATING REVENUE	3,226,022	1,422,418	2,427,404	1,658,084
FEDERAL SECTION 5307	2,908,361	1,454,181	1,454,178	1,425,666
FEDERAL SECTION 5311	0	0	0	0
OTHER FEDERAL FUNDS	11,375,150	0	0	2,655,000
C. TOTAL FEDERAL FUNDS	14,283,511	1,454,181	1,454,178	4,080,666
STOA REQUIRING LOCAL MATCH	615,000	307,500	307,500	307,500
STOA NOT REQUIRING MATCH	11,099,970	5,549,985	5,549,976	4,748,694
OTHER STATE FUNDS	363,545	181,773	181,770	178,206
D. TOTAL STATE FUNDS	12,078,515	6,039,258	6,039,246	5,234,400
REQUIRING LOCAL MATCH TO STOA	548,580	274,290	274,290	274,290
LOCAL VOLUNTARY FUNDS	4,122,946	2,058,409	2,105,506	2,037,242
LOCAL MORTGAGE TAX	1,676,175	890,810	768,554	1,090,947
E. TOTAL LOCAL FUNDS	6,347,701	3,223,509	3,148,350	3,402,479
F. TOTAL SUBSIDIES (C+D+E)	32,709,727	10,716,947	10,641,774	12,717,545
G. LOCAL MATCH FROM OPERATOR	0	0	0	0
H. TOTAL REVENUE & SUBSIDIES (B+F+G)	35,935,749	12,139,365	13,069,178	14,375,629
AUDIT ADJUSTMENT	0	0	0	0
(SURPLUS) OR DEFICIT (A. LESS H.)	1,783,557	5,712,977	4,296,830	1,970,296

TRANSIT OPERATION DATA FORM (A-1)
PARATRANSIT

EXPENSES, REVENUE AND SUBSIDY	2023 or SFY 23-24 ESTIMATE	2ND QUARTER or SEP 30, 2023 YTD BUDGET	2ND QUARTER or SEP 30, 2023 YTD ACTUAL	2ND QUARTER or SEP 30, 2022 YTD ACTUAL
OPERATOR SALARY & WAGES	4,257,458	2,025,740	2,046,882	1,933,365
VEHICLE MAINT SALARY & WAGES	478,791	246,843	218,267	230,474
OTHER SALARY & WAGES	<u>196,020</u>	<u>94,276</u>	<u>6,028</u>	<u>19,577</u>
TOTAL SALARY & WAGES	4,932,268	2,366,859	2,271,177	2,183,416
FRINGE BENEFITS	4,651,733	2,262,875	2,131,648	2,249,579
SERVICES	1,581,825	785,561	800,351	763,740
PURCHASED TRANSPORTATION	0	0	0	0
FUEL & LUBRICANTS	816,701	423,051	318,537	394,070
PARTS & REPAIRS	470,000	264,930	235,731	191,328
OTHER MATERIALS & SUPPLIES	390,378	189,006	234,040	109,397
UTILITIES	112,200	55,058	27,310	40,460
CASUALTY & LIABILITY COSTS	266,745	132,839	249,535	136,651
TAXES	0	0	0	0
INTEREST EXPENSE	0	0	0	0
LEASE & RENTALS	0	0	0	0
EXPENSE TRANSFERS	214,605	107,302	91,074	84,884
DEPRECIATION: PRIVATE CAPITAL	192,861	96,431	86,186	97,749
MISCELLANEOUS EXPENSES	26,622	12,862	10,004	9,872
SPONSOR DISALLOWED EXPENSES	0	0	0	0
ALLOWANCE FOR PROFIT	0	0	0	0
ALLOCATED ADMINISTRATION COSTS	133,928	66,392	66,506	56,369
A. TOTAL OPERATING COSTS	13,789,866	6,763,165	6,522,099	6,317,515
PASSENGER REVENUE	497,305	232,739	340,829	306,159
SPECIAL REIMBURSEMENTS	0	0	0	0
CHARTER/CONTRACT REVENUE	0	0	0	0
NON USER REVENUE	0	0	670	1,940
B. TOTAL OPERATING REVENUE	497,305	232,739	341,499	308,099
FEDERAL SECTION 5307	329,614	164,807	164,802	161,574
FEDERAL SECTION 5311	0	0	0	0
OTHER FEDERAL FUNDS	1,516,687	0	0	354,000
C. TOTAL FEDERAL FUNDS	1,846,301	164,807	164,802	515,574
STOA REQUIRING LOCAL MATCH	82,000	41,000	40,998	40,998
STOA NOT REQUIRING MATCH	1,479,996	739,998	739,992	633,150
OTHER STATE FUNDS	41,202	20,601	20,598	20,196
D. TOTAL STATE FUNDS	1,603,198	801,599	801,588	694,344
REQUIRING LOCAL MATCH TO STOA	82,000	41,000	40,998	40,998
LOCAL VOLUNTARY FUNDS	549,726	274,450	280,732	271,629
LOCAL MORTGAGE TAX	261,341	137,662	129,247	168,293
E. TOTAL LOCAL FUNDS	893,067	453,112	450,977	480,920
F. TOTAL SUBSIDIES (C+D+E)	4,342,566	1,419,518	1,417,367	1,690,838
G. LOCAL MATCH FROM OPERATOR	0	0	0	0
H. TOTAL REVENUE & SUBSIDIES (B+F+G)	4,839,871	1,652,257	1,758,866	1,998,937
AUDIT ADJUSTMENT	0	0	0	0
(SURPLUS) OR DEFICIT (A. LESS H.)	8,949,995	5,110,908	4,763,233	4,318,578

TRANSIT OPERATION DATA FORM (A-1)
NON-METRO

EXPENSES, REVENUE AND SUBSIDY	2023 or SFY 23-24 ESTIMATE	2ND QUARTER or SEP 30, 2023 YTD BUDGET	2ND QUARTER or SEP 30, 2023 YTD ACTUAL	2ND QUARTER or SEP 30, 2022 YTD ACTUAL
OPERATOR SALARY & WAGES				
VEHICLE MAINTENANCE SAL. & WAGES				
OTHER SALARY & WAGES	44,842,267	21,726,649	21,079,457	19,742,521
TOTAL SALARY & WAGES	44,842,267	21,726,649	21,079,457	19,742,521
FRINGE BENEFITS	24,775,060	12,038,618	11,426,979	10,835,205
SERVICES	25,404,635	11,873,620	11,896,726	10,426,043
PURCHASED TRANSPORTATION	0	0	0	0
FUEL AND LUBRICANTS	833,000	348,810	224,461	285,975
PARTS AND REPAIRS	13,849,714	4,903,640	4,839,821	4,941,068
OTHER MATERIAL & SUPPLIES	1,170,730	543,466	446,652	497,386
UTILITIES	4,620,146	1,771,677	1,430,652	1,978,623
CASUALTY AND LIABILITY COSTS	1,529,059	761,886	779,879	641,441
TAXES	394,821	202,388	210,977	212,434
INTEREST EXPENSE	0	0	0	0
LEASE AND RENTALS	1,465,464	622,227	589,313	670,401
EXPENSE TRANSFERS	(35,794,533)	(17,360,949)	(17,663,779)	(16,332,925)
DEPRECIATION: PRIVATE CAPITAL	6,524,327	3,262,164	2,854,796	3,472,697
MISCELLANEOUS EXPENSES	2,420,643	1,131,271	1,076,341	729,538
SPONSOR DISALLOWED EXPENSES	0	0	0	0
ALLOWANCE FOR PROFIT	0	0	0	0
ALLOCATED ADMINISTRATION COSTS	(10,347,715)	(5,129,647)	(5,138,470)	(4,355,274)
A TOTAL OPERATING COSTS	81,687,618	36,695,819	34,053,805	33,745,133
PASSENGER REVENUE	0	0	0	0
SPECIAL REIMBURSEMENT	0	0	0	0
CHARTER/CONTRACT REVENUE	0	0	0	0
NON USER REVENUE	0	0	0	0
B TOTAL OPERATING REVENUE	98,220,291	47,398,391	45,677,291	41,421,931
FEDERAL SECTION 5307	0	0	0	0
FEDERAL SECTION 5311	0	0	0	0
OTHER FEDERAL FUNDS	11,144,249	5,572,127	5,471,719	5,538,589
C TOTAL FEDERAL FUNDING	11,144,249	5,572,127	5,471,719	5,538,589
STOA REQUIRING LOCAL MATCH	0	0	0	0
STOA NOT REQUIRING MATCH	0	0	0	0
OTHER STATE FUNDS	0	0	0	0
D TOTAL STATE FUNDING	0	0	0	0
REQUIRED LOCAL MATCH TO STOA	0	0	0	0
LOCAL VOLUNTARY FUNDS	0	0	0	0
LOCAL MORTGAGE RECORDING TAX	0	0	0	0
E TOTAL LOCAL GOVERNMENT FUNDING	0	0	0	0
F TOTAL GOVERNMENT SUBSIDIES (C+D+E)	11,144,249	5,572,127	5,471,719	5,538,589
G LOCAL MATCH FROM OPERATOR				
H TOTAL REVENUE & SUBSIDIES (B+F+G)	109,364,540	52,970,518	51,149,010	46,960,520
AUDIT ADJUSTMENT	0	0	0	0
(SURPLUS) OR DEFICIT (A. LESS H.)	(27,676,922)	(16,274,699)	(17,095,205)	(13,215,387)

CAPITAL EXPENDITURES
JULY 1, 2023 THROUGH JULY 31, 2023

ACCT #	PROJECT NAME	PROJECT BUDGET	JUN 2023 EXPENSES	JUN 2023 ELIG EXP	JUN 2023 INELG EXP	TO DATE EXPENSES	FYE24 EXPENSES
METRO BUS							
2-1237	TOD PLANNING ROUND 2	972,429	46,044	46,044	0	749,770	62,345
2-3406	FARE COLLECTION SYSTEM UPGRADE	14,694,538	78,361	76,903	1,458	13,234,123	97,361
2-3409	NIAGARA ST CORRIDOR PROJECT	2,961,095	5,789	5,210	579	2,581,851	5,789
2-3492	BUS FACILITY REHAB	1,965,180	386	386	0	1,308,728	180,746
2-3493	METRO TRANSIT EXPANSION	331,347,876	253,567	253,567	0	6,734,566	809,011
2-3521	NON-REVENUE VEHICLES (TOW TRUCK)	2,700,000	0	0	0	571,921	172,869
2-3526	10 ELECTRIC BUSES (1ST ORDER)	10,209,511	7,698	0	7,698	10,100,688	15,396
2-3528	FREEDOM WALL WALK CLOSED	842,000	0	0	0	859,131	733
2-3529	ACQUIRE MISC SUPPORT EQUIP	2,490,874	59,352	0	59,352	266,715	107,640
2-3533	SHORT RANGE PLANNING PROJECTS	1,335,000	4,383	0	4,383	174,510	36,309
2-3534	BUS GARAGE ROOF ASSESSMENT	24,007,079	373	0	373	89,909	9,827
2-3540	FACILITY IMPROVEMENTS	850,000	9,499	9,499	0	85,450	9,499
2-3547	UNIV STN BUS LOOP REHAB	1,805,000	33,289	0	33,289	139,519	56,887
2-3548	ASPHALT PVMNT REHAB FACIL & LOOPS	1,751,435	6,614	0	6,614	42,189	15,824
2-3549	NON-REVENUE VEHICLES	2,950,000	0	0	0	267,291	209,332
2-3554	800 MHZ RADIO SYS REPL STUDY	22,843	18,848	0	18,848	18,848	18,848
2-3555	BUS WASH REPL @ 3 GARAGES	1,925,000	3,000	0	3,000	5,999	5,999
2-3557	PAL COMPREHENSIVE ANALYSIS	750,000	43,259	43,259	0	43,259	43,259
2-8723	FIRE ALARM UPGRADE ALL GARAGES	2,652,131	1,387	0	1,387	43,867	4,921
2-8733	BOILER REPL AT COLD SPR GARAGE	374,379	37,114	37,114	0	374,379	121,957
2-8763	BABCOCK/COLD SPR SECURITY GATE RE-WIRE	150,000	0	0	0	8,139	8,139
2-8764	DIVISION ST LINEAR TRANSIT HUB	7,836,260	2,390	1,912	478	108,410	93,226
2-8765	BUS GARAGE SPRINKLER VALVE REPL	2,809,300	151	0	151	123,682	14,176
2-8768	SMALL BUSES (9 PARATRANSIT) CLOSED	10,372,499	0	0	0	1,513,673	1,513,673
2-8773	BUS RADIOS	1,000,000	0	0	0	80,498	80,498
TOTAL METRO BUS		428,774,430	611,504	473,894	137,610	39,527,125	3,694,264
METRO RAIL							
2-3485	DL&W TERMINAL (DESIGN/CONSTR)	60,079,117	298,033	289,160	8,873	40,036,972	1,289,320
2-3552	DL&W SHORELINE RESTORATION	8,000,000	1,268,864	1,268,864	0	2,167,801	1,348,919
2-8716	LRV AIR SYSTEMS VALVES	105,000	0	0	0	14,303	6,378
2-8722	TRAIN CONTROL VITAL RELAY REHAB	480,510	7,500	7,500	0	61,925	13,635

**CAPITAL EXPENDITURES
JULY 1, 2023 THROUGH JULY 31, 2023**

ACCT #	PROJECT NAME	PROJECT BUDGET	JUN 2023 EXPENSES	JUN 2023 ELIG EXP	JUN 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
2-8727	EC HARBOR STATION REFURBISHMENT	3,682,792	372,639	372,639	0	1,886,234	565,990
2-8735	UNDER PLATFORM CONDUIT REPLACEMENT	1,024,811	1,214	1,214	0	89,896	4,418
2-8740	RAIL REPLACEMENT 400 BLOCK MAIN ST	29,528,594	525,894	525,894	0	1,745,096	746,160
2-8746	DL&W PEDESTRIAN BRIDGE STUDY	120,000	10,180	0	10,180	100,245	14,765
2-8747	CHURCH STREET STN REFURB (DESIGN)	4,402,253	39,460	39,460	0	85,290	41,106
2-8748	Y&S EAST END RAIL EXTENSION STUDY	110,000	0	0	0	97,120	289
2-8750	FREQUENCY SHIFT OVERLAYS	150,000	25,079	0	25,079	25,079	25,079
2-8753	SUPPORT VEHICLES REPL	1,410,000	0	0	0	108,646	45,867
2-8761	RAILCAR PRESENT/ IFT/ IIPGRADF	59,635	0	0	0	130,228	95,593
2-8766	STANDPIPE REPL & SYS REHAB	2,204,115	1,404	1,404	0	56,386	7,249
2-8767	FASTENER & PAD REPL PHASE 11 (DESIGN)	300,000	5,077	5,077	0	37,754	14,862
2-8769	DL&W 2ND FLOOR CORE & SHELL	30,014,335	5,406	5,406	0	67,841	37,434
2-9110	TRAFFIC ON MAIN STR-100/200 BLOCK	443,230	188	188	0	354,778	1,543
2-9131	LANDSCAPING EQUIP	355,985	0	0	0	139,188	102,466
2-9189	TRACK SWITCH PARTS & HARDWARE	188,760	0	0	0	39,259	22,498
2-9191	CAMERAS FOR STATIONS	20,000	0	0	0	6,484	6,484
2-9192	FASTENER & PAD REPLACEMENT PHASE 10	3,904,296	0	0	0	3,965,517	304
2-9352	FARE COLLECTION SYSTEM UPGRADE	11,589,594	78,049	76,903	1,146	9,255,550	227,771
2-9391	ELECTRIC PARTS & BREAKERS	180,000	43,882	0	43,882	61,702	43,882
2-9394	RAIL SHOP FAÇADE REPAIR	1,003,803	40,362	6,562	33,800	158,676	48,555
2-9773	LRV MID-LIFE REBUILD	49,595,333	13,685	13,685	0	49,677,341	59,425
TOTAL METRO RAIL		208,952,163	2,736,916	2,613,956	122,960	110,369,311	4,769,992
BNIA							
2-1269	TAP - SIDE BY SIDE FOUR WHEEL VEHICLE	20,000	35,782	0	35,782	35,782	35,782
2-2309	PFC PROGRAM PLANNING AND ADMIN	1,228,489	1,702	1,702	0	1,051,555	5,628
2-2691	AIRCRAFT DEICING CONTAINMENT FACIL EXPANSION	9,531,172	0	0	0	8,794,285	343
2-2728	BAGGAGE CLAIM EXPANSION	66,197,457	0	0	0	64,949,172	286
2-2785	BUELL AVE PARKING LOT	3,606,831	129,120	48,813	80,307	2,686,753	253,499
2-2808	175 AERO BACKUP POWER	410,000	162	0	162	407,995	245,635
2-2812	REPLACE AIRFIELD PICKUP TRUCKS - FYE24	423,421	0	0	0	70,457	37,962
2-2814	AIRPORT ECONOMIC DEVELOPMENT	61,891,879	2,438	0	2,438	1,312,422	109,441
2-2820	RW 5-23 REHAB/RECONSTRUCT PHASE I	36,238,243	4,197,921	4,197,921	0	11,942,276	8,498,990

CAPITAL EXPENDITURES
JULY 1, 2023 THROUGH JULY 31, 2023

ACCT #	PROJECT NAME	PROJECT BUDGET	JUN 2023 EXPENSES	JUN 2023 ELIG EXP	JUN 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
2-2821	PASSENGER BOARDING BRIDGE REPL	18,000,000	6,247	6,247	0	625,096	128,804
2-2822	EV CHARGING INFRASTRUCTURE STUDY	200,000	373	0	373	82,669	25,863
2-2828	PC AIR REPLACEMENT GATES 20, 22	450,000	852	852	0	7,980	852
2-2836	FUEL FARM PUMP	16,697	0	0	0	16,864	16,864
2-2837	INSTALL PERIMETER FENCING (DESIGN)	98,913	1,621	1,621	0	23,449	23,449
2-2838	ARFF - GYM EQUIPMENT	36,000	0	0	0	9,315	9,315
2-2839	ARFF - SAFETY EQUIPMENT	90,000	0	0	0	19,787	19,787
2-2840	ARFF - JAWS OF LIFE	48,418	0	0	0	48,418	48,418
2-2841	PASSNGR TML STANDBY POWER EXPANSION	1,850,733	(709)	(496)	(213)	0	0
2-2842	GA APRON & TAW P & Q REHAB (DESIGN)	1,063,907	2,556	2,556	0	6,220	6,220
TOTAL BNIA		201,402,140	4,378,065	4,259,216	118,849	92,090,495	9,467,138
NFIA							
2-1504	PFC PROGRAM PLANNING & ADMIN. FY 16	96,000	815	815	0	106,810	4,658
2-1508	R/W 10L OBSTRUCT RMVL FINAL DESIGN	1,320,022	0	0	0	1,308,578	9,338
2-1512	PARALLEL TAW PROG ENVIR ASSESSMENT	101,308	389	389	0	81,581	389
2-1519	AIRFIELD ILLUMINATED SIGNAGE UPGRADE	173,873	2,169	2,169	0	69,009	65,110
TOTAL NFIA		1,691,203	3,373	3,373	0	1,565,978	79,495
MTG							
2-0735	REPLACE TOWER WINDOWS	122,001	0	0	0	60,342	9,695
2-0743	AHU #7 REPLACEMENT	335,432	0	0	0	355,279	8,499
2-0762	POLICE OFFICE	137,000	2,135	0	2,135	74,465	5,225
2-0763	CHILLER REPLACEMENT	1,962,223	188	0	188	109,606	13,026
2-0764	OCC - RESTROOM/KITCHEN REHAB	42,578	20,625	0	20,625	43,203	20,223
2-1268	CONFERENCE ROOM RESTROOMS	107,000	16,291	0	16,291	41,224	30,198
TOTAL MTC		2,706,234	39,239	0	39,239	684,119	85,866
METRO FACILITIES							
2-8729	ESCALATOR REPLACEMENT YEAR 5	3,696,987	1,308	1,308	0	3,662,164	7,188
2-8732	PANEL LINER REHAB PHASE III	1,390,000	0	0	0	901,141	8,872
2-8734	EXTERIOR REHAB PHASE II	1,440,000	96,868	96,868	0	838,877	486,854
2-9113	ESCALATOR MAINT - FYE17 THRU OUT YEARS	935,250	70,000	70,000	0	640,649	70,000
2-9132	ELEVATOR CONTROLLER REPLACEMENT	2,260,289	7,697	7,697	0	1,989,393	8,409
TOTAL METRO FACILITIES		9,722,526	175,873	175,873	0	8,032,224	581,323
PROPERTY MGMT							
2-8101	485 CAYUGA TENANT UPGR 24	11,265	0	0	0	11,265	11,265

CAPITAL EXPENDITURES
JULY 1, 2023 THROUGH JULY 31, 2023

ACCT #	PROJECT NAME	PROJECT BUDGET	JUN 2023 EXPENSES	JUN 2023 ELIG EXP	JUN 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
CENTRAL ADMIN							
HSEQ							
2-1266	AUTHORITY WIDE NYS BUILD SMART	102,000	0	0	0	55,060	25,489
TAP							
2-1232	METRO DIVISION RADIOS REPLACEMENT	210,000	0	0	0	48,101	28,401
2-1256	REPLACE K9 VEHICLES (2)	799,876	0	0	0	306,174	12,798
2-1262	REPLACE RADIOS - AVIATION DIVISION	210,000	0	0	0	29,999	10,338
2-8080	WEAPONS/ERT EQUIPMENT	85,000	0	0	0	8,070	8,070
3-1605	TAP - K9 PROJ SURFACE TRANSP METRO DIV	2,148,300	46,260	44,949	1,311	4,384,164	178,062
3-1606	TAP - K9 PROJECT AVIATION DIVISION	1,010,000	57,278	56,387	891	5,456,556	240,925
TOTAL TAP		4,463,176	103,538	101,336	2,202	10,233,064	478,594
MIS							
2-0767	DATA FACILITY UPGR/MAINT	1,200,000	7,536	0	7,536	306,916	7,536
2-0771	SECURITY SUBSCRIPTION ENHANCEMENTS	127,017	0	0	0	219,421	11,956
2-0774	MTC BMS REPL & STANDARDIZATION	323,203	0	0	0	266,903	5,958
2-1201	ELLIPSE UPGRADE PHASE 2	1,782,783	17,550	0	17,550	1,212,217	43,529
2-1243	NFTA PROCESS IMPROVEMENT	2,250,000	0	0	0	274,716	24,960
2-1253	LAWSON UPGRADES/EXPANSION	3,219,922	12,996	0	12,996	629,114	38,063
2-8087	STORAGE UPGRADE/MAINT	800,000	98,828	0	98,828	98,828	98,828
2-8089	COMPUTER UPGRADES FYE24-27	1,200,000	62,362	0	62,362	62,362	62,362
2-8093	DATA BACKUP SYS REFRESH	350,000	99,374	0	99,374	99,374	99,374
TOTAL MIS		11,252,925	298,646	0	298,646	3,169,851	392,566
PUBLIC AFFAIRS							
2-1261	NFTA WEBSITE	101,080	6,600	0	6,600	48,680	23,200
GOVT AFFAIRS							
2-3550	ITS4US PHASE II & III	8,515,088	81,270	81,270	0	807,392	334,447
TOTAL CENTRAL ADMIN		24,434,269	490,054	182,606	307,448	14,314,047	1,254,296

**CAPITAL EXPENDITURES
AUGUST 1, 2023 THROUGH AUGUST 31, 2023**

ACCT #	PROJECT NAME	PROJECT BUDGET	AUG 2023 EXPENSES	AUG 2023 ELIG EXP	AUG 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
METRO BUS							
2-1237	TOD PLANNING ROUND 2	972,429	69,665	69,665	0	819,435	132,010
2-3406	FARE COLLECTION SYSTEM UPGRADE	14,694,538	74,561	72,210	2,351	13,308,684	171,922
2-3409	NIAGARA ST CORRIDOR PROJECT	2,961,096	0	0	0	2,581,851	5,789
2-3492	BUS FACILITY REHAB	1,965,180	4,330	4,330	0	1,313,058	185,076
2-3493	METRO TRANSIT EXPANSION	331,347,876	316,377	316,377	0	7,050,943	1,125,388
2-3498	VERTICAL STORAGE UNITS (BABCOCK/COLD SPR)	335,000	245,958	0	245,958	330,958	245,958
2-3521	NON-REVENUE VEHICLES (TOW TRUCK)	2,700,000	0	0	0	571,921	172,869
2-3526	10 ELECTRIC BUSES (1ST ORDER)	10,209,511	33,569	23,016	10,543	10,134,247	48,955
2-3528	FREEDOM WALL WALK CLOSED	842,000	0	0	0	859,131	733
2-3529	ACQUIRE MISC SUPPORT EQUIP	2,490,874	92,795	0	92,795	359,510	200,435
2-3533	SHORT RANGE PLANNING PROJECTS	1,335,000	13,269	0	13,269	187,779	49,578
2-3534	BUS GARAGE ROOF ASSESSMENT	24,007,079	2,705	0	2,705	92,614	12,532
2-3538	BEB CHARGING INFRASTRUCTURE	13,094,188	1,000,000	0	1,000,000	5,773,547	1,000,000
2-3540	FACILITY IMPROVEMENTS	850,000	0	0	0	85,450	9,499
2-3547	UNIV STN BUS LOOP REHAB	1,805,000	261,733	0	261,733	401,252	318,620
2-3548	ASPHALT PVMNT REHAB FACIL & LOOPS	1,751,435	80,509	0	80,509	122,708	96,333
2-3549	NON-REVENUE VEHICLES	2,950,000	0	0	0	267,291	209,332
2-3554	800 MHZ RADIO SYS REPL STUDY	22,843	0	0	0	18,848	18,848
2-3555	BUS WASH REPL @ 3 GARAGES	1,925,000	2,776	0	2,776	8,775	8,775
2-3557	PAL COMPREHENSIVE ANALYSIS	750,000	86,519	86,519	0	129,778	129,778
2-8097	OCC FURNITURE	169,008	84,504	0	84,504	84,504	84,504
2-8723	FIRE ALARM UPGRADE ALL GARAGES	2,652,131	1,789	0	1,789	45,656	6,710
2-8733	BOILER REPL AT COLD SPR GARAGE	374,379	0	0	0	374,379	121,957
2-8763	BABCOCK/COLD SPR SECURITY GATE RE-WIRE	150,000	12,209	12,209	0	20,348	20,348
2-8764	DIVISION ST LINEAR TRANSIT HUB	7,836,260	51,108	40,886	10,222	159,518	144,334
2-8765	BUS GARAGE SPRINKLER VALVE REPL	2,809,300	249	0	249	123,931	14,425
2-8768	SMALL BUSES (9 PARATRANSIT) CLOSED	10,372,499	0	0	0	1,513,673	1,513,673
2-8773	BUS RADIOS	1,000,000	0	0	0	80,498	80,498
3-1634	METRO - GO BUFINIAG TRANS DEMAND MGMT PROJ	1,058,141	58,279	10,679	47,600	401,004	88,457
TOTAL METRO BUS		443,430,767	2,492,894	635,891	1,857,003	47,221,291	6,217,336
METRO RAIL							
2-3485	DL&W TERMINAL (DESIGN/CONSTR)	60,079,117	445,923	432,747	13,176	40,482,895	1,735,243

**CAPITAL EXPENDITURES
AUGUST 1, 2023 THROUGH AUGUST 31, 2023**

ACCT #	PROJECT NAME	PROJECT BUDGET	AUG 2023 EXPENSES	AUG 2023 ELIG EXP	AUG 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
2-3552	DL&W SHORELINE RESTORATION	8,000,000	508,786	508,786	0	2,676,587	1,857,705
2-8716	LRV AIR SYSTEMS VALVES	105,000	0	0	0	14,303	6,378
2-8722	TRAIN CONTROL VITAL RELAY REHAB	480,510	0	0	0	61,925	13,635
2-8727	EC HARBOR STATION REFURBISHMENT	3,682,792	287,489	287,489	0	2,173,723	853,479
2-8735	UNDER PLATFORM CONDUIT REPLACEMENT	1,024,811	213	213	0	90,109	4,631
2-8736	LRV TRACTION MOTOR OVERHAUL	200,000	83,857	0	83,857	102,951	83,857
2-8739	TRACK BRAKE COILS	650,000	17,424	17,424	0	17,424	17,424
2-8740	RAIL REPLACEMENT 400 BLOCK MAIN ST	29,528,594	197,373	197,373	0	1,942,469	943,533
2-8746	DL&W PEDESTRIAN BRIDGE STUDY	120,000	0	0	0	100,245	14,765
2-8747	CHURCH STREET SIGN REFURB (DESIGN)	4,402,253	21,272	21,272	0	105,562	62,378
2-8748	Y&S EAST END RAIL EXTENSION STUDY	110,000	0	0	0	97,120	289
2-8750	FREQUENCY SHIFT OVERLAYS	150,000	0	0	0	25,079	25,079
2-8753	SUPPORT VEHICLES REPL	1,410,000	51,495	0	51,495	160,141	97,362
2-8761	RAILCAR PRESENT/LIFT/UPGRADE	59,635	0	0	0	130,228	85,593
2-8766	STANDPIPE REPL & SYS REHAB	2,204,115	692	692	0	57,078	7,941
2-8767	FASTENER & PAD REPL PHASE 11 (DESIGN)	300,000	71,560	71,560	0	109,314	86,422
2-8769	DL&W 2ND FLOOR CORE & SHELL	30,014,335	8,079	8,079	0	75,920	45,513
2-9110	TRAFFIC ON MAIN STR-100/200 BLOCK	443,230	362	362	0	355,140	1,905
2-9122	LRV TRACTION MOTOR OVERHAUL CLOSED	1,710,875	9,125	9,125	0	220,000	9,125
2-9131	LANDSCAPING EQUIP	355,985	0	0	0	139,188	102,466
2-9152	DTS - SYSTEM REPLACEMENT	1,280,000	44,800	44,800	0	1,128,499	44,800
2-9156	LOCAL CONTROL PANELS/TRAIN CONTROL	100,000	7,500	7,500	0	99,500	7,500
2-9189	TRACK SWITCH PARTS & HARDWARE	188,760	0	0	0	39,259	22,498
2-9191	CAMERAS FOR STATIONS	20,000	0	0	0	6,484	6,484
2-9192	FASTENER & PAD REPLACEMENT PHASE 10	3,904,296	0	0	0	3,965,517	304
2-9352	FARE COLLECTION SYSTEM UPGRADE	11,589,594	48,199	46,375	1,824	9,303,749	275,970
2-9391	ELECTRIC PARTS & BREAKERS	180,000	0	0	0	61,702	43,882
2-9394	RAIL SHOP FAÇADE REPAIR	1,003,803	3,367	3,335	32	162,043	51,922
2-9773	LRV MID-LIFE REBUILD	49,595,333	12,867	12,867	0	49,690,208	72,292
TOTAL METRO RAIL		212,893,038	1,820,383	1,669,999	150,384	113,595,362	6,590,375
BNIA							
2-1269	TAP - SIDE BY SIDE FOUR WHEEL VEHICLE	20,000	0	0	0	35,782	35,782
2-2309	PFC PROGRAM PLANNING AND ADMIN	1,228,469	1,624	1,624	0	1,053,179	7,252
2-2691	AIRCRAFT DEICING CONTAINMENT FACIL EXPANSION	9,531,172	40,317	40,317	0	8,834,602	40,660

CAPITAL EXPENDITURES
AUGUST 1, 2023 THROUGH AUGUST 31, 2023

ACCT #	PROJECT NAME	PROJECT BUDGET	AUG 2023 EXPENSES	AUG 2023 ELIG EXP	AUG 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
2-2728	BAGGAGE CLAIM EXPANSION	66,197,457	0	0	0	64,949,172	286
2-2785	BUELL AVE PARKING LOT	3,606,831	189,477	93,640	95,837	2,876,230	442,976
2-2808	175 AERO BACKUP POWER	410,000	16,771	0	16,771	424,766	262,406
2-2812	REPLACE AIRFIELD PICKUP TRUCKS - FYE24	423,421	0	0	0	70,457	37,962
2-2814	AIRPORT ECONOMIC DEVELOPMENT	61,891,879	3,529	0	3,529	1,315,951	112,970
2-2819	RW 5-23 FAA REIMBURSABLE AGRMT PH I	86,000	203	203	0	83,581	203
2-2820	R/W 5-23 REHAB/RECONSTRUCT PHASE I	36,238,243	8,460,609	8,460,609	0	20,402,885	16,959,599
2-2821	PASSENGER BOARDING BRIDGE REPL	18,000,000	210,763	210,763	0	835,859	339,567
2-2822	EV CHARGING INFRASTRUCTURE STUDY	200,000	15,252	0	15,252	97,921	41,115
2-2824	TOOL CAT MULTI-PURPOSE	75,000	85,064	85,064	0	85,064	85,064
2-2826	NEW FARM TRACTORS	430,442	130,442	0	130,442	130,442	130,442
2-2827	WHEELED SKID LOADER	274,998	49,800	49,800	0	49,800	49,800
2-2828	PC AIR REPLACEMENT GATES 20, 22	450,000	0	0	0	7,980	852
2-2836	FUEL FARM PUMP	16,697	0	0	0	16,864	16,864
2-2837	INSTALL PERIMETER FENCING (DESIGN)	98,913	2,351	2,351	0	25,800	25,800
2-2838	ARFF - GYM EQUIPMENT	36,000	0	0	0	9,315	9,315
2-2839	ARFF - SAFETY EQUIPMENT	90,000	0	0	0	19,787	19,787
2-2840	ARFF - JAWS OF LIFE	48,418	0	0	0	48,418	48,418
2-2842	GA APRON & T/W P & Q REHAB (DESIGN)	1,063,907	21,459	21,459	0	27,679	27,679
2-2853	PARKING PICK UP TRUCK	80,000	38,153	38,153	0	0	38,153
TOTAL BNIA		200,497,847	9,265,814	9,003,983	261,831	101,401,534	18,732,952
NFA							
2-1504	PFC PROGRAM PLANNING & ADMIN. FY 16	96,000	677	677	0	107,487	5,335
2-1508	R/W 10L OBSTRUCT RMVL FINAL DESIGN	1,320,022	0	0	0	1,308,578	9,338
2-1512	PARALLEL T/W PROG ENVIR ASSESSMENT	101,308	0	0	0	81,581	389
2-1519	AIRFIELD ILLUMINATED SIGNAGE UPGRADE	173,873	53,256	53,256	0	122,265	118,366
TOTAL NFA		1,691,203	53,933	53,933	0	1,619,911	133,428
MTG							
2-0735	REPLACE TOWER WINDOWS	122,001	0	0	0	60,342	9,695
2-0743	AHU #7 REPLACEMENT	335,432	0	0	0	355,279	8,499
2-0762	POLICE OFFICE	137,000	0	0	0	74,465	5,225
2-0763	CHILLER REPLACEMENT	1,962,223	4,789	0	4,789	114,395	17,815
2-0764	OCC - RESTROOM/KITCHEN REHAB	42,578	0	0	0	43,203	20,223
2-1268	CONFERENCE ROOM RESTROOMS	107,000	6,916	0	6,916	48,140	37,114
2-8096	EXTERIOR ENHANCEMENTS	15,057,000	1,022	0	1,022	1,022	1,022
TOTAL MTC		17,763,234	12,727	0	12,727	696,846	99,593
METRO FACILITIES							

**CAPITAL EXPENDITURES
AUGUST 1, 2023 THROUGH AUGUST 31, 2023**

ACCT #	PROJECT NAME	PROJECT BUDGET	AUG 2023 EXPENSES	AUG 2023 ELIG EXP	AUG 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
2-8729	ESCALATOR REPLACEMENT YEAR 5	3,696,987	1,945	1,945	0	3,664,109	9,133
2-8732	PANEL LINER REHAB PHASE III	1,390,000	1,320	1,320	0	902,461	10,192
2-8734	EXTERIOR REHAB PHASE II	1,440,000	610	610	0	839,487	487,464
2-9113	ESCALATOR MAINT - FYE17 THRU OUT YEARS	935,250	0	0	0	640,649	70,000
2-9132	ELEVATOR CONTROLLER REPLACEMENT	2,260,289	213	213	0	1,989,606	8,622
TOTAL METRO FACILITIES		9,722,526	4,088	4,088	0	8,036,312	585,411
PROPERTY MGMT							
2-8069	485 ROOF REPLACEMENT BAYS 1-4	1,450,229	79,450	0	79,450	745,121	79,450
2-8098	247 CAYUGA DOCK DOOR UPG	20,000	6,150	0	6,150	6,150	6,150
2-8100	485 CAYUGA PIPE RUPTURE/REPR	728,000	438,023	0	438,023	438,023	438,023
2-8101	485 CAYUGA TENANT UPGR 24	11,265	0	0	0	11,265	11,265
TOTAL PROPERTY MGMT		2,209,494	523,623	0	523,623	1,200,659	534,888
CENTRAL ADMIN							
HSEQ							
2-1266	AUTHORITY WIDE NYS BUILD SMART	102,000	0	0	0	55,060	25,489
TAP							
2-8080	WEAPON/ERT EQUIPMENT	85,000	0	0	0	8,070	8,070
2-1232	METRO DIVISION RADIOS REPLACEMENT	210,000	0	0	0	48,101	28,401
2-1250	NY STATE ACCREDITATION	152,376	10,355	10,355	0	17,555	10,355
2-1256	REPLACE K9 VEHICLES (2)	799,876	0	0	0	306,174	12,798
2-1262	REPLACE RADIOS - AVIATION DIVISION	210,000	0	0	0	29,999	10,338
3-1605	TAP - K9 PROJECT SURF TRANSP METRO DIV	2,148,300	42,607	41,999	608	4,426,771	220,669
3-1606	TAP - K9 PROJECT AVIATION DIVISION	1,010,000	55,989	55,926	63	5,512,545	296,914
TOTAL TAP		4,615,552	108,951	108,280	671	10,349,215	587,546
MIS							
2-0767	DATA FACILITY UPGR/MAINT	1,200,000	49,395	0	49,395	356,311	56,931
2-0770	NETWORK REFRESH	1,000,000	26,872	0	26,872	226,868	26,872
2-0771	SECURITY SUBSCRIPTION ENHANCEMENTS	127,017	0	0	0	219,421	11,956
2-0774	MTC BMS REPL & STANDARDIZATION	323,203	0	0	0	266,903	5,959
2-1201	ELLIPSE UPGRADE PHASE 2	1,782,783	46,351	0	46,351	1,258,568	89,880
2-1221	TELECON CONSOLIDATION & REFRESH	1,192,703	15,450	0	15,450	773,358	15,450
2-1243	NFTA PROCESS IMPROVEMENT	2,250,000	67,159	0	67,159	341,875	92,119
2-1252	SECURITY UPGRADES & SPARES	1,163,629	90,568	0	90,568	405,113	90,968
2-1253	LAWSON UPGRADES/EXPANSION	3,219,922	6,891	0	6,891	636,005	44,954
2-1260	MEDICAL SOFTWARE REPLACEMENT	242,500	22,650	0	22,650	105,920	22,650
2-8087	STORAGE UPGRADE/MAINT	800,000	0	0	0	98,828	98,828

CAPITAL EXPENDITURES
AUGUST 1, 2023 THROUGH AUGUST 31, 2023

ACCT #	PROJECT NAME	PROJECT BUDGET	AUG 2023 EXPENSES	AUG 2023 ELIG EXP	AUG 2023 INELG EXP	TO DATE EXPENSES	FYE24 EXPENSES
2-8089	COMPUTER UPGRADES FYE24-27	1,200,000	0	0	0	62,362	62,362
2-8091	BMS/FACILITY SYSTEMS REPL	400,000	16,225	0	16,225	16,225	16,225
2-8093	DATA BACKUP SYS REFRESH	350,000	0	0	0	99,374	99,374
TOTAL MIS		15,251,757	341,961	0	341,961	4,867,131	734,527
PUBLIC AFFAIRS							
2-1261	NFTA WEBSITE	101,080	0	0	0	48,680	23,200
GOVT AFFAIRS							
2-3550	ITS4US PHASE II & III	8,515,088	134,165	134,165	0	941,557	468,612
TOTAL CENTRAL ADMIN		28,585,477	585,077	242,445	342,632	16,261,643	1,839,373

**CAPITAL EXPENDITURES
SEPTEMBER 1, 2023 THROUGH SEPTEMBER 30, 2023**

ACCT #	PROJECT NAME	PROJECT BUDGET	SEP 2023 EXPENSES	SEP 2023 ELIG EXP	SEP 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
METRO BUS							
2-1237	TOD PLANNING ROUND 2	972,429	0	0	0	819,435	132,010
2-3406	FARE COLLECTION SYSTEM UPGRADE	14,694,538	180,994	180,000	994	13,489,678	352,916
2-3409	NIAGARA ST CORRIDOR PROJECT	2,961,096	0	0	0	2,581,851	5,789
2-3492	BUS FACILITY REHAB	1,965,180	3,804	3,804	0	1,316,862	188,880
2-3493	METRO TRANSIT EXPANSION	331,347,876	441,652	441,652	0	7,492,595	1,567,040
2-3498	VERTCL STOR UNITS (BABCOCK/COLD SPR)	335,000	0	0	0	330,958	245,958
2-3521	NON-REVENUE VEHICLES (TOW TRUCK)	2,700,000	0	0	0	571,921	172,869
2-3526	10 ELECTRIC BUSES (1ST ORDER)	10,209,511	0	0	0	10,134,247	48,955
2-3528	FREEDOM WALL WALK CLOSED	842,000	0	0	0	859,131	733
2-3529	ACQUIRE MISC SUPPORT EQUIP	2,490,874	5,869	0	5,869	365,379	206,304
2-3533	SHORT RANGE PLANNING PROJECTS	1,335,000	12,171	0	12,171	199,950	61,749
2-3534	BUS GARAGE ROOF ASSESSMENT	24,007,079	256	0	256	92,870	12,788
2-3538	BEB CHARGING INFRASTRUCTURE	13,094,188	453,243	0	453,243	6,226,790	1,453,243
2-3540	FACILITY IMPROVEMENTS	850,000	7,383	7,383	0	92,833	16,882
2-3547	UNIV STN BUS LOOP REHAB	1,805,000	444,795	0	444,795	846,047	763,415
2-3548	ASPHALT PVMNT REHAB FACIL & LOOPS	1,751,435	7,531	0	7,531	130,239	103,864
2-3549	NON-REVENUE VEHICLES	2,950,000	0	0	0	267,291	209,332
2-3554	800 MHz RADIO SYS REPL STUDY	22,843	0	0	0	18,848	11,521
2-3555	BUS WASH REPL @ 3 GARAGES	1,925,000	2,746	0	2,746	11,521	163,424
2-3557	PAL COMPREHENSIVE ANALYSIS	750,000	33,646	33,646	0	84,504	84,504
2-8097	OCC FURNITURE	169,008	0	0	0	73,007	34,061
2-8723	FIRE ALARM UPGRADE ALL GARAGES	2,652,131	27,351	0	27,351	374,379	121,957
2-8733	BOILER REPL AT COLD SPR GARAGE	374,379	0	0	0	20,348	20,348
2-8763	BABCOCK/COLD SPR SECURITY GATE RE-WIRE	150,000	0	0	0	161,380	146,196
2-8764	DIVISION ST LINEAR TRANSIT HUB	7,836,250	1,862	1,490	372	124,055	14,549
2-8765	BUS GARAGE SPRINKLER VALVE REPL	2,809,300	124	0	124	1,513,673	1,513,673
2-8768	SMALL BUSES (9 PARATRANSIT) CLOSED	10,372,499	0	0	0	80,498	80,498
2-8773	BUS RADIOS	1,000,000	0	0	0	415,363	102,816
3-1634	METRO - GO BUFINIAG TRANS DEMAND MGMT PROJ	1,058,141	14,359	14,359	0	48,859,077	7,855,122
TOTAL METRO BUS		443,430,767	1,637,786	682,334	955,452		
METRO RAIL							
2-3485	DL&W TERMINAL (DESIGN/CONSTR)	60,079,117	68,056	55,056	13,000	40,550,951	1,803,299

**CAPITAL EXPENDITURES
SEPTEMBER 1, 2023 THROUGH SEPTEMBER 30, 2023**

ACCT #	PROJECT NAME	PROJECT BUDGET	SEP 2023 EXPENSES	SEP 2023 ELIG EXP	SEP 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
2-3552	DL&W SHORELINE RESTORATION	8,000,000	345,046	345,046	0	3,021,633	2,202,751
2-3553	PUMP REPLACEMENTS (2)	100,000	51,495	0	51,495	51,495	51,495
2-8716	LRV AIR SYSTEMS VALVES	105,000	0	0	0	14,303	6,378
2-8721	LRV EQUIPMENT FUND	905,277	55,942	0	55,942	78,900	55,942
2-8722	TRAIN CONTROL VITAL RELAY REHAB	480,510	0	0	0	61,925	13,635
2-8727	EC HARBOR STATION REFURBISHMENT	3,682,792	201,180	201,180	0	2,374,903	1,054,659
2-8735	UNDER PLATFORM CONDUIT REPLACEMENT	1,024,811	0	0	0	90,109	4,631
2-8736	LRV TRACTION MOTOR OVERHAUL	200,000	0	0	0	102,951	83,857
2-8739	TRACK BRAKE COILS	650,000	230,257	230,257	0	247,681	247,681
2-8740	RAIL REPLACEMENT 400 BLOCK MAIN ST	29,526,594	407,906	407,906	0	2,350,375	1,351,439
2-8746	DL&W PEDESTRIAN BRIDGE STUDY	120,000	0	0	0	100,245	14,765
2-8747	CHURCH STREET STN REFURB (DESIGN)	4,402,253	1,623	1,623	0	108,185	64,001
2-8748	Y&S EAST END RAIL EXTENSION STUDY	110,000	0	0	0	97,120	289
2-8750	FREQUENCY SHIFT OVERLAYS	150,000	0	0	0	25,079	25,079
2-8753	SUPPORT VEHICLES REPL	1,410,000	(51,495)	0	(51,495)	108,646	45,867
2-8761	RAILCAR PRESENT/LIFT/UPGRADE	59,635	93,709	93,709	0	223,937	189,302
2-8766	STANDPIPE REPL & SYS REHAB	2,204,115	870	870	0	57,948	8,811
2-8767	FASTENER & PAD REPL PHASE 11 (DESIGN)	300,000	4,300	4,300	0	113,614	90,722
2-8769	DL&W 2ND FLOOR CORE & SHELL	30,014,335	16,690	16,690	0	92,610	62,203
2-9110	TRAFFIC ON MAIN STR-100/200 BLOCK	443,230	408	408	0	355,548	2,313
2-9122	LRV TRACTION MOTOR OVERHAUL CLOSED	1,710,875	0	0	0	220,000	9,125
2-9131	LANDSCAPING EQUIP	355,985	0	0	0	139,188	102,466
2-9152	DTS - SYSTEM REPLACEMENT	1,280,000	0	0	0	1,128,499	44,800
2-9156	LOCAL CONTROL PANELS/TRAIN CONTROL	100,000	0	0	0	99,500	7,500
2-9189	TRACK SWITCH PARTS & HARDWARE	188,760	0	0	0	39,259	22,498
2-9191	CAMERAS FOR STATIONS	20,000	0	0	0	6,484	6,484
2-9192	FASTENER & PAD REPLACEMENT PHASE 10	3,904,296	0	0	0	3,965,517	304
2-9352	FARE COLLECTION SYSTEM UPGRADE	11,589,594	180,621	180,000	621	9,484,370	456,591
2-9391	ELECTRIC PARTS & BREAKERS	180,000	7,900	0	7,900	69,602	51,782
2-9394	RAIL SHOP FAÇADE REPAIR	1,003,803	76,246	6,945	69,301	238,289	128,168
2-9773	LRV MID-LIFE REBUILD	49,595,333	12,491	12,491	0	49,702,699	84,783
TOTAL METRO RAIL		213,898,315	1,703,245	1,556,461	146,764	115,321,555	8,293,620
BNIA							

**CAPITAL EXPENDITURES
SEPTEMBER 1, 2023 THROUGH SEPTEMBER 30, 2023**

ACCT #	PROJECT NAME	PROJECT BUDGET	SEP 2023 EXPENSES	SEP 2023 ELIG EXP	SEP 2023 INELG EXP	TO DATE EXPENSES	FYE24 EXPENSES
2-1269	TAP - SIDE BY SIDE FOUR WHEEL VEHICLE	20,000	0	0	0	35,782	35,782
2-2309	PFC PROGRAM PLANNING AND ADMIN	1,228,469	2,411	2,411	0	1,055,590	9,663
2-2691	AIRCRAFT DEICING CONTNMNT FACIL EXPANSN	9,531,172	0	0	0	8,834,602	40,660
2-2728	BAGGAGE CLAIM EXPANSION	66,197,457	0	0	0	64,949,172	286
2-2785	BUELL AVE PARKING LOT	3,606,831	10,932	26,015	(15,083)	2,887,162	453,908
2-2808	175 AERO BACKUP POWER	410,000	160	0	160	424,926	262,566
2-2812	REPLACE AIRFIELD PICKUP TRUCKS - FYE24	423,421	0	0	0	70,457	37,962
2-2814	AIRPORT ECONOMIC DEVELOPMENT	61,891,879	4,429	0	4,429	1,320,380	117,399
2-2819	RW 5-23 FAA REIMBURSABLE AGRMT PH I	86,000	39	39	0	83,620	242
2-2820	RW 5-23 REHAB/RECONSTRUCT PHASE I	36,238,243	3,513,355	3,513,355	0	23,916,240	20,472,954
2-2821	PASSENGER BOARDING BRIDGE REPL	18,000,000	10,207	10,207	0	846,066	349,774
2-2822	EV CHARGING INFRASTRUCTURE STUDY	200,000	871	0	871	98,792	41,986
2-2824	TOOL CAT MULTI-PURPOSE	75,000	0	0	0	85,064	85,064
2-2826	NEW FARM TRACTORS	430,442	0	0	0	130,442	130,442
2-2827	WHEELED SKID LOADER	274,998	0	0	0	49,800	49,800
2-2828	PC AIR REPLACEMENT GATES 20. 22	450,000	0	0	0	7,980	852
2-2831	HIGH SPEED DIVIDER PADDLES - BAG SYS	115,688	68,509	68,509	0	68,509	68,509
2-2836	FUEL FARM PUMP	16,697	0	0	0	16,864	16,864
2-2837	INSTALL PERIMETER FENCING (DESIGN)	98,913	3,067	3,067	0	28,867	28,867
2-2838	ARFF - GYM EQUIPMENT	36,000	0	0	0	9,315	9,315
2-2839	ARFF - SAFETY EQUIPMENT	90,000	0	0	0	19,787	19,787
2-2840	ARFF - JAWS OF LIFE	48,418	0	0	0	48,418	48,418
2-2841	PASSENGER TML STANDBY POWER EXPANSION	1,850,733	887	621	266	887	887
2-2842	GA APRON & T/W P & Q REHAB (DESIGN)	1,063,907	2,149	2,149	0	29,828	29,828
2-2851	TERM OPS CUSTODIAN BREAKRM FLOORS	8,100	8,100	0	8,100	8,100	8,100
2-2853	PARKING PICK UP TRUCK	80,000	(39)	(39)	0	38,114	38,114
TOTAL BNIA		202,472,368	3,625,077	3,626,334	(1,257)	105,064,764	22,358,029
NFIA							
2-1504	PFC PROGRAM PLANNING & ADMIN. FY 16	96,000	0	460	0	107,947	5,795
2-1508	RW 10L OBSTRUCT RMVL FINAL DESIGN	1,320,022	0	0	0	1,308,578	9,338
2-1512	PARALLEL TW PROG ENVIR ASSESSMENT	101,308	0	19,263	0	100,844	19,652
2-1519	AIRFIELD ILLUMINATED SIGNAGE UPGRADE	173,873	0	4,105	0	126,370	122,471
2-1525	PARKING LOT LED LIGHTING UPGR	40,800	0	0	36,114	36,114	36,114
TOTAL NFIA		1,732,003	0	23,828	36,114	1,679,853	193,370
ITC							
2-0735	REPLACE TOWER WINDOWS	122,001	0	0	0	60,342	9,695
2-0743	AHU #7 REPLACEMENT	335,432	0	0	0	355,279	8,499

**CAPITAL EXPENDITURES
SEPTEMBER 1, 2023 THROUGH SEPTEMBER 30, 2023**

ACCT #	PROJECT NAME	PROJECT BUDGET	SEP 2023 EXPENSES	SEP 2023 ELIG EXP	SEP 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
2-0762	POLICE OFFICE	137,000	0	0	0	74,465	5,225
2-0763	CHILLER REPLACEMENT	1,962,223	0	0	189,487	303,882	207,302
2-0764	OCC - RESTROOM/KITCHEN REHAB	42,578	0	0	0	43,203	20,223
2-1268	CONFERENCE ROOM RESTROOMS	107,000	0	0	3,020	51,160	40,134
2-8096	EXTERIOR ENHANCEMENTS	15,057,000	0	0	409	1,431	1,431
TOTAL MTC		17,763,234	0	0	192,916	889,762	292,609
METRO FACILITIES							
2-9132	ELEVATOR CONTROLLER REPLACEMENT	2,260,289	0	53	0	1,989,659	8,675
2-8732	PANEL LINER REHAB PHASE III	1,390,000	0	54,494	0	956,955	64,686
2-9113	ESCALATOR MAINT - FYE17 THRU OUT YEARS	935,250	0	0	0	640,649	70,000
2-8729	ESCALATOR REPLACEMENT YEAR 5	3,696,987	0	334,929	0	3,999,038	344,062
2-8734	EXTERIOR REHAB PHASE II	1,440,000	0	877	0	840,364	488,341
TOTAL METRO FACILITIES		9,722,526	0	390,353	0	8,426,665	976,764
PROPERTY MGMT							
2-8098	247 CAYUGA DOCK DOOR UPG	20,000	0	0	1,250	7,400	7,400
2-8101	485 CAYUGA TENANT UPGR 24	11,265	0	0	0	11,265	11,265
2-8069	485 ROOF REPLACEMENT BAYS 1-4	1,450,229	0	0	0	745,121	79,450
2-8100	485 CAYUGA PIPE RUPTURE/REPR	728,000	0	0	0	438,023	438,023
TOTAL PROPERTY MGMT		2,209,494	0	0	1,250	1,201,809	536,138
CENTRAL ADMIN							
HSEQ							
2-1266	AUTHORITY WIDE NYS BUILD SMART	102,000	0	0	0	55,060	25,489
TAP							
2-1232	METRO DIVISION RADIOS REPLACEMENT	210,000	0	0	0	48,101	28,401
2-1250	NY STATE ACCREDITATION	152,376	0	0	0	17,555	10,355
2-1256	REPLACE K9 VEHICLES (2)	799,876	0	0	0	306,174	12,796
2-1262	REPLACE RADIOS - AVIATION DIVISION	210,000	0	0	0	29,999	10,338
2-8080	WEAPONS/VERT EQUIPMENT	85,000	0	0	0	8,070	8,070
2-8095	REPLACE CHIEF'S VEHICLE CLOSED	49,544	0	49,544	0	49,544	49,544
3-1605	TAP - K9 PROJECT SURF TRANSP METRO DIV	2,148,300	0	55,588	2,089	4,484,448	278,346
3-1606	TAP - K9 PROJECT AVIATION DIVISION	1,010,000	0	77,210	1,267	5,591,022	375,391
TOTAL TAP		4,665,096	0	182,342	3,366	10,634,913	773,243
MIS							
2-0766	OFFICE TECHNOLOGY UPGR/MAINT	500,000	0	0	7,946	68,831	7,946
2-0767	DATA FACILITY UPGR/MAINT	1,200,000	0	0	7,707	364,018	64,638
2-0769	NETWORK CORE UPGRADE	1,050,000	0	0	94,738	191,789	94,738

CAPITAL EXPENDITURES
SEPTEMBER 1, 2023 THROUGH SEPTEMBER 30, 2023

ACCT #	PROJECT NAME	PROJECT BUDGET	SEP 2023 EXPENSES	SEP 2023 ELIG EXP	SEP 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
2-0770	NETWORK REFRESH	1,000,000	0	0	172,940	399,808	199,812
2-0771	SECURITY SUBSCRIPTION ENHANCEMENTS	127,017	0	0	0	219,421	11,956
2-0774	MTC BMS REPL & STANDARDIZATION	323,203	0	0	0	266,903	5,958
2-1201	ELLIPSE UPGRADE PHASE 2	1,782,783	0	0	0	1,258,568	89,880
2-1221	TELECON CONSOLIDATION & REFRESH	1,192,703	0	0	0	773,358	15,450
2-1243	NFTA PROCESS IMPROVEMENT	2,250,000	0	0	25,512	367,387	117,631
2-1252	SECURITY UPGRADES & SPARES	1,163,629	0	0	11,998	417,111	102,966
2-1253	LAWSON UPGRADES/EXPANSION	3,219,922	0	0	24,861	660,866	69,815
2-1260	MEDICAL SOFTWARE REPLACEMENT	242,500	0	0	0	105,920	22,650
2-8087	STORAGE UPGRADE/MAINT	800,000	0	0	0	98,828	98,828
2-8089	COMPUTER UPGRADES FYE24-27	1,200,000	0	0	67,340	129,706	129,706
2-8090	NETWORK CONNECTIVITY REDUNDANCY	1,250,000	0	0	90,527	90,527	90,527
2-8091	BMS/FACILITY SYSTEMS REPL	400,000	0	0	19,825	36,050	36,050
2-8093	DATA BACKUP SYS REFRESH	350,000	0	0	0	99,374	99,374
TOTAL MIS		18,051,757	0	0	523,400	5,548,467	1,257,927
PUBLIC AFFAIRS							
2-1261	NFTA WEBSITE	101,080	0	0	0	48,680	23,200
GOV'T AFFAIRS							
2-3550	ITS4US PHASE II & III	8,515,088	0	128,143	0	1,069,700	596,755
TOTAL CENTRAL ADMIN		31,435,021	0	310,485	526,756	17,256,820	2,676,614

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT		
COMM. 5M-2	NFTA	NFTA Capital Expenditure Reports, 3rd Quarter
Attachments		
24COMM. 5M-2		



Niagara Frontier Transportation Authority
Serving the Niagara Region

EC LEG FEB 15 '24 PM 2:19

181 Ellicott Street
Buffalo, New York 14203
716-855-7300
TDD: 855-7650
www.nfta.com

February 15, 2024

VIA EMAIL (Ross.Farrell@dot.ny.gov)

Ross R. Farrell, Director
State of New York Department of Transportation
Public Transportation Bureau
50 Wolf Road, POD 54
Albany, New York 12232

Re: Niagara Frontier Transportation Authority

Dear Mr. Farrell:

In accordance with item 19 and 21 of the funding agreement between the County of Erie and Niagara Frontier Transit Metro, Inc., signed February 4, 1991, enclosed are copies of the 17A Report and the Capital Expenditure Reports for the third quarter of fiscal year ending March 31, 2024.

If you have any questions or require further information, please feel free to contact me at 716-855-7250.

Very truly yours,

John T. Cox
Chief Financial Officer

JTC/ds
Enclosure

cc Kathy Hochul, Governor, New York State
Marie Therese Dominguez, Commissioner, NYS Department of Transportation
Kevin R. Hardwick, Erie County Comptroller
Liz Krueger, NYS Senator, Chair, Senate Finance Committee
Thomas O'Mara, NYS Senator, Ranking Minority Member, Senate Finance Committee
Olivia M. Owens, Clerk of the Erie County Legislature
Mark C. Poloncarz, Erie County Executive
Edward Ra, NYS Assemblyman, Ranking Minority Member, Assembly Ways & Means Committee
Blake G. Washington, Budget Director, NYS Division of the Budget
Helene Weinstein, NYS Assemblywoman, Chair, Assembly Ways & Means Committee
Rebecca Wydysh, Chairman, Niagara County Legislature

TRANSIT OPERATION DATA FORM (A-1)
SYSTEM TOTAL

EXPENSES, REVENUE AND SUBSIDY	2023 or SFY 23-24 ESTIMATE	3rd QUARTER or DEC 31, 2023 YTD BUDGET	3rd QUARTER or DEC 31, 2023 YTD ACTUAL	3rd QUARTER or DEC 31, 2022 YTD ACTUAL
OPERATOR SALARY & WAGES	33,354,608	23,734,995	23,269,866	22,389,192
VEHICLE MAINTENANCE SAL. & WAGES	14,128,096	9,626,959	8,423,797	8,593,067
OTHER SALARY & WAGES	<u>56,584,516</u>	<u>41,593,670</u>	<u>40,688,960</u>	<u>38,249,851</u>
TOTAL SALARY & WAGES	104,067,220	74,955,623	72,382,623	69,232,110
FRINGE BENEFITS	84,875,481	60,447,880	57,427,565	57,198,403
SERVICES	49,806,551	35,938,636	36,040,144	32,920,096
PURCHASED TRANSPORTATION	0	0	0	0
FUEL AND LUBRICANTS	7,166,332	5,260,635	3,523,848	4,755,685
PARTS AND REPAIRS	20,097,751	12,895,688	12,986,041	12,399,876
OTHER MATERIAL & SUPPLIES	8,619,670	6,040,560	5,518,181	4,871,971
UTILITIES	7,457,291	4,786,264	3,684,096	4,723,593
CASUALTY AND LIABILITY COSTS	6,704,583	5,010,412	5,547,575	4,568,486
TAXES	395,121	309,206	317,948	317,487
INTEREST EXPENSE	0	0	254,261	294,015
LEASE AND RENTALS	2,059,764	1,377,314	1,266,710	1,428,412
EXPENSE TRANSFERS	(36,031,749)	(26,778,652)	(27,075,965)	(25,433,969)
DEPRECIATION: PRIVATE CAPITAL	12,624,714	9,468,536	9,195,267	9,306,056
MISCELLANEOUS EXPENSES	3,411,494	2,408,919	2,304,941	2,303,463
SPONSOR DISALLOWED EXPENSES	0	0	0	0
ALLOWANCE FOR PROFIT	0	0	0	0
ALLOCATED ADMINISTRATION COSTS	0	0	0	0
A TOTAL OPERATING COSTS	271,254,223	192,120,821	183,373,235	178,885,684
PASSENGER REVENUE (METRO ONLY)	14,687,443	11,225,467	13,929,521	12,283,430
SPECIAL REIMBURSEMENT (METRO ONLY)	0	0	0	0
CHARTER/CONTRACT REVENUE (METRO ONLY)	9,501,379	6,686,161	6,661,306	6,471,282
NON USER REVENUE (METRO ONLY)	<u>1,144,670</u>	<u>686,258</u>	<u>4,530,500</u>	<u>1,486,705</u>
B TOTAL OPERATING REVENUE (ALL OPERATIONS)	123,553,783	90,936,440	93,840,612	83,204,539
FEDERAL SECTION 5307	19,389,072	14,541,804	14,541,786	14,256,666
FEDERAL SECTION 5311	81,000	60,750	60,750	59,919
OTHER FEDERAL FUNDS	<u>86,978,583</u>	<u>8,358,190</u>	<u>8,226,193</u>	<u>35,404,071</u>
C TOTAL FEDERAL FUNDING	106,448,655	22,960,744	22,828,729	49,720,656
STOA REQUIRING LOCAL MATCH	4,100,000	3,075,000	3,074,994	3,074,994
STOA NOT REQUIRING MATCH	73,999,800	55,499,850	55,499,805	47,486,961
OTHER STATE FUNDS	<u>2,423,634</u>	<u>1,817,726</u>	<u>1,817,712</u>	<u>1,782,072</u>
D TOTAL STATE FUNDING	80,523,434	60,392,576	60,392,511	52,344,027
REQUIRED LOCAL MATCH TO STOA	4,100,000	3,075,000	3,074,994	3,074,994
LOCAL VOLUNTARY FUNDS	27,486,304	20,665,671	21,019,968	20,453,155
LOCAL MORTGAGE RECORDING TAX	<u>13,067,029</u>	<u>10,040,998</u>	<u>9,327,548</u>	<u>11,460,752</u>
E TOTAL LOCAL GOVERNMENT FUNDING	44,653,333	33,781,669	33,422,510	34,988,901
F TOTAL GOVERNMENT SUBSIDIES (C+D+E)	231,625,422	117,134,989	116,643,750	137,053,584
G LOCAL MATCH FROM OPERATOR				
H TOTAL REVENUE & SUBSIDIES (B+F+G)	355,179,205	208,071,429	210,484,362	220,258,123
AUDIT ADJUSTMENT	0	0	0	0
(SURPLUS) OR DEFICIT (A. LESS H.)	(83,924,982)	(15,950,608)	(27,111,127)	(41,372,439)

TRANSIT OPERATION DATA FORM (A-1)
METRO DIVISION TOTAL

EXPENSES, REVENUE AND SUBSIDY	2023 or SFY 23-24 ESTIMATE	3rd QUARTER or DEC 31, 2023 YTD BUDGET	3rd QUARTER or DEC 31, 2023 YTD ACTUAL	3rd QUARTER or DEC 31, 2022 YTD ACTUAL
OPERATOR SALARY & WAGES	33,354,608	23,734,995	23,269,866	22,389,192
VEHICLE MAINT SALARY & WAGES	14,128,096	9,628,959	8,423,797	8,593,067
OTHER SALARY & WAGES	11,742,249	8,327,068	8,381,641	7,736,486
TOTAL SALARY & WAGES	59,224,953	41,689,021	40,075,304	38,718,745
FRINGE BENEFITS	60,100,421	42,120,104	39,970,584	40,516,050
SERVICES	24,401,916	17,823,865	17,942,806	16,794,584
PURCHASED TRANSPORTATION	0	0	0	0
FUEL & LUBRICANTS	6,333,332	4,658,696	3,146,842	4,170,532
PARTS & REPAIRS	6,248,037	4,655,686	4,883,345	4,395,042
OTHER MATERIALS & SUPPLIES	7,448,940	5,211,561	4,853,187	4,125,505
UTILITIES	2,837,145	2,039,355	1,522,899	1,880,417
CASUALTY & LIABILITY COSTS	5,175,524	3,867,581	4,329,905	3,488,189
TAXES	300	0	0	0
INTEREST EXPENSE	0	0	254,261	294,015
LEASE & RENTALS	594,300	443,974	381,447	422,762
EXPENSE TRANSFERS	(237,216)	(181,150)	(159,247)	(154,884)
DEPRECIATION: PRIVATE CAPITAL	6,100,387	4,575,290	4,870,557	4,306,047
MISCELLANEOUS EXPENSES	990,851	731,695	961,537	1,048,782
SPONSOR DISALLOWED EXPENSES	0	0	0	0
ALLOWANCE FOR PROFIT	0	0	0	0
ALLOCATED ADMINISTRATION COSTS	10,347,715	7,737,278	7,749,962	6,568,200
A. TOTAL OPERATING COSTS	189,566,605	135,372,957	130,783,389	126,573,986
PASSENGER REVENUE	14,687,443	11,225,467	13,929,521	12,283,430
SPECIAL REIMBURSEMENTS	0	0	0	0
CHARTER/CONTRACT REVENUE	9,501,379	6,686,161	6,661,306	6,471,282
NON USER REVENUE	1,144,670	686,258	4,530,500	1,486,705
B. TOTAL OPERATING REVENUE	25,333,492	18,597,886	25,121,327	20,241,417
FEDERAL SECTION 5307	19,389,072	14,541,804	14,541,786	14,256,666
FEDERAL SECTION 5311	81,000	60,750	60,750	59,919
OTHER FEDERAL FUNDS	75,834,334	0	0	27,100,000
C. TOTAL FEDERAL FUNDS	95,304,406	14,602,554	14,602,536	41,416,585
STOA REQUIRING LOCAL MATCH	4,100,000	3,075,000	3,074,994	3,074,994
STOA NOT REQUIRING MATCH	73,999,800	55,499,850	55,499,805	47,486,961
OTHER STATE FUNDS	2,423,634	1,817,726	1,817,712	1,782,072
D. TOTAL STATE FUNDS	80,523,434	60,392,576	60,392,511	52,344,027
REQUIRING LOCAL MATCH TO STOA	4,100,000	3,075,000	3,074,994	3,074,994
LOCAL VOLUNTARY FUNDS	27,486,304	20,665,671	21,019,968	20,453,155
LOCAL MORTGAGE TAX	13,067,029	10,040,998	9,327,548	11,460,752
E. TOTAL LOCAL FUNDS	44,653,333	33,781,669	33,422,510	34,988,901
F. TOTAL SUBSIDIES (C+D+E)	220,481,173	108,776,799	108,417,557	128,749,513
G. LOCAL MATCH FROM OPERATOR	0	0	0	0
H. TOTAL REVENUE & SUBSIDIES (B+F+G)	245,814,665	127,374,685	133,538,884	148,990,930
AUDIT ADJUSTMENT	0	0	0	0
(SURPLUS) OR DEFICIT (A. LESS H.)	(56,248,060)	7,998,272	(2,755,495)	(22,416,944)

TRANSIT OPERATION DATA FORM (A-1)
BUS AND RAIL COMBINED (excluding paratransit)

EXPENSES, REVENUE AND SUBSIDY	2023 or SFY 23-24 ESTIMATE	3rd QUARTER or DEC 31, 2023 YTD BUDGET	3rd QUARTER or DEC 31, 2023 YTD ACTUAL	3rd QUARTER or DEC 31, 2022 YTD ACTUAL
OPERATOR SALARY & WAGES	29,097,151	20,628,953	20,176,855	19,490,450
VEHICLE MAINT SALARY & WAGES	13,649,305	9,263,310	8,112,666	8,246,221
OTHER SALARY & WAGES	11,546,229	8,183,067	8,358,769	7,711,192
TOTAL SALARY & WAGES	54,292,685	38,075,330	36,648,290	35,447,863
FRINGE BENEFITS	55,448,688	38,657,078	36,739,409	37,331,997
SERVICES	22,820,091	16,633,442	16,681,881	15,604,653
PURCHASED TRANSPORTATION	0	0	0	0
FUEL & LUBRICANTS	5,516,631	4,043,721	2,685,161	3,636,749
PARTS & REPAIRS	5,778,037	4,290,346	4,498,471	4,131,666
OTHER MATERIALS & SUPPLIES	7,058,562	4,923,784	4,526,353	3,916,169
UTILITIES	2,724,945	1,955,685	1,474,226	1,812,140
CASUALTY & LIABILITY COSTS	4,908,779	3,668,323	3,906,084	3,276,669
TAXES	300	0	0	0
INTEREST EXPENSE	0	0	254,261	294,015
LEASE & RENTALS	594,300	443,974	381,447	422,762
EXPENSE TRANSFERS	(451,821)	(342,103)	(296,465)	(281,486)
DEPRECIATION: PRIVATE CAPITAL	5,907,526	4,430,645	4,758,067	4,159,213
MISCELLANEOUS EXPENSES	964,229	711,497	946,308	1,034,798
SPONSOR DISALLOWED EXPENSES	0	0	0	0
ALLOWANCE FOR PROFIT	0	0	0	0
ALLOCATED ADMINISTRATION COSTS	10,213,787	7,637,136	7,649,656	6,483,189
A. TOTAL OPERATING COSTS	175,776,739	125,128,857	120,853,149	117,270,397
PASSENGER REVENUE	14,190,138	10,858,455	13,410,400	11,834,295
SPECIAL REIMBURSEMENTS	0	0	0	0
CHARTER/CONTRACT REVENUE	9,501,379	6,686,161	6,661,306	6,471,282
NON USER REVENUE	1,144,670	686,258	4,528,530	1,482,955
B. TOTAL OPERATING REVENUE	24,836,187	18,230,874	24,600,236	19,788,532
FEDERAL SECTION 5307	19,059,458	14,294,594	14,294,583	14,014,305
FEDERAL SECTION 5311	81,000	60,750	60,750	59,919
OTHER FEDERAL FUNDS	74,317,647	0	0	26,558,000
C. TOTAL FEDERAL FUNDS	93,458,105	14,355,344	14,355,333	40,632,224
STOA REQUIRING LOCAL MATCH	4,018,000	3,013,500	3,013,497	3,013,497
STOA NOT REQUIRING MATCH	72,519,804	54,389,853	54,389,817	46,537,236
OTHER STATE FUNDS	2,382,432	1,786,824	1,786,815	1,751,778
D. TOTAL STATE FUNDS	78,920,236	59,190,177	59,190,129	51,302,511
REQUIRING LOCAL MATCH TO STOA	4,018,000	3,013,500	3,013,497	3,013,497
LOCAL VOLUNTARY FUNDS	26,936,578	20,252,364	20,599,573	20,044,094
LOCAL MORTGAGE TAX	12,805,688	9,840,178	9,140,998	11,231,538
E. TOTAL LOCAL FUNDS	43,760,266	33,106,042	32,754,068	34,289,129
F. TOTAL SUBSIDIES (C+D+E)	216,138,607	106,651,563	106,299,530	126,223,864
G. LOCAL MATCH FROM OPERATOR	0	0	0	0
H. TOTAL REVENUE & SUBSIDIES (B+F+G)	240,974,794	124,882,437	130,899,766	146,012,396
AUDIT ADJUSTMENT	0	0	0	0
(SURPLUS) OR DEFICIT (A. LESS H.)	(65,198,055)	246,420	(10,046,617)	(28,741,999)

TRANSIT OPERATION DATA FORM (A-1)

FIXED ROUTE TOTAL (COMBINED URBAN - BUS & RURAL - BUS)

EXPENSES, REVENUE AND SUBSIDY	2023 or SFY 23-24 ESTIMATE	3rd QUARTER or DEC 31, 2023 YTD BUDGET	3rd QUARTER or DEC 31, 2023 YTD ACTUAL	3rd QUARTER or DEC 31, 2022 YTD ACTUAL
OPERATOR SALARY & WAGES	27,362,279	19,343,270	19,009,229	18,397,451
VEHICLE MAINT SALARY & WAGES	12,029,002	8,135,453	7,254,114	7,041,392
OTHER SALARY & WAGES	5,537,428	3,907,522	3,936,151	3,716,909
TOTAL SALARY & WAGES	44,928,709	31,386,245	30,199,494	29,155,752
FRINGE BENEFITS	46,152,048	31,977,765	30,570,699	31,130,811
SERVICES	13,675,695	10,141,060	10,090,105	9,379,635
PURCHASED TRANSPORTATION	0	0	0	0
FUEL & LUBRICANTS	5,479,783	4,018,443	2,662,384	3,613,480
PARTS & REPAIRS	5,295,737	3,928,798	4,206,766	3,791,748
OTHER MATERIALS & SUPPLIES	5,717,462	3,999,995	3,660,485	3,214,012
UTILITIES	1,375,650	1,012,454	706,147	886,262
CASUALTY & LIABILITY COSTS	3,481,386	2,602,061	2,891,796	2,413,108
TAXES	300	0	0	0
INTEREST EXPENSE	0	0	252,381	294,015
LEASE & RENTALS	594,300	443,974	381,447	422,762
EXPENSE TRANSFERS	(1,636,865)	(1,227,643)	(1,005,002)	(934,729)
DEPRECIATION: PRIVATE CAPITAL	4,553,328	3,414,996	3,459,133	3,280,680
MISCELLANEOUS EXPENSES	888,229	651,668	872,646	986,775
SPONSOR DISALLOWED EXPENSES	0	0	0	0
ALLOWANCE FOR PROFIT	0	0	0	0
ALLOCATED ADMINISTRATION COSTS	7,551,671	5,646,597	5,655,854	4,793,414
A. TOTAL OPERATING COSTS	138,057,433	97,996,412	94,604,335	92,427,725
PASSENGER REVENUE	12,214,769	9,378,260	11,520,355	10,110,544
SPECIAL REIMBURSEMENTS	0	0	0	0
CHARTER/CONTRACT REVENUE	8,551,241	6,027,509	5,998,762	5,850,053
NON USER REVENUE	844,155	537,401	3,135,776	1,158,278
B. TOTAL OPERATING REVENUE	21,610,165	15,943,170	20,654,893	17,118,875
FEDERAL SECTION 5307	16,151,097	12,113,323	12,113,316	11,875,808
FEDERAL SECTION 5311	81,000	60,750	60,750	59,919
OTHER FEDERAL FUNDS	62,942,497	0	0	22,493,000
C. TOTAL FEDERAL FUNDS	79,174,594	12,174,073	12,174,066	34,428,725
STOA REQUIRING LOCAL MATCH	3,403,000	2,552,250	2,552,247	2,552,247
STOA NOT REQUIRING MATCH	61,419,834	46,064,876	46,064,853	39,414,195
OTHER STATE FUNDS	2,018,887	1,514,165	1,514,160	1,484,469
D. TOTAL STATE FUNDS	66,841,721	50,131,291	50,131,260	43,450,911
REQUIRING LOCAL MATCH TO STOA	3,469,420	2,602,065	2,602,062	2,602,062
LOCAL VOLUNTARY FUNDS	22,813,632	17,152,511	17,446,576	16,976,121
LOCAL MORTGAGE TAX	11,129,513	8,543,248	8,001,540	9,753,204
E. TOTAL LOCAL FUNDS	37,412,565	28,297,824	28,050,178	29,331,387
F. TOTAL SUBSIDIES (C+D+E)	183,428,880	90,603,188	90,355,504	107,211,023
G. LOCAL MATCH FROM OPERATOR	0	0	0	0
H. TOTAL REVENUE & SUBSIDIES (B+F+G)	205,039,045	106,546,358	111,010,397	124,329,898
AUDIT ADJUSTMENT	0	0	0	0
(SURPLUS) OR DEFICIT (A. LESS H.)	(66,981,612)	(8,549,946)	(16,406,062)	(31,902,173)

TRANSIT OPERATION DATA FORM (A-1)**URBAN - BUS**

EXPENSES, REVENUE AND SUBSIDY	2023 or SFY 23-24 ESTIMATE	3rd QUARTER or DEC 31, 2023 YTD BUDGET	3rd QUARTER or DEC 31, 2023 YTD ACTUAL	3rd QUARTER or DEC 31, 2022 YTD ACTUAL
OPERATOR SALARY & WAGES	27,224,647	19,245,974	18,913,613	18,306,476
VEHICLE MAINT SALARY & WAGES	11,968,496	8,094,531	7,217,626	7,006,572
OTHER SALARY & WAGES	<u>5,509,575</u>	<u>3,887,867</u>	<u>3,916,352</u>	<u>3,698,529</u>
TOTAL SALARY AND WAGES	44,702,718	31,228,372	30,047,591	29,011,577
FRINGE BENEFITS	45,923,826	31,816,917	30,416,928	30,976,869
SERVICES	13,606,906	10,090,050	10,039,352	9,333,253
PURCHASED TRANSPORTATION	0	0	0	0
FUEL & LUBRICANTS	5,452,220	3,998,230	2,648,992	3,595,611
PARTS & REPAIRS	5,269,099	3,909,036	4,185,606	3,772,998
OTHER MATERIALS & SUPPLIES	5,688,703	3,979,875	3,642,073	3,198,119
UTILITIES	1,368,730	1,007,361	702,595	881,879
CASUALTY & LIABILITY COSTS	3,463,875	2,588,973	2,877,250	2,401,175
TAXES	298	0	0	0
INTEREST EXPENSE	0	0	251,112	292,561
LEASE & RENTALS	591,311	441,741	379,528	420,671
EXPENSE TRANSFERS	(1,628,632)	(1,221,468)	(999,947)	(930,107)
DEPRECIATION: PRIVATE CAPITAL	4,530,425	3,397,819	3,441,734	3,264,457
MISCELLANEOUS EXPENSES	883,761	648,390	868,257	981,895
SPONSOR DISALLOWED EXPENSES	0	0	0	0
ALLOWANCE FOR PROFIT	0	0	0	0
ALLOCATED ADMINISTRATION COSTS	7,513,686	5,618,195	5,627,405	4,769,711
A. TOTAL OPERATING COSTS	137,366,927	97,503,490	94,128,476	91,970,669
PASSENGER REVENUE	12,203,800	9,369,838	11,510,010	10,109,189
SPECIAL REIMBURSEMENTS	0	0	0	0
CHARTER/CONTRACT REVENUE	8,551,241	6,027,509	5,998,762	5,850,053
NON USER REVENUE	843,397	536,918	3,132,960	1,158,123
B. TOTAL OPERATING REVENUE	21,598,438	15,934,266	20,641,732	17,117,365
FEDERAL SECTION 5307	16,151,097	12,113,323	12,113,316	11,875,806
FEDERAL SECTION 5311	0	0	0	0
OTHER FEDERAL FUNDS	62,942,497	0	0	22,493,000
C. TOTAL FEDERAL FUNDS	79,093,594	12,113,323	12,113,316	34,368,806
STOA REQUIRING LOCAL MATCH	3,403,000	2,552,250	2,552,247	2,552,247
STOA NOT REQUIRING MATCH	61,364,679	46,023,509	46,023,487	39,408,913
OTHER STATE FUNDS	2,018,887	1,514,165	1,514,160	1,484,469
D. TOTAL STATE FUNDS	66,786,566	50,089,925	50,089,894	43,445,629
REQUIRING LOCAL MATCH TO STOA	3,469,420	2,602,065	2,602,062	2,602,062
LOCAL VOLUNTARY FUNDS	22,813,632	17,152,511	17,446,576	16,976,121
LOCAL MORTGAGE TAX	11,129,513	8,543,248	8,001,540	9,753,204
E. TOTAL LOCAL FUNDS	37,412,565	28,297,824	28,050,178	29,331,387
F. TOTAL SUBSIDIES (C+D+E)	183,292,725	90,501,071	90,253,388	107,146,822
G. LOCAL MATCH FROM OPERATOR	0	0	0	0
H. TOTAL REVENUE & SUBSIDIES (B+F+G)	204,891,163	106,435,337	110,895,120	124,263,187
AUDIT ADJUSTMENT	0	0	0	0
(SURPLUS) OR DEFICIT (A. LESS H.)	(67,524,236)	(8,931,847)	(16,766,644)	(32,292,518)

TRANSIT OPERATION DATA FORM (A-1)
RURAL - BUS

EXPENSES, REVENUE AND SUBSIDY	2023 or SFY 23-24 ESTIMATE	3rd QUARTER or DEC 31, 2023 YTD BUDGET	3rd QUARTER or DEC 31, 2023 YTD ACTUAL	3rd QUARTER or DEC 31, 2022 YTD ACTUAL
OPERATOR SALARY & WAGES	137,632	97,297	95,616	90,975
VEHICLE MAINT SALARY & WAGES	60,506	40,921	36,488	34,820
OTHER SALARY & WAGES	27,853	19,655	19,799	18,380
TOTAL SALARY & WAGES	225,991	157,873	151,903	144,175
FRINGE BENEFITS	228,222	160,848	153,771	153,942
SERVICES	68,789	51,010	50,753	46,382
PURCHASED TRANSPORTATION	0	0	0	0
FUEL & LUBRICANTS	27,563	20,213	13,392	17,869
PARTS & REPAIRS	26,638	19,762	21,160	18,750
OTHER MATERIALS & SUPPLIES	28,759	20,120	18,412	15,893
UTILITIES	6,920	5,093	3,552	4,383
CASUALTY & LIABILITY COSTS	17,511	13,088	14,546	11,933
TAXES	2	0	0	0
INTEREST EXPENSE	0	0	1,269	1,454
LEASE & RENTALS	2,989	2,233	1,919	2,091
EXPENSE TRANSFERS	(8,233)	(6,175)	(5,055)	(4,622)
DEPRECIATION: PRIVATE CAPITAL	22,903	17,177	17,399	16,223
MISCELLANEOUS EXPENSES	4,468	3,278	4,389	4,880
SPONSOR DISALLOWED EXPENSES	0	0	0	0
ALLOWANCE FOR PROFIT	0	0	0	0
ALLOCATED ADMINISTRATION COSTS	37,985	28,402	28,449	23,703
A. TOTAL OPERATING COSTS	690,506	492,922	475,859	457,056
PASSENGER REVENUE	10,969	8,422	10,345	1,355
SPECIAL REIMBURSEMENTS	0	0	0	0
CHARTER/CONTRACT REVENUE	0	0	0	0
NON USER REVENUE	758	483	2,816	155
B. TOTAL OPERATING REVENUE	11,727	8,904	13,161	1,510
FEDERAL SECTION 5307	0	0	0	0
FEDERAL SECTION 5311	81,000	60,750	60,750	59,919
OTHER FEDERAL FUNDS	0	0	0	0
C. TOTAL FEDERAL FUNDS	81,000	60,750	60,750	59,919
STOA REQUIRING LOCAL MATCH	0	0	0	0
STOA NOT REQUIRING MATCH	55,155	41,366	41,366	5,282
OTHER STATE FUNDS	0	0	0	0
D. TOTAL STATE FUNDS	55,155	41,366	41,366	5,282
REQUIRING LOCAL MATCH TO STOA	0	0	0	0
LOCAL VOLUNTARY FUNDS	0	0	0	0
LOCAL MORTGAGE TAX	0	0	0	0
E. TOTAL LOCAL FUNDS	0	0	0	0
F. TOTAL SUBSIDIES (C+D+E)	136,155	102,116	102,116	65,201
G. LOCAL MATCH FROM OPERATOR	0	0	0	0
H. TOTAL REVENUE & SUBSIDIES (B+F+G)	147,882	111,021	115,277	66,711
AUDIT ADJUSTMENT	0	0	0	0
(SURPLUS) OR DEFICIT (A. LESS H.)	542,624	381,901	360,582	390,345

TRANSIT OPERATION DATA FORM (A-1)

LIGHT RAIL

EXPENSES, REVENUE AND SUBSIDY	2023 or SFY 23-24 ESTIMATE	3rd QUARTER or DEC 31, 2023 YTD BUDGET	3rd QUARTER or DEC 31, 2023 YTD ACTUAL	3rd QUARTER or DEC 31, 2022 YTD ACTUAL
OPERATOR SALARY & WAGES	1,734,872	1,285,683	1,167,626	1,092,999
VEHICLE MAINT SALARY & WAGES	1,620,303	1,127,858	858,552	1,204,829
OTHER SALARY & WAGES	<u>6,008,801</u>	<u>4,275,545</u>	<u>4,422,818</u>	<u>3,994,283</u>
TOTAL SALARY & WAGES	9,363,975	6,689,085	6,448,796	6,292,111
FRINGE BENEFITS	9,296,640	6,679,313	6,168,710	6,201,186
SERVICES	9,144,396	6,492,382	6,591,776	6,225,018
PURCHASED TRANSPORTATION	0	0	0	0
FUEL & LUBRICANTS	36,848	25,278	22,777	23,269
PARTS & REPAIRS	482,300	361,548	291,705	339,918
OTHER MATERIALS & SUPPLIES	1,341,100	923,789	865,868	702,157
UTILITIES	1,349,295	943,231	768,079	925,878
CASUALTY & LIABILITY COSTS	1,427,393	1,066,262	1,014,288	863,561
TAXES	0	0	0	0
INTEREST EXPENSE	0	0	1,880	0
LEASE & RENTALS	0	0	0	0
EXPENSE TRANSFERS	1,185,044	885,540	708,537	653,243
DEPRECIATION: PRIVATE CAPITAL	1,354,198	1,015,649	1,298,934	878,533
MISCELLANEOUS EXPENSES	76,000	59,829	73,662	48,023
SPONSOR DISALLOWED EXPENSES	0	0	0	0
ALLOWANCE FOR PROFIT	0	0	0	0
ALLOCATED ADMINISTRATION COSTS	2,662,117	1,990,540	1,993,803	1,689,775
A. TOTAL OPERATING COSTS	37,719,306	27,132,445	26,248,815	24,842,672
PASSENGER REVENUE	1,975,369	1,480,195	1,890,045	1,723,751
SPECIAL REIMBURSEMENTS	0	0	0	0
CHARTER/CONTRACT REVENUE	950,138	658,652	662,544	621,229
NON USER REVENUE	300,515	148,857	1,392,754	324,677
B. TOTAL OPERATING REVENUE	3,226,022	2,287,704	3,945,343	2,669,657
FEDERAL SECTION 5307	2,908,361	2,181,271	2,181,267	2,138,499
FEDERAL SECTION 5311	0	0	0	0
OTHER FEDERAL FUNDS	11,375,150	0	0	4,065,000
C. TOTAL FEDERAL FUNDS	14,283,511	2,181,271	2,181,267	6,203,499
STOA REQUIRING LOCAL MATCH	615,000	461,250	461,250	461,250
STOA NOT REQUIRING MATCH	11,099,970	8,324,978	8,324,964	7,123,041
OTHER STATE FUNDS	363,545	272,659	272,655	267,309
D. TOTAL STATE FUNDS	12,078,515	9,058,886	9,058,869	7,851,600
REQUIRING LOCAL MATCH TO STOA	548,580	411,435	411,435	411,435
LOCAL VOLUNTARY FUNDS	4,122,946	3,099,853	3,152,997	3,067,973
LOCAL MORTGAGE TAX	1,676,175	1,296,930	1,139,458	1,478,334
E. TOTAL LOCAL FUNDS	6,347,701	4,808,218	4,703,890	4,957,742
F. TOTAL SUBSIDIES (C+D+E)	32,709,727	16,048,375	15,944,026	19,012,841
G. LOCAL MATCH FROM OPERATOR	0	0	0	0
H. TOTAL REVENUE & SUBSIDIES (B+F+G)	35,935,749	18,336,079	19,889,369	21,682,498
AUDIT ADJUSTMENT	0	0	0	0
(SURPLUS) OR DEFICIT (A. LESS H.)	1,783,557	8,796,366	6,359,446	3,160,174

TRANSIT OPERATION DATA FORM (A-1)
PARATRANSIT

EXPENSES, REVENUE AND SUBSIDY	2023 or SFY 23-24 ESTIMATE	3rd QUARTER or DEC 31, 2023 YTD BUDGET	3rd QUARTER or DEC 31, 2023 YTD ACTUAL	3rd QUARTER or DEC 31, 2022 YTD ACTUAL
OPERATOR SALARY & WAGES	4,257,458	3,108,042	3,093,011	2,898,742
VEHICLE MAINT SALARY & WAGES	478,791	363,648	311,131	346,846
OTHER SALARY & WAGES	<u>196,020</u>	<u>144,001</u>	<u>22,872</u>	<u>25,294</u>
TOTAL SALARY & WAGES	4,932,268	3,613,691	3,427,014	3,270,882
FRINGE BENEFITS	4,651,733	3,483,026	3,231,175	3,184,053
SERVICES	1,581,825	1,190,423	1,260,925	1,189,931
PURCHASED TRANSPORTATION	0	0	0	0
FUEL & LUBRICANTS	816,701	614,975	461,681	533,783
PARTS & REPAIRS	470,000	365,340	384,874	263,376
OTHER MATERIALS & SUPPLIES	390,378	287,777	326,834	209,336
UTILITIES	112,200	83,670	48,673	68,277
CASUALTY & LIABILITY COSTS	266,745	199,258	423,821	211,520
TAXES	0	0	0	0
INTEREST EXPENSE	0	0	0	0
LEASE & RENTALS	0	0	0	0
EXPENSE TRANSFERS	214,805	160,953	137,218	126,602
DEPRECIATION: PRIVATE CAPITAL	192,861	144,646	112,490	146,834
MISCELLANEOUS EXPENSES	26,622	20,199	15,229	13,984
SPONSOR DISALLOWED EXPENSES	0	0	0	0
ALLOWANCE FOR PROFIT	0	0	0	0
ALLOCATED ADMINISTRATION COSTS	133,928	100,142	100,306	85,011
A. TOTAL OPERATING COSTS	13,789,866	10,244,100	9,930,240	9,303,589
PASSENGER REVENUE	497,305	367,012	519,121	449,135
SPECIAL REIMBURSEMENTS	0	0	0	0
CHARTER/CONTRACT REVENUE	0	0	0	0
NON USER REVENUE	0	0	1,970	3,750
B. TOTAL OPERATING REVENUE	497,305	367,012	521,091	452,885
FEDERAL SECTION 5307	329,614	247,211	247,203	242,361
FEDERAL SECTION 5311	0	0	0	0
OTHER FEDERAL FUNDS	1,516,687	0	0	542,000
C. TOTAL FEDERAL FUNDS	1,846,301	247,211	247,203	784,361
STOA REQUIRING LOCAL MATCH	82,000	61,500	61,497	61,497
STOA NOT REQUIRING MATCH	1,479,996	1,109,997	1,109,988	949,725
OTHER STATE FUNDS	41,202	30,902	30,897	30,294
D. TOTAL STATE FUNDS	1,603,198	1,202,399	1,202,382	1,041,516
REQUIRING LOCAL MATCH TO STOA	82,000	61,500	61,497	61,497
LOCAL VOLUNTARY FUNDS	549,726	413,307	420,395	409,061
LOCAL MORTGAGE TAX	261,341	200,820	186,550	229,214
E. TOTAL LOCAL FUNDS	893,067	675,627	668,442	699,772
F. TOTAL SUBSIDIES (C+D+E)	4,342,566	2,125,236	2,118,027	2,525,649
G. LOCAL MATCH FROM OPERATOR	0	0	0	0
H. TOTAL REVENUE & SUBSIDIES (B+F+G)	4,839,871	2,492,248	2,639,118	2,978,534
AUDIT ADJUSTMENT	0	0	0	0
(SURPLUS) OR DEFICIT (A. LESS H.)	8,949,995	7,751,852	7,291,122	6,325,055

TRANSIT OPERATION DATA FORM (A-1)
NON-METRO

EXPENSES, REVENUE AND SUBSIDY	2023 or SFY 23-24 ESTIMATE	3rd QUARTER or DEC 31, 2023 YTD BUDGET	3rd QUARTER or DEC 31, 2023 YTD ACTUAL	3rd QUARTER or DEC 31, 2022 YTD ACTUAL
OPERATOR SALARY & WAGES				
VEHICLE MAINTENANCE SAL. & WAGES				
OTHER SALARY & WAGES	44,842,267	33,266,602	32,307,319	30,513,365
TOTAL SALARY & WAGES	44,842,267	33,266,602	32,307,319	30,513,365
FRINGE BENEFITS	24,775,060	18,327,576	17,456,981	16,682,353
SERVICES	25,404,635	18,114,771	18,097,338	16,125,512
PURCHASED TRANSPORTATION	0	0	0	0
FUEL AND LUBRICANTS	833,000	601,939	377,006	585,153
PARTS AND REPAIRS	13,849,714	8,240,002	8,102,696	8,004,834
OTHER MATERIAL & SUPPLIES	1,170,730	828,999	664,994	746,466
UTILITIES	4,620,146	2,746,909	2,161,197	2,843,176
CASUALTY AND LIABILITY COSTS	1,529,059	1,142,831	1,217,670	1,080,297
TAXES	394,821	309,206	317,948	317,487
INTEREST EXPENSE	0	0	0	0
LEASE AND RENTALS	1,465,464	933,340	885,263	1,006,650
EXPENSE TRANSFERS	(35,794,533)	(26,597,502)	(26,916,718)	(25,279,085)
DEPRECIATION: PRIVATE CAPITAL	6,524,327	4,893,245	4,324,710	5,000,009
MISCELLANEOUS EXPENSES	2,420,643	1,677,224	1,343,404	1,254,681
SPONSOR DISALLOWED EXPENSES	0	0	0	0
ALLOWANCE FOR PROFIT	0	0	0	0
ALLOCATED ADMINISTRATION COSTS	(10,347,715)	(7,737,278)	(7,749,962)	(6,568,200)
A TOTAL OPERATING COSTS	81,687,618	56,747,864	52,589,846	52,311,698
PASSENGER REVENUE	0	0	0	0
SPECIAL REIMBURSEMENT	0	0	0	0
CHARTER/CONTRACT REVENUE	0	0	0	0
NON USER REVENUE	0	0	0	0
B TOTAL OPERATING REVENUE	98,220,291	72,338,554	68,719,285	62,963,122
FEDERAL SECTION 5307	0	0	0	0
FEDERAL SECTION 5311	0	0	0	0
OTHER FEDERAL FUNDS	11,144,249	8,358,190	8,226,193	8,304,071
C TOTAL FEDERAL FUNDING	11,144,249	8,358,190	8,226,193	8,304,071
STOA REQUIRING LOCAL MATCH	0	0	0	0
STOA NOT REQUIRING MATCH	0	0	0	0
OTHER STATE FUNDS	0	0	0	0
D TOTAL STATE FUNDING	0	0	0	0
REQUIRED LOCAL MATCH TO STOA	0	0	0	0
LOCAL VOLUNTARY FUNDS	0	0	0	0
LOCAL MORTGAGE RECORDING TAX	0	0	0	0
E TOTAL LOCAL GOVERNMENT FUNDING	0	0	0	0
F TOTAL GOVERNMENT SUBSIDIES (C+D+E)	11,144,249	8,358,190	8,226,193	8,304,071
G LOCAL MATCH FROM OPERATOR				
H TOTAL REVENUE & SUBSIDIES (B+F+G)	109,364,540	80,696,744	76,945,478	71,267,193
AUDIT ADJUSTMENT	0	0	0	0
(SURPLUS) OR DEFICIT (A. LESS H.)	(27,676,922)	(23,948,880)	(24,355,632)	(18,955,495)

**CAPITAL EXPENDITURES
OCTOBER 1, 2023 THROUGH OCTOBER 31, 2023**

ACCT #	PROJECT NAME	PROJECT BUDGET	OCT 2023 EXPENSES	OCT 2023 ELIG EXP	OCT 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
METRO BUS							
2-1237	TOD PLANNING ROUND 2	972,429	44,934	44,934	0	864,369	176,944
2-3406	FARE COLLECTION SYSTEM UPGRADE	14,694,538	1,795	0	1,795	13,491,473	354,711
2-3409	NIAGARA ST CORRIDOR PROJECT	2,961,096	0	0	0	2,581,851	5,789
2-3492	BUS FACILITY REHAB	1,965,180	88,827	84,556	4,271	1,405,689	277,707
2-3493	METRO TRANSIT EXPANSION	331,347,876	254,152	254,152	0	7,746,747	1,821,192
2-3498	VERTICAL STOR UNITS (BABCOCK/COLD SPR)	335,000	0	0	0	330,958	245,958
2-3521	NON-REVENUE VEHICLES (TOW TRUCK)	2,700,000	0	0	0	571,921	172,869
2-3526	10 ELECTRIC BUSES (1ST ORDER)	10,209,511	0	0	0	10,134,247	48,955
2-3528	FREEDOM WALL WALK CLOSED	842,000	0	0	0	659,131	733
2-3529	ACQUIRE MISC SUPPORT EQUIP	2,490,874	0	0	0	365,379	206,304
2-3533	SHORT RANGE PLANNING PROJECTS	1,335,000	0	0	0	199,950	61,749
2-3534	BUS GARAGE ROOF ASSESSMENT	24,007,079	124	0	124	92,994	12,912
2-3538	BEB CHARGING INFRASTRUCTURE	13,094,188	(1,453,243)	0	(1,453,243)	4,773,547	0
2-3540	FACILITY IMPROVEMENTS	850,000	8,408	8,408	0	101,241	25,290
2-3546	BEB CHARGING INFRASTRUCTURE PHASE II	0	1,906,487	1,906,487	0	1,906,487	1,906,487
2-3547	UNIV STN BUS LOOP REHAB	1,805,000	586,332	0	586,332	1,432,379	1,349,747
2-3548	ASPHALT PVMNT REHAB FACIL & LOOPS	1,751,435	10,411	0	10,411	140,650	114,275
2-3549	NON-REVENUE VEHICLES	2,950,000	235,452	0	235,452	502,743	444,784
2-3554	800 MHZ RADIO SYS REPL STUDY	22,843	0	0	0	18,848	18,848
2-3555	BUS WASH REPL @ 3 GARAGES	1,925,000	16,809	0	16,809	28,330	28,330
2-3557	PAL COMPREHENSIVE ANALYSIS	750,000	21,630	21,630	0	185,054	185,054
2-8097	OCC FURNITURE	169,008	84,504	0	84,504	169,008	169,008
2-8723	FIRE ALARM UPGRADE ALL GARAGES	2,652,131	9,922	0	9,922	82,929	43,983
2-8733	BOILER REPL AT COLD SPR GARAGE CLOSED	374,379	0	0	0	374,379	121,957
2-8763	BABCOCK/COLD SPR SECURITY GATE RE-WIRE	150,000	24,418	24,418	0	44,766	44,766
2-8764	DIVISION ST LINEAR TRANSIT HUB	7,838,260	56,465	45,172	11,293	217,845	202,661
2-8765	BUS GARAGE SPRINKLER VALVE REPL	2,809,300	228	0	228	124,283	14,777
2-8768	SMALL BUSES (9 PARATRANSIT) CLOSED	10,372,499	0	0	0	1,513,673	1,513,673
2-8773	BUS RADIOS	1,000,000	0	0	0	80,498	80,498
3-1634	METRO - GO BUS/NIAG TRANS DEMAND MGMT PROJ	1,058,141	32,887	32,887	0	448,250	135,703
3-1644	BUS PERVENTATIVE MAINT 23/24	20,600,869	2,147,497	2,147,497	0	12,261,452	12,261,452
TOTAL METRO BUS		464,031,656	4,078,039	4,570,141	(492,102)	63,051,071	22,047,116

CAPITAL EXPENDITURES
OCTOBER 1, 2023 THROUGH OCTOBER 31, 2023

ACCT #	PROJECT NAME	PROJECT BUDGET	OCT 2023 EXPENSES	OCT 2023 ELIG EXP	OCT 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
METRO RAIL							
2-2973	CATENARY & INSULATOR REPL PHASE IV	4,400,000	1,298	1,298	0	1,298	1,298
2-3485	DL&W TERMINAL (DESIGN/CONSTR)	60,079,117	127,491	116,739	10,752	40,678,442	1,930,790
2-3552	DL&W SHORELINE RESTORATION	8,000,000	342,962	342,962	0	3,364,595	2,545,713
2-3553	PUMP REPLACEMENTS (2)	100,000	0	0	0	51,495	51,495
2-8712	SPARE RAIL	349,504	84,571	0	84,571	109,075	84,571
2-8716	LRV AIR SYSTEMS VALVES	105,000	312	312	0	14,615	6,690
2-8721	LRV EQUIPMENT FUND	905,277	0	0	0	78,900	55,942
2-8722	TRAIN CONTROL VITAL RELAY REHAB	480,510	2,000	2,000	0	63,925	15,635
2-8727	EC HARBOR STATION REFURBISHMENT	3,682,792	208,336	208,336	0	2,583,239	1,262,995
2-8735	UNDER PLATFORM CONDUIT REPLACEMENT	1,024,811	0	0	0	90,109	4,631
2-8736	LRV TRACTION MOTOR OVERHAUL	200,000	0	0	0	102,951	83,857
2-8737	JOURNAL BEARINGS	408,434	16,170	806	15,364	24,604	16,170
2-8739	TRACK BRAKE COILS	650,000	0	0	0	247,681	247,681
2-8740	RAIL REPLACEMENT 400 BLOCK MAIN ST	29,528,594	1,798,618	1,798,618	0	4,148,993	3,150,057
2-8741	MAINT EQUIP FUND	1,201,747	73,117	31,864	41,253	128,735	73,117
2-8746	DL&W PEDESTRIAN BRIDGE STUDY	120,000	0	0	0	100,245	14,765
2-8747	CHURCH STREET STN REFURB (DESIGN)	4,402,253	2,526	2,526	0	110,711	66,527
2-8748	Y&S EAST END RAIL EXTENSION STUDY	110,000	0	0	0	97,120	289
2-8750	FREQUENCY SHIFT OVERLAYS	150,000	0	0	0	25,079	25,079
2-8753	SUPPORT VEHICLES REPL	1,410,000	0	0	0	108,646	45,867
2-8761	RAILCAR PRESENT/LIFT/UPGRADE	59,635	0	0	0	223,937	189,302
2-8766	STANDPIPE REPL & SYS REHAB	2,204,115	515	515	0	58,463	9,326
2-8767	FASTENER & PAD REPL PHASE 11 (DESIGN)	300,000	2,487	2,487	0	116,101	93,209
2-8769	DL&W 2ND FLOOR CORE & SHELL	30,014,335	10,926	10,926	0	103,536	73,129
2-9110	TRAFFIC ON MAIN STR-100/200 BLOCK	443,230	5,967	5,967	0	361,515	8,280
2-9122	LRV TRACTION MOTOR OVERHAUL CLOSED	1,710,875	0	0	0	220,000	9,125
2-9131	LANDSCAPING EQUIP	355,985	0	0	0	139,188	102,466
2-9152	DTS - SYSTEM REPLACEMENT	1,280,000	0	0	0	1,128,499	44,800
2-9156	LOCAL CONTROL PANELS/TRAIN CONTROL	100,000	0	0	0	99,500	7,500
2-9189	TRACK SWITCH PARTS & HARDWARE	188,760	0	0	0	39,259	22,498
2-9191	CAMERAS FOR STATIONS	20,000	0	0	0	6,484	6,484
2-9192	FASTENER & PAD REPLACEMENT PHASE 10 CLOSED	3,904,296	0	0	0	3,965,517	304

**CAPITAL EXPENDITURES
OCTOBER 1, 2023 THROUGH OCTOBER 31, 2023**

ACCT #	PROJECT NAME	PROJECT BUDGET	OCT 2023 EXPENSES	OCT 2023 ELIG EXP	OCT 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
2-9352	FARE COLLECTION SYSTEM UPGRADE	11,589,594	1,311	0	1,311	9,485,681	457,902
2-9391	ELECTRIC PARTS & BREAKERS	180,000	0	0	0	69,602	51,782
2-9394	RAIL SHOP FAÇADE REPAIR	1,003,803	81,596	12,561	69,035	319,885	209,764
2-9773	LRV MID-LIFE REBUILD	49,595,333	15,115	15,115	0	49,717,814	99,898
3-1643	RAIL PERVENTATIVE MAINT 23/24	3,635,451	0	0	0	3,271,906	3,271,906
TOTAL METRO RAIL		223,893,451	2,775,318	2,553,032	222,286	121,457,345	14,340,844
BNIA							
2-1269	TAP - SIDE BY SIDE FOUR WHEEL VEHICLE	20,000	0	0	0	35,782	35,782
2-2309	PFC PROGRAM PLANNING AND ADMIN	1,228,469	1,690	1,690	0	1,057,280	11,353
2-2691	AIRCRAFT DEICING CONTAINMENT FACIL EXPANSION	9,531,172	38	38	0	8,834,640	40,608
2-2728	BAGGAGE CLAIM EXPANSION	66,197,457	0	0	0	64,949,172	286
2-2785	BUELL AVE PARKING LOT	3,606,831	808,397	306,346	502,051	3,695,559	1,262,305
2-2806	IT SECURITY MAINT/UPGRADE	299,926	93,947	0	93,947	260,185	93,947
2-2808	175 AERO BACKUP POWER	410,000	38,418	0	38,418	463,344	300,984
2-2812	REPLACE AIRFIELD PICKUP TRUCKS - FYE24	423,421	0	0	0	70,457	37,962
2-2814	AIRPORT ECONOMIC DEVELOPMENT	61,891,879	811	0	811	1,321,191	118,210
2-2819	RW 5-23 FAA REIMBURSABLE AGRMT PH I	86,000	0	0	0	83,620	242
2-2820	RW 5-23 REHAB/RECONSTRUCT PHASE I	36,238,243	2,971,530	2,971,530	0	26,887,770	23,444,484
2-2821	PASSENGER BOARDING BRIDGE REPL	18,000,000	72,689	72,689	0	918,755	422,463
2-2822	EV CHARGING INFRASTRUCTURE STUDY	200,000	3,006	0	3,006	101,798	44,992
2-2824	TOOL CAT MULTI-PURPOSE	75,000	0	0	0	85,064	85,064
2-2825	ZERO TURN MOWERS	73,100	65,900	0	65,900	65,900	65,900
2-2826	NEW FARM TRACTORS	430,442	0	0	0	130,442	130,442
2-2827	WHEELED SKID LOADER	274,998	0	0	0	49,800	49,800
2-2828	PC AIR REPLACEMENT GATES 20. 22	450,000	0	0	0	7,980	852
2-2829	STREET SWEEPER	324,348	324,348	0	324,348	324,348	324,348
2-2831	HIGH SPEED DIVERTER PADDLES - BAG SYS	115,688	0	0	0	68,509	68,509
2-2836	FUEL FARM PUMP	16,697	0	0	0	16,864	16,864
2-2837	INSTALL PERIMETER FENCING (DESIGN)	98,913	2,892	2,892	0	31,759	31,759
2-2838	ARFF - GYM EQUIPMENT	36,000	0	0	0	9,315	9,315
2-2839	ARFF - SAFETY EQUIPMENT	90,000	0	0	0	19,787	19,787
2-2840	ARFF - JAWS OF LIFE	48,418	0	0	0	48,418	48,418
2-2841	PASSENGER TERMINAL STANDBY POWER EXPANSION	1,850,733	1,237	866	371	2,124	2,124
2-2842	GA APRON & TWP P & Q REHAB (DESIGN)	1,063,907	80,967	80,967	0	110,795	110,795
2-2845	OBSTRUCTION REMOVAL PROJ PHASE II (ENVIR ASS)	109,042	84	84	0	84	84
2-2851	TERM OPS CUSTODIAN BREAKRM FLOORS	8,100	0	0	0	8,100	8,100

**CAPITAL EXPENDITURES
OCTOBER 1, 2023 THROUGH OCTOBER 31, 2023**

ACCT #	PROJECT NAME	PROJECT BUDGET	OCT 2023 EXPENSES	OCT 2023 ELIG EXP	OCT 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
2-2853	PARKING PICKUP TRUCK	80,000	0	0	0	38,114	38,114
2-2975	SALT BARN	240,000	906	0	906	906	906
TOTAL BNIA		203,518,784	4,466,860	3,437,102	1,029,758	109,697,862	26,824,889
NFIA							
2-1504	PFC PROGRAM PLANNING & ADMIN. FY 16	96,000	543	543	0	108,490	6,338
2-1508	RAW 10L OBSTRUCT RMVL FINAL DESIGN	1,320,022	0	0	0	1,308,578	9,338
2-1512	PARALLEL TAW PROG ENVIR ASSESSMENT	101,308	0	0	0	100,844	19,652
2-1519	AIRFIELD ILLUMINATED SIGNAGE UPGRADE	173,873	5,098	5,098	0	131,468	127,569
2-1525	PARKING LOT LED LIGHTING UPGR	40,800	0	0	0	36,114	36,114
2-2847	TAW D REALIGNMENT & EXTENSION (ENVIR ASSESSN	500,000	139	139	0	139	139
2-2977	TOWER SITING STUDY	200,000	128,336	128,336	0	128,336	128,336
TOTAL NFIA		2,432,003	134,116	134,116	0	1,813,969	327,486
MTC							
2-0735	REPLACE TOWER WINDOWS	122,001	0	0	0	60,342	9,695
2-0743	AHU #7 REPLACEMENT	335,432	0	0	0	355,279	8,499
2-0762	POLICE OFFICE	137,000	2,844	0	2,844	77,309	8,069
2-0763	CHILLER REPLACEMENT	1,962,223	2,733	0	2,733	306,615	210,035
2-0764	OCC - RESTROOM/KITCHEN REHAB	42,578	0	0	0	43,203	20,223
2-1268	CONFERENCE ROOM RESTROOMS	107,000	0	0	0	51,160	40,134
2-8096	EXTERIOR ENHANCEMENTS	15,057,000	2,417	0	2,417	3,848	3,848
TOTAL MTC		17,763,234	7,994	0	7,994	897,756	300,503
METRO FACILITIES							
2-8729	ESCALATOR REPLACEMENT YEAR 5	3,696,987	2,796	2,796	0	4,001,834	346,858
2-8732	PANEL LINER REHAB PHASE III	1,390,000	74,345	74,345	0	1,031,300	139,031
2-8734	EXTERIOR REHAB PHASE II	1,440,000	3,430	3,430	0	843,794	491,771
2-9113	ESCALATOR MAINT - FYE17 THRU OUT YEARS	935,250	0	0	0	640,649	70,000
2-9132	ELEVATOR CONTROLLER REPLACEMENT	2,260,289	160	160	0	1,989,819	8,835
TOTAL METRO FACILITIES		9,722,526	80,731	80,731	0	8,507,396	1,056,496
PROPERTY MGMT							
2-8069	485 ROOF REPLACEMENT BAYS 1-4	1,450,229	0	0	0	745,121	79,450
2-8098	247 CAYUGA DOCK DOOR UPG	20,000	0	0	0	7,400	7,400
2-8100	485 CAYUGA PIPE RUPTURE/REPR	728,000	0	0	0	438,023	438,023
2-8101	485 CAYUGA TENANT UPGR 24	11,265	0	0	0	11,265	11,265
TOTAL PROPERTY MGMT		2,209,494	0	0	0	1,201,809	536,138
CENTRAL ADMIN							
HSEQ							

**CAPITAL EXPENDITURES
OCTOBER 1, 2023 THROUGH OCTOBER 31, 2023**

ACCT #	PROJECT NAME	PROJECT BUDGET	OCT 2023 EXPENSES	OCT 2023 ELIG EXP	OCT 2023 INELIG EXP	TOTDATE EXPENSES	FYE24 EXPENSES
2-1266	AUTHORITY WIDE NYS BUILD SMART	102,000	0	0	0	55,060	25,489
TAP							
2-1232	METRO DIVISION RADIOS REPLACEMENT	210,000	0	0	0	48,101	28,401
2-1250	NY STATE ACCREDITATION	152,376	0	0	0	17,555	10,355
2-1256	REPLACE K9 VEHICLES (2)	799,876	0	0	0	306,174	12,798
2-1262	REPLACE RADIOS - AVIATION DIVISION	210,000	0	0	0	29,999	10,338
2-8080	WEAPONS/ERT EQUIPMENT	85,000	0	0	0	8,070	8,070
2-8095	REPLACE CHIEF'S VEHICLE CLOSED	49,544	0	0	0	49,544	49,544
3-1605	TAP - K9 PROJECT SURF TRANSP METRO DIV	2,148,300	42,452	42,345	107	4,526,900	320,798
3-1606	TAP - K9 PROJECT AVIATION DIVISION	1,010,000	63,707	63,242	465	5,654,729	439,098
3-1642	TAP - COPS JOJ ACCREDITATION GRANT	100,000	263	263	0	14,278	11,578
TOTAL TAP		4,665,096	106,422	105,850	572	10,865,350	890,980
MIS							
2-0766	OFFICE TECHNOLOGY UPGR/MAINT	500,000	0	0	0	68,831	7,946
2-0767	DATA FACILITY UPGR/MAINT	1,200,000	0	0	0	364,018	64,638
2-0769	NETWORK CORE UPGRADE	1,050,000	0	0	0	191,789	94,738
2-0770	NETWORK REFRESH	1,000,000	0	0	0	399,808	199,812
2-0771	SECURITY SUBSCRIPTION ENHANCEMENTS	127,017	80,448	58,845	21,603	299,869	92,404
2-0774	MTC BMS REPL & STANDARDIZATION	323,203	0	0	0	266,903	5,958
2-1201	ELLIPSE UPGRADE PHASE 2	1,782,783	0	0	0	1,258,568	89,880
2-1221	TELECON CONSOLIDATION & REFRESH	1,192,703	9,022	0	9,022	782,380	24,472
2-1243	NFTA PROCESS IMPROVEMENT	2,250,000	2,362	0	2,362	369,749	119,993
2-1252	SECURITY UPGRADES & SPARES	1,163,629	10,800	0	10,800	427,911	113,766
2-1253	LAWSON UPGRADES/EXPANSION	3,219,922	1,501	0	1,501	662,367	71,316
2-1260	MEDICAL SOFTWARE REPLACEMENT	242,500	0	0	0	105,920	22,650
2-8087	STORAGE UPGRADE/MAINT	800,000	0	0	0	98,828	98,828
2-8089	COMPUTER UPGRADES FYE24-27	1,200,000	0	0	0	129,708	129,708
2-8090	NETWORK CONNECTIVITY REDUNDANCY	1,250,000	0	0	0	90,527	90,527
2-8091	BMS/FACILITY SYSTEMS REPL	400,000	0	0	0	36,050	36,050
2-8093	DATA BACKUP SYS REFRESH	350,000	0	0	0	99,374	99,374
TOTAL MIS		18,061,767	104,133	58,845	45,288	5,652,600	1,362,060
ERING							
2-2972	ENGINEERING POOL EV's	522,568	28,995	0	28,995	28,995	28,995
2-8102	ENGINEERING PLOTTER	15,000	14,535	0	14,535	14,535	14,535
TOTAL ENGINEERING		537,568	43,530	0	43,530	43,530	43,530
AFFAIRS							

**CAPITAL EXPENDITURES
OCTOBER 1, 2023 THROUGH OCTOBER 31, 2023**

ACCT #	PROJECT NAME	PROJECT BUDGET	OCT 2023 EXPENSES	OCT 2023 ELIG EXP	OCT 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
2-1261	NFTA WEBSITE	101,080	28,800	0	28,800	77,480	52,000
AFFAIRS							
2-3550	ITS4US PHASE II & III	8,515,088	119,274	119,274	0	1,188,974	716,029
TOTAL CENTRAL ADMIN		31,972,589	402,159	283,989	118,190	17,672,994	3,090,088

**CAPITAL EXPENDITURES
NOVEMBER 1, 2023 THROUGH NOVEMBER 30, 2023**

ACCT #	PROJECT NAME	PROJECT BUDGET	NOV 2023 EXPENSES	NOV 2023 ELIG EXP	NOV 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
METRO BUS							
2-1237	TOD PLANNING ROUND 2	972,429	104,855	104,855	0	969,224	281,799
2-3406	FARE COLLECTION SYSTEM UPGRADE	14,694,538	3,114	0	3,114	13,494,587	357,825
2-3409	NIAGARA ST CORRIDOR PROJECT	2,961,096	0	0	0	2,581,851	5,789
2-3482	BUS FACILITY REHAB	1,965,180	502	(16,924)	17,426	1,406,191	278,209
2-3493	METRO TRANSIT EXPANSION	331,347,876	78,949	78,949	0	7,825,696	1,900,141
2-3498	VERTICAL STOR UNITS (BABCOCK/COLD SPR)	335,000	0	0	0	330,958	245,958
2-3521	NON-REVENUE VEH (TOW TRUCK) CLOSED	2,700,000	0	0	0	571,921	172,869
2-3523	TEN DIESEL BUSES	5,480,015	244,844	223,487	21,357	5,540,983	244,844
2-3526	10 ELECTRIC BUSES (1ST ORDER)	10,209,511	6,842	0	6,842	10,141,089	55,797
2-3528	FREEDOM WALL WALK CLOSED	842,000	0	(2,856)	2,856	859,131	733
2-3529	ACQUIRE MISC SUPPORT EQUIP	2,490,874	577	0	577	365,956	206,881
2-3533	SHORT RANGE PLANNING PROJECTS	1,335,000	0	0	0	199,950	61,749
2-3534	BUS GARAGE ROOF ASSESSMENT	24,007,079	219	0	219	93,213	13,131
2-3538	BEB CHARGING INFRASTRUCTURE	13,094,188	931,136	654,356	276,780	7,157,926	2,384,379
2-3540	FACILITY IMPROVEMENTS	850,000	96,571	48,759	47,812	197,812	121,861
2-3546	BEB CHARGING INFRASTRUCTURE PHASE II	0	1,906,486	407,919	1,498,567	2,359,730	2,359,730
2-3547	UNIV STN BUS LOOP REHAB	1,805,000	7,574	0	7,574	1,439,953	1,357,321
2-3548	ASPHALT PVMNT REHAB FACIL & LOOPS	1,751,435	8,327	0	8,327	148,977	122,602
2-3549	NON-REVENUE VEHICLES	2,950,000	95,460	0	95,460	598,203	540,244
2-3554	800 MHz RADIO SYS REPL STUDY	22,843	3,635	0	3,635	22,483	22,483
2-3555	BUS WASH REPL @ 3 GARAGES	1,925,000	406	0	406	28,736	28,736
2-3557	PAL COMPREHENSIVE ANALYSIS	750,000	14,420	14,420	0	199,474	199,474
2-8097	OCC FURNITURE	169,008	0	0	0	169,008	169,008
2-8723	FIRE ALARM UPGRADE ALL GARAGES	2,652,131	3,293	0	3,293	86,222	47,276
2-8733	BOILER REPL AT COLD SPR GARAGE CLOSED	374,379	0	0	0	374,379	121,957
2-8763	BABCOCK/COLD SPR SECURITY GATE RE-WIRE	150,000	0	0	0	44,766	44,766
2-8764	DIVISION ST LINEAR TRANSIT HUB	7,836,260	1,976	1,581	395	219,821	204,637
2-8765	BUS GARAGE SPRINKLER VALVE REPL	2,809,300	92	0	92	124,375	14,869
2-8768	SMALL BUSES (9 PARATRANSIT) CLOSED	10,372,499	0	0	0	1,513,673	1,513,673
2-8773	BUS RADIOS	1,000,000	0	0	0	80,498	80,498

**CAPITAL EXPENDITURES
NOVEMBER 1, 2023 THROUGH NOVEMBER 30, 2023**

ACCT #	PROJECT NAME	PROJECT BUDGET	NOV 2023 EXPENSES	NOV 2023 ELIG EXP	NOV 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
3-1634	GO BUF/NIAG TRANS DEMAND MGMT PROJ	1,058,141	0	0	0	448,250	135,703
3-1644	BUS PERVENTATIVE MAINT 23/24	20,600,889	1,754,350	1,754,350	0	14,015,802	14,015,802
TOTAL METRO BUS		469,511,671	5,263,628	3,268,896	1,994,732	73,616,838	27,310,744
METRO RAIL							
2-2973	CATENARY & INSULATOR REPL PHASE IV	4,400,000	1,091	1,091	0	2,389	2,389
2-3485	DL&W TERMINAL (DESIGN/CONSTR)	60,079,117	1,630,027	1,329,271	300,756	42,308,469	3,560,817
2-3552	DL&W SHORELINE RESTORATION	8,000,000	1,687,567	1,687,567	0	5,052,162	4,233,280
2-3553	PUMP REPLACEMENTS (2)	100,000	17,400	0	17,400	68,895	68,895
2-8712	SPARE RAIL	349,504	0	0	0	109,075	84,571
2-8716	LRV AIR SYSTEMS VALVES	105,000	26,999	26,999	0	41,614	33,689
2-8721	LRV EQUIPMENT FUND	905,277	8,200	0	8,200	87,100	64,142
2-8722	TRAIN CONTROL VITAL RELAY REHAB	480,510	0	0	0	63,925	15,635
2-8727	EC HARBOR STATION REFURBISHMENT	3,682,792	148,928	148,928	0	2,732,167	1,411,923
2-8735	UNDER PLATFORM CONDUIT REPLACEMENT	1,024,811	0	0	0	90,109	4,631
2-8736	LRV TRACTION MOTOR OVERHAUL	200,000	0	0	0	102,951	83,857
2-8737	JOURNAL BEARINGS	408,434	231	0	231	24,835	16,401
2-8739	TRACK BRAKE COILS	650,000	68,868	68,868	0	316,549	316,549
2-8740	RAIL REPLACEMENT 400 BLOCK MAIN ST	29,528,594	1,174,583	1,174,583	0	5,323,576	4,324,640
2-8741	MAINT EQUIP FUND	1,201,747	0	0	0	128,735	73,117
2-8746	DL&W PEDESTRIAN BRIDGE STUDY	120,000	0	0	0	100,245	14,765
2-8747	CHURCH STREET STN REFURB (DESIGN)	4,402,253	87,339	87,339	0	198,060	153,866
2-8748	Y&S EAST END RAIL EXTENSION STUDY	110,000	0	0	0	97,120	289
2-8750	FREQUENCY SHIFT OVERLAYS	150,000	0	0	0	25,079	25,079
2-8753	SUPPORT VEHICLES REPL	1,410,000	0	0	0	108,646	45,867
2-8761	RAILCAR PRESENTALIFT/UPGRADE	59,635	94,439	94,439	0	318,376	283,741
2-8766	STANDPIPE REPL & SYS REHAB	2,204,115	1,803	1,803	0	60,266	11,129
2-8767	FASTENER & PAD REPL PHASE 11	300,000	21,441	20,966	475	137,542	114,650
2-8769	DL&W 2ND FLOOR CORE & SHELL	30,014,335	770,553	770,553	0	874,089	843,682
2-9110	TRAFFIC ON MAIN STR-100/200 BLOCK	443,230	710	710	0	362,225	8,990
2-9122	LRV TRACTION MOTOR OVERHAUL CLOSED	1,710,875	0	0	0	220,000	9,125
2-9131	LANDSCAPING EQUIP	355,985	0	0	0	139,188	102,466

**CAPITAL EXPENDITURES
NOVEMBER 1, 2023 THROUGH NOVEMBER 30, 2023**

ACCT #	PROJECT NAME	PROJECT BUDGET	NOV 2023 EXPENSES	NOV 2023 ELIG EXP	NOV 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
2-9152	DTS - SYSTEM REPLACEMENT	1,280,000	0	0	0	1,128,499	44,800
2-9156	LOCAL CONTROL PANELS/TRAIN CONTROL	100,000	0	0	0	99,500	7,500
2-9189	TRACK SWITCH PARTS & HARDWARE	188,760	0	0	0	39,259	22,498
2-9191	CAMERAS FOR STATIONS	20,000	0	0	0	6,484	6,484
2-9192	FASTENER & PAD REPL PHASE 10 CLOSED	3,904,296	0	11,813	(11,813)	3,965,517	304
2-9352	FARE COLLECTION SYSTEM UPGRADE	11,589,594	2,696	0	2,696	9,488,377	460,598
2-9391	ELECTRIC PARTS & BREAKERS	180,000	0	0	0	69,602	51,782
2-9394	RAIL SHOP FAÇADE REPAIR	1,003,803	4,611	4,611	0	324,496	214,375
2-9773	LRV MID-LIFE REBUILD	49,595,333	15,579	15,579	0	49,733,393	115,477
3-1643	RAIL PREVENTATIVE MAINT 23/24	3,635,451	0	0	0	3,271,906	3,271,906
TOTAL METRO RAIL		223,893,451	5,763,065	5,445,120	317,945	127,220,410	20,103,909
BNIA							
2-1269	TAP - SIDE BY SIDE FOUR WHEEL VEHICLE	20,000	0	0	0	35,782	35,782
2-2309	PFC PROGRAM PLANNING AND ADMIN	1,228,469	769	769	0	1,058,049	12,122
2-2691	AIRCRAFT DEICING CONTNMNT FACIL EXPANSION	9,531,172	114	114	0	8,834,754	40,812
2-2728	BAGGAGE CLAIM EXPANSION	66,197,457	8,110	0	8,110	64,957,282	8,396
2-2785	BUELL AVE PARKING LOT	3,606,831	44,120	2,906	41,214	3,739,679	1,306,425
2-2806	IT SECURITY MAINT/UPGRADE	299,926	0	0	0	260,185	93,947
2-2808	175 AERO BACKUP POWER	410,000	745	0	745	464,089	301,729
2-2812	REPLACE AIRFIELD PICKUP TRUCKS - FYE24	423,421	0	0	0	70,457	37,962
2-2814	AIRPORT ECONOMIC DEVELOPMENT	61,891,879	7,995	0	7,995	1,329,186	126,205
2-2819	RW 5-23 FAA REIMBURSABLE AGRMT PH I	86,000	0	0	0	83,620	242
2-2820	RW 5-23 REHAB/RECONSTRUCT PHASE I	36,238,243	978,942	978,942	0	27,866,712	24,423,426
2-2821	PASSENGER BOARDING BRIDGE REPL	18,000,000	7,364	7,364	0	926,119	429,827
2-2822	EV CHARGING INFRASTRUCTURE STUDY	200,000	694	0	694	102,492	45,686
2-2824	TOOL CAT MULTI-PURPOSE	75,000	0	0	0	85,064	85,064
2-2825	ZERO TURN MOWERS	73,100	0	0	0	65,900	65,900
2-2826	NEW FARM TRACTORS	430,442	0	0	0	130,442	130,442
2-2827	WHEELED SKID LOADER	274,998	0	0	0	49,800	49,800
2-2828	PC AIR REPLACEMENT GATES 20, 22	450,000	0	0	0	7,980	852
2-2829	STREET SWEEPER	324,348	0	0	0	324,348	324,348
2-2831	HIGH SPEED DIVERTER PADDLES - BAG SYS	115,688	0	0	0	68,509	68,509
2-2836	FUEL FARM PUMP	16,697	0	0	0	16,864	16,864

**CAPITAL EXPENDITURES
NOVEMBER 1, 2023 THROUGH NOVEMBER 30, 2023**

ACCT #	PROJECT NAME	PROJECT BUDGET	NOV 2023 EXPENSES	NOV 2023 ELIG EXP	NOV 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
2-2837	INSTALL PERIMETER FENCING (DESIGN)	98,913	2,483	2,483	0	34,242	34,242
2-2838	ARFF - GYM EQUIPMENT	36,000	0	0	0	9,315	9,315
2-2839	ARFF - SAFETY EQUIPMENT	90,000	0	0	0	19,787	19,787
2-2840	ARFF - JAWS OF LIFE	48,418	0	0	0	48,418	48,418
2-2841	PASSENGER TML STANDBY POWER EXPANSION	1,850,733	4,428	3,100	1,328	6,552	6,552
2-2842	GA APRON & T&W P & Q REHAB (DESIGN)	1,063,907	48,263	48,263	0	159,058	159,058
2-2845	OBSTRN REMVL PROJ PHASE II (ENVIR ASSMNT)	109,042	33	33	0	117	117
2-2846	TERMINAL OPS OFFICE CARPET REPL	14,432	14,432	0	14,432	14,432	14,432
2-2850	MASTER PLAN UPDATE	1,500,000	324	324	0	324	324
2-2851	TERM OPS CUSTODIAN BREAKRM FLOORS	8,100	0	0	0	8,100	8,100
2-2853	PARKING PICKUP TRUCK	80,000	0	0	0	38,114	38,114
2-2956	TML OPS OFC CUSTODIAN LOCKER REPL	32,331	32,331	0	32,331	32,331	32,331
2-2957	REHAB & RECONSTR RAW 5-23 PHASE II		10,856	10,856	0	10,856	10,856
2-2975	SALT BARN	240,000	918	0	918	1,824	1,824
2-2986	LUIZ KAHL PKWY REPAVEMENT (DESIGN)	6,528,642	320	320	0	320	320
TOTAL BNIA		211,594,189	1,163,241	1,055,474	107,767	110,861,103	27,988,130
NFIA							
2-1504	PFC PROGRAM PLANNING & ADMIN. FY 16	96,000	346	346	0	108,836	6,684
2-1508	RAW 10L OBSTRUCT RMVL FINAL DESIGN	1,320,022	0	0	0	1,308,578	9,338
2-1512	PARALLEL T&W PROG ENVIR ASSESSMENT	101,308	0	0	0	100,844	19,652
2-1519	AIRFIELD ILLUMINATED SIGNAGE UPGRADE	173,873	2,664	2,664	0	134,132	130,233
2-1525	PARKING LOT LED LIGHTING UPGR	40,800	0	0	0	36,114	36,114
2-2847	T&W D REALIGNMT & EXTENSN (ENVIR ASSMNT)	500,000	56	56	0	195	195
2-2977	TOWER SITING STUDY	200,000	234	234	0	128,570	128,570
TOTAL NFIA		2,432,003	3,300	3,300	0	1,817,269	330,786
MTG							
2-0735	REPLACE TOWER WINDOWS	122,001	0	0	0	60,342	9,685
2-0743	AHU #7 REPLACEMENT CLOSED	335,432	0	0	0	355,279	8,499
2-0762	POLICE OFFICE	137,000	0	0	0	77,309	8,069
2-0763	CHILLER REPLACEMENT	1,962,223	11,127	0	11,127	317,742	221,162
2-0764	OCC - RESTROOM/KITCHEN REHAB	42,578	0	0	0	43,203	20,223
2-1268	CONFERENCE ROOM RESTROOMS	107,000	5,836	0	5,836	56,996	45,970
2-2982	ELECTRICAL VEHICLE STUDY	30,000	729	0	729	729	729
2-8086	PORTAGE RD PARKING LOT	70,000	28,428	0	28,428	28,428	28,428

**CAPITAL EXPENDITURES
NOVEMBER 1, 2023 THROUGH NOVEMBER 30, 2023**

ACCT #	PROJECT NAME	PROJECT BUDGET	NOV 2023 EXPENSES	NOV 2023 ELIG EXP	NOV 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
2-8096	EXTERIOR ENHANCEMENTS	15,057,000	2,767	0	2,767	6,615	6,615
TOTAL MTC		17,863,234	48,887	0	48,887	946,643	349,390
METRO FACILITIES							
2-8729	ESCALATOR REPLACEMENT YEAR 5	3,696,987	4,354	4,354	0	4,006,188	351,212
2-8732	PANELLINER REHAB PHASE III	1,390,000	0	0	0	1,031,300	139,031
2-8734	EXTERIOR REHAB PHASE II	1,440,000	10,208	10,208	0	854,002	501,979
2-9113	ESCALATOR MAINT - FYE17 THRU OUT YEARS	935,250	0	0	0	640,649	70,000
2-9132	ELEVATOR CONTROLLER REPLACEMENT	2,260,289	199	199	0	1,990,018	9,034
TOTAL METRO FACILITIES		9,722,526	14,761	14,761	0	8,522,157	1,071,256
PROPERTY MGMT							
2-8069	485 ROOF REPLACEMENT BAYS 1-4	1,450,229	0	0	0	745,121	79,450
2-8088	247 CAYUGA DOCK DOOR UPG	20,000	0	0	0	7,400	7,400
2-8100	485 CAYUGA PIPE RUPTURE/REPR	728,000	104,363	0	104,363	542,386	542,386
2-8101	485 CAYUGA TENANT UPGR 24	11,265	0	0	0	11,265	11,265
TOTAL PROPERTY MGMT		2,209,494	104,363	0	104,363	1,306,172	640,501
CENTRAL ADMIN							
HSEQ							
2-1268	AUTHORITY WIDE NYS BUILD SMART	102,000	0	11,235	(11,235)	55,060	25,489
TAP							
2-1232	METRO DIVISION RADIOS REPLACEMENT	210,000	0	0	0	48,101	28,401
2-1250	NY STATE ACCREDITATION	152,376	460	460	0	18,015	10,815
2-1256	REPLACE K9 VEHICLES (2)	799,876	0	0	0	306,174	12,798
2-1262	REPLACE RADIOS - AVIATION DIVISION	210,000	0	0	0	29,999	10,338
2-8080	WEAPONS/ERT EQUIPMENT	85,000	0	0	0	8,070	8,070
2-8095	REPLACE CHIEF'S VEHICLE CLOSED	49,544	0	0	0	49,544	49,544
3-1605	TAP - K9 PROJECT SURF TRANSP METRO DIV	2,148,300	48,424	44,888	3,536	4,575,324	369,222
3-1606	TAP - K9 PROJECT AVIATION DIVISION	1,010,000	66,654	66,654	0	5,721,383	505,752
3-1642	TAP - COPS JOJ ACCREDITATION GRANT	100,000	14,361	14,361	0	28,639	25,939
TOTAL TAP		4,765,096	129,899	126,363	3,536	10,785,249	1,020,879
MIS							
2-0766	OFFICE TECHNOLOGY UPGR/MAINT	500,000	1,309	0	1,309	70,140	9,255
2-0767	DATA FACILITY UPGR/MAINT	1,200,000	2,975	0	2,975	366,993	67,613
2-0769	NETWORK CORE UPGRADE	1,050,000	0	0	0	191,789	94,738
2-0770	NETWORK REFRESH	1,000,000	0	0	0	399,808	199,812

**CAPITAL EXPENDITURES
NOVEMBER 1, 2023 THROUGH NOVEMBER 30, 2023**

ACCT #	PROJECT NAME	PROJECT BUDGET	NOV 2023 EXPENSES	NOV 2023 ELIG EXP	NOV 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
2-0771	SECURITY SUBSCRIPTION ENHANCEMENTS	127,017	0	0	0	299,869	92,404
2-0774	MTC BMS REPL & STANDARDIZATION	323,203	0	0	0	266,903	5,958
2-1201	ELLIPSE UPGRADE PHASE 2	1,782,783	0	0	0	1,258,568	89,880
2-1221	TELECON CONSOLIDATION & REFRESH	1,192,703	5,562	0	5,562	787,942	30,034
2-1243	NFTA PROCESS IMPROVEMENT	2,250,000	0	0	0	369,749	119,993
2-1252	SECURITY UPGRADES & SPARES	1,163,629	0	0	0	427,911	113,766
2-1253	LAWSON UPGRADES/EXPANSION	3,219,922	24,140	0	24,140	686,507	95,456
2-1260	MEDICAL SOFTWARE REPLACEMENT	242,500	0	0	0	105,920	22,650
2-8087	STORAGE UPGRADE/MAINT	800,000	0	0	0	98,828	98,828
2-8089	COMPUTER UPGRADES FYE24-27	1,200,000	0	0	0	129,708	129,708
2-8090	NETWORK CONNECTIVITY REDUNDANCY	1,250,000	53,425	0	53,425	143,952	143,952
2-8091	BMS/FACILITY SYSTEMS REPL	400,000	16,031	0	16,031	52,081	52,081
2-8092	IT OFFICE EXPANSION @ 247 CAYUGA	150,000	2,200	0	2,200	2,200	2,200
2-8093	DATA BACKUP SYS REFRESH	350,000	0	0	0	99,374	99,374
TOTAL MIS		18,201,757	105,642	0	105,642	5,758,242	1,467,702
ENGINEERING							
2-2972	ENGINEERING POOL EV's	522,568	0	0	0	28,995	28,995
2-8102	ENGINEERING PLOTTER	15,000	0	0	0	14,535	14,535
TOTAL ENGINEERING		537,568	0	0	0	43,530	43,530
PUBLIC AFFAIRS							
2-1261	NFTA WEBSITE	101,080	0	0	0	77,480	52,000
GOVT AFFAIRS							
2-3550	ITS4US PHASE II & III	8,515,088	101,447	101,447		1,290,421	817,476
TOTAL CENTRAL ADMIN		32,222,589	336,988	239,045	97,943	18,009,982	3,427,076

**CAPITAL EXPENDITURES
DECEMBER 1, 2023 THROUGH DECEMBER 31, 2023**

ACCT #	PROJECT NAME	PROJECT BUDGET	DEC 2023 EXPENSES	DEC 2023 ELIG EXP	DEC 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
METRO BUS							
2-1237	TOD PLANNING ROUND 2	972,429	0			969,224	281,799
2-3406	FARE COLLECTION SYSTEM UPGRADE	14,694,538	34,065	32,298	1,767	13,528,652	391,890
2-3409	NIAGARA ST CORRIDOR PROJECT	2,961,096	0			2,581,851	5,789
2-3492	BUS FACILITY REHAB	1,965,180	2,318	2,318		1,408,509	280,527
2-3493	METRO TRANSIT EXPANSION	331,347,876	1,942	1,942		7,827,638	1,902,083
2-3498	VERTICAL STOR UNITS (BABCOCK/COLD SPR)	335,000	0			330,958	245,958
2-3521	NON-REVENUE VEH (TOW TRUCK) CLOSED	2,700,000	0			571,921	172,869
2-3523	1EN DIESEL BUSES	5,480,015	0			5,546,983	244,844
2-3525	DPIM (DUAL POWER INVERTER MODULE)	1,487,653	149,819		149,819	426,119	149,819
2-3526	10 ELECTRIC BUSES (1ST ORDER)	10,209,511	28,453	5,474	22,979	10,169,542	84,250
2-3528	FREEDOM WALL WALK CLOSED	842,000	0			859,131	733
2-3529	ACQUIRE MISC SUPPORT EQUIP	2,490,874	118,479		118,479	484,435	325,360
2-3533	SHORT RANGE PLANNING PROJECTS	1,335,000	0			199,950	61,749
2-3534	BUS GARAGE ROOF ASSESSMENT	24,007,079	117		117	93,330	13,248
2-3538	BEB CHARGING INFRASTRUCTURE	9,208,571	0			7,157,926	2,384,379
2-3540	FACILITY IMPROVEMENTS	850,000	12,087		12,087	209,899	133,948
2-3544	DIESEL BUSES (10 BUSES - SECOND ORDER)	6,265,780	5,952,491	5,357,242	595,249	5,952,491	5,952,491
2-3545	BATTERY ELECTRIC BUS DEPLOYMENT	15,357,510	12,685,793	11,920,106	765,687	12,685,793	12,685,793
2-3546	BEB CHARGING INFRASTRUCTURE PHASE II	4,926,384	0			2,359,730	2,359,730
2-3547	UNIV STN BUS LOOP REHAB	1,805,000	64,865		64,865	1,504,818	1,422,186
2-3548	ASPHALT PVMNT REHAB FACIL & LOOPS	1,751,435	411,031		411,031	560,008	533,633
2-3549	NON-REVENUE VEHICLES	2,950,000	77,049		77,049	675,252	617,293
2-3554	800 MHZ RADIO SYS REPL STUDY	22,843	0			22,483	22,483
2-3555	BUS WASH REPL @ 3 GARAGES	1,925,000	562		562	29,298	29,298
2-3557	PAL COMPREHENSIVE ANALYSIS	750,000	21,630	21,630		221,104	221,104
2-8097	OCC FURNITURE	169,008	0			169,008	169,008
2-8723	FIRE ALARM UPGRADE ALL GARAGES	2,652,131	2,158		2,158	88,380	49,434
2-8733	BOILER REPL AT COLD SPR GARAGE CLOSED	374,379	0			374,379	121,957
2-8763	BABCOCK/COLD SPR SECURITY GATE RE-WIRE	150,000	10,234	10,234		55,000	55,000
2-8764	DIVISION ST LINEAR TRANSIT HUB	7,836,260	8,534	6,827	1,707	228,355	213,171

**CAPITAL EXPENDITURES
DECEMBER 1, 2023 THROUGH DECEMBER 31, 2023**

ACCT #	PROJECT NAME	PROJECT BUDGET	DEC 2023 EXPENSES	DEC 2023 ELIG EXP	DEC 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
2-8765	BUS GARAGE SPRINKLER VALVE REPL	2,809,300	20,572		20,572	144,947	35,441
2-8768	SMALL BUSES (9 PARATRANSIT) CLOSED	10,372,499	0	0		1,513,673	1,513,673
2-8773	BUS RADIOS	1,000,000	0	0		80,498	80,498
3-1634	GO BU/NIAG TRANS DEMAND MGMT PROJ	1,058,141	22,639	22,639		470,889	158,342
3-1644	BUS PERVENTATIVE MAINT 23/24	20,600,889	1,845,655	1,845,655		15,861,457	15,861,457
TOTAL METRO BUS		493,663,381	21,470,493	19,226,365	2,244,128	95,363,531	48,781,237
METRO RAIL							
2-2973	CATENARY & INSULATOR REPL PHASE IV	4,400,000	834	834		3,223	3,223
2-3485	DL&W TERMINAL (DESIGN/CONSTR)	60,079,117	324,310	313,839	10,471	42,632,779	3,885,127
2-3552	DL&W SHORELINE RESTORATION	8,000,000	53,270	53,270		5,105,432	4,286,550
2-3553	PUMP REPLACEMENTS (2)	100,000	0	0		68,895	68,895
2-8712	SPARE RAIL	349,504	0	0		109,075	84,571
2-8716	LRV AIR SYSTEMS VALVES	105,000	0	0		41,614	33,689
2-8721	LRV EQUIPMENT FUND	905,277	0	0		87,100	64,142
2-8722	TRAIN CONTROL VITAL RELAY REHAB	480,510	0	0		63,925	15,635
2-8727	EC HARBOR STATION REFURBISHMENT	3,682,792	70,903	36,241	34,662	2,803,070	1,482,826
2-8735	UNDER PLATFORM CONDUIT REPLACEMENT	1,024,811	0	0		90,109	4,631
2-8736	LRV TRACTION MOTOR OVERHAUL	200,000	0	0		102,951	83,857
2-8737	JOURNAL BEARINGS	408,434	0	0		24,835	16,401
2-8739	TRACK BRAKE COILS	650,000	57,390	57,390		373,939	373,939
2-8740	RAIL REPLACEMENT 400 BLOCK MAIN ST	29,528,594	1,209,832	1,209,832		6,533,408	5,534,472
2-8741	MAINT EQUIP FUND	1,201,747	34,383	34,383	34,383	163,118	107,500
2-8745	SUMMER/BEST VENTILATN DAMPER REPL (DESIGN)	4,315,000	15,252	15,252		15,252	15,252
2-8746	DL&W PEDESTRIAN BRIDGE STUDY	120,000	0	0		100,245	14,765
2-8747	CHURCH STREET STN REFURB (DESIGN)	4,402,253	1,748	1,748		199,798	155,614
2-8748	Y&S EAST END RAIL EXTENSION STUDY	110,000	0	0		97,120	289
2-8750	FREQUENCY SHIFT OVERLAYS	150,000	0	0		25,079	25,079
2-8753	SUPPORT VEHICLES REPL	1,410,000	0	0		108,646	45,867
2-8761	RAILCAR PRESENT/LIFT/UPGRADE	59,635	0	0		318,376	283,741
2-8766	STANDPIPE REPL & SYS REHAB	2,204,115	1,388	1,388		61,654	12,517
2-8767	FASTENER & PAD REPL PHASE 11	300,000	7,986	7,187	799	145,528	122,636

**CAPITAL EXPENDITURES
DECEMBER 1, 2023 THROUGH DECEMBER 31, 2023**

ACCT #	PROJECT NAME	PROJECT BUDGET	DEC 2023 EXPENSES	DEC 2023 ELIG EXP	DEC 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
2-8769	DL&W 2ND FLOOR CORE & SHELL	30,014,335	6,774	6,774		880,863	850,456
2-9110	TRAFFIC ON MAIN STR-100/200 BLOCK	443,230	45	45		362,270	9,035
2-9122	LRV TRACTION MOTOR OVERHAUL CLOSED	1,710,875	0	0		220,000	9,125
2-9131	LANDSCAPING EQUIP	355,985	0	0		139,188	102,466
2-9152	DTS - SYSTEM REPLACEMENT	1,280,000	0	0		1,128,499	44,800
2-9156	LOCAL CONTROL PANELS/TRAIN CONTROL	100,000	0	0		99,500	7,500
2-9189	TRACK SWITCH PARTS & HARDWARE	188,760	0	0		39,259	22,498
2-9191	CAMERAS FOR STATIONS	20,000	0	0		6,484	6,484
2-9192	FASTENER & PAD REPL PHASE 10 CLOSED	3,904,296	0	0		3,965,517	304
2-9352	FARE COLLECTION SYSTEM UPGRADE	11,589,594	33,574	32,299	1,275	9,521,951	494,172
2-9391	ELECTRIC PARTS & BREAKERS	180,000	0	0		69,602	51,782
2-9394	RAIL SHOP FAÇADE REPAIR	1,003,803	291,109	2,977	288,132	615,605	505,484
2-9773	LRV MID-LIFE REBUILD	49,595,333	14,970	14,970		49,748,363	130,447
3-1643	RAIL PERVENTATIVE MAINT 23/24	3,635,451	0	0		3,271,906	3,271,906
TOTAL METRO RAIL		228,208,451	2,123,768	1,754,046	369,722	129,344,178	22,227,677
BNIA							
2-1269	TAP - SIDE BY SIDE FOUR WHEEL VEHICLE	20,000	0	0		35,782	35,782
2-2309	PFC PROGRAM PLANNING AND ADMIN	1,228,469	1,337	1,337		1,059,386	13,459
2-2691	AIRCRAFT DEICING CONTNMNT FACIL EXPANSN	9,531,172	1,716	1,716		8,836,470	42,528
2-2728	BAGGAGE CLAIM EXPANSION	66,197,457	0	238,392	(238,392)	64,957,282	8,396
2-2785	BUELL AVE PARKING LOT	3,606,831	60,983	28,210	32,773	3,800,662	1,367,408
2-2806	IT SECURITY MAINT/UPGRADE	299,926	0	0		260,185	93,947
2-2808	175 AERO BACKUP POWER	410,000	692		692	464,781	302,421
2-2812	REPLACE AIRFIELD PICKUP TRUCKS - FYE24	423,421	0	0		70,457	37,962
2-2814	AIRPORT ECONOMIC DEVELOPMENT	61,891,879	202		202	1,329,388	126,407
2-2819	RW 5-23 FAA REIMBURSABLE AGRMT PH I	86,000	0	0		83,620	242
2-2820	R/W 5-23 REHAB/RECONSTRUCT PHASE I	36,238,243	143,316	143,316		28,010,028	24,566,742
2-2821	PASSENGER BOARDING BRIDGE REPL	18,000,000	76,012	76,012		1,002,131	505,839
2-2822	EV CHARGING INFRASTRUCTURE STUDY	200,000	9,707		9,707	112,199	55,393
2-2824	TOOL CAT MULTI-PURPOSE	75,000	0	0		85,064	85,064
2-2825	ZERO TURN MOWERS	73,100	0	0		65,900	65,900
2-2826	NEW FARM TRACTORS	430,442	0	0		130,442	130,442
2-2827	WHEELED SKID LOADER	274,998	0	0		49,800	49,800

**CAPITAL EXPENDITURES
DECEMBER 1, 2023 THROUGH DECEMBER 31, 2023**

ACCT #	PROJECT NAME	PROJECT BUDGET	DEC 2023 EXPENSES	DEC 2023 ELIG EXP	DEC 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
2-2828	PC AIR REPLACEMENT GATES 20, 22	450,000	0			7,980	852
2-2829	STREET SWEEPER	324,348	0			324,348	324,348
2-2831	HIGH SPEED DIVERTER PADDLES - BAG SYS	115,688	0			68,509	68,509
2-2836	FUEL FARM PUMP	16,697	0			16,864	16,864
2-2837	INSTALL PERIMETER FENCING (DESIGN)	98,913	1,882	1,882		36,124	36,124
2-2838	ARFF - GYM EQUIPMENT	36,000	0			9,315	9,315
2-2839	ARFF - SAFETY EQUIPMENT	90,000	0			19,787	19,787
2-2840	ARFF - JAWS OF LIFE	48,418	0			48,418	48,418
2-2841	PASSENGER TML STANDBY POWER EXPANSION	1,850,733	2,185	1,529	656	8,737	8,737
2-2842	GA APRON & TW P & Q REHAB (DESIGN)	1,063,907	904	904		159,962	159,962
2-2845	OBSTRN RMVL PROJ PHASE II (ENVIR ASSMNT)	109,042	11,830	11,830		11,947	11,947
2-2846	TERMINAL OPS OFFICE CARPET REPL	14,432	0			14,432	14,432
2-2850	MASTER PLAN UPDATE	1,500,000	171	171		495	495
2-2851	TML OPS CUSTODIAN BREAKRM FLOORS	8,100	0			8,100	8,100
2-2852	TML OPS OFFICE FURNITURE	50,290	50,156		50,156	50,156	50,156
2-2853	PARKING PICKUP TRUCK	80,000	0			38,114	38,114
2-2956	TML OPS OFC CUSTODIAN LOCKER REPL	32,331	0			32,331	32,331
2-2957	REHAB & RECONSTR R/W 5-23 PHASE II		11,139	11,139		21,995	21,995
2-2974	AIRFIELD PICKUP TRUCK REPL	60,000	49,761		49,761	49,761	49,761
2-2975	SALT BARN	240,000	1,040		1,040	2,864	2,864
2-2976	ZERO TURN SIDE DISCHRG LANDSCPNG DEPT	25,000	16,262		16,262	16,262	16,262
2-2986	LUIZ KAHL PKWY REPAVEMENT (DESIGN)	6,528,642	427	427		747	747
TOTAL BNIA		211,729,479	439,722	516,865	(77,143)	111,300,825	28,427,852
NFIA							
2-1504	PFC PROGRAM PLANNING & ADMIN. FY 16	86,000	778	778		109,614	7,462
2-1508	R/W 10L OBSTRUCT RMVL FINAL DESIGN	1,320,022	0			1,308,578	9,338
2-1512	PARALLEL TW PROG ENVIR ASSESSMENT	101,308	0			100,844	19,652
2-1519	AIRFIELD ILLUMINATED SIGNAGE UPGRADE	173,873	2,109	2,109		136,241	132,342
2-1525	PARKING LOT LED LIGHTING UPGR	40,800	0			36,114	36,114
2-2847	TW D REALIGNMENT & EXTENSION (ENVIR ASSESSMNT)	500,000	0			195	195
2-2977	TOWER SITING STUDY	200,000	0			128,570	128,570
TOTAL NFIA		2,432,003	2,887	2,887	0	1,820,156	333,673
MTC							
2-0735	REPLACE TOWER WINDOWS	122,001	0			60,342	9,695

**CAPITAL EXPENDITURES
DECEMBER 1, 2023 THROUGH DECEMBER 31, 2023**

ACCT #	PROJECT NAME	PROJECT BUDGET	DEC 2023 EXPENSES	DEC 2023 ELIG EXP	DEC 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
2-0743	AHU #7 REPLACEMENT CLOSED	335,432	0			355,279	8,499
2-0762	POLICE OFFICE	137,000	0			77,309	8,069
2-0763	CHILLER REPLACEMENT	1,962,223	398,606		398,606	716,348	619,768
2-0764	OCC - RESTROOM/KITCHEN REHAB	42,578	0			43,203	20,223
2-1268	CONFERENCE ROOM RESTROOMS	107,000	0			56,996	45,970
2-2982	ELECTRICAL VEHICLE STUDY	30,000	547		547	1,276	1,276
2-8086	PORTAGE RD PARKING LOT	70,000	0			28,428	28,428
2-8096	EXTERIOR ENHANCEMENTS	15,057,000	2,640		2,640	9,255	9,255
TOTAL MTC		17,863,234	401,793	0	401,793	1,348,436	751,183
METRO FACILITIES							
2-8729	ESCALATOR REPLACEMENT YEAR 5	3,696,987	124,612	124,612		4,130,800	475,824
2-8732	PANEL LINER REHAB PHASE III	1,390,000	0			1,031,300	139,031
2-8734	EXTERIOR REHAB PHASE II	1,440,000	860	860		854,862	502,839
2-9113	ESCALATOR MAINT - FYE17 THRU OUT YEARS	935,250	0			640,649	70,000
2-9132	ELEVATOR CONTROLLER REPLACEMENT	2,260,289	228	228		1,990,246	9,262
TOTAL METRO FACILITIES		9,722,526	125,700	125,700	0	8,647,857	1,196,956
PROPERTY MGMT							
2-8069	485 ROOF REPLACEMENT BAYS 1-4	1,450,229	0			745,121	79,450
2-8098	247 CAYUGA DOCK DOOR UPG	20,000	0			7,400	7,400
2-8100	485 CAYUGA PIPE RUPTURE/REPR	728,000	38,925	104,363	(65,438)	581,311	581,311
2-8101	485 CAYUGA TENANT UPGR 24	11,265	0			11,265	11,265
TOTAL PROPERTY MGMT		2,209,494	38,925	104,363	(65,438)	1,345,097	679,426
CENTRAL ADMIN							
HSEQ							
2-1266	AUTHORITY WIDE NYS BUILD SMART	102,000	0			55,060	25,489
TAP							
2-1232	METRO DIVISION RADIOS REPLACEMENT	210,000	0			48,101	28,401
2-1250	NY STATE ACCREDITATION	152,376	0			18,015	10,815
2-1256	REPLACE K9 VEHICLES (2)	799,876	0			306,174	12,798
2-1262	REPLACE RADIOS - AVIATION DIVISION	210,000	0			29,999	10,338
2-8080	WEAPONS/ERT EQUIPMENT	85,000	0			8,070	8,070
2-8095	REPLACE CHIEF'S VEHICLE CLOSED	49,544	0			49,544	49,544
3-1642	TAP - COPS JOJ ACCREDITATION GRANT	100,000	889	889		29,528	26,828
3-1605	TAP - K9 PROJECT SURF TRANSP METRO DIV	2,148,300	53,053	50,490	2,563	4,628,377	422,275

**CAPITAL EXPENDITURES
DECEMBER 1, 2023 THROUGH DECEMBER 31, 2023**

ACCT #	PROJECT NAME	PROJECT BUDGET	DEC 2023 EXPENSES	DEC 2023 ELIG EXP	DEC 2023 INELIG EXP	TO DATE EXPENSES	FYE24 EXPENSES
3-1606	TAP - K9 PROJECT AVIATION DIVISION	1,010,000	64,249	60,707	3,542	5,785,632	570,001
TOTAL TAP		4,765,096	118,191	112,086	6,105	10,903,440	1,139,070
MIS							
2-0766	OFFICE TECHNOLOGY UPGR/MAINT	500,000	40,606		40,606	110,746	49,861
2-0767	DATA FACILITY UPGR/MAINT	1,200,000	0			366,993	67,613
2-0769	NETWORK CORE UPGRADE	1,050,000	0			191,783	94,738
2-0770	NETWORK REFRESH	1,000,000	0			399,808	199,812
2-0771	SECURITY SUBSCRIPTION ENHANCEMENTS	127,017	0			299,869	92,404
2-0774	MTC BMS REPL & STANDARDIZATION	323,203	0			266,903	5,958
2-1201	ELLIPSE UPGRADE PHASE 2	1,782,783	0			1,258,568	89,880
2-1221	TELECON CONSOLIDATION & REFRESH	1,192,703	0			787,942	30,034
2-1243	NFTA PROCESS IMPROVEMENT	2,250,000	0			369,749	119,993
2-1252	SECURITY UPGRADES & SPARES	1,163,629	0			427,911	113,766
2-1253	LAWSON UPGRADES/EXPANSION	3,219,922	24,111		24,111	710,618	119,567
2-1260	MEDICAL SOFTWARE REPLACEMENT	242,500	18,120		18,120	124,040	40,770
2-8087	STORAGE UPGRADE/MAINT	800,000	0			98,828	98,828
2-8089	COMPUTER UPGRADES FYE24-27	1,200,000	0			129,708	129,708
2-8090	NETWORK CONNECTIVITY REDUNDANCY	1,250,000	0			143,952	143,952
2-8091	BMS/FACILITY SYSTEMS REPL	400,000	0			52,081	52,081
2-8092	IT OFFICE EXPANSION @ 247 CAYUGA	150,000	0			2,200	2,200
2-8093	DATA BACKUP SYS REFRESH	350,000	6,150		6,150	105,524	105,524
TOTAL MIS		18,201,757	88,987	0	88,987	5,847,229	1,556,689
ENGINEERING							
2-2972	ENGINEERING POOL EV's	522,568	0			28,995	28,995
2-8102	ENGINEERING PLOTTER	15,000	0			14,535	14,535
TOTAL ENGINEERING		537,568	0	0	0	43,530	43,530
PUBLIC AFFAIRS							
2-1261	NFTA WEBSITE	101,080	0			77,480	52,000
GOVT AFFAIRS							
2-3550	ITS4US PHASE II & III	8,515,088	533,325	533,325		1,823,746	1,350,801
TOTAL CENTRAL ADMIN		32,222,589	740,503	645,411	95,092	18,750,485	4,167,579

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT		
COMM. 5M-3	ECCSAB MEMBER	EC Corrections Specialist Advisory Board Resignation
Attachments		
24COMM. 5M-3		

Keisha A. Williams
Neighborhood Legal Services, Inc.
237 Main St., Suite 400
Buffalo, NY 14203

February 21, 2024

Anne Noble, Esq. (*via email*)
Bar Association of Erie County
438 Main Street, 6th Floor
Buffalo, NY 14202

RE: Erie County Corrections Specialist Advisory Board

Dear Anne:

I am writing to inform you of my decision to resign my position on the Erie County Corrections Specialist (ECCS) Advisory Board, effective February 21, 2024. According to the By-Laws of the ECCS Advisory Board, the Bar Association of Erie County recommends one member to be appointed by the Erie County Legislature to the Advisory Board.

The ECCS Advisory Board has accomplished a lot over the past three years, and I am honored and extremely grateful for the opportunity to have been a part of such a dynamic board. Thank you once again for your nomination. It has been a pleasure and a privilege. Please let me know if I can be of assistance during this transition period.

Sincerely,



Keisha A. Williams

cc: Jakai Harrison (jakai.harrison@erie.gov)

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5M-4	PRESIDENT & CEO OF VBN & BCC	VBN & BCC Operating Budgets & Business Plans
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	Attachments
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24COMM. 5M-4



BUFFALO CONVENTION
CENTER

PATRICK J. KALER
PRESIDENT & CEO

403 Main Street, Suite 630 ▪ Buffalo, New York 14203 ▪ 716-961-0200 ▪ Kaler@VisitBuffaloNiagara.com

February 15, 2024

Ms. Olivia M. Owens
Clerk, Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Dear Ms. Owens:

Enclosed please find the 2024 Operating Budgets and 2024 Business Plans for Visit Buffalo Niagara and the Buffalo Convention Center, which were reviewed and approved by the Board. Also enclosed are the 2023 fourth quarter reports and financial statements for VBN and the Convention Center, for the period ending December 31, 2023.

Sincerely,

Patrick J. Kaler
President and CEO

/Enclosures

www.VisitBuffaloNiagara.com





**BUFFALO
CONVENTION
CENTER**

PATRICK J. KALER
PRESIDENT & CEO

403 Main Street, Suite 630 ▪ Buffalo, New York 14203 ▪ 716-961-0200 ▪ Kaler@VisitBuffaloNiagara.com

February 15, 2024

I, the undersigned, do hereby certify based on my knowledge, the information provided herein:

- Is accurate, correct and does not contain any untrue statement of material fact;
- Does not omit any material fact which, if omitted, would cause the financial statements to be misleading in light of the circumstances under which such statements are made;
- Fairly presents, in all material respects, the financial condition and results of operations of the authority as of and for the periods presented in the financial statements.

Visit Buffalo Niagara
Buffalo Convention Center

Patrick J. Kaler
President and CEO





Buffalo Niagara Convention & Visitors Bureau, Inc.

2024 Proposed Operating Budget

Approved at the Board of Directors Meeting on Wednesday February 7, 2024

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.

SUMMARY OF REVENUES and EXPENSES

PROPOSED OPERATING BUDGET

2024

	<u>Proposed Budget 2024</u>	<u>Projected 2023</u>	<u>Budget 2023</u>	<u>Actual 2022</u>	<u>2024-2023 Budget \$ Variance</u>	<u>2024-2023 Budget % Variance</u>	<u>2024-2023 Projected \$ Variance</u>	<u>2024-2023 Projected % Variance</u>
Revenues	<u>\$ 5,380,589</u>	<u>\$ 4,542,901</u>	<u>\$ 4,191,536</u>	<u>\$ 4,130,638</u>	<u>\$ 1,189,053</u>	<u>28.37%</u>	<u>\$ 837,688</u>	<u>18.44%</u>
<u>Expenses:</u>								
Sales & Services Department Expenses	\$ 1,987,698	\$ 1,839,743	\$ 1,796,905	\$ 1,639,152	\$ 190,793	10.62%	\$ 147,955	8.04%
Marketing Department Expenses	2,099,318	2,045,189	1,571,090	1,765,244	528,228	33.62%	54,129	2.65%
Destination Development	384,051	288,718	292,780	222,305	91,271	31.17%	95,333	33.02%
Research Department	259,235	-	-	-	259,235	-	259,235	-
Administrative & Finance Department Expenses	975,287	967,303	930,761	954,941	44,526	4.78%	7,984	0.83%
Subtotal expenses	<u>\$ 5,705,589</u>	<u>\$ 5,140,953</u>	<u>\$ 4,591,536</u>	<u>\$ 4,581,642</u>	<u>\$ 1,114,053</u>	<u>24.26%</u>	<u>\$ 564,636</u>	<u>10.98%</u>
NET EXCESS OF REVENUES								
OVER EXPENSES	<u>\$ (325,000)</u>	<u>\$ (598,052)</u>	<u>\$ (400,000)</u>	<u>\$ (451,004)</u>	<u>\$ 75,000</u>	<u>N/A</u>	<u>\$ 273,052</u>	<u>N/A</u>

Buffalo Niagara Convention & Visitors Bureau, Inc.
Operating Budget
Revenues
2024

	Proposed Budget 2024	Projected 2023	Budget 2023	Actual 2022	2024-2023 Budget \$ Variance	2024-2023 Budget % Variance	2024-2023 Projected \$ Variance	2024-2023 Projected % Variance
Erie County Grant	\$ 4,495,000	\$ 3,847,057	\$ 3,847,057	\$ 3,734,861	\$ 647,943	16.84%	\$ 647,943	16.84%
Erie County Sport Fishing Grant	5,000	5,000	5,000	5,000	-	0.00%	-	0.00%
Erie County - ARP Act Grant	-	40,192	-	59,808	-	-	(40,192)	-100.00%
Visitor Guide Advertising	206,600	151,340	150,000	118,311	56,600	37.73%	55,260	36.51%
Assessments - Convention	-	13,710	15,000	-	(15,000)	-100.00%	(13,710)	(1)
NYS Matching Funds Program	51,048	47,532	47,000	48,897	4,048	8.61%	3,516	7.40%
Joint Co-op - Destination Development	3,000	6,605	5,000	2,555	(2,000)	-40.00%	(3,605)	-54.58%
Joint/Co-Op - Marketing	37,000	36,500	7,500	31,533	29,500	393.33%	500	1.37%
Joint/Co-Op - Sales	30,000	36,899	35,000	64,003	(5,000)	-14.29%	(6,899)	-18.70%
Grant Revenues	515,000	300,000	75,000	60,272	440,000	586.67%	215,000	71.67%
Merchandising Revenues - Conventions	500	-	-	1,642	500	-	500	0.00%
Interest Income	35,000	58,000	500	399	34,500	6900.00%	(23,000)	-39.66%
Miscellaneous Income	2,441	66	4,479	3,357	(2,038)	-45.50%	2,375	3598.48%
Total Revenues	\$5,380,589	\$4,542,901	\$ 4,191,536	\$ 4,130,638	\$ 1,189,053	28.37%	\$ 837,688	18.44%

Buffalo Niagara Convention & Visitors Bureau, Inc.
Operating Budget
Total Expenses
2024

	Proposed Budget <u>2024</u>	Projected <u>2023</u>	Budget <u>2023</u>	Actual <u>2022</u>	2024-2023 Budget <u>\$ Variance</u>	2024-2023 Budget <u>% Variance</u>	2024-2023 Projected <u>\$ Variance</u>	2024-2023 Projected <u>% Variance</u>
<u>Personnel Costs:</u>								
Salaries	\$ 2,109,414	\$ 1,842,696	\$ 1,833,729	\$ 1,683,402	\$ 275,685	15.03%	\$ 266,718	14.47%
Payroll Taxes & Fringe Benefits	407,165	335,295	353,292	289,436	53,873	15.25%	71,870	21.43%
Professional Development - Staff	72,000	51,827	45,500	34,755	26,500	58.24%	20,173	38.92%
Total Personnel Costs	<u>\$2,588,579</u>	<u>\$ 2,229,818</u>	<u>\$2,232,521</u>	<u>\$2,007,593</u>	<u>\$ 356,058</u>	<u>15.95%</u>	<u>\$ 358,761</u>	<u>16.09%</u>
<u>Sales & Marketing Expenditures:</u>								
Advertising	\$ 1,085,910	\$ 1,047,800	\$ 605,000	\$ 738,238	\$ 480,910	79.49%	\$ 38,110	3.64%
Convention Commitments	295,000	147,500	150,000	107,100	145,000	96.67%	147,500	100.00%
Visitor Guide	154,200	158,262	160,000	97,996	(5,800)	-3.63%	(4,062)	-2.57%
Tradeshows	199,000	149,475	148,000	189,976	51,000	34.46%	49,525	33.13%
Printing	22,500	29,550	29,500	7,968	(7,000)	-23.73%	(7,050)	-23.86%
Postage	3,500	3,202	3,000	3,124	500	16.67%	298	9.31%
Sales Bids & Promotions	131,000	136,793	130,000	147,011	1,000	0.77%	(5,793)	-4.23%
Convention Sales & Services	36,000	31,366	35,050	28,642	950	2.71%	4,634	14.77%
Destination Development	135,750	81,385	82,950	72,443	52,800	63.65%	54,365	66.80%

Buffalo Niagara Convention & Visitors Bureau, Inc.
Operating Budget
Total Expenses
2024

	Proposed Budget <u>2024</u>	Projected <u>2023</u>	Budget <u>2023</u>	Actual <u>2022</u>	2024-2023 Budget <u>\$ Variance</u>	2024-2023 Budget <u>% Variance</u>	2024-2023 Projected <u>\$ Variance</u>	2024-2023 Projected <u>% Variance</u>
Travel & Meetings	41,500	39,128	39,000	31,610	2,500	6.41%	2,372	6.06%
Receptions	35,000	45,197	47,500	40,912	(12,500)	-26.32%	(10,197)	-22.56%
Research	185,000	174,598	160,000	191,957	25,000	15.63%	10,402	5.96%
Digital Development/CRM Hosting	103,000	104,222	101,500	159,824	1,500	1.48%	(1,222)	-1.17%
Familiarization Tours	65,000	120,707	100,000	92,009	(35,000)	-35.00%	(55,707)	-46.15%
Public/Media Relations	56,000	53,333	42,000	55,100	14,000	33.33%	2,667	5.00%
Freelance Writer/Graphic Artist	40,000	40,004	40,000	32,969	-	0.00%	(4)	-0.01%
Regional Marketing	5,000	8,031	8,040	8,167	(3,040)	-37.81%	(3,031)	-37.74%
Promotional Items	19,500	19,152	24,500	6,179	(5,000)	-20.41%	348	1.82%
Film/Video/Photo Productions	40,000	64,023	45,000	108,913	(5,000)	-11.11%	(24,023)	-37.52%
Photography	25,000	22,610	22,500	31,658	2,500	11.11%	2,390	10.57%
Promotional Packages	5,000	6,186	6,500	6,966	(1,500)	-23.08%	(1,186)	-19.17%
Total Sales & Marketing Expenditures	<u>2,682,860</u>	<u>2,482,525</u>	<u>1,980,040</u>	<u>2,158,762</u>	<u>\$ 702,820</u>	<u>35.50%</u>	<u>\$ 200,336</u>	<u>8.07%</u>
Technology & Equipment	46,000	44,933	45,000	21,491	1,000	2.22%	1,067	2.37%
Department Administrative Expenses	388,150	383,678	333,975	344,988	54,175	16.22%	4,472	1.17%
Total Expenses	<u>\$5,705,589</u>	<u>\$ 5,140,953</u>	<u>\$4,591,536</u>	<u>\$4,532,834</u>	<u>\$ 1,114,053</u>	<u>24.26%</u>	<u>\$ 564,636</u>	<u>10.98%</u>



TABLE OF CONTENTS

**“WESTERN NEW YORK
IS FORTUNATE TO HAVE
THE STEAK — LEGITIMATE
TOURIST DRAWS, AS
WELL AS THE SIZZLE — A
SMART VISITOR’S
BUREAU. MAY THIS
NEVER BE TAKEN FOR
GRANTED.”**

*-The Buffalo News Editorial Board
October 8, 2023*

About Visit Buffalo Niagara.....	3
Erie County Visitor Spend & Tourism Employment.....	4
Visit Buffalo Niagara Community Vitality Wheel.....	5
Visit Buffalo Niagara Organizational Audiences.....	6
Visit Buffalo Niagara Visitor Profile.....	7
Erie County Neighborhoods.....	8
Erie County Tourism Resident Sentiment.....	9
Visit Buffalo Niagara Social Inclusion Assessment.....	10
Tourism Economics 2024 Travel Trends.....	11
Marketing & Communications Plan.....	18
Sales & Services Plan.....	21
Destination & Industry Relations Plan.....	23
Research & Business Intelligence Plan.....	25
Administration Plan.....	27
Measuring Results / Key Performance Indicators.....	29



ABOUT VISIT BUFFALO NIAGARA

BRAND POSITIONING STATEMENT

Buffalo Niagara provides authentic and unexpected experiences to inquisitive explorers. The region's revitalized waterfront, restored architecture, thriving arts scene, culinary renaissance, vibrant neighborhoods, outdoor activities and historic charm make it a not-to-be-missed treasure.

ABOUT US

Visit Buffalo Niagara was incorporated on March 4, 1987, and is governed by a Board of Directors responsible for the administration and operation of the organization.

VBN employs a staff of talented tourism professionals dedicated to promoting tourism and accomplishes this by soliciting national, state and regional meeting planners, motor coach tour operators, travel agents and independent consumers. In 2022, \$2.2 billion dollars in traveler spending occurred in Erie County, generating \$132 million in tax revenue. That's \$594 in tax savings per household in Erie County.

VISIT BUFFALO NIAGARA FUNDING

Erie County provides an annual grant to Visit Buffalo Niagara, and this funding comes from visitors themselves when they stay in local hotels. In 2024, \$4.6 million from Erie County is being provided to Visit Buffalo Niagara for all marketing and sales efforts.

MISSION

**Transforming our community by
inspiring visitors and locals to
discover Buffalo and Erie
County.**

VISION

**To be the most surprising
destination you will ever visit.**

CORE VALUES

We Are Proud

Tireless dedication and love for our community, and its people, is where we find the greatest sense of accomplishment.

We Are Good Neighbors

Here, there is something for everybody - and everyone is welcome. There's a reason they call us the City of Good Neighbors.

We Are Resilient

Through times of uncertainty to momentous achievements, we carry out our mission with unwavering focus.

We Lead the Way

Driven by forward-thinking practices and boundless creativity, we motivate locals to share their stories and inspire visitors to discover something unexpected.

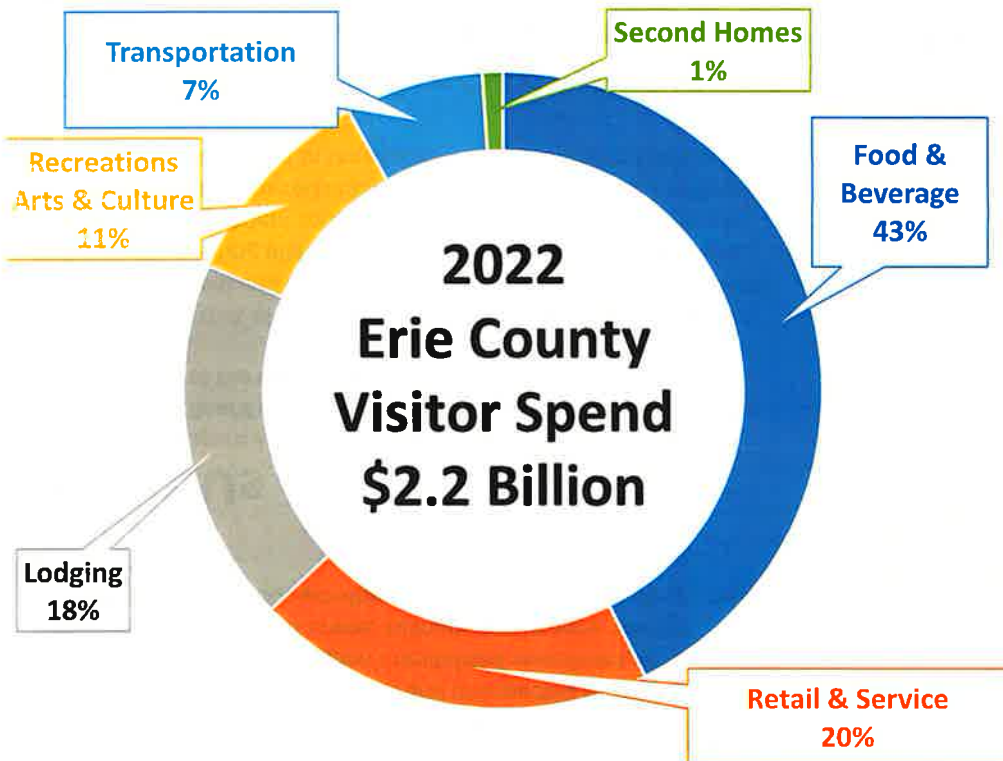
We Are Home

Buffalo is forever our home. And our guests will feel like family when they're here. That is our promise.



ERIE COUNTY VISITOR SPEND & TOURISM EMPLOYMENT

In 2022, visitor spending in Erie County grew by \$3.3 million over 2019, leading the Greater Niagara five-county Region which represents 64% of the regions overall direct tourism spending.



Data Source: Tourism Economics as commissioned annually by Empire State Development

TOURISM - GENERATED TAXES				
Tourism in the Greater Niagara Region generated \$366 million in state and local taxes in 2022. Erie County constituted 65.5% of the region's tourism tax base.				
Were it not for tourism-generated state and local taxes, the average household in Erie County would have to pay an additional \$594 to maintain the same level of government.				
	Local Taxes	State Taxes	Total	Tax Savings per Household
Erie County	\$132,452M	\$107,137M	\$239,589M	\$594

TOURISM - GENERATED EMPLOYMENT & INCOME		
Total labor income including indirect and induced impacts in the Greater Niagara Region was the most significant in Erie County at \$1.2M		
	Total Employment	Total Labor Income
Erie County	27,399	\$1,167M



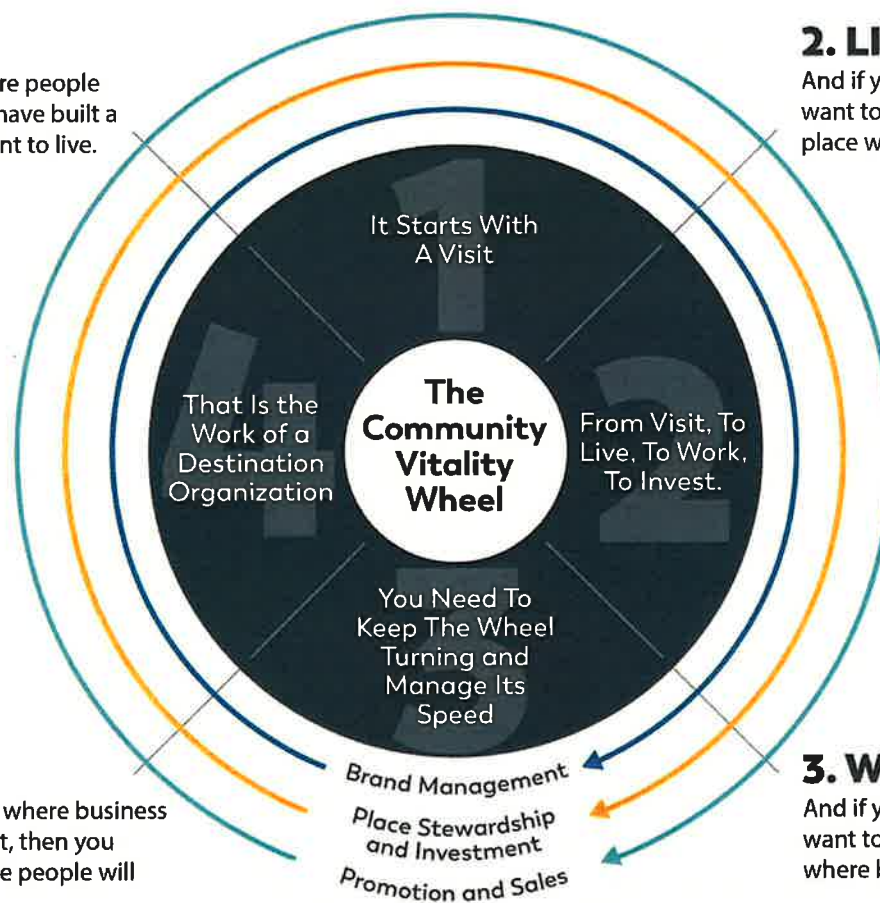
VISIT BUFFALO NIAGARA COMMUNITY VITALITY WHEEL

1. VISIT

If you built a place where people want to visit, then you have built a place where people want to live.

2. LIVE

And if you built a place where people want to live, then you have built a place where people want to work.



4. INVEST

And if you built a place where business and residents will invest, then you have built a place where people will want to visit.

3. WORK

And if you built a place where people want to work, then you have built a place where business and residents will invest.

VISIT BUFFALO NIAGARA ORGANIZATIONAL AUDIENCES

TRADE	CONSUMER	STAKEHOLDERS	MEDIA
<p>Convention & Meeting Planners National, state and regional association planners, independent/third party planners with an emphasis on the following sectors: Advanced Manufacturing, Agriculture, Educational, Engineering/Technology, Ethnic/Multicultural, Government, Health/Medical, Hobby/Vocational, Fraternal, LGBTQ+, Military, Religious, Science/Environmental, Technology, Unions, Social</p> <p>Sports Event Planners National, regional, state and local club organizations targeting all potential athletic/sport events, competitions, tournaments.</p> <p>Travel Trade Domestic and international operators, receptive tour operators for group and independent travel</p>	<p>Age: 25-64</p> <p>Drive Markets: Greater Toronto Area, Cleveland, Pittsburgh, New York State and Western New York residents</p> <p>Current Direct Flight Markets: Atlanta, Baltimore, Boston, Charlotte, Chicago, Dallas/Ft. Worth, Denver, Detroit, Fort Lauderdale, Fort Meyers, Las Vegas, Los Angeles, Miami, Minneapolis/St. Paul, Nashville, Newark, New York, Orlando, Philadelphia, Phoenix, Raleigh-Durham, Sarasota, Tampa, Washington</p> <p>International: Austria, Australia, China, Japan, England, Germany, Ireland, Scotland, Switzerland</p> <p>Interests: Architecture, arts and culture, heritage and history, culinary, craft beer and spirits, LGBTQ+, year-round outdoor recreation, state, county and city parks, generational travel</p>	<p>Elected officials</p> <p>Board of directors</p> <p>Partner businesses</p> <p>Tourism industry (State, Regional, Local)</p> <p>County chambers of commerce</p> <p>County economic development agencies</p> <p>Civic and community groups</p> <p>Local, state and county agencies</p> <p>Local residents</p> <p>Customers</p>	<p>International, national, and regional lifestyle and travel media</p> <p>Travel related social media influencers</p> <p>Convention trade media</p> <p>Sports trade media</p> <p>Travel trade media</p> <p>Local, state and regional media</p> <p>Sport-specific enthusiast media</p>



VISIT BUFFALO NIAGARA VISITOR PROFILE

OVERNIGHT DOMESTIC VISITOR TO ERIE COUNTY

- 3.2 million person-trips
- Average daily per person expenditure: \$187
- Average # of nights spent in Buffalo: 2.9
- 63% traveled to Buffalo by car
- 34% planned their trip in one month or less
- 52% stayed in a hotel
- 62% of visitors were between the ages of 25-54
- 70% had a college degree or more
- Top 5 States of Origin: NY, PA, OH, FL, NJ
- Top 5 Activities: Shopping, State Parks, Landmark/Historic Sites, Bars/Nightlife, Museums

Daytrip Visitor To Erie County

- 4.4 million person-trips
- Average per-person expenditure: \$59
- Average length of trip: 4.9 hours
- 61% of visitors were between the ages of 25-54
- Top 5 Origin Markets: New York, NY; Rochester, NY; Syracuse, NY; Cleveland, OH; Boston, MA
- Top 5 Activities: Shopping, Casino, Bar/Nightlife, Landmark/Historic Site, Hiking



ERIE COUNTY NEIGHBORHOODS

Buffalo and Erie County are bursting with colorful neighborhoods, each offering its own unique niche. Whether visitors are interested in a small-town feel that's rich in history or an up-and-coming, hot-spot sprinkled with art galleries and live music, Buffalo and Erie County has got it.

CITY, TOWNS & VILLAGES		NEIGHBORHOODS	
Buffalo	Kenmore	Allentown	Old First Ward
Clarence	Lancaster	Arts District	Niagara Street
East Amherst	Orchard Park	Black Rock	Parkside
East Aurora	Springville	Broadway-Fillmore	Kaisertown
Gowanda	Tonawanda	Elmwood Village	Larkinville
Grand Island	West Seneca	Fillmore District	Michigan/Jefferson
Hamburg	Williamsville	Five Points	Avenues
		Grant Street	South Buffalo
		Hertel Avenue	University Heights

Western New York Regional Attractions & Activities

Niagara Falls
State Park and surrounding attractions

Ellicottville
Skiing

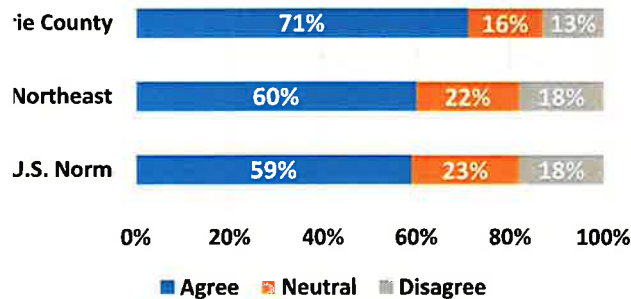
Chautauqua County
Institute and fishing

Jamestown
National Comedy Center

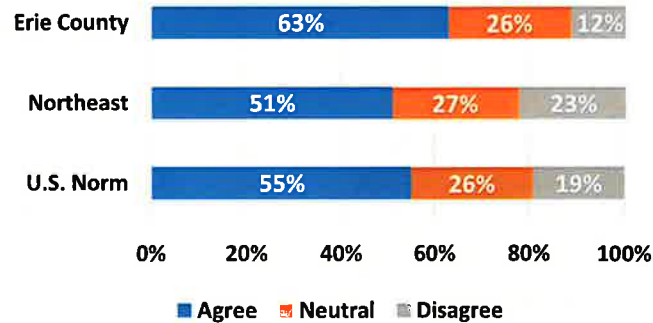


ERIE COUNTY TOURISM RESIDENT SENTIMENT

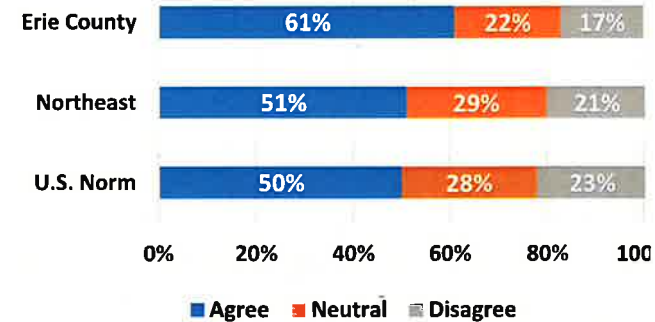
Overall, I think Tourism is good for my local area



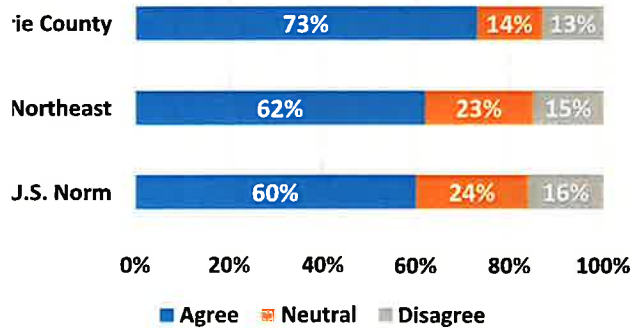
Tourism is important to my local economy



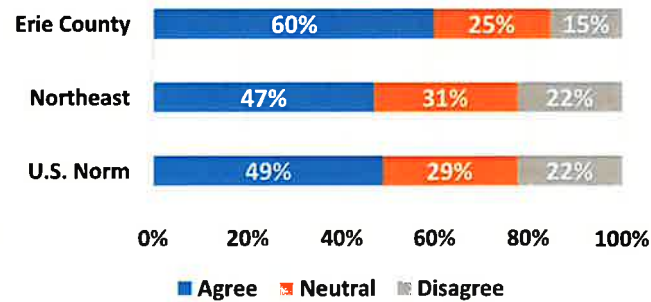
Tourism supports the preservation of local culture and protects the community's authenticity



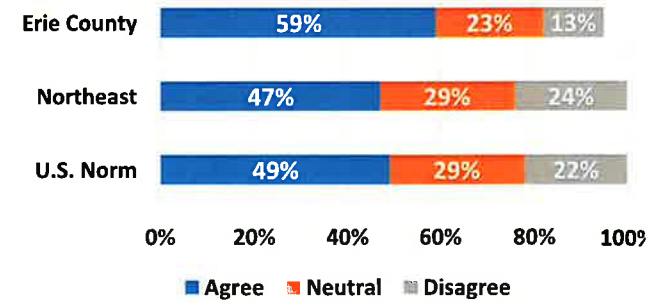
I support tourism growth



I support building new tourism facilities that will attract visitors to this area



I like the way local tourism advertising represents my home



Data Source: 2022 Buffalo Niagara Resident Sentiment Study by Longwoods International



Visit Buffalo Niagara Social Inclusion Assessment



COMMUNITY TRUST & VITALITY AND VIBRANT ECONOMIC GROWTH

In 2024, Visit Buffalo Niagara will be utilizing the Social Impact Assessment Tool by Destination's International. The SIA is designed for destination organizations to measure progress toward our inclusion goals. Visit Buffalo Niagara will assess our workplace dynamics, operations, and policies, vendor selection, community engagement, accessibility, board governance, and destination stewardship efforts.



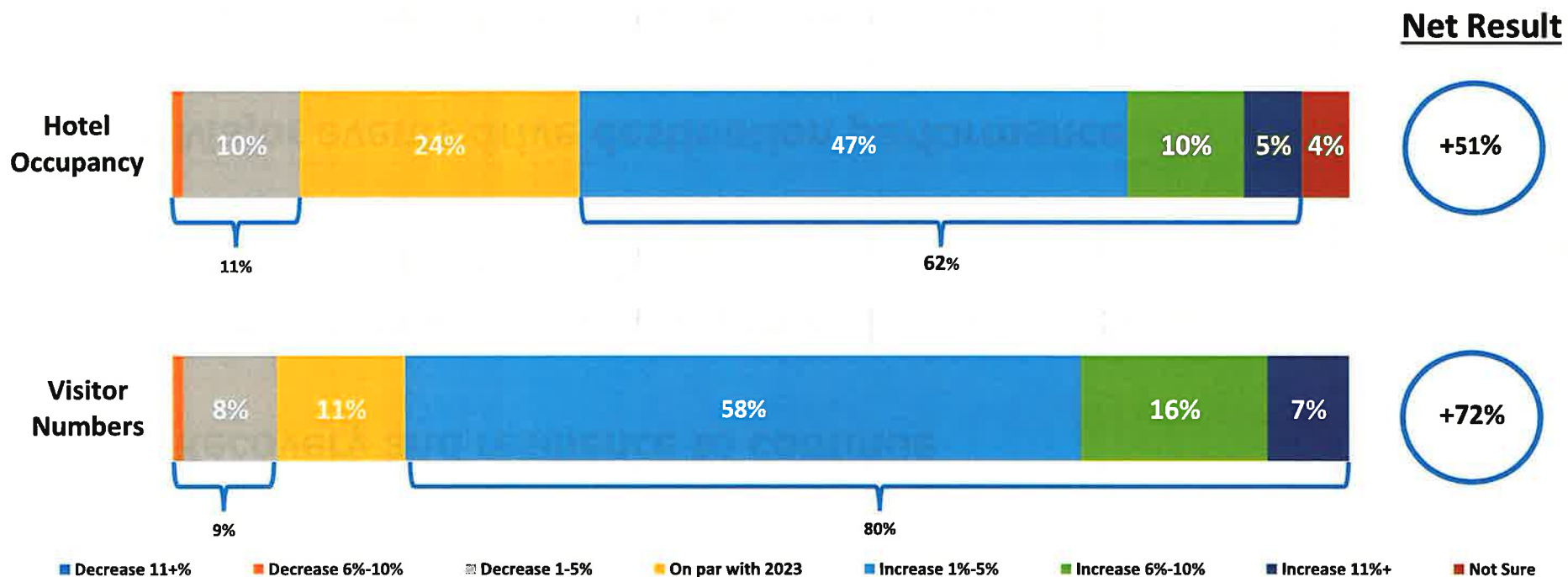
TOURISM ECONOMICS: 2024 KEY TOURISM THEMES

- **Recovery and resilience to continue**
- **High costs (and recession) to limit, but not derail, advanced economy demand**
- **Major events drive destination performance**
- **More authentic travel experience to gain share**

TOURISM ECONOMICS: 2024 RECOVERY AND RESILIENCE

Strong expectations that 2024 will be a better year than 2023. Visitor numbers in particular look set to significantly outstrip 2023.

Outlook: Next 12 Months

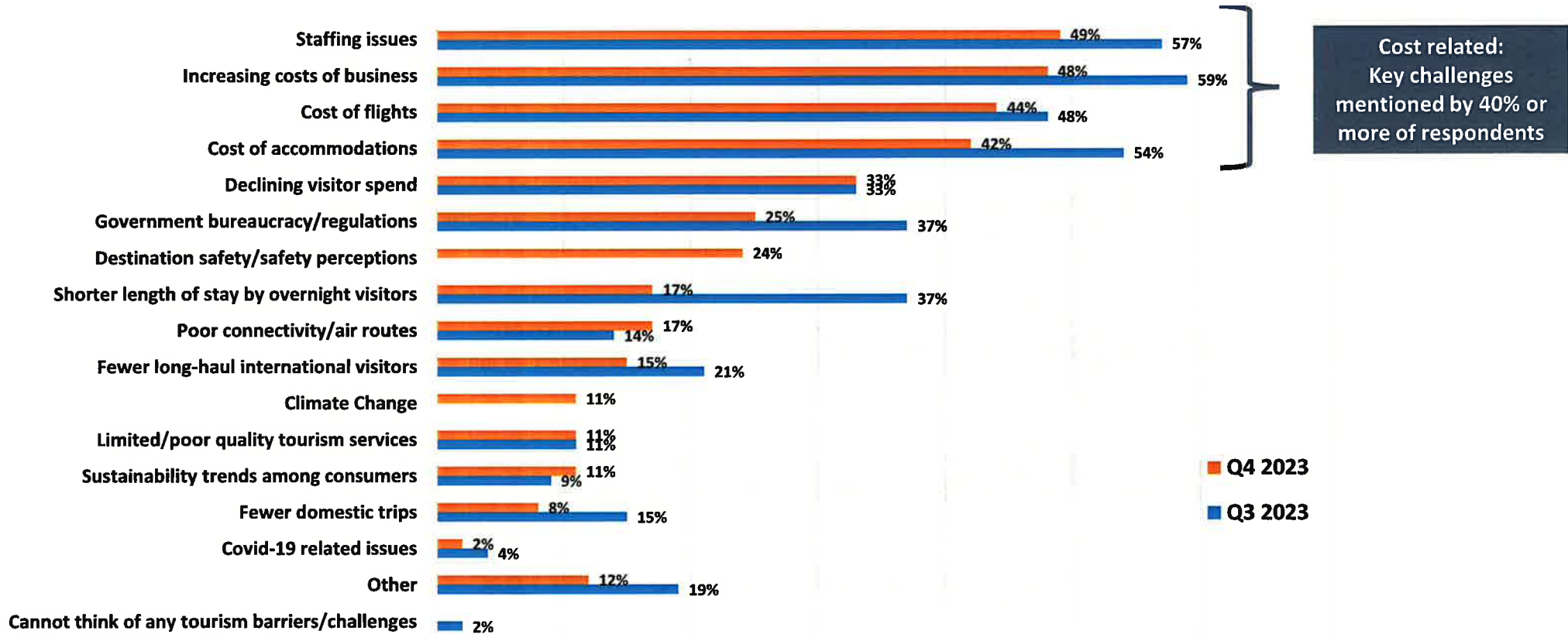


Data Source: Tourism Economics: December 2023 Report – 2024 key themes: Why Tourism Will Continue To Grow



TOURISM ECONOMICS: HIGH COSTS TO LIMIT DEMAND

Which, of any, of the following are currently tourism barriers or challenges?

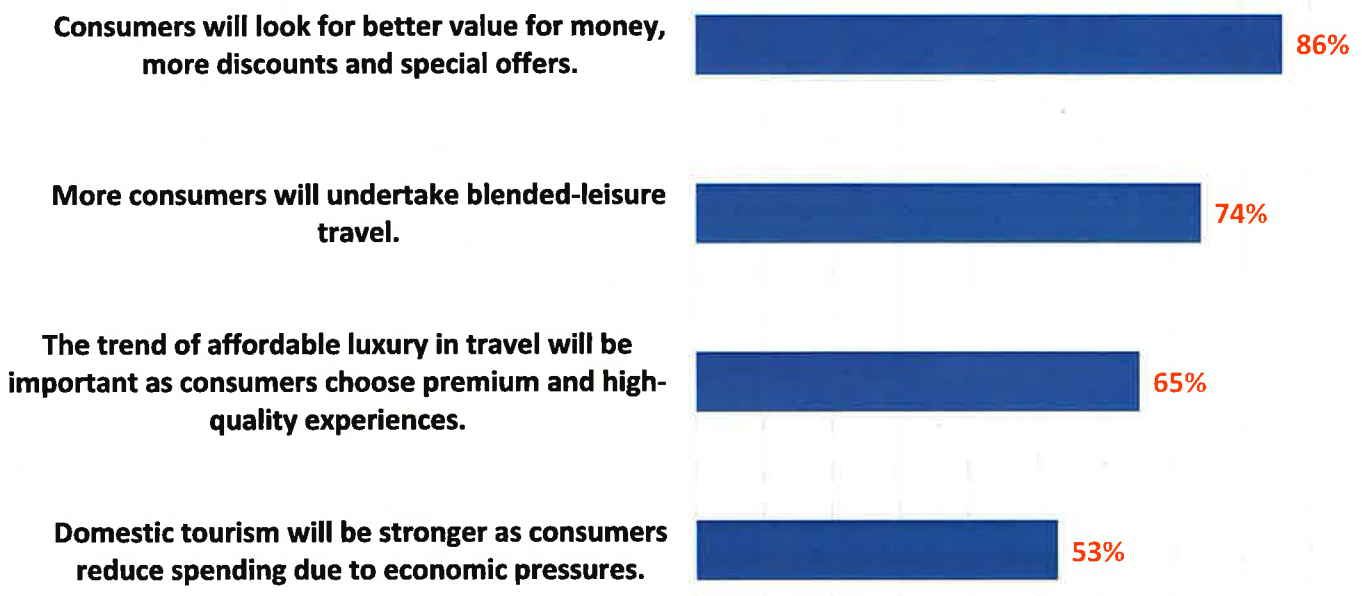


Data Source: Tourism Economics Travel Industry Monitor (TMI)



TOURISM ECONOMICS: VALUE HUNTING WILL DRIVE GROWTH

2024 Tourism Trends: % Slightly & Strongly Agree

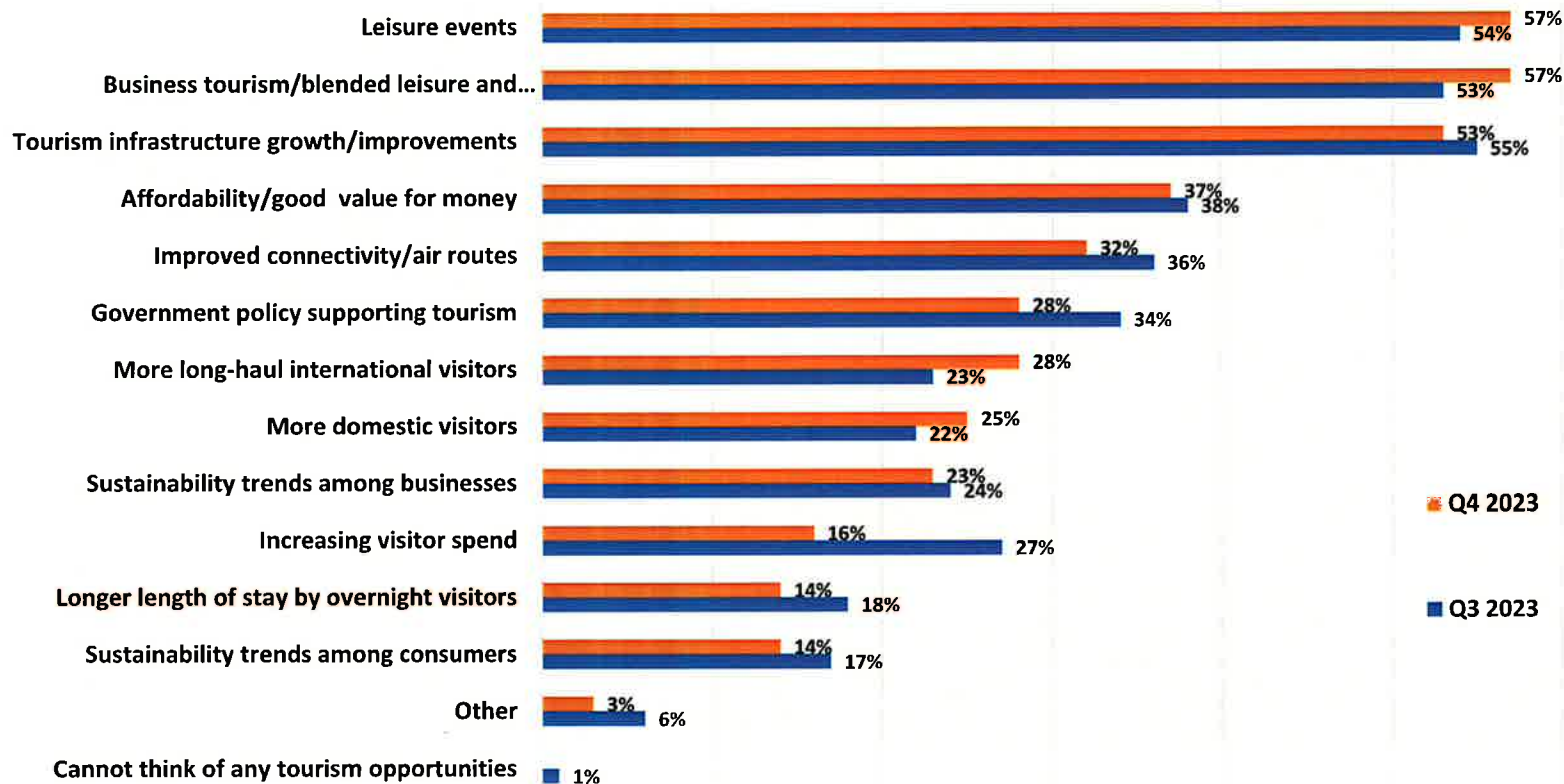


Data Source: Tourism Economics Travel Industry Monitor (TM)



TOURISM ECONOMICS: KEY EVENT GROWTH OPPORTUNITIES

Q: Which, if any, of the following are opportunities for tourism growth over the next few years?



Major cultural, sporting and music events have rebounded strongly in recent years.

89% of corporate travelers want to include some leisure component to their next trip

Data Source: Tourism Economics Travel Industry Monitor (TMI)



TOURISM ECONOMICS: DEMAND SHIFTS

In 2023, experiential activities such as wellness, nature and food tourism increased over

10%

compared with 2019

Travelers are increasingly seeking unique experiences. In March 2023, spending on experiences was up

65%

compared with 2019

50%

of consumers are more likely to use a travel advisor post-pandemic

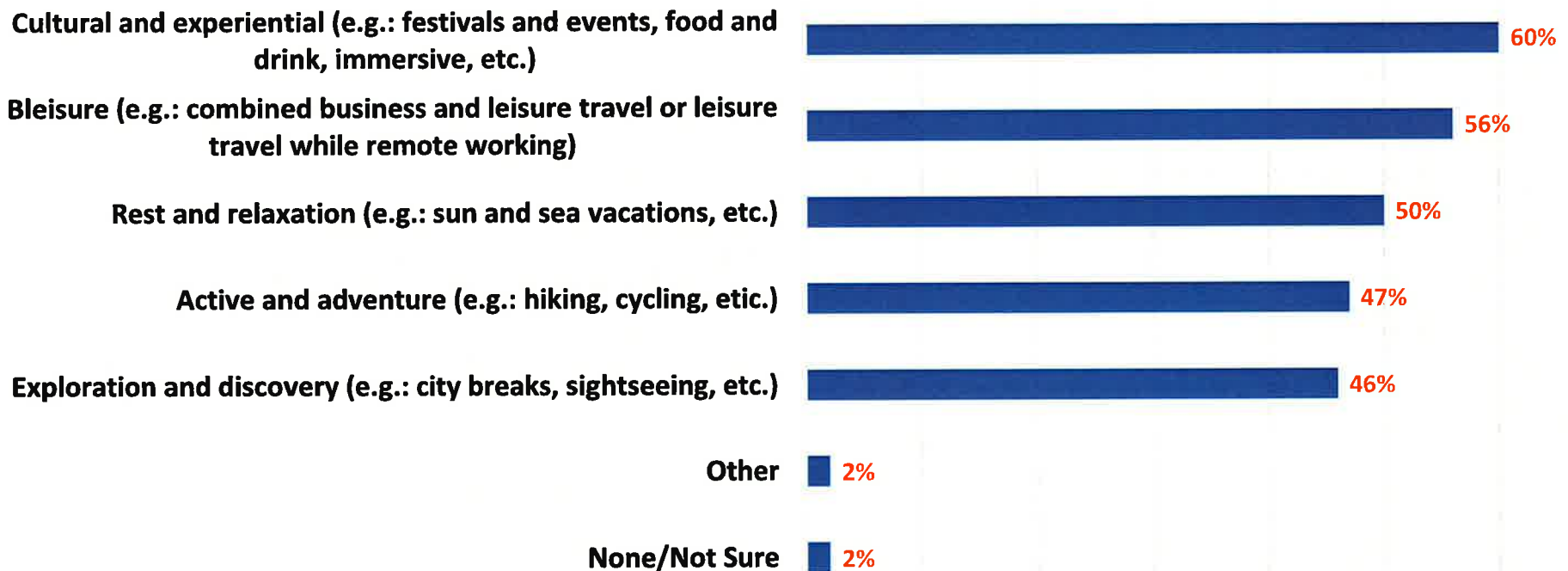
Data Source: WTM Global Travel Report produced by Tourism Economics on behalf of WTM



TOURISM ECONOMICS: TYPES OF LEISURE RELATED TRAVEL

Which of the following types of leisure-related travel do you think will perform particularly well in 2024? (select up to 3 options)

Authentic and Experiential Travel To Perform Strongly in 2024



Data Source: Tourism Economics Travel Industry Monitor (TMI)



MARKETING AND COMMUNICATIONS PLAN

PURPOSE

The Marketing Department is responsible for increasing awareness, interest, and desire for travel experiences in Buffalo and Erie County. The team determines the most effective channels and platforms for our messaging by using data-driven insights into the purchase path for potential visitors. Our goal is to reach the right person with the right message at the right moment to deliver maximum visitation to our partners throughout Erie County.

HIGHLIGHTS FOR 2024

- Issue RFP for advertising/public relations firm(s) to develop a new brand campaign for FY 2025
- April 8 Total Solar Eclipse
- “Hear Here” Music Tourism Initiative
- “Freedom’s Footsteps” African American Tourism Initiative
- Arts and Culture Consumer Marketing Campaign

GOAL #1

Drive visitation to the destination year-round with emphasis on shoulder seasons

OBJECTIVES

Execute an integrated destination brand campaign

STRATEGIES

- Develop and promote robust, relevant content that inspires, educates and converts new and repeat travelers
- Adopt a targeted approach for New York residents and growth potential markets that promotes awareness and visitation to the destination
- Identify key need periods and concentrate on driving interest and visitation
- Continue targeting Canadian market

GOAL #2

Increase awareness of and interest in the destination and feature experiences

OBJECTIVES

Position destination as a must see for arts and culture

STRATEGIES

- Create an integrated marketing campaign featuring Buffalo’s diverse arts and culture product
- Launch a media relations influencer initiative positioning Buffalo

Position destination for year-round outdoor recreation

- Create integrated campaign for target audience that features unique experiences
- Host outdoor recreation content creators and influencers
- Redeploy edited versions of video content through social channels



MARKETING AND COMMUNICATIONS PLAN

GOAL #3

Continue to create impactful destination niche content

OBJECTIVES

Launch "Freedom's Footsteps" heritage tourism initiative

- Create integrated campaign targeting history and African American heritage visitors in key feeder markets
- Host press trip targeting journalists or contributors to African American publications
- Redevelop African American Heritage Guide with prominent inclusion of Freedom's Footsteps

Continue development and implementation of "Hear Here" music tourism campaign

- Engage county-wide musicians, venues and organizations
- Create integrated marketing campaign targeting live music enthusiasts
- Host music content creators for fam tours around Buffalo and Erie County's signature live music events
- Work with sales department to secure National Independent Venue Association annual convention

Enhance Buffalo and Erie County's image as a food destination through promotion of "Upstate Eats Trail" and "Buffalo Wing Trail"

- Create integrated campaign targeting food lovers
- Host bloggers, content creators and journalists working in the culinary space

STRATEGIES

GOAL #4

Increase consumer engagement (website traffic, clicks, open rate, social media content and engagement, video views, etc.)

OBJECTIVES

Maintain and enhance VisitBuffaloNiagara.com website

- Create robust content in line with the needs of audiences. Optimize for SEO and feature prominently in relevant areas of the site
- Explore technologies to enhance website user experience

Maintain and enhance digital marketing approach

- Ensure video is a priority in content audits and content creation planning, and strategically aligns with planned campaigns and landing pages

Maintain and enhance social media platforms

- Create and curate meaningful, viable content to nurture and grow followers
- Utilize influencer and user-generated content to drive traffic and engagement
- Track analytics and use results to drive leisure content strategy

Produce annual In The BUF visitor guide

- Work with third-party vendor to publish annual visitor guide for timely delivery and distribution
- Evaluate advertising structure and implement sales strategy

STRATEGIES



MARKETING AND COMMUNICATIONS PLAN

GOAL #5

Generate favorable content about the destination experiences of Buffalo and Erie County through media outlets that cover consumer travel and travel trade news

OBJECTIVES

Develop annual destination travel story ideas and themes

- Provide content and story ideas for editorial coverage in media outlets
- Stay connected with travel media through familiarization tours
- Continue to develop targeted media lists that are aligned with evolving traveler trends, and use these lists to determine the best writers and influencers to bring into the destination
- Generate media coverage by attending and participating in hosted events, desk-side appointments.
- Pitch destination-specific story ideas and promotions
- Attend tourism-related association and media conferences
- Update media pages on website

STRATEGIES

GOAL #6

Provide Marketing & Communications support for Sales & Services Department

OBJECTIVES

Position destination with advertising and marketing support for meetings, sports and travel trade

Engage meetings, sports and travel industry journalists and publications

STRATEGIES

- Develop new sales branding campaign and implement an omnichannel approach to engage with planners and tour operators
- Enhance the sales efforts through the development of new content, tools, and resources (i.e.: welcome videos, meetings videos, presentation deck templates, etc.)
- Work with Sales Department to create new and personalized story ideas for market specific media outlets
- Prioritize requests from industry specific writers and work with sales department to provide accurate and up-to-date information



SALES AND SERVICES PLAN

PURPOSE

The primary goal of the Visit Buffalo Niagara Sales & Services Department is to promote Buffalo and Erie County as a convention, group tour, and amateur sports competition destination, thus initiating direct economic impact by increasing hotel room night production for area hotel partners and incremental sales for restaurants, cultural attractions, and transportation companies.

HIGHLIGHTS FOR 2024

- Host Select Traveler Conference and demonstrate group traveler opportunities
- 2027 & 2028 NCAA Championships Bid Process
- Convene 11th annual Customer Advisory Council Meeting and include alumni members of previous years
- Focus on convention center need dates to source and connect with planners
- Through Erie County departments and economic development partners, identify regional business/industry strengths, experts, thought leaders and intellectual capital
- Work with local experts and thought leaders to identify and bid on their related association/industry meetings and conventions
- Identify and book amateur sporting events that can be hosted in Erie County
- Facilitate Visit Buffalo Niagara Book Club and create thematic itineraries related to book selections

GOAL #1

Identify, pursue, and confirm meetings/conventions, amateur athletic events, and travel trade business

OBJECTIVES

STRATEGIES

Grow confirmed definite bookings

- Analyze, maintain and monitor a healthy and aggressive pipeline.
- Qualify prospect planners and move qualified prospects through the sales process until conclusion of booked event
- Target marketing and sales efforts to key event planners.
- Monitor and track lost business

Grow future business leads

- Cultivate relationships with planners, sports rights holders and tour operators through direct and indirect sales tactics
- Strengthen partnerships with major third-party sourcing companies to further promote Buffalo as a top convention destination that inspires confidence for meeting planners and convention delegates
- Host targeted site visits and familiarization tours
- Continue to foster relationships with regional business community and economic development partners through participation in local business events as well as VBN hosted event opportunities



SALES AND SERVICES PLAN

GOAL #2		GOAL #3	
Drive destination awareness and interest among meeting planners, sports rights holders, and tour operators		Provide exemplary services resulting in highly satisfied meeting planners, sports organizers and tour operators	
OBJECTIVES		OBJECTIVES	
Heighten Sales Department industry awareness and marketing/communications initiatives		Preserve a high standard of event servicing and related economic impact	
STRATEGIES		STRATEGIES	
<ul style="list-style-type: none">• Update and maintain accuracy of online presence on PlayEasy, MINT, Cvent and other micro sites• Utilize Digideck software platform to create customized proposals and presentations• Convene 11th Annual Customer Advisory Council meeting• Explore sponsorship or hosting opportunities to further destination brand to target audiences• Facilitate Buffalo Book Club		<ul style="list-style-type: none">• Cultivate relationships with planners and events rights holders in the definite stage of transfer from sales to services• Welcome attendees to the destination and provide information and resources for destination experiences• Coordinate the use of volunteers with mobile visitor center and information tables for meetings/conventions, sporting events and tours• Maintain industry partner awareness through communications of meetings/conventions, sporting events and tour dates.	
		<hr/>	
		<ul style="list-style-type: none">• Measure meeting/convention planner sports rights holder and tour operator destination and services satisfaction• Leverage involvement with Event Service Professionals Association to provide current and best servicing practices• Implement a post-event survey to track planner and attendee satisfaction• Maintain a database of planners that have worked with Visit Buffalo Niagara in the past who would be willing to offer testimonials of their experience working with VBN and holding their events in Buffalo and Erie County	



DESTINATION & INDUSTRY RELATIONS PLAN

PURPOSE

The Destination Development and Industry Relations department offers partner businesses resources and targeted exposure to the meetings/sports/travel industry and leisure visitor markets, while also providing visitors with the best Buffalo/Erie County information available. The department is committed to supporting our industry partners with educational events and business intelligence. The team acts as a liaison connecting staff, business and the community with one another. The team also interacts directly with visitors, answering their questions, and providing an insider's perspective on the various businesses and experiences in Erie County. The team coordinates VBN's visitors guide distribution and oversight of volunteers, and visitor centers.

HIGHLIGHTS FOR 2024

- Complete product development of "Freedom's Footsteps" initiative
- Develop and launch Certified Travel Ambassador program
- Prioritize and implement Culture and Heritage Marketing Council's final study recommendations
- Reimagine Tourism Marketing Outlook Forum into a full-day professional development event for industry partners

GOAL #1

Assist industry partners in building relationships with staff and leverage their relationship with Visit Buffalo Niagara to reach visitors and clients

OBJECTIVES

Recruit new and retain exiting industry partners and provide organizational opportunities and services

STRATEGIES

- Identify and offer new ways industry partners can utilize their relationship with VBN to build stronger relationships with one another, visitors, travel writers, meeting planners, sports rights holders and tour operators
- Focus on partner outreach to gain a better understanding of their challenges and needs

GOAL #2

Provide benefits and programming for industry partner base and entice non-partner businesses to explore opportunity to work with VBN

OBJECTIVES

Provide ongoing education, networking and information to industry partners

STRATEGIES

- Reach out to potential new partner businesses that are consistent with and might benefit from the VBN mission
- Educate partners on what VBN offers
- Refine the onboarding process
- Broaden reach of monthly industry nights throughout Erie County
- Collaborate with VBN departments to host quarterly industry meetings
- Redesign weekly In the BUF newsletter



DESTINATION & INDUSTRY RELATIONS PLAN

GOAL #3

Enhance the existing tourism products available to visitors to Erie County, while fostering an environment for the development of new experiences that will drive visitor spending to local businesses.

OBJECTIVES

Engage partners and business participation in event and product development

STRATEGIES

- Plan and execute Fall and Spring Restaurant Weeks in cooperation with NYS Restaurant Association
- Plan and executive annual Theater Month promotion in cooperation with Erie County live theaters and hotels
- Engage partners with the Michigan Street African American Heritage Corridor for the completion and launch of Freedom's Footsteps product
- Lead VBN's engagement with law enforcement, government officials and partners for 2024 Total Solar Eclipse

GOAL #4

Implement training programs to familiarize staff, industry and community partners about Buffalo and Erie County.

OBJECTIVES

Provide Erie County with destination and visitor focused training and resources

STRATEGIES

- Oversee and launch Certified Travel Ambassador (CTA) program
- Coordinate annual Tourism Marketing Outlook Forum
- Oversee project with U.S. Cultural & Heritage Marketing Council to completion and prioritize implementation

GOAL #5

Welcome visitors and provide resources to support visitors and locals attending events throughout the region

OBJECTIVES

Provide meaningful interactions with visitors and locals

STRATEGIES

- Identify new events/locations for mobile visitor center for year-round exposure
- Work with Buffalo Convention Center to train front desk staff as a visitor information site
- Oversee year-long visitor guide distribution program throughout New York State
- Oversee and respond to telephone, email, and website visitor information requests

Implement volunteer program

- Continue to engage existing, while recruiting and training new volunteers for opportunities at welcome tables, mobile visitor center, and other potential opportunities to engage with visitors

GOAL #6

Work with Erie County educational institutions on share opportunities in the tourism/hospitality field.

OBJECTIVES

Participate in secondary and higher education tourism/hospitality programs

STRATEGIES

- Work with Buffalo School of Culinary Arts and Hospitality and Buffalo Convention center for hands-on learning experiences
- Collaborate with and help create career pathways through Erie Community College's Earn To Learn Program



RESEARCH PLAN

PURPOSE

The Research / Data Intelligence Department is responsible for all cloud-based software solutions, technological infrastructure, data analytic and business intelligence used by the Bureau. The department's primary goal is to support the organizational business plan and the business objectives of individual departments through the effective use of data, technology and cloud-based services—providing the resources to support destination management and marketing that attracts more visitors.

HIGHLIGHTS FOR 2024

- Bi-Annual Visitor Profile Study
- Meeting Planner Destination Perception Survey
- Meeting/Convention and Event Attendee Perception Survey

GOAL #1

Produce and curate research organizational and industry reporting and measurement best practices

OBJECTIVES

Measure and assess information for organizational decision-making purposes

STRATEGIES

- Continue to enhance the proactive reporting, measurement and formats of monthly, quarterly, and yearly tourism data acquired through third-party research and economic metrics.
- Oversee organizational CRM system and reporting
- Report the measurements of the data dashboards by reporting and benchmarking system for group sales, group booking pace and interactive analytics for board, staff, tourism industry and stakeholders
- In concert with Destination Development/Industry Relations Department, provide reports and content for industry meetings
- In concert with Destination Development/Industry Relations host annual Marketing Outlook Forum day-long event highlighting industry research and organizational plans for industry partners, stakeholders and government officials



RESEARCH PLAN

WEEKLY HOTEL & SHORT-TERM RENTAL DASHBOARD

Emailed weekly and posted on VBN website

These report summaries cover weekly Erie County hotel and short-term rental performance, three previous week changes and comparisons and year-over

MONTHLY DESTINATION PERFORMANCE REPORT

Emailed monthly and posted on VBN website

These report summaries include monthly Erie County hotel and short-term rental performance, airport and cross border traffic, sales and services, marketing/communications, destination development and convention center KPIs

ERIE COUNTY VISITOR SPEND

Summary of results to be shared Summer/Fall 2024

Completed by Tourism Economics on behalf of Empire State Development, this report determines visitor impacts on Erie County in terms of tourism sector spend, tourism labor income, state and local taxes generated and per-household county resident tax savings

ERIE COUNTY VISITOR PROFILE REPORT

Summary of results to be shared by Q1 2025

Completed by Longwoods International, this report analyzes total domestic visitation to Erie County in 2024 including overnight and day trip visitation and summarizes visitor trip purpose, activities, transportation, booking methods, origin markets, demographic information and more.

MEETING/CONVENTION AND SPORTING EVENT ATTENDEE BEHAVIOR INTERCEPT SURVEY

Summary of results to be shared by Q2 2025

This year-long study, conducted by Young Strategies in 2024 and 2025 will survey convention center and sporting event attendees to better understand attendee demographics, attendee perceptions and ratings on various destination attributes, activities, types of transportation used, and locations visited while in the destination.

MEETING PLANNER DESTINATION PERCEPTION SURVEY

Summary of results to be shared by quarterly basis through 2025

This year-long study, will evaluate the overall convention center, hotels, and destination experience and perceptions of meeting planners who have held a meeting/convention in Buffalo.



ADMINISTRATION PLAN

PURPOSE

The primary goal of the Administration Department is to provide managerial guidance to all Visit Buffalo Niagara departments related to staffing, management, operational efficiencies, organizational strategic planning, education and community-based initiatives that position VBN to be the leader in hospitality and tourism-based economic development for Erie County.

HIGHLIGHTS FOR 2024

- Organizational planning for 2025 budget increase
- Research and execute corporate office move
- Three-year Strategic Plan for 2025-2027
- Complete Destinations International DMAP re-accreditation
- Explore partnerships opportunity with Erie Canal Harbor Development Corporation to operate Canalside visitor information center in 2025
- Succession planning for future senior level management positions

GOAL #1

Provide efficient, ethical and professional direction of operational functions for organizational stewardship

OBJECTIVES

Maintain excellent organization control and support systems

Ensure a well-trained, motivated, efficient and well-respected professional staff

Improve awareness of inclusion, diversity, equity, accessibility and sustainability awareness in organization's workplace and departmental scope of work

STRATEGIES

- Maintain current and accurate organizational financial records
- Achieve a clean third-party financial audit
- Implement an updated expense reporting system
- Manage office facilities, equipment, technology, office supplies and inventory
- Complete Destinations International Destination Marketing Accreditation Program renewal

- Manage employee relations and work with external HR consultant. Manage the recruiting and hiring process as needed
- Ensure the employee policies and procedures are updated continuously to reflect recent laws and legislation. Communicate all changes to staff in an efficient manner
- Provide staff professional development

- Complete Destinations International Social Inclusion Assessment
- Work with national and local partners along with staff to ensure that VBN is implementing and following Social Inclusion best practices internally and externally



ADMINISTRATION PLAN

GOAL #2

Inspire confidence and respect for Erie County tourism through external stewardship

OBJECTIVES

Stakeholder score Visit Buffalo Niagara 80% or higher in leadership, expertise and trust

Represent and advocate on behalf of Erie County tourism industry at national, state and local levels

STRATEGIES

- Achieve industry and county alignment
- Provide transparent reporting
- Communicate openly
- Serve destination stakeholders
- Maintain membership and participate in U.S. Travel Association, New York State Hospitality & Travel Association, and Buffalo Niagara Partnership legislative activities
- Advocate for tourism/hospitality workforce challenges and opportunities

GOAL #3

Reimagine and plan the destination's organizational present and future

OBJECTIVES

Implement strategies focused on destination opportunities and engagement through implementation of the Tourism Master Plan and Strategic Plan utilizing DestinationNEXT standards

STRATEGIES

- Prioritize destination experience, organizational function and relevance using the VBN Ten-Year Master Plan as a guide
- Complete final year of three-year strategic plan while developing strategic plan for 2025-2027
- Complete the revised DestinationNEXT assessment
- Assess destination tourism needs

GOAL #4

Elevate organization community profile and engagement

OBJECTIVES

Work with state and local economic development allies to ensure that Visit Buffalo Niagara has a voice and input on tourism-related projects and plans

Board of directors' engagement

STRATEGIES

- Insure that VBN has a seat at the table and continues to expand the network of advocates and collaborators
- Serve and engage in initiative-taking partnerships and advocacy role with economic development allies
- Utilize stakeholder relations for input on implementing Destination Master Plan and Strategic Plan
- Ensure board members are prepared and engaged in organizational operations and governance
- Utilize board member community and professional relations to further VBN mission



MEASURING RESULTS/KEY PERFORMANCE INDICATORS

DESTINATION KPIS

These are quantifiable industry standards

KPIs	2019 (benchmark)	2020	2021	2022	2023
Visitor Spend	\$1.8B	\$994M	\$1.7B	\$2.2B	TBD – July 2024
State/Local Taxes Generated	\$228,102M	\$156,919M	\$209,139M	\$239,599M	TBD – July 2024
Tourism Employment	32,395	21,911	24,311	27,399	TBD – July 2024
Per-Household Tax Relief	\$596	\$403	\$532	\$594	TBD – July 2024
Hotel Occupancy	61.7%	32.8%	52.1%	59.9%	62.1%
Hotel Average Daily Rate	\$106.92	\$87.41	\$107.60	\$124.31	\$133.51
Hotel RevPAR	\$65.97	\$28.67	\$56.10	\$74.43	\$83.18
Hotel Revenue	\$266,269,853	\$111,334,592	\$221,384,220	\$309,591,826	\$309,591,826
Short-Term Rental Occupancy	-	-	-	42.0%	37.9%
Short-Term Rental ADR	-	-	-	\$168.00	\$171.00
Short Term Rental RevPAR	-	-	-	\$71.00	\$54.00
Short Term Rental Revenue	-	-	-	\$35,210,930	\$39,303,61
BUF Airport Traffic	4,967,860	-	2,925,792	4,048,306	4,671,785
Cross Border Traffic	5,232,229	-	1,038,828	2,920,924	4,133,704

Data Sources: ESD/Tourism Economics, STR, Key Data, NFTA, Bridge Authority



MEASURING RESULTS/KEY PERFORMANCE INDICATORS

Departmental KPIs

These are the quantifiable or qualifiable metrics used to measure the effectiveness of each Visit Buffalo Niagara departmental tactics:

MARKETING & COMMUNICATIONS	SALES & SERVICES MEETINGS/CONVENTIONS, SPORTING EVENTS, TRAVEL TRADE	INDUSTRY RELATIONS	RESEARCH
<ul style="list-style-type: none"> Website Traffic (sessions and engagement) Website Page Views Social Media Engagement Video Views Media Placements Media Impressions Media Touchpoints Media Visits 	<ul style="list-style-type: none"> Qualified Leads Generated Lead Room Nights Lead Attendance Lead Economic Impact Definite Bookings Definite Room Nights Definite Attendance Definite Economic Impact Groups Serviced Lost Business 	<ul style="list-style-type: none"> Visitor Guide distribution Mobile Visitor Center Events Mobile Visitor Center Volunteer Opportunities Industry Meeting Events Certified Travel Ambassador Training Sessions Certified Travel Ambassador Graduates Certified Travel Ambassador Industry Events In the BUF newsletter distribution 	<ul style="list-style-type: none"> Weekly and Monthly Hotel and Short-Term Rental Summaries NYS / Greater Niagara Region Visitor Impact Report Annual Tourism Marketing Summit Visitor Profile Study Zartico Destination Performance Report CRM updates and enhancements





Q4 2023 YEAR-END DESTINATION UPDATE

OCTOBER, NOVEMBER AND DECEMBER DASHBOARDS AND QUALITATIVE REPORT

PATRICK J. KALER, PRESIDENT & CEO

VISIT BUFFALO NIAGARA BUFFALO CONVENTION CENTER BUFFALO NIAGARA SPORTS COMMISSION



Dear Friend of Tourism.

On this 10th anniversary of my arrival in Buffalo, I am grateful to have witnessed our region's transformation and the tourism economy that continues to thrive in its wake. To see it underway when I arrived — waterfront cranes were at work building Canalside's park and promenade — made Buffalo an exciting place to be. The result, a decade later, of continuing change and discovery, is the community impact we work for: More and more people are coming and staying longer to experience Buffalo's outdoor recreation, sporting venues, arts, theater, history, music, food, culture, convention amenities and the warmth of its people who continue to make the visitor experience remarkable.

Numbers reflect this dramatic change:

Tourism spending in Western New York increased by 37.5 percent in the last decade.

Last year's total reached an all-time high of \$2.2. billion, surpassing the pre-pandemic high by 16 percent.

Hotel business has also risen dramatically. A new study, released this month, revealed improvement and strength — in spite of a 7.8 percent decrease in rooms, convention business still in recovery and a slow return of Canadian visitors — 2023 hotel revenue was \$309,591,826. A 16.3 percent increase.

This is a credit to our community of hoteliers offering remarkable stays that either didn't exist 10 years ago or have been transformed — at the Marriott, the Westin, the Richardson Hotel, the Hyatt. The historic Statler, with renovations and reopening on the horizon, promises to become another sought after Buffalo stay.

As our attractions continue to emerge, evolve and win acclaim, like the Buffalo AKG Art Museum and its \$195 million expansion, dynamism has become part of Buffalo's identity and appeal. News of Buffalo's new elements, like this summer's planned re-opening of the expanded Colored Musicians Club and Museum, helps us do our job. As we share the depth and diversity of travel experiences people can have here, we're able to tell fresh and unique stories.

Travel writer Ashlea Halpern described the new Buffalo well in an article for NeueHouse: *"Its transformation is truly remarkable and it's a place I always look forward to visiting because its evolution is constant and inspiring," she wrote.*

This year's transformational news included the \$6 million upgrade of the convention center, its façade, lobby and meeting rooms. The bright new colors and open entryway have turned it into a more welcoming space that have led 20 of the 30 convention planners who visited this year to choose Buffalo for their upcoming meetings.

Increasing convention center business is a major focus at Visit Buffalo Niagara. We also host regular Buffalo tours to showcase the city. Last year that included the Thought Leader Summit for Meeting Professionals International, the largest international planner association. Visitors also came to see us from faith-based organizations working with Arrowhead Conferences. Our Washington, D.C.-based staff member stays connected to the community of associations at the capital.

Last year's amateur sport success stories include some of the nation's fastest growing sports — women's wrestling, flag football, adaptive sports, kickball. Buffalo, with its sports-centric heart and love for its pro teams is also a community that embraces amateur athletics.

Buffalo's strength in hosting athletic events is a pillar of our economy because, as we've learned, sports is a recession-proof, and pandemic-proof, category of tourism spending. We are continuing to expand our efforts to attract tournaments and competitions with an emphasis on diversity.

Sports executives, like John Deffee, a former vice president of Compete Sports Diversity, have been impressed by our community and its sense of pride. *"If we had more Buffalo mindsets in place, our country and world would be a better, safer, and more inclusive place for all,"* he said.

This past year we have had great success in getting our story out. People rely on video as they plan travels. We have focused on expanding our presence on YouTube and Instagram reels with some standout videos: The decadently delicious tacos cooking on the griddle at D.A. Taste earned 1.2 million views. Our breakfast sandwich roundup was a close second at 1.1 million.

Our sneak peek tour of the new Buffalo AKG Art Museum was also at the top of our Instagram counts with 593,000 views. The former Albright Knox Art Gallery, long known as one of the world's finest contemporary art collections, debuted its reimagined and more welcoming campus this past summer. The effusive reception from writers and critics was the news in many of the 120 Buffalo-related travel stories this year. Together they had a combined readership of 1.1million. People read about our city and region in an award-winning Travel + Leisure story, a rave review in the Cleveland Plain Dealer and in Forbes 50 Best Places to Travel in 2024.

The coverage and public delight in the reopened museum became one of the "Unexpected Buffalo" moments that we've built the city's brand around. We were grateful to be recognized by a Buffalo News editorial, in October, that said, "Western New York is fortunate to have the steak — legitimate tourist draws, as well as the sizzle — a smart visitor's bureau. May this never be taken for granted."

As a destination marketing organization, we are selling something that can seem invisible — experiences. We do that by getting the word out and collaborating with our creative community partners.

New initiatives include spearheading a revived Restaurant Week, which has contributed to more dinners out, great local news stories and new awareness of the depth and range of the local dining scene. We've also worked closely with our theater community by promoting theater month and producing promotional videos for each of our professional theaters.

As 2024 begins, we look forward to the new Outer Harbor amphitheater and its sunset views, the reimagined and expanded Ralph Wilson Park and the promise of cruises returning to the Great Lakes. The renaissance of our shimmering Queen City continues.

Sincerely and with wishes for a happy, healthy and abundantly good year ahead.

Patrick Kaler

President and CEO



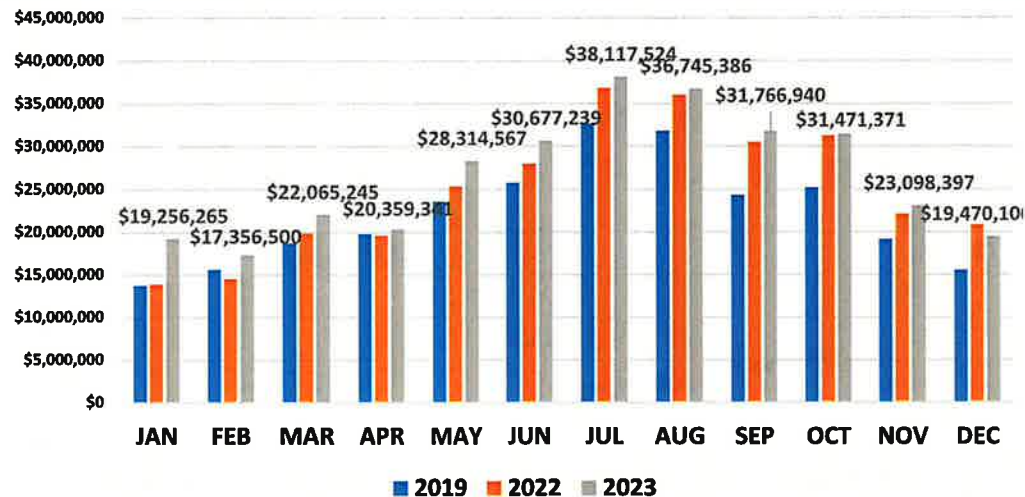


ERIE COUNTY HOTEL REVENUE – DECEMBER 2023

December Hotel Revenue		
	\$19,470,100	
Dec 2022	-6.6%	
Dec 2019	25.4%	
YTD Hotel Revenue		
	\$309,591,826	
2022	3.3%	
2019	16.3%	

Hotel Revenue is the lodging revenue for all hotel/motel properties in Erie County reported for the month.

December 2023 hotel revenue collections totaled **\$19,470,100** which was a **6.6%** decrease compared to December 2022. December 2023 hotel revenue was **25.4%** higher than 2019.



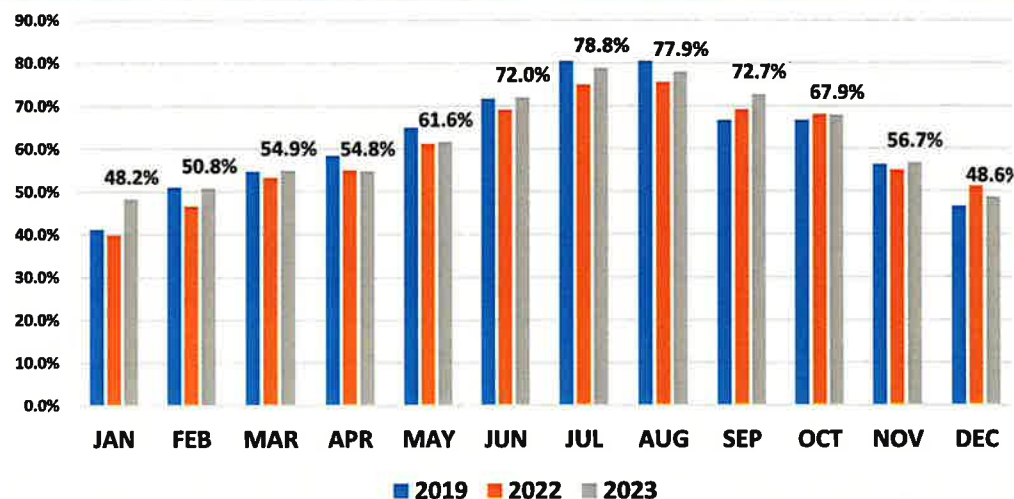
ERIE COUNTY HOTEL OCCUPANCY – DECEMBER 2023

December Hotel Occupancy		
	48.6%	
Dec 2022	-4.9%	
Dec 2019	4.5%	
YTD Hotel Occupancy		
	662.1%	
2022	3.7%	
2019	0.6%	

Hotel Occupancy is the percentage of available rooms sold during the month in Erie County. Occupancy is calculated by dividing the number of rooms sold by the number of rooms available.

December 2023 occupancy measured **48.6%**, which was down **0.9%** compared to December 2022. December 2023 occupancy was up **4.5%** compared to 2019.

*In comparison, for the U.S., December occupancy was down **1.9%** compared 2022 and up **3.3%** compared to 2019. The State Of New York, was up **2.2%** in Occupancy in December 2023 compared to 2022, and up **0.4%** compared to 2019.*



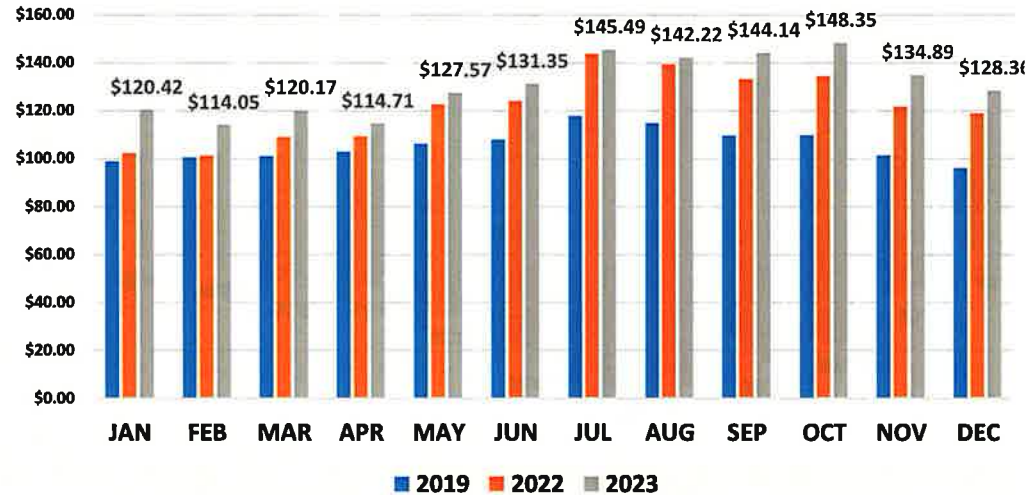
ERIE COUNTY HOTEL AVERAGE DAILY RATE (ADR) – DECEMBER 2023

Oct Hotel Average Daily Rate		
\$128.36		
Dec 2022		8.0%
Dec 2019		33.5%
YTD Hotel Average Daily Rate		
\$133.85		
2022		7.7%
2019		25.2%

Hotel Average Daily Rate (ADR) is the measure of the average rate paid for hotel/motel rooms sold for the previous year. It is calculated by dividing room revenue by the number of rooms sold for that time period.

In December, Erie County ADR was **\$128.36** an increase of **8.0%** over 2022, and a **33.5%** increase compared to 2019.

The U.S. ADR for December 2023 was up 3.0% compared to 2022, however down 19.2% from 2019. New York State ADR for 2023 was up 7.1% compared to 2022 and up 24.8% compared to 2019.



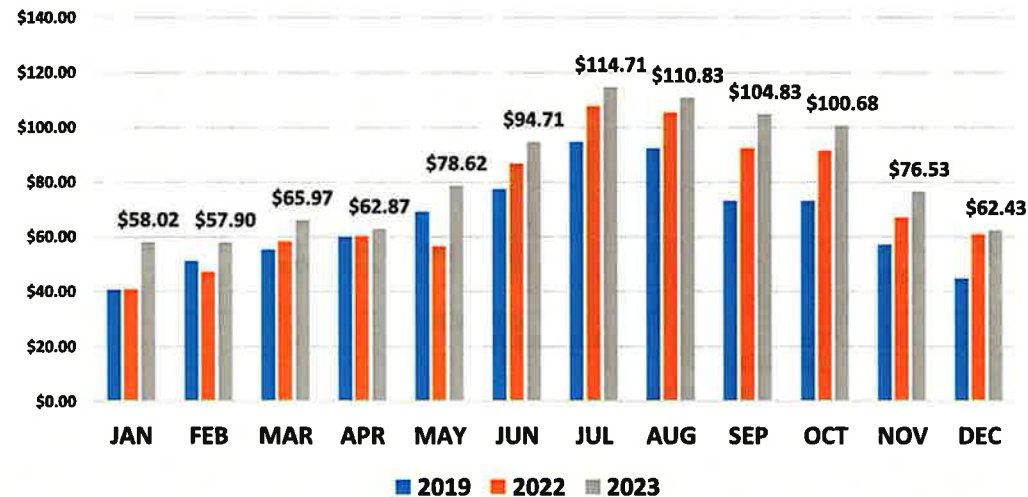
ERIE COUNTY HOTEL REVPAR – DECEMBER 2023

Oct Hotel RevPAR		
\$62.43		
Dec 2022		2.7%
Dec 2019		39.7%
YTD Hotel RevPAR		
\$83.18		
2022		11.8%
2019		26.1%

Hotel Revenue Per Available Room (RevPAR) is the total room revenue for the previous year divided by the total number of available rooms.

2023 December RevPAR was **\$62.43** which was an increase of **2.74%** over 2022, and up **39.7%** compared to 2019.

RevPAR for the U.S. was up 1.0% for December 2023 over 2022, and up 36.1% compared to 2019. The State of New York also had increases for RevPAR in 2023 with a 9.5% increase over 2022 and 24.2% increase compared to 2019.



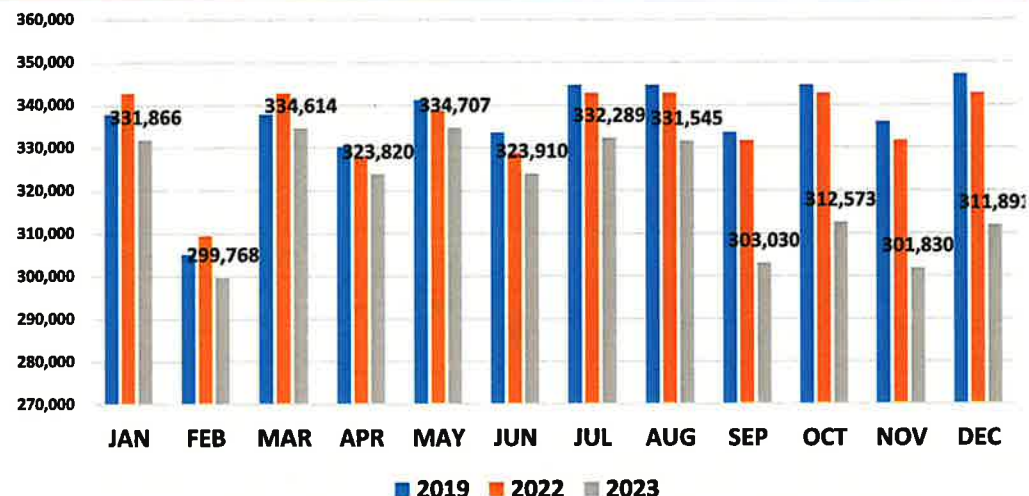
ERIE COUNTY HOTEL SUPPLY – DECEMBER 2023

Oct Hotel Supply		
	311,891	
Dec 2022	-9.0%	
Dec 2019	-10.2%	
YTD Hotel Supply		
	3,722,021	
2022	-7.6%	
2019	-7.8%	

Hotel Supply is the number of rooms in a hotel or set of hotels multiplied by the number of days in a specified time period.

In December 2023, Erie County's hotel supply totaled **311,891** which was an **9.0%** decrease from 2022 and a **10.2%** decrease compared to 2019.

The number of Erie County available hotel rooms totaled **10,061** which is a **10.2%** decrease compared to 2019.

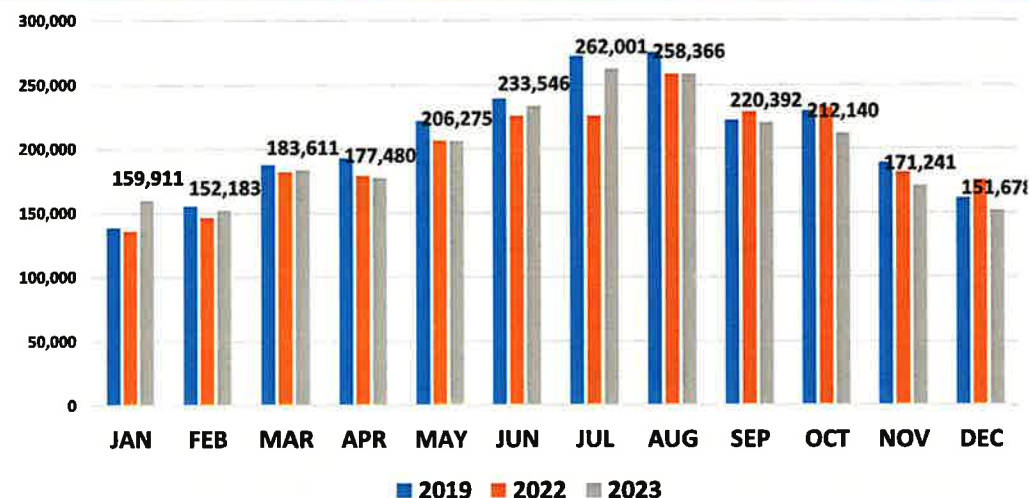


ERIE COUNTY HOTEL DEMAND – DECEMBER 2023

Oct Hotel Demand		
	151,678	
Dec 2022	-13.5%	
Dec 2019	-6.0%	
YTD Hotel Demand		
	2,313,052	
2022	-4.1%	
2019	-7.1%	

Hotel Demand is the number of hotel/motel rooms sold in a specified time period (excludes complimentary rooms).

December 2023 hotel demand totaled, **151,678** which was a **13.5%** decreased compared 2022 and a **6.0%** decrease compared to 2019.



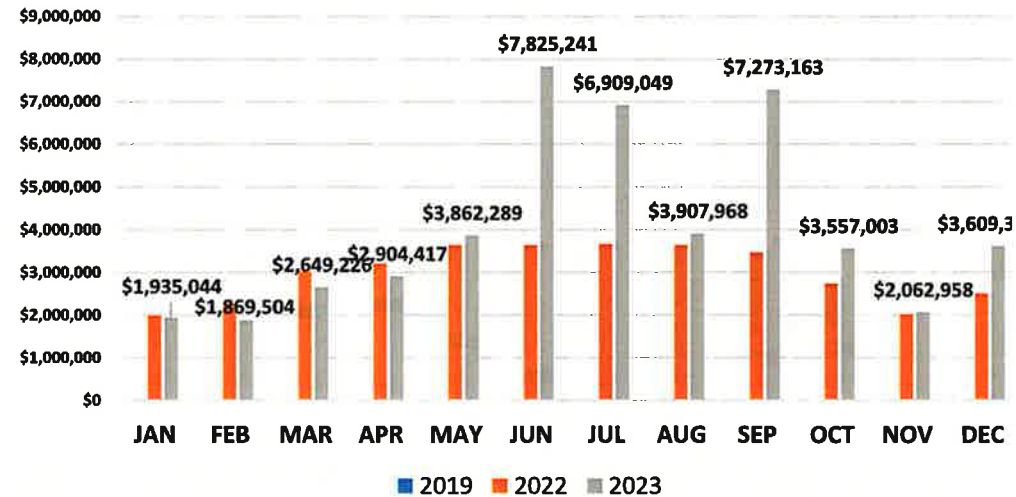
ERIE COUNTY SHORT TERM RENTAL REVENUE – DECEMBER 2023

Oct Short Term Rental Revenue		
\$3,609,328		
Dec 2022	74.2%	
Dec 2019	NA	
YTD Short Term Rental Revenue		
\$39,303,601		
2022	36.4%	
2019	NA	

Short Term Rental Revenue is the total lodging revenue for all short-term rentals reported for the month.

In Oct 2023, Erie County's short term rental revenue generated **\$3,609,328** which was up **74.2%** compared to 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



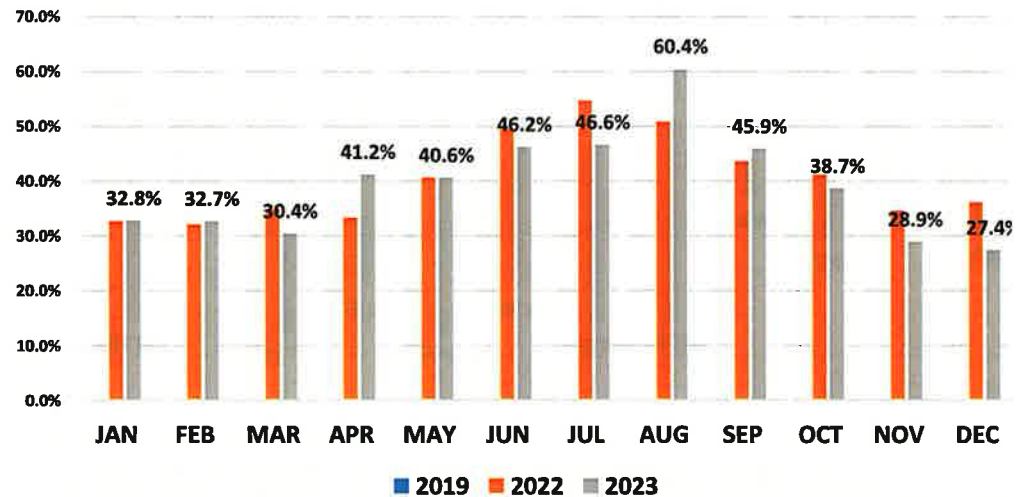
ERIE COUNTY SHORT TERM RENTAL OCCUPANCY – DECEMBER 2023

Oct Short Term Rental Occupancy		
27.4%		
Dec 2022	-0.7%	
Dec 2019	NA	
YTD Short Term Rental Occupancy		
37.9%		
2022	-8.1%	
2019	NA	

Short Term Rental Occupancy is the percentage of available rental units sold during the month in Erie County. Occupancy is calculated by dividing the number of sold by the number of units available.

Oct 2023 occupancy measured **27.4%**, which was down **0.7%** compared to December 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



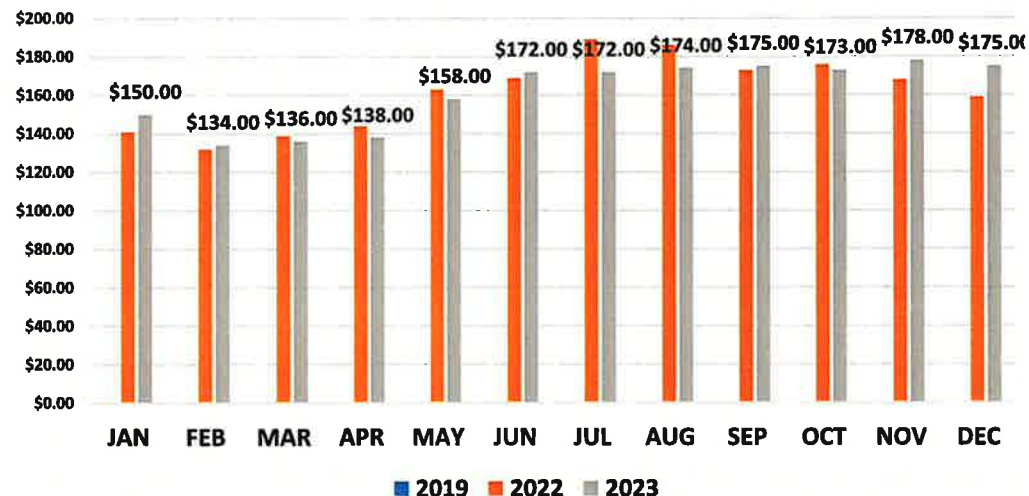
ERIE COUNTY SHORT TERM RENTAL AVERAGE DAILY RATE – DECEMBER 2023

Oct Short Term Rental ADR		
	\$175.00	
Dec 2022	7.4%	
Dec 2019	NA	
YTD Short Term Rental ADR		
	\$171.00	
2022	6.2%	
2019	NA	

Short Term Rental Average Daily Rate (ADR) is the measure of the average rate paid for short term rental units sold for the month. It is calculated by dividing rental units' revenue by the number of units sold for that time period.

In December, Erie County Short Term Rental ADR was **\$175.00** an increase of **7.4%** compared to 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



ERIE COUNTY SHORT TERM RENTAL REVPAR – DECEMBER 2023

Oct Short Term Rental RevPAR		
	\$48.00	
Dec 2022	6.7%	
Dec 2019	NA	
YTD Short Term Rental RevPAR		
	\$54.00	
2022	-1.6%	
2019	NA	

Short Term Rental Revenue Per Available Room (RevPAR) is the total short term rental revenue for the month divided by the total number of available short term rental units.

2023 December RevPAR was **\$48.00** which was an increase of **6.7%** compared to 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



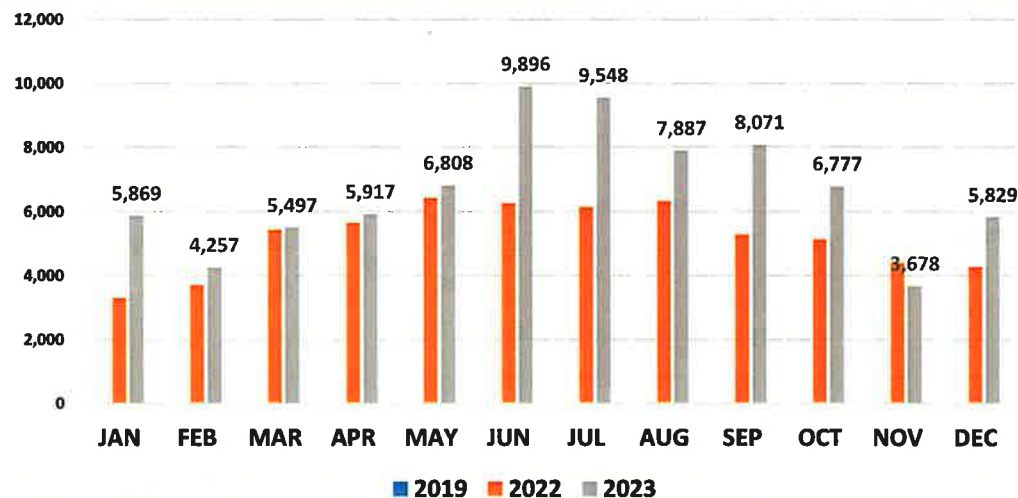
ERIE COUNTY SHORT TERM BOOKINGS – DECEMBER 2023

Oct Short Term Rental Bookings		
	5,829	
Dec 2022	55.7%	
Dec 2019	NA	
YTD Short Term Rental Bookings		
	68,003	
2022	32.5%	
2019	NA	

Short Term Rental Bookings is the measure of the total bookings in all Erie County short term rentals for the month.

In December, Erie County Short Term Rental Bookings totaled **5,829** which was an increase of **55.7%** compared to 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



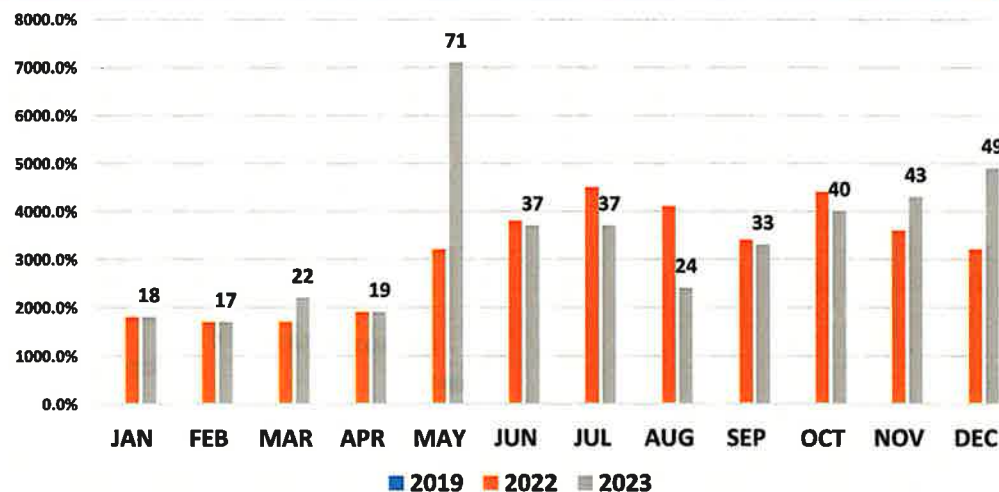
ERIE COUNTY SHORT TERM BOOKING WINDOW – DECEMBER 2023

Oct Short Term Rental Booking Window (days)		
	49	
Dec 2022	11.4%	
Dec 2019	NA	
YTD Short Term Rental Booking Window (days)		
	42	
2022	-4.5%	
2019	NA	

Short Term Booking Window is the average number of days prior to arrival/check-in of a short term rental booking.

In December 2023 the short term rental average booking window was **49 days** prior to arrival, which was an increase of **11.4%** from 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



BUFFALO NIAGARA INTERNATIONAL AIRPORT PASSENGERS – DECEMBER 2023

Oct BUF Airport Passengers

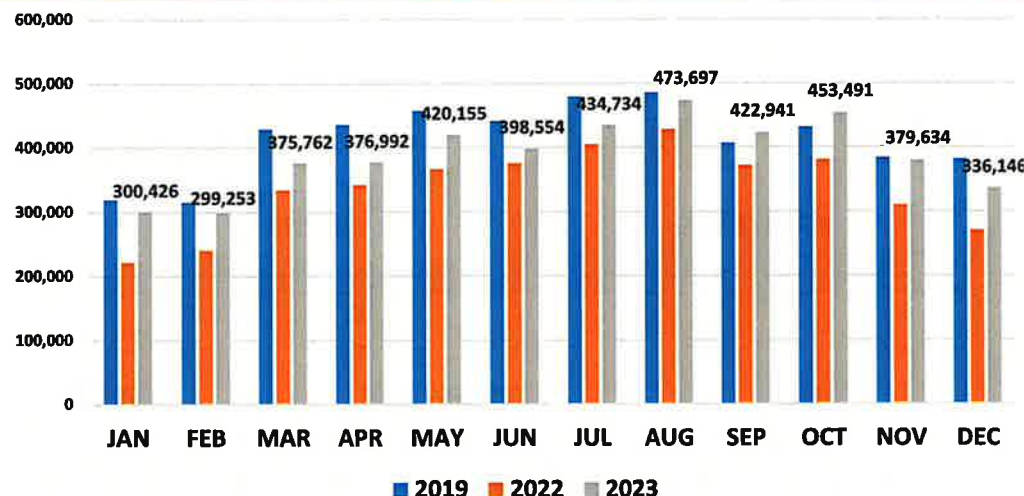
336,146Dec 2022 **24.3%**Dec 2019 **-11.9%**

YTD BUF Airport Passengers

4,671,7852022 **15.4%**2019 **-6.0%**

Airport Passengers is the total monthly air traffic passengers at Buffalo Niagara International Airport as reported by NFTA.

Passengers through BUF in December 2023 totaled **336,146** representing a **24.3%** increase over 2022 and a **11.9%** decrease compared to 2019.



U.S. / CANADIAN CROSS BORDER TRAFFIC – DECEMBER 2023

Oct US/Canadian Border Traffic

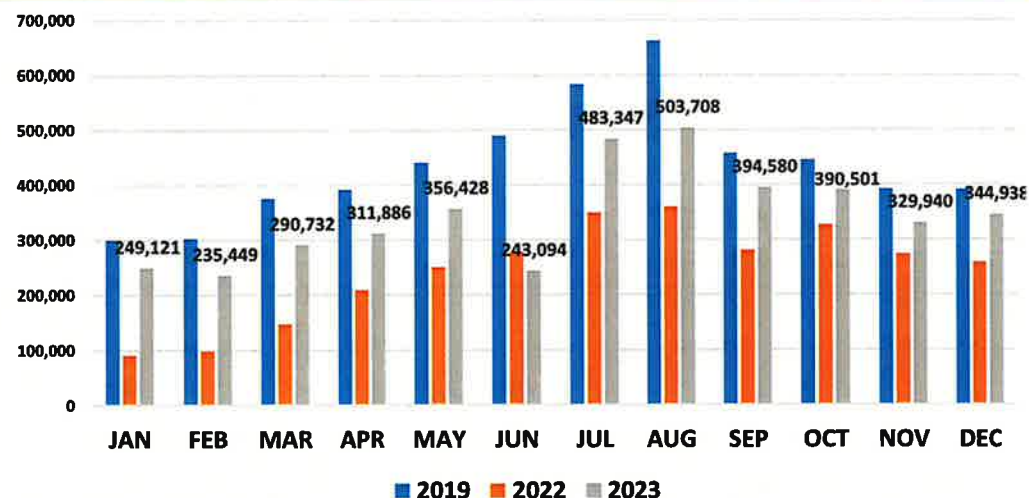
344,938Dec 2022 **33.8%**Dec 2019 **-11.7%**

YTD US/Canadian Border Traffic

4,133,7042022 **41.5%**2019 **-21.0%**

Cross Border Traffic calculates the monthly border crossings between the United States and Canada in Erie and Niagara Counties.

Travel between the two countries through the Erie and Niagara County access points for the month of December 2023 totaled **344,938** which was a **33.8%** increase compared 2022 and a **11.7%** decrease compared to 2019.





MONTH Sales & Services Department Dashboard - October 2023 vs. October 2022 and October 2019 (RECOVERY BENCHMARK)

Sales Lead Distributed	Sales Lead Room Nights	Lead Expected Attendance	Lead Economic Impact	Lost Business
49	48,130	35,643	\$39,209,586	22
Oct 2022 2.1%	Oct 2022 51.1%	Oct 2022 68.9%	Oct 2022 59.6%	Oct 2022 37.5%
Oct 2019 -33.8%	Oct 2019 68.4%	Oct 2019 97.9%	Oct 2019 23.6%	Oct 2019 22.2%
Definite Events Booked	Definite Room Nights Booked	Definite Expected Attendance	Definite Event Economic Impact	
23	9,765	10,227	\$7,156,250	
Oct 2022 27.8%	Oct 2022 9.6%	Oct 2022 58.1%	Oct 2022 4.3%	
Oct 2019 -48.8%	Oct 2019 -23.3%	Oct 2019 31.1%	Oct 2019 -22.9%	
Events Held	Events Held Room Nights	Events Held Attendance	Groups Served	
35	10,976	15,985	19	
Oct 2022 20.7%	Oct 2022 129.3%	Oct 2022 168.2%	Oct 2022 -13.6%	
Oct 2019 -7.9%	Oct 2019 -34.9%	Oct 2019 52.2%	Oct 2019 -24.0%	

YEAR TO DATE Sales & Services Department Dashboard - Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

YTD Sales Lead Distributed	YTD Sales Lead Room Nights	YTD Lead Expected Attendance	YTD Lead Economic Impact	YTD Lost Business
465	255,623	225,308	\$238,769,423	164
2022 -0.9%	2022 0.1%	2022 55.5%	2022 24.7%	2022 -9.9%
2019 -26.7%	2019 -24.7%	2019 -2.2%	2019 -14.0%	2019 -25.8%
YTD Definite Events Booked	YTD Definite Room Nights Booked	YTD Definite Expected Attendance	YTD Definite Event Economic Impact	
284	92,033	120,288	\$71,927,996	
2022 4.4%	2022 -13.7%	2022 25.9%	2022 -24.5%	
2019 -33.2%	2019 -23.2%	2019 18.2%	2019 -28.9%	
YTD Events Held	YTD Events Held Room Nights	YTD Events Held Attendance	YTD Groups Served	
269	111,247	130,222	163	
2022 17.0%	2022 13.6%	2022 55.5%	2022 18.1%	
2019 -28.5%	2019 -24.3%	2019 5.2%	2019 -9.9%	



MONTH Sales & Services Department Dashboard - November 2023 vs. November 2022 and November 2019 (RECOVERY BENCHMARK)

Sales Lead Distributed	Sales Lead Room Nights	Lead Expected Attendance	Lead Economic Impact	Lost Business
43	16,371	41,811	\$15,208,659	19
Nov 2022 -15.7%	Nov 2022 -50.3%	Nov 2022 147.0%	Nov 2022 -34.0%	Nov 2022 18.8%
Nov 2019 -23.2%	Nov 2019 -37.8%	Nov 2019 111.8%	Nov 2019 -33.1%	Nov 2019 11.8%
Definite Events Booked	Definite Room Nights Booked	Definite Expected Attendance	Definite Event Economic Impact	
21	18,071	29,918	\$13,984,841	
Nov 2022 -44.7%	Nov 2022 -30.9%	Nov 2022 35.5%	Nov 2022 -28.9%	
Nov 2019 -40.0%	Nov 2019 -45.5%	Nov 2019 84.7%	Nov 2019 -31.9%	
Events Held	Events Held Room Nights	Events Held Attendance	Groups Served	
15	11,556	25,684	6	
Nov 2022 7.1%	Nov 2022 118.0%	Nov 2022 280.4%	Nov 2022 -33.3%	
Nov 2019 -21.1%	Nov 2019 103.8%	Nov 2019 511.3%	Nov 2019 -33.3%	

YEAR TO DATE Sales & Services Department Dashboard - Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

YTD Sales Lead Distributed	YTD Sales Lead Room Nights	YTD Lead Expected Attendance	YTD Lead Economic Impact	YTD Lost Business
508	271,994	267,119	\$253,978,083	183
2022 0.2%	2022 0.1%	2022 67.1%	2022 18.8%	2022 -13.3%
2019 -26.4%	2019 -25.7%	2019 6.8%	2019 -15.5%	2019 -13.0%
YTD Definite Events Booked	YTD Definite Room Nights Booked	YTD Definite Expected Attendance	YTD Definite Event Economic Impact	
305	110,104	150,206	\$85,912,837	
2022 3.7%	2022 -13.0%	2022 27.5%	2022 -23.5%	
2019 -33.7%	2019 -28.1%	2019 27.3%	2019 -29.4%	
YTD Events Held	YTD Events Held Room Nights	YTD Events Held Attendance	YTD Groups Served	
284	122,803	155,906	169	
2022 19.3%	2022 17.6%	2022 76.1%	2022 15.8%	
2019 -28.1%	2019 -18.3%	2019 21.8%	2019 -11.1%	



MONTH Sales & Services Department Dashboard - December 2023 vs. December 2022 and December 2019 (RECOVERY BENCHMARK)

Sales Lead Distributed	Sales Lead Room Nights	Lead Expected Attendance	Lead Economic Impact	Lost Business
41	15,363	14,383	\$13,781,924	11
Dec 2022 7.9%	Dec 2022 -49.9%	Dec 2022 -3.6%	Dec 2022 -38.2%	Dec 2022 -62.1%
Dec 2019 -14.6%	Dec 2019 -10.5%	Dec 2019 53.8%	Dec 2019 64.1%	Dec 2019 Null
Definite Events Booked	Definite Room Nights Booked	Definite Expected Attendance	Definite Event Economic Impact	
20	8,317	3,875	\$5,901,233	
Dec 2022 -9.1%	Dec 2022 -58.1%	Dec 2022 -69.1%	Dec 2022 -65.4%	
Dec 2019 -42.9%	Dec 2019 -25.8%	Dec 2019 -42.2%	Dec 2019 -6.1%	
Events Held	Events Held Room Nights	Events Held Attendance	Groups Serviced	
6	2,296	4,900	1	
Dec 2022 -25.0%	Dec 2022 -64.9%	Dec 2022 2.3%	Dec 2022 -87.5%	
Dec 2019 -33.3%	Dec 2019 -64.6%	Dec 2019 53.4%	Dec 2019 -83.3%	

YEAR TO DATE Sales & Services Department Dashboard - Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

YTD Sales Lead Distributed	YTD Sales Lead Room Nights	YTD Lead Expected Attendance	YTD Lead Economic Impact	YTD Lost Business
549	287,357	281,502	\$267,760,007	194
2022 -1.6%	2022 0.1%	2022 59.2%	2022 13.0%	2022 -14.5%
2019 -25.6%	2019 -25.0%	2019 8.5%	2019 -13.3%	2019 -22.1%
YTD Definite Events Booked	YTD Definite Room Nights Booked	YTD Definite Expected Attendance	YTD Definite Event Economic Impact	
325	118,421	157,081	\$91,814,070	
2022 -2.1%	2022 -22.4%	2022 12.7%	2022 -30.4%	
2019 -34.3%	2019 -27.9%	2019 20.4%	2019 -28.3%	
YTD Events Held	YTD Events Held Room Nights	YTD Events Held Attendance	YTD Groups Serviced	
290	125,099	160,806	170	
2022 15.1%	2022 14.0%	2022 68.7%	2022 9.7%	
2019 -28.2%	2019 -21.4%	2019 66.4%	2019 -13.3%	

SALES & SERVICES DEPARTMENT UPDATE



2023 Oct compared to Sept Sales & Services KPI Comparison	
Key Performance Indicator	MOM Percent Change
Leads Distributed	52.1%
Lead Room Nights	247.2%
Lead Attendance	201.8%
Lead Economic Impact	280.3%
Definite Bookings	-14.8%
Definite Room Nights	40.9%
Definite Attendance	27.2%
Definite Economic Impact	27.4%
Lost Leads	57.1%
Events Held In Month	12.9%
Events Held In Month Room Nights	13.5%
Events Held In Month Attendance	212.7%
Groups Serviced	-13.6%
Oct 2023 Site Visits / FAMs	4

2023 Nov compared to Oct Sales & Services KPI Comparison	
Key Performance Indicator	MOM Percent Change
Leads Distributed	-12.2%
Lead Room Nights	-66.0%
Lead Attendance	17.3%
Lead Economic Impact	-61.2%
Definite Bookings	-8.7%
Definite Room Nights	85.1%
Definite Attendance	192.5%
Definite Economic Impact	95.4%
Lost Leads	-13.6%
Events Held In Month	-57.1%
Events Held In Month Room Nights	5.3%
Events Held In Month Attendance	60.7%
Groups Serviced	-68.4%
Nov 2023 Site Visits / FAMs	3

2023 Dec compared to Nov Sales & Services KPI Comparison	
Key Performance Indicator	MOM Percent Change
Leads Distributed	-4.7%
Lead Room Nights	6.2%
Lead Attendance	-65.6%
Lead Economic Impact	-9.4%
Definite Bookings	-4.8%
Definite Room Nights	-54.0%
Definite Attendance	-77.0%
Definite Economic Impact	-57.8%
Lost Leads	-42.1%
Events Held In Month	-60.0%
Events Held In Month Room Nights	-80.1%
Events Held In Month Attendance	-80.9%
Groups Serviced	-83.3%
Dec 2023 Site Visits / FAMs	1

Note: Visit Buffalo Niagara's Sales Department had two open meetings/conventions sales positions during this period.



Empire State Society of Association Executives, Inc. Site Visit

Visit Buffalo Niagara's National Sales Director, Meaghan Zimmer, had the opportunity to tour Carrie Laney of Empire State Society of Association Executives, Inc around Buffalo. Meaghan utilizes our membership with ESSAE to build relationships with the many meeting planners and executives of associations who bring their annual and regional meetings to Buffalo and Erie County with great frequency. Tour highlights included the renovated Buffalo Convention Center and several of Buffalo's cultural attractions.





October 2023 Trade Shows/Conferences Attended

SHOW/ CONFERENCE NAME	LOCATION	ATTENDED BY
TEAMS Conference & Expo	West Palm Beach, FL	James Adler and Greg Gelinas
ESSAE	Albany, NY	Meghan Zimmer
Bus Association of New York Marketplace	Callicoon, NY	Leah Mueller
Great Lakes USA United Kingdom Mission	England, Scotland & Ireland	Leah Mueller

November 2023 Trade Shows/Conferences Attended

SHOW/ CONFERENCE NAME	LOCATION	ATTENDED BY
National Tour Association	Shreveport, LA	Leah Mueller
MPI Fall Focus	Ithaca, NY	Meaghan Zimmer

December 2023 Trade Shows/Conferences Attended

SHOW/ CONFERENCE NAME	LOCATION	ATTENDED BY
Talley Group Dinner – Buffalo, Omaha, Birmingham and Memphis	Washington, DC	Meaghan Zimmer



Going Back To Campus

Meaghan Zimmer from VBN's sales department was a guest speaker at her alma mater, Buffalo State University. She spoke to the class of Kathleen O'Brien's class in the Hospitality and Tourism department, where Kathleen serves as Chair and Lecturer.



TEAMS Conference Sponsorship

The Buffalo Niagara Sports Commission served as the Foodie Tour sponsor for the annual TEAMS Conference and Expo held in West Palm Beach, FL in October. James Adler and Greg Gelinas represented the organization and took the opportunity to engage with current and potential sports rights holders for future events in Buffalo and Erie County.

MPI Fall Focus

National Sales Director, Meaghan Zimmer represented Visit Buffalo Niagara at the annual MPI Fall Focus which took place in Ithaca, NY in November. VBN hosted a Buffalo Bills watch party for the first Thursday Night Football game of the season.



Buffalo Speedskating

The Buffalo Niagara Sports Commission assisted the Buffalo Speedskating club in hosting the nation's largest speedskating competition in the US in October at the Northtown Center. 175 skaters from the U.S., Canada and Germany participated in the event.

2023 New York State School Boards Association Annual Convention & Expo

Visit Buffalo Niagara and the Buffalo Niagara Convention Center were pleased to bring back to Buffalo the 2023 New York State School Boards Association Annual Convention & Expo. The Convention brought over 2,000 attendees to Buffalo for a three-day convention. Heidi Laughton, the NYSSBA meeting planner, who is also a member of the Visit Buffalo Niagara Customer Advisory Council, reported that this was the largest and best executed convention that she has experienced in years. Because of the large size of this convention, only Buffalo and New York City are large enough to host, with a return to Buffalo in 2026.



UK Bills Game Promotion and Great Lakes USA Sales Mission

Visit Buffalo Niagara took advantage of the Buffalo Bills playing in London against the Jacksonville Jaguars to conduct sales calls with London based tour operators and travel media. Patrick Kaler, Leah Mueller and Karen Fashana from the VBN staff also hosted a luncheon with members of the media and tour operators in which Mary Moore Mason of Essentially America spoke about her personal experiences in Buffalo and Erie County, especially her appreciation for East Aurora, the Roycroft Inn and Campus and its significance to the arts and craft movement, and her time spent at Vidler's 5 & 10. On game day, VBN hosted a group of fifteen tour operators and media at the Bills game. While it wasn't a winning game for the Bills, our invited guests enjoyed themselves with articles being written about Buffalo, and future site visits planned following U.S. Travel Association's IPW taking place in Los Angeles in 2024.

Great Lakes USA UK Sales Mission

Following the Bills promotion, Leah Mueller joined the Great Lakes USA for their UK sales mission in England, Scotland and Ireland. Leah joined representatives from Illinois, Michigan, Chicago, Cleveland and Detroit for meetings and events with tour operators and media showcasing Buffalo's relationship to the other Great Lakes destinations and integrating our product into regional itineraries that might use Chicago, Detroit and Cleveland as their gateway cities into the United States.



MONTHLY Marketing & Communications Department Dashboard October 2023 vs. October 2022 and October 2019

Website Sessions	Mobile Website Sessions	Duration On Site	Website Page Views	Social Media Posts
166,994	117,544	1:24	723,519	179
Oct 2022 -12.2%	Oct 2022 33.5%	Oct 2022 -1:39	Oct 2022 29.4%	Oct 2022 -3.8%
Oct 2019 44.7%	Oct 2019 54.9%	Oct 2019 -4 seconds	Oct 2019 223.6%	Oct 2019 6.5%
Facebook Followers	Twitter Followers	Instagram Followers	TikTok Followers	All Video Views
101,004	29,671	77,201	26,909	360,634
Oct 2022 1.1%	Oct 2022 1.1%	Oct 2022 68.2%	Oct 2022 59.7%	Oct 2022 40.8%
Oct 2019 6.3%	Oct 2019 3.5%	Oct 2019 124.8%	Oct 2019 NA	Oct 2019 674.2%
Media Placements	Media Impressions	Media Social Shares	Media Touchpoints	Media Visits
8	33,074,420	124	23	2
Oct 2022 33.3%	Oct 2022 72.9%	Oct 2022 -98.7%	Oct 2022 109.1%	Oct 2022 100.0%
Oct 2019 NA	Oct 2019 NA	Oct 2019 NA	Oct 2019 NA	Oct 2019 NA

YEAR TO DATE Marketing & Communications Department Dashboard. Year Over Year Comparison 2023 vs. 2022 and 2019

YTD Website Sessions	YTD Mobile Website Sessions	Duration On Site	YTD Website Page Views	YTD Shared Social Media Posts
1,622,832	1,079,134	1:24	2,701,966	1,801
2022 12.6%	2022 18.2%	2022 -1:39	2022 -3.5%	2022 -11.7%
2019 16.3%	2019 9.8%	2019 -4 seconds	2019 -1.3%	2019 4.3%
Facebook Followers	Twitter Followers	Instagram Followers	TikTok Followers	YTD All Video Views
101,004	29,671	77,201	26,909	8,105,725
Oct 2022 1.1%	Oct 2022 1.1%	Oct 2022 68.2%	Oct 2022 59.7%	2022 166.92%
Oct 2019 6.2%	Oct 2019 3.3%	Oct 2019 123.6%	Oct 2019 NA	2019 878.3%
YTD Media Placements	YTD Media Impressions	YTD Media Social Shares	YTD Media Touchpoints	YTD Media Visits
92	2,268,193,177	5,760	151	39
2022 84.0%	2022 173.6%	2022 -70.0%	2022 -20.5%	2022 -50.0%
2019 NA	2019 NA	2019 NA	2019 NA	2019 NA



MONTHLY Marketing & Communications Department Dashboard November 2023 vs. November 2022 and November 2019									
Website Sessions		Mobile Website Sessions		Duration On Site		Website Page Views		Social Media Posts	
145,932		59,340		2:27		249,912		179	
Nov 2022	66.0%	Nov 2022	1.2%	Nov 2022	26 seconds	Nov 2022	49.2%	Nov 2022	-4.8%
Nov 2019	40.1%	Nov 2019	-14.0%	Nov 2019	1:10	Nov 2019	33.9%	Nov 2019	16.2%
Facebook Followers		Twitter Followers		Instagram Followers		TikTok Followers		All Video Views	
101,112		29,677		79,180		27,177		950,729	
Nov 2022	1.1%	Nov 2022	0.1%	Nov 2022	71.7%	Nov 2022	53.2%	Nov 2022	245.0%
Nov 2019	6.3%	Nov 2019	3.2%	Nov 2019	129.3%	Nov 2019	NA	Nov 2019	1363.8%
Media Placements		Media Impressions		Media Social Shares		Media Touchpoints		Media Visits	
12		81,716,435		3,732		16		5	
Nov 2022	200.0%	Nov 2022	-42.4%	Nov 2022	1501.7%	Nov 2022	-5.9%	Nov 2022	400.0%
Nov 2019	NA	Nov 2019	NA	Nov 2019	NA	Nov 2019	NA	Nov 2019	NA
YEAR TO DATE Marketing & Communications Department Dashboard. Year Over Year Comparison 2023 vs. 2022 and 2019									
YTD Website Sessions		YTD Mobile Website Sessions		Duration On Site		YTD Website Page Views		YTD Shared Social Media Posts	
1,852,330		1,138,474		2:27		2,990,804		1,980	
2022	21.1%	2022	9.3%	2022	26 seconds	2022	0.8%	2022	-11.1%
2019	23.5%	2019	22.6%	2019	1:10	2019	2.2%	2019	5.3%
Facebook Followers		Twitter Followers		Instagram Followers		TikTok Followers		YTD All Video Views	
101,112		29,667		79,180		27,177		9,056,454	
Nov 2022	1.1%	Nov 2022	0.1%	Nov 2022	71.7%	Nov 2022	53.2%	2022	173.4%
Nov 2019	6.3%	Nov 2019	3.2%	Nov 2019	129.3%	Nov 2019	NA	2019	913.6%
YTD Media Placements		YTD Media Impressions		YTD Media Social Shares		YTD Media Touchpoints		YTD Media Visits	
104		2,349,909,612		9,492		167		44	
2022	85.7%	2022	142.0%	2022	-51.1%	2022	-19.3%	2022	63.0%
2019	NA	2019	NA	2019	NA	2019	NA	2019	NA



MONTHLY Marketing & Communications Department Dashboard December 2023 vs. December 2022 and December 2019

Website Sessions	Mobile Website Sessions	Duration On Site	Website Page Views	Social Media Posts
158,673	65,235	2:25	248,471	182
Dec 2022 80.3%	Dec 2022 8.7%	Dec 2022 1:10	Dec 2022 59.6%	Dec 2022 52.9%
Dec 2019 53.6%	Dec 2019 -7.9%	Dec 2019 1:07	Dec 2019 36.0%	Dec 2019 8.3%
Facebook Followers	Twitter Followers	Instagram Followers	TikTok Followers	All Video Views
101,195	29,699	81,018	27,399	2,664,712
Dec 2022 1.1%	Dec 2022 0.4%	Dec 2022 72.7%	Dec 2022 52.2%	Dec 2022 427.3%
Dec 2019 6.3%	Dec 2019 3.2%	Dec 2019 133.3%	Dec 2019 NA	Dec 2019 1241.4%
Media Placements	Media Impressions	Media Social Shares	Media Touchpoints	Media Visits
10	249,721,090	4,008	10	2
Dec 2022 150.0%	Dec 2022 -34.7%	Dec 2022 2043.3%	Dec 2022 -44.4%	Dec 2022 -50.0%
Dec 2019 NA	Dec 2019 NA	Dec 2019 NA	Dec 2019 NA	Dec 2019 NA

YEAR TO DATE Marketing & Communications Department Dashboard. Year Over Year Comparison 2023 vs. 2022 and 2019

YTD Website Sessions	YTD Mobile Website Sessions	Duration On Site	YTD Website Page Views	YTD Shared Social Media Posts
2,011,003	1,203,709	2:25	3,214,712	2,162
2022 24.3%	2022 9.3%	2022 1:10	2022 2.9%	2022 -10.6%
2019 25.5%	2019 14.3%	2019 1:07	2019 3.4%	2019 5.5%
Facebook Followers	Twitter Followers	Instagram Followers	TikTok Followers	YTD All Video Views
101,195	29,699	81,081	27,399	11,721,166
Dec 2022 1.1%	Dec 2022 0.4%	Dec 2022 72.7%	Dec 2022 52.2%	2022 207.0%
Dec 2019 6.3%	Dec 2019 3.2%	Dec 2019 129.3%	Dec 2019 NA	2019 913.6%
YTD Media Placements	YTD Media Impressions	YTD Media Social Shares	YTD Media Touchpoints	YTD Media Visits
114	2,599,630,702	13,500	177	46
2022 73.3%	2022 89.7%	2022 -31.1%	2022 -21.3%	2022 48.4%
2019 NA	2019 NA	2019 NA	2019 NA	2019 NA

2023 Oct compared to Sept Marketing & Communications KPI Comparison

Key Performance Indicator	MOM Percent Change
Website Sessions	-10.9%
Mobile Website Sessions	-7.5%
Duration on Site	-6 seconds
Website Page Views	142.2%
Social Media Posts	-2.7%
Facebook Followers	0.2%
Twitter Followers	0.03%
Instagram Followers	1.1%
TikToc Followers	0.8%
All Video Views	-51.4%
Media Placements	-42.9%
Media Impressions	-72.3%
Social Media Shares	-86.5%
Media Touchpoints	91.7%
Media Visits	100.0%

2023 Nov compared to Oct Marketing & Communications KPI Comparison

Key Performance Indicator	MOM Percent Change
Website Sessions	-41.8%
Mobile Website Sessions	-49.5%
Duration on Site	1:03
Website Page Views	-65.5%
Social Media Posts	Null
Facebook Followers	0.1%
Twitter Followers	0.02%
Instagram Followers	2.6%
TikToc Followers	1.0%
All Video Views	163.6%
Media Placements	50.0%
Media Impressions	43.4%
Social Media Shares	2909.7%
Media Touchpoints	-30.4%
Media Visits	150.0%

2023 Dec Compared To Nov Marketing & Communications KPI Comparison

Key Performance Indicator	MOM Percent Change
Website Sessions	8.7%
Mobile Website Sessions	9.9%
Duration on Site	-2 seconds
Website Page Views	-0.6%
Social Media Posts	1.7%
Facebook Followers	0.1%
Twitter Followers	0.1%
Instagram Followers	2.3%
TikToc Followers	0.8%
All Video Views	171.7%
Media Placements	9.6%
Media Impressions	10.6%
Social Media Shares	42.2%
Media Touchpoints	6.0%
Media Visits	4.5%



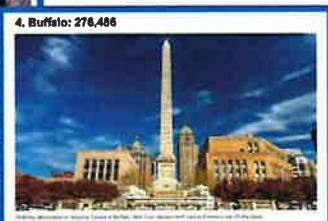
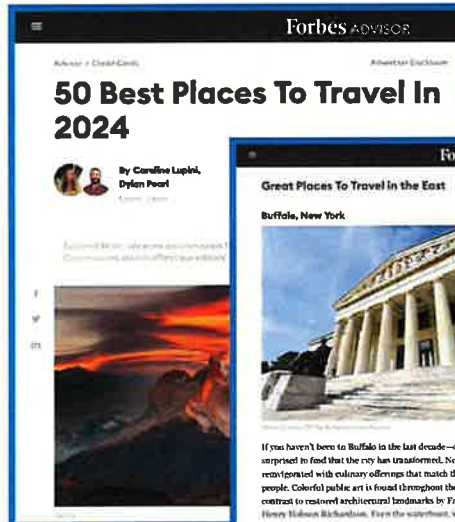
October, November and December 2023 Media Hits

PUBLICATION/ SOURCE	ARTICLE HEADLINE	READERSHIP	SHARES
Bloomberg	The 7 Top Caribbean Restaurants and Bars to Check out in London (reference to Buffalo's Chef Darian and Bratts Hill)	26,506,530	
NI Travel News	Tour the Unexpected and Live Like a Local in Buffalo, NY	17,178	
The Travel	These are the Most Beautiful Snow-Covered Cities to Visit in the US this Winter	2,990,132	
Global Traveler	9 Coffee Bars Going Beyond Pumpkin Spice This Fall	20,975	
AFAR	12 Great US Museums Focused on Latin American Art	1,387,931	79
She Buys Travel	Stunning Northeast Road Trips to Take with the Kids	366,365	38
World Atlas	Discover The Largest Cities in New York	4,292,463	7
Via Travelers	New York Travel Guide: Travel Tips for Visiting	389,194	
Travel Awaits	12 US Roadside Attractions Worth Pulling Over For	1,543,541	
TravelMag	Neighborhood Guide: Elmwood Village Buffalo	106,400	
The Points Guy	The 16 Best Places to Travel: The Most Exciting Destinations for 2024	7,280,928	171
Group Travel Leader	Immigrant Festivals Rock	757	
The Independent	A First-Timer's Guide to Buffalo	49,845,234	
AARP	8 Affordable US Destinations for 2024	16,771,688	
Had Luggage Only (UK)	13 Best Things to do in New York State	NA	3,061

PUBLICATION/ SOURCE	ARTICLE HEADLINE	READERSHIP	SHARES
Northern Ireland Travel News	Tour the Unexpected Buffalo and Live Like a Local in Buffalo	69,000	
WIVB	New Buffalo Sculpture Unveiled at Canalside	621,777	382
Buffalo Rising	ECHDC, Visit Buffalo Niagara and the Erie Canalway Announce new "BUF" Sculpture	41,945	69
Audacy	New "BUF" Sculpture Unveiled at Canalside	5,391,892	48
Grand Island Dispatch	Erie Canal Harbor Development, Visit Buffalo Niagara Announce New Sculpture	43,273	
Paste Magazine	What To Do in Buffalo: Beyond Snow, Wings and the Bills	1,580,984	14
Travel + Leisure	I'm A Native New Yorker and These Are the State's Best Hidden Gems Beyond NYC	11,707,490	
Wall Street Journal	The Buffalo AKG Art Museum's Collection in a New Context	28,219,883	23
Wall Street Journal	The Buffalo AKG Art Museum Adds a Jewel to its Setting	28,219,883	
Forbes Advisor	50 Best Places to Travel in 2024	72,975,564	129
Forbes	Narsico Martinez Artwork Honors Undocumented Farm Workers	72,975,564	3
ArchDaily	Est Architectural Projects in 2023	2,997,058	3
Azure	Top Ten of 2023: Our Favourite Architecture Projects	45,265	41
The Travel	10 Fully-Indoor Historic Sites In New York State To Visit This Winter	2,779,516	61
Wall Street Journal	The Best Architecture of 2023: Solving Problems in Imaginative Style	28,219,883	

Not all media hits were as a direct result of efforts by Madden Media.

October, November and December 2023 Press Clippings



Monthly Most Viewed Videos

October

**Jay's Artisan
Pizza**
76,200

Other October Videos:
The Brain Museum
O'Neill's Stadium Inn
Buffalo Restaurant Week
Places To Go Hiking
Halloween In Buffalo



November

**Southern
Junction**
267,000

Other November Videos:
Buffalo Olde Brewery
Parkside Candy
The Bakers Men Buffalo
Cookie Decorating
Holiday Shopping at
Museum Gift Shops



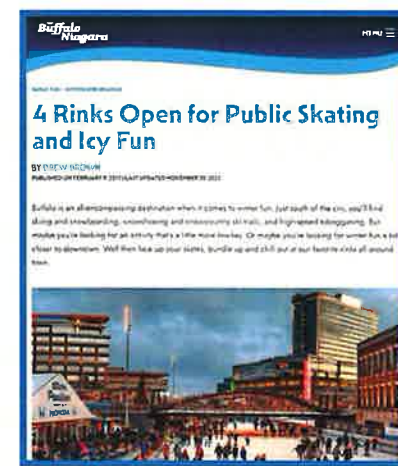
December

Carfrigerator
1,954,200

Other December Videos:
BUF Letters at Canalside
Tom & Jerry Trail
Blue Cave Restaurant
Classic Theaters Showing
Holiday Movies
Guess That Place...Find the
Unexpected Buffalo



Q4 Blog Content





BUF Letters at Canalside

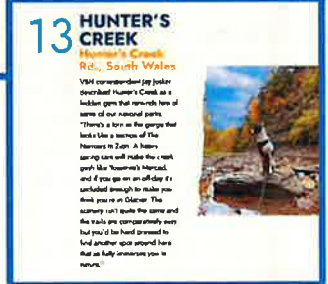
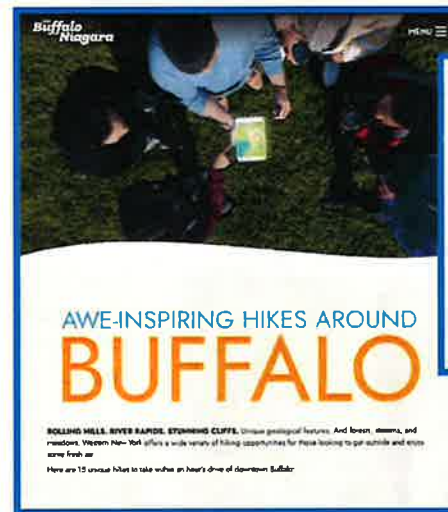
Visit Buffalo Niagara was excited to share the unveiling of the new BUF letters sculpture at Canalside. The letters are a collaborative effort between VBN, Erie Canal Harbor Development and Erie Canalway. The steel 3-D letters, 5 feet tall and weighing more than 1,000 pounds, represent the waterfront's latest piece of public art and is sure to create many Instagrammable moments. VBN secured a grant from the Erie Canal National Heritage Corridor in advance of the incoming Worlds Canal Conference in September 2025. The letters were created by Buffalo's own Rigidized Metals Corporation and hand-painted by Buffalo artist Nicole Cherry.

HSMAI Adrian Award

Visit Buffalo has been awarded a Hospitality Sales & Marketing Association Gold Award for the Public Relations/Communications – Feature Placement Online or Print Consumer Media category. Adrian Awards recognize hospitality brands and agencies for creativity and innovation in advertising, digital, public relations/communications, and integrated campaigns. VBN's award was for our coordination and hosting of travel writer Jessica Ritz and an article that appeared in Travel+Leisure Magazine.



New VisitBuffaloNiagara.com Content





Buffalo School of Culinary Arts and Hospitality Management Partnership with VBN

As part of Visit Buffalo Niagara's partnership with the Buffalo School of Culinary Arts and Hospitality Management, twenty high school students were granted an opportunity to gain practical knowledge beyond their classroom lectures. This experience will help in their future careers by working with the New York State School Boards Annual Convention. Working with VBN, PS 355 Principal Kathleen Schuta, and teaching staff, Heidi Longton with NYSSBA designed a program where students assisted with conference tasks at the Buffalo Niagara Convention Center--organizing conference bags, scanning session entry, registration check-ins, and manning stations to help welcome and manage more than 2,000 attendees.



Fall Restaurant Week Results

Now an annual promotion for Visit Buffalo Niagara, the Fall Restaurant week attracted over 100 participating Erie County restaurants. The Restaurant Week landing page attracted over 60,000 users, a 36% increase over October 2022. Of the website traffic, 30% were more than 50 miles outside of Erie County. The Top Ten Restaurant Views: The Little Pig, Big Mama's Hustle & Soul, Irishman East Aurora, Glen Park Tavern, The Mansard, Roycroft Inn, Bella Ciao, Illo DiPaolo's, Chef's and Tenton Kitchen. The local media outlets have continued to do an outstanding job of covering the week and highlighting the diversity of the area's restaurant scene on their morning programming with live broadcasts with owners and chefs.



Holiday Industry Night and Volunteer Mixer at The Barrel Factory

Visit Buffalo Niagara hosted its annual Holiday Industry Night and Volunteer Appreciation Mixer at The Barrel Factory with nearly 60 volunteers and partners in attendance. Owner Steve Bystran welcomed the group with specialty themed cocktails and Buffalo appetizers. VBN is extremely fortunate to have an engaged corps of volunteers who represent our destination to visiting meetings/convention attendees and sporting event fans sharing their favorite things to see and do in Buffalo and Erie County.



Accolades by The Buffalo News Editorial Board

On October 8th, The Buffalo News Editorial Board recognized the efforts of Visit Buffalo Niagara's marketing and promotions of Buffalo and Erie County in relation to the significant investments that have been made into the destination's tourism product and experiences. The article put a spotlight on the organization's many years of work to bring many visitor profiles to Buffalo, but the highlight of the article came at the end with the statement, "Western New York is fortunate to have the steak – legitimate tourist draws, as well as the sizzle – a smart visitor's bureau."

Visit Buffalo Niagara Awarded Market New York Grant

Visit Buffalo Niagara is the recipient of a \$100K Market NY grant for our Freedom's Footsteps – A Journey Through Buffalo's African American Heritage which is an initiative to market Buffalo's stories within the African American Heritage Corridor. The grant will provide marketing dollars to promote the launch of the product in 2024. This visitor-ready experience will feature the following attractions: Michigan Street African American Heritage Corridor Commission, Michigan Street Baptist Church, Nash House, Colored Musicians Club, WUFO Radio Station, Forest Lawn Memorial Parks and Mortuaries and the Buffalo and Erie County Naval & Military Park.



The Editorial Board: Tourists are learning what many Buffalonians have known all along



Reikhart House Hosts NYSHTA Regional Legislative Reception

Thank you to VBN Board Member, Matt Chiazza – General Manager at The Reikhart House for hosting the Erie and Niagara Counties Fall Legislative Reception for the New York State Hospitality and Tourism Association which VBN CEO Patrick Kaler serves on their Executive Committee. NYSHTA CEO, Mark Dorr introduced several legislative agenda items to the local New York State Legislators in attendance including; Assembly Majority Leader – Crystal Peoples-Stokes, Assembly Member, Karen McMahon, Senator Tim Kennedy, Senator Sean Ryan and over fifty members of the hospitality industry.



VBN Shares Holiday Sprit

The Visit Buffalo Niagara staff worked with two community organizations to share our holiday spirit with those in need. Our team delivered 55 pounds of pasta and pasta sauce to the community pantry Feed Buffalo whose mission is to heal communities with a healthy food initiative, especially in black and Muslim refugee communities. A long time VBN staff tradition each holiday is to shop for much-needed school



supplies, season items and gifts to The Little Match Girl Foundation whose goal is to positively impact the lives of as many children as possible. The staff also made collective personal end of year contributions to the PUNT Foundation, Wings Flights of Hope and the Paul Murphy Scholarship Fund.

MONTHLY Buffalo Convention Center Sales Dashboard – Oct 2023 vs. Oct 2022 and Oct 2019 (RECOVERY BENCHMARK)							
Total Leads		BNCC Generated Leads		VBN Generated Leads		Confirmed Bookings	
8		7		1		11	
Oct 2022	-27.3%	Oct 2022	75.0%	Oct 2022	-85.7%	Oct 2022	37.5%
Oct 2019	Null	Oct 2019	-12.5%	Oct 2019	100.0%	Oct 2019	-15.4%
Total Solicitation Cals		Existing Business/Clients Solicitation Calls		New Business/Clients Solicitation Calls		Lost Business	
52		16		36		4	
Oct 2022	62.5%	Oct 2022	31.3%	Oct 2022	69.4%	Oct 2022	-20.0%
Oct 2019	NA	Oct 2019	NA	Oct 2019	NA	Oct 2019	33.3%

YEAR TO DATE Buffalo Convention Center Sales Dashboard – 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)							
YTD Total Leads		YTD BNCC Generated Leads		YTD VBN Generated Leads		YTD Confirmed Bookings	
122		75		47		96	
2022	9.9%	2022	2.7%	2022	23.7%	2022	15.7%
2019	60.5%	2019	21.0%	2019	235.7%	2019	11.9%
YTD Total Solicitation Cals		YTD Existing Business/Clients Solicitation Calls		YTD New Business/Clients Solicitation Calls		YTD Lost Business	
556		219		337		61	
2022	46.7%	2022	36.0%	2022	54.6%	2022	29.8%
2019	NA	2019	NA	2019	NA	2019	-4.7%

Current and Future Ongoing Buffalo Convention Center Business Booked					
	2019 Year End	2023*	2024*	2025*	2026*
Number of Events	138	103	98	60	44
Expected Attendance	249,975	200,380	218,932	216,037	152,812
Number of Hotel Room Nights	25,000	22,141	22,712	18,444	15,463
Expected Economic Impact	\$34,063,840	\$28,254,890	\$30,358,528	\$28,965,860	\$17,006,970

BUFFALO CONVENTION CENTER OPERATIONAL UPDATE

BUFFALO
CONVENTION
CENTER

MONTHLY Buffalo Convention Center Operational Dashboard – Oct 2023 vs. Oct 2022 and Oct 2019 (RECOVERY BENCHMARK)											
Total Events		Event – Convention		Event – Meeting		Event - Banquet		Event – Consumer/Public Show		Event – Social	
10		3		3		4		0		0	
Oct 2022	-37.5%	Oct 2022	-57.1%	Oct 2022	Null	Oct 2022	33.3%	Oct 2022	100.0%	Oct 2022	Null
Oct 2019	-23.1%	Oct 2019	-25.0%	Oct 2019	-50.0%	Oct 2019	33.3%	Oct 2019	-100.0%	Oct 2019	Null
Total Event Attendance				Number of Days Occupied				Customer Service Score			
5,817				28				New survey system being developed for mid-year.			
Oct 2022		-45.7%		Oct 2022		27.3%		Oct 2022		NA	
Oct 2019		-31.6%		Oct 2019		12.0%		Oct 2019		NA	
Total Revenue		Revenue – Rent		Revenue – Food & Beverage		Revenue – Electrical Service		Revenue – Other			
\$585,579		\$30,656		\$538,226		\$12,807		0			
Oct 2022	18.7%	Oct 2022	-35.3%	Oct 2022	133.7%	Oct 2022	49.7%	Oct 2022	-100.0%		
Oct 2019	86.4%	Oct 2019	-47.6%	Oct 2019	23.1%	Oct 2019	-43.3%	Oct 2019	41.2%		

YEAR TO DATE Convention Center Operational Dashboard – Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)											
Total Events		Event – Convention		Event – Meeting		Event – Banquet		Event – Consumer/Public Show		Event – Social	
78		16		15		37		10		0	
2022	13.0%	13.3%	-11.1%	2022	87.5%	2022	104.6%	2022	25.0%	2022	Null
2019	-28.4%	2019	-23.8%	2019	-58.3%	2019	94.7%	2019	Null	2019	Null
Total Event Attendance				Number of Days Occupied				Customer Service Score			
186,535				186				New survey system being developed for mid-year.			
2022		32.5%		2022		12.7%		2022		NA	
2019		-11.6%		2019		-11.8%		2019		NA	
Total Revenue		Revenue – Rent		Revenue – Food & Beverage		Revenue – Electrical Service		Revenue – Other			
\$3,034,428		\$698,452		\$2,087,462		\$131,731		\$116,783			
2022	28.9%	2022	27.9%	2022	21.2%	2022	59.0%	2022	6717.5%		
2019	1.4%	2019	5.7%	2019	-3.4%	2019	-20.0%	2019	2825.4%		

MONTHLY Buffalo Convention Center Operational Dashboard – Nov 2023 vs. Nov 2022 and Nov 2019 (RECOVERY BENCHMARK)

Total Events		Event – Convention		Event – Meeting		Event – Banquet		Event – Consumer/Public Show		Event – Social	
14		1		0		9		4		0	
Nov 2022	27.3%	Nov 2022	Null	Nov 2022	-300.0%	Nov 2022	125.0%	Nov 2022	33.3%	Nov 2022	Null
Nov 2019	-22.2%	Nov 2019	-66.7%	Nov 2019	-200.0%	Nov 2019	Null	Nov 2019	Null	Nov 2019	Null
Total Event Attendance				Number of Days Occupied				Customer Service Score			
23,812				30				New survey system being developed for mid-year.			
Nov 2022		-3.3%		Nov 2022		3.4%		Nov 2022		NA	
Nov 2019		-18.7%		Nov 2019		7.1%		Nov 2019		NA	
Total Revenue		Revenue – Rent		Revenue – Food & Beverage		Revenue – Electrical Service		Revenue – Other			
\$462,305		\$123,422		\$330,131		\$8,832		0			
Nov 2022	50.8%	Nov 2022	67.6%	Nov 2022	46.5%	Nov 2022	14.8%	Nov 2022	-100.0%		
Nov 2019	-17.5%	Nov 2019	4.4%	Nov 2019	21.7%	Nov 2019	-50.0%	Nov 2019	-100.0%		

YEAR TO DATE Convention Center Operational Dashboard – Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

Total Events		Event – Convention		Event – Meeting		Event – Banquet		Event – Consumer/Public Show		Event – Social	
92		17		15		46		14		0	
2022	28.3%	2022	-10.5%	2022	36.4%	2022	43.8%	2022	22.2%	2022	Null
2019	-27.6%	2019	-29.2%	2019	-60.5%	2019	-9.8%	2019	Null	2019	Null
Total Event Attendance				Number of Days Occupied				Customer Service Score			
192,352				216				New survey system being developed for mid-year.			
2022		16.3%		2022		11.3%		2022		NA	
2019		-19.9%		2019		-9.6%		2019		NA	
Total Revenue		Revenue – Rent		Revenue – Food & Beverage		Revenue – Electrical Service		Revenue – Other			
\$3,620,007		\$729,108		\$2,625,688		\$144,538		\$120,673			
2022	6.1%	2022	-10.7%	2022	4.6%	2022	74.4%	2022	6944.5%		
2019	1.9%	2019	-6.4%	2019	1.6%	2019	-21.8%	2019	2715.4%		

MONTHLY Buffalo Convention Center Sales Dashboard – Nov 2023 vs. Nov 2022 and Nov 2019 (RECOVERY BENCHMARK)							
Total Leads		BNCC Generated Leads		VBN Generated Leads		Confirmed Bookings	
9		6		3		8	
Nov 2022	-18.2%	Nov 2022	50.0%	Nov 2022	Null	Nov 2022	100.0%
Nov 2019	-50.0%	Nov 2019	100.0%	Nov 2019	50.0%	Nov 2019	-55.6%
Total Solicitation Cals		Existing Business/Clients Solicitation Calls		New Business/Clients Solicitation Calls		Lost Business	
44		13		31		8	
Nov 2022	37.5%	Nov 2022	18.8%	Nov 2022	93.8%	Nov 2022	60.0%
Nov 2019	NA	Nov 2019	NA	Nov 2019	NA	Nov 2019	-11.1%

YEAR TO DATE Buffalo Convention Center Sales Dashboard – 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)							
YTD Total Leads		YTD BNCC Generated Leads		YTD VBN Generated Leads		YTD Confirmed Bookings	
131		81		50		104	
2022	8.3%	2022	1.3%	2022	22.0%	2022	19.5%
2019	61.7%	2019	22.7%	2019	233.3%	2019	-18.1%
YTD Total Solicitation Cals		YTD Existing Business/Clients Solicitation Calls		YTD New Business/Clients Solicitation Calls		YTD Lost Business	
600		232		368		60	
2022	46.0%	2022	31.1%	2022	57.3%	2022	32.7
2019	NA	2019	NA	2019	NA	2019	-17.8%

Current and Future Ongoing Buffalo Convention Center Business Booked					
	2019 Year End	2023*	2024*	2025*	2026*
Number of Events	138	102	97	61	45
Expected Attendance	249,975	198,477	214,562	262,287	153,712
Number of Hotel Room Nights	25,000	22,811	22,332	20,041	15,463
Expected Economic Impact	\$34,063,840	\$28,898,535	\$30,320,673	\$28,970,860	\$17,227,314

MONTHLY Buffalo Convention Center Operational Dashboard – Dec 2023 vs. Dec 2022 and Dec 2019 (RECOVERY BENCHMARK)

Total Events		Event – Convention		Event – Meeting		Event – Banquet		Event – Consumer/Public Show		Event – Social	
11		0		3		7		1		0	
Dec 2022	37.5%	Dec 2022	Null	Dec 2022	50.0%	Dec 2022	40.0%	Dec 2022	Null	Dec 2022	Null
Dec 2019	Null	Dec 2019	Null	Dec 2019	100.0%	Dec 2019	-22.2%	Dec 2019	-50.0%	Dec 2019	Null
Total Event Attendance				Number of Days Occupied				Customer Service Score			
7,242				13				New survey system being developed for mid-year.			
Dec 2022		43.8%		Dec 2022		-27.8%		Dec 2022		NA	
Dec 2019		-25.3%		Dec 2019		40.9%		Dec 2019		NA	
Total Revenue		Revenue – Rent		Revenue – Food & Beverage		Revenue – Electrical Service		Revenue – Other			
\$237,602		\$11,686		\$223,603		\$2,313		0			
Dec 2022	4.2%	Dec 2022	-51.2%	Dec 2022	11.8%	Dec 2022	-43.4%	Dec 2022		Dec 2022	Null
Dec 2019	-3.8%	Dec 2019	-53.4%	Dec 2019	1.9%	Dec 2019	-3.1%	Dec 2019		Dec 2019	Null

YEAR TO DATE Convention Center Operational Dashboard – Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

Total Events		Event – Convention		Event – Meeting		Event – Banquet		Event – Consumer/Public Show		Event – Social	
103		17		18		53		15		0	
2022	17.0%	2022	-10.5%	2022	38.5%	2022	42.2%	2022	-21.1%	2022	Null
2019	-25.4%	2019	-29.2%	2019	-52.6%	2019	-11.7%	2019	-6.3%	2019	Null
Total Event Attendance				Number of Days Occupied				Customer Service Score			
199,594				229				New survey system being developed for mid-year.			
2022		17.1%		2022		8.0%		2022		NA	
2019		-20.2%		2019		-12.3%		2019		NA	
Total Revenue		Revenue – Rent		Revenue – Food & Beverage		Revenue – Electrical Service		Revenue – Other			
\$3,857,609		\$740,794		\$2,849,291		\$146,851		\$120,673			
2022	6.0%	2022	15.1%	2022	32.7%	2022	68.9%	2022		2022	6944.5%
2019	1.5%	2019	-7.9%	2019	1.6%	2019	-21.5%	2019		2019	2751.4%

MONTHLY Buffalo Convention Center Sales Dashboard – Dec 2023 vs. Dec 2022 and Dec 2019 (RECOVERY BENCHMARK)							
Total Leads		BNCC Generated Leads		VBN Generated Leads		Confirmed Bookings	
6		3		3		11	
Dec 2022	-14.3%	Dec 2022	Null	Dec 2022	-25.0%	Dec 2022	57.1%
Dec 2019	Null	Dec 2019	-40.0%	Dec 2019	200.0%	Dec 2019	Null
Total Solicitation Cals		Existing Business/Clients Solicitation Calls		New Business/Clients Solicitation Calls		Lost Business	
49		19		30		1	
Dec 2022	16.7%	Dec 2022	-26.9%	Dec 2022	87.5%	Dec 2022	-66.7%
Dec 2019	NA	Dec 2019	NA	Dec 2019	NA	Dec 2019	-75.0%
YEAR TO DATE Buffalo Convention Center Sales Dashboard – 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)							
YTD Total Leads		YTD BNCC Generated Leads		YTD VBN Generated Leads		YTD Confirmed Bookings	
137		84		53		115	
2022	7.0%	2022	1.2%	2022	17.8%	2022	22.3%
2019	57.5%	2019	18.3%	2019	231.3%	2019	-16.7%
YTD Total Solicitation Cals		YTD Existing Business/Clients Solicitation Calls		YTD New Business/Clients Solicitation Calls		YTD Lost Business	
649		251		398		70	
2022	43.3%	2022	23.6%	2022	59.2%	2022	27.3%
2019	NA	2019	NA	2019	NA	2019	-9.1%
Current and Future Ongoing Buffalo Convention Center Business Booked							
	2019 Year End	2023*	2024*	2025*	2026*		
Number of Events	138	103	100	56	44		
Expected Attendance	249,975	199,594	216,182	209,987	147,112		
Number of Hotel Room Nights	25,000	22,761	22,322	20,041	16,540		
Expected Economic Impact	\$34,063,840	\$28,827,677	\$30,104,423	\$28,260,770	\$16,806,544		



Fanfare of the Completion of the Façade Project

October 3, 2023, served as the official reopening of the Buffalo Convention Center following the completion of the façade project. The day began early in the morning flipping the switch on the façade lighting enhancement for live broadcasts on Channel 2 with Erie County Department of Public Works Commissioner Bill Geary. Later that morning, Erie County Executive Mark Poloncarz surrounded by both BCC and VBN staff held a press conference announcing the completion of the project while also celebrating the upcoming definite bookings of meetings and conventions at the Center because of all the improvements made over the past two years. Those improvements include the renovated lobby, new entry, painting of all first-floor meeting rooms and the impressive new façade. Yes, these improvements have made a difference in the way that planners view the Center. As reported at the press conference, between January and September of 2023, VBN hosted 29 meeting planner site visits for future business. During the same pre-pandemic nine-month period of time in 2019, VBN hosted 9 site visits. The other impressive number is that of the 29 site visits, 20 of those meetings will be held in the newly updated Buffalo Convention Center.

BUFFALO CONVENTION CENTER

New Name New Logo – Buffalo Convention Center

With the new façade, County Executive Poloncarz announced the new name and logo of the Convention Center. Dropping Niagara from the original name, the Buffalo Convention Center truly exemplifies the location and economic generator the building has for Erie County. The new logo, designed by Buffalo-based advertising agency, White Bicycle, has a subtle reference to the clean and contemporary new façade metal cladding and colors.



The Many Uses of the Buffalo Convention Center

Tradeshows Conventions Sports Banquets Special Events and the World's Largest Disco



Visit Buffalo Niagara Board of Directors

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Kimberley A. Minkel, NFTA – Vice Chair
Huseyin Taran, Buffalo Marriot HarborCenter – Treasurer
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Melissa Brown, Buffalo History Museum
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Dottie Gallagher, Buffalo Niagara Partnership
Mark Glasgow, Erie County Legislature Majority Caucus Appointee
Patrick Kaler, Visit Buffalo Niagara – President & CEO
Thomas Long, The Westin Buffalo
William Paladino, Ellicott Development, Inc.
Steven Ranalli, Erie Canal Harbor Development Corporation
David Schutte, Schutte Hospitality Group
Don Spasiano, Trocaire College
Michelle Urbanczyk, Explore & More Children's Museum
Gail Wells, Coppertown Blockclub & Buffalo Freedom Gardens



**BUFFALO
CONVENTION
CENTER**



Visit Buffalo Niagara Staff

James Adler, Sports Sales Manager
Jennifer Bialek, Executive Assistant to the CEO
Jo Ann Blatner, Industry Relations Assistant
Drew Brown, Marketing Manager
Michele Butlak, Accounting & Benefits Manager
Brooke Chavanne, Administrative Sales Assistant
Karen Cox, Convention Sales & Services Manager
Mike Even, Vice President of Sales & Services
Karen Fashana, Director of Marketing
Greg Gelinas, Director Sports Development
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Patrick Kaler, President & CEO
Michelle Kearns, Communications Manager
David Marzo, Chief Financial Officer
Leah Mueller, Director of Tourism Sales
Heather Nowakowski, Business Intelligence Manager
Kathryn Scaduto, Marketing and Social Media Specialist
Renata Toney, Vice President of Destination Experience
Marisa Urbano, Convention Services Coordinator
Lauren Vargo, Sports Services Manager
Meredith Walsh, National Sales Manager
Meaghan Zimmer, National Sales Director

Buffalo Niagara Convention Center Staff

Julie Brooks, Controller
Melissa Burke, Senior Director of Sales
Jeff Calkins, Vice President & General Manager
Lorna Cullen, Office Manager
Patrick Kaler, President & CEO
Sue Kimmins, Sales and Catering Manager
Craig Landseadel, Executive Chef
Mary Ann Martin, Bookkeeper & Benefits Manager
Mark McMahon, Maintenance Supervisor
Terry O'Brien, Director of Operations
Heather Petrino, Sales & Service Coordinator
Ken Sanford, Chief Engineer
Christie Walker, Convention and Event Service Manager
Cory Watson, Food and Beverage Manager
Michael Will, Assistant Director of Operations
Colleen Willis, Sales Manager
Danielle Winiarski, Assistant General Manager
Alishia Vega, Front Desk Receptionist



VISION:

**To be the most surprising
destination you'll ever visit.**

MISSION:

**Transforming our community by inspiring
visitors and locals to discover Buffalo and
Erie County.**

Data Sources For This Report:

Cervis Technologies
Cision
Google Analytics
Key Data
Madden Media
Momentum Technologies (formerly Ungerboeck)
Sales Force Marketing Cloud
Simpleview
STR (Smith Travel Research)
Tourism Economics



Buffalo Niagara Convention & Visitors Bureau, Inc.

FINANCIAL STATEMENTS

DECEMBER 31, 2023 AND 2022

UNAUDITED

**Approved at the Board of Directors Meeting on Wednesday
February 7, 2024**

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.
FINANCIAL STATEMENTS
FOR THE TWELVE MONTHS ENDED DECEMBER 31, 2023 AND 2022

Table of contents	Page 1
Balance Sheet	Page 2
Statement of Activities	Page 3
Statement of Total Revenues	Page 4
Statement of Total Expenses	Page 5-6

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.
BALANCE SHEET
DECEMBER 31, 2023 AND 2022

UNAUDITED

	<u>2023</u>	<u>2022</u>
<u>ASSETS</u>		
Current assets:		
Cash and cash equivalents	\$ 1,241,856	\$ 2,004,005
Accounts Receivable - Erie County	-	-
Accounts Receivable - Trade	42,837	73,892
Grants Receivable	350,937	60,000
Prepaid expenses and supplies	219,620	211,044
Total current assets	<u>1,855,250</u>	<u>2,348,941</u>
Property and equipment, net	<u>47,638</u>	<u>47,638</u>
Total assets	<u><u>\$ 1,902,888</u></u>	<u><u>\$ 2,396,579</u></u>

LIABILITIES AND NET ASSETS

Current liabilities:		
Short-term borrowings	\$ -	\$ -
Accounts payable and accrued expenses	182,511	159,092
Accounts payable - Foundation	12,046	16,085
Deferred revenue - Other	219,267	160,600
Deferred revenue - Erie County Grant	-	40,192
SBA - EIDL Loan	140,473	144,241
Total current liabilities	<u>554,297</u>	<u>520,210</u>
Net assets	<u>1,348,591</u>	<u>1,876,369</u>
Total liabilities and net assets	<u><u>\$ 1,902,888</u></u>	<u><u>\$ 2,396,579</u></u>

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.
STATEMENT OF ACTIVITIES
FOR THE TWELVE MONTHS ENDED DECEMBER 31, 2023 AND 2022

	Actual 12 Month(s) 12/31/23	Budgeted 12 Month(s) 12/31/23	\$ Variance Over (Under)	% Variance Over (Under)	Annual Budget 2023	Actual 12 Month(s) 12/31/22
REVENUES	\$ 4,658,975	\$ 4,191,536	\$ 467,439	11.15%	\$ 4,191,536	\$ 4,130,638
MARKETING DEPARTMENT EXPENSES	\$ 2,071,752	\$ 1,571,090	\$ 500,662	31.87%	\$ 1,571,090	\$ 1,765,244
CONVENTION & SPORTS SALES & SERVICES EXPENSES	1,875,192	1,796,905	78,287	4.36%	1,796,905	1,639,152
DESTINATION DEVELOPMENT	272,110	292,780	(20,670)	-7.06%	292,780	222,305
ADMINISTRATIVE & FINANCE EXPENSES	967,699	930,761	36,938	3.97%	930,761	954,941
TOTAL EXPENSES	\$ 5,186,753	\$ 4,591,536	\$ 595,217	12.96%	\$ 4,591,536	\$ 4,581,642
INCREASE (DECREASE) IN NET ASSETS	\$ (527,778)	\$ (400,000)	\$ (127,778)		\$ (400,000)	\$ (451,004)
NET ASSETS - BEGINNING	1,876,369	1,876,369			1,876,369	2,327,373
NET ASSETS - ENDING	\$ 1,348,591	\$ 1,476,369	\$ (127,778)	-8.65%	\$ 1,476,369	\$ 1,876,369

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.
TOTAL REVENUES
FOR THE TWELVE MONTHS ENDED DECEMBER 31, 2023 AND 2022

	Actual 12 Month(s) 12/31/23	Budgeted 12 Month(s) 12/31/23	\$ Variance Over (Under)	% Variance Over (Under)	Annual Budget 2023	Actual 12 Month(s) 12/31/22
Erie County Grant	\$ 3,852,057	\$ 3,852,057	\$ -	0.00%	\$ 3,852,057	\$ 3,739,861
Erie County - Theatre/ARP Act Grant	40,192	-	40,192	-	-	59,808
Advertising Sales	152,230	150,000	2,230	1.49%	150,000	118,311
Assessments - Convention	8,710	15,000	(6,290)	-41.93%	15,000	-
NYS Matching Funds Program	47,532	47,000	532	1.13%	47,000	48,897
Joint/Co-Op - Marketing	37,000	7,500	29,500	393.33%	7,500	31,533
Joint/Co-Op - Sales	38,730	35,000	3,730	10.66%	35,000	64,003
Joint/Co-Op - Destination Development	2,310	5,000	(2,690)	-53.80%	5,000	2,555
Grant Revenues	415,937	75,000	340,937	454.58%	75,000	60,272
Interest Income	58,729	500	58,229	11645.80%	500	399
Miscellaneous Income	5,513	4,479	1,034	23.09%	4,479	3,357
Merchandising Revenues - Conventions	35	-	35	-	-	1,642
Total Revenues	<u>\$ 4,658,975</u>	<u>\$ 4,191,536</u>	<u>\$ 467,439</u>	<u>11.15%</u>	<u>\$ 4,191,536</u>	<u>\$ 4,130,638</u>

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.
TOTAL EXPENSES
FOR THE TWELVE MONTHS ENDED DECEMBER 31, 2023 AND 2022

	Actual 12 Month(s) 12/31/23	Budgeted 12 Month(s) 12/31/23	\$ Variance Over (Under)	% Variance Over (Under)	Annual Budget 2023	Actual 12 Month(s) 12/31/22
<u>Personnel Costs:</u>						
Salaries	\$ 1,828,723	\$ 1,833,729	\$ (5,006)	-0.27%	\$ 1,833,729	\$ 1,683,402
Payroll Taxes & Fringe Benefits	320,025	353,291	(33,266)	-9.42%	353,291	289,436
Training	52,575	45,500	7,075	15.55%	45,500	34,755
Total Personnel Costs	\$ 2,201,323	\$ 2,232,520	\$ (31,197)	5.86%	\$ 2,232,520	\$ 2,007,593
<u>Sales & Marketing Expenditures:</u>						
Advertising	\$ 1,002,069	\$ 605,000	\$ 397,069	65.63%	\$ 605,000	\$ 787,046
Convention Commitments	130,375	150,000	(19,625)	-13.08%	150,000	107,100
Visitor Guide	150,762	160,000	(9,238)	-5.77%	160,000	97,996
Tradeshows	157,061	148,000	9,061	6.12%	148,000	189,976
Printing	28,339	29,500	(1,161)	-3.94%	29,500	7,968
Postage	2,847	3,001	(154)	-5.13%	3,001	3,124
Sales Bids & Promotions	218,408	130,000	88,408	68.01%	130,000	147,011
Convention Sales & Services	25,570	35,050	(9,480)	-27.05%	35,050	28,642
Travel & Meetings	29,877	39,000	(9,123)	-23.39%	39,000	31,610
Receptions	18,867	47,500	(28,633)	-60.28%	47,500	40,912
Research	158,213	160,000	(1,787)	-1.12%	160,000	191,957
Website Development/Hosting	127,046	101,500	25,546	25.17%	101,500	159,824
Familiarization Tours	157,998	100,000	57,998	58.00%	100,000	92,009
Professional Fees & Public/Media Relations	69,750	42,000	27,750	66.07%	42,000	55,100
Freelance/Graphic Artist	46,796	40,000	6,796	16.99%	40,000	32,969
Regional Marketing	8,031	8,040	(9)	-0.11%	8,040	8,167
Promotional Items	12,839	24,500	(11,661)	-47.60%	24,500	6,179
Destination Development	79,382	82,950	(3,568)	-4.30%	82,950	72,443
Film/Video/Photo Productions	72,037	45,000	27,037	60.08%	45,000	108,913

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.

TOTAL EXPENSES

FOR THE TWELVE MONTHS ENDED DECEMBER 31, 2023 AND 2022

	Actual 12 Month(s) 12/31/23	Budgeted 12 Month(s) 12/31/23	\$ Variance Over (Under)	% Variance Over (Under)	Annual Budget 2023	Actual 12 Month(s) 12/31/22
Photography	29,800	22,500	7,300	32.44%	22,500	31,658
Social Networking/Wing Trail	3,104	6,500	(3,396)	-52.25%	6,500	6,966
Total Sales & Marketing Expenditures	\$ 2,529,171	\$ 1,980,041	\$ 549,130	27.73%	\$ 1,980,041	\$ 2,207,570
Technology & Equipment	52,644	45,000	7,644	16.99%	45,000	6,285
Departmental Administrative Expenses	403,615	333,975	69,640	20.85%	333,975	360,194
Total Expenses	\$ 5,186,753	\$ 4,591,536	\$ 595,217	12.96%	\$ 4,591,536	\$ 4,581,642



Buffalo Niagara Convention Center Management Corporation

2024 Proposed Operating Budget

Approved at the Board of Directors Meeting on Wednesday February 7, 2024

Buffalo Niagara Convention Center Management Corporation

2024 Operating Budget

	Proposed Budget 2024	Projected 2023	Budget <u>2023</u>	Actual <u>2022</u>	Variance 2024 Budget V. 2023 Projected	Variance 2024 Budget v. 2023 Budget
REVENUES:						
EARNED REVENUES						
Gross Food & Beverage	2,599,949	2,369,622	\$ 2,412,580	\$ 2,157,788	\$ 230,327	\$ 187,369
Rents	846,486	760,544	749,333	707,483	\$ 85,941	\$ 97,153
Electrical Services	139,767	125,577	155,745	116,816	\$ 14,190	\$ (15,978)
Equipment Rentals	61,398	55,165	25,000	51,316	\$ 6,234	\$ 36,398
Communications Revenue	4,637	3,182	500	2,960	\$ 1,455	\$ 4,137
Other Earned Revenue	79,500	75,000	72,000	561,271	\$ 4,500	\$ 7,500
		-				
TOTAL EARNED REVENUES	3,731,737	3,389,090	\$ 3,415,158	\$ 3,597,634	\$ 342,647	\$ 316,579
OTHER REVENUES						
Commissions	11,500	9,622	\$ 1,200	9,164	\$ 1,878	\$ 10,300
Investment Interest/Dividends	32,500	12,500	-	-	\$ 20,000	0
TOTAL OTHER REVENUES	44,000	22,122	1,200	9,164	21,878	\$ 42,800
Erie County - Grant	2,581,286	1,981,286	1,981,286	1,923,578	\$ 600,000	\$ 600,000
TOTAL REVENUES	\$ 6,357,023	\$ 5,392,499	\$ 5,397,644	\$ 5,530,376	\$ 964,524	\$ 959,379
EXPENSES:						
COST OF SALES FOOD AND BEVERAGE	2,236,942	1,919,405	\$ 2,022,555	1,872,571	\$ 317,537	\$ 214,387
SALARIES\WAGES						
Admin/Sales	684,856	671,428	\$ 636,682	\$ 639,455	\$ 13,429	\$ 48,174
Maintenance	740,810	702,702	615,349	669,240	\$ 38,108	\$ 125,461
Engineering/Electrical	451,673	424,685	381,973	404,462	\$ 26,987	\$ 69,700
Dock/Lobby	134,736	129,554	97,267	123,385	\$ 5,182	\$ 37,469
Staff Incentives	-	-	10,000	-	\$ -	\$ (10,000)
Temporary Services	6,385	6,139	39,629	5,847	\$ 246	\$ (33,244)
TOTAL SALARIES AND WAGES	2,018,460	1,934,508	\$ 1,780,900	\$ 1,842,389	\$ 83,952	\$ 237,560

Buffalo Niagara Convention Center Management Corporation

2024 Operating Budget

	Proposed Budget 2024	Projected 2023	Budget <u>2023</u>	Actual <u>2022</u>	Variance 2024 Budget V. 2023 Projected	Variance 2024 Budget v. 2023 Budget
PAYROLL TAXES AND FRINGE BENEFITS						
FICA	199,267	191,603	\$ 135,739	\$ 182,479	\$ 7,664	\$ 63,528
NYS Unemployment Insurance	-	-	48,500	-	\$ -	\$ (48,500)
Disability/Life Insurance	6,090	5,856	3,600	5,577	\$ 234	\$ 2,490
Workmens Compensation	43,169	41,509	29,500	39,532	\$ 1,660	\$ 13,669
Health- Admin	103,851	99,857	75,498	95,102	\$ 3,994	\$ 28,353
Health - Union	64,681	62,194	70,500	59,232	\$ 2,488	\$ (5,819)
Pension - Admin	12,176	11,708	12,234	11,150	\$ 468	\$ (58)
Pension - Union	84,383	81,138	69,500	77,274	\$ 3,246	\$ 14,883
Training Expense	639	614	9,500	585	\$ 25	\$ (8,861)
TOTAL EMPLOYEE BENEFITS	514,257	494,478	\$ 454,570	\$ 470,931	\$ 19,779	\$ 59,686
TOTAL PERSONNEL EXPENSES	\$ 2,532,717	\$ 2,428,986	\$ 2,235,470	\$ 2,313,320	\$ 103,731	\$ 297,246
PROFESSIONAL FEES						
Legal	4,178	4,017	\$ 11,500	\$ 3,826	\$ 161	\$ (7,322)
Audit	27,500	27,524	24,500	26,213	\$ (24)	\$ 3,000
Data Processing	102,500	100,000	84,500	97,274	\$ 2,500	\$ 18,000
Other Professional Fees	38,056	37,310	23,500	35,533	\$ 746	\$ 14,556
Shared Services - BNCVB	10,000	10,000	11,500	-	\$ -	\$ (1,500)
TOTAL PROFESSIONAL FEES	\$ 182,234	\$ 178,851	\$ 155,500	\$ 162,846	\$ 3,383	\$ 26,734
SUPPLIES\SMALL TOOLS						
Administrative	19,000	17,500	\$ 20,500	\$ 17,795	\$ 1,500	\$ (1,500)
Maintenance	70,000	65,000	74,500	65,708	\$ 5,000	\$ (4,500)
Engineering	44,000	42,500	44,500	41,713	\$ 1,500	\$ (500)
Electrical	6,200	6,100	4,500	5,834	\$ 100	\$ 1,700
Food & Beverage	87,000	84,000	54,500	83,116	\$ 3,000	\$ 32,500
TOTAL SUPPLIES	226,200	215,100	\$ 198,500	\$ 214,166	\$ 11,100	\$ 27,700

Buffalo Niagara Convention Center Management Corporation

2024 Operating Budget

	Proposed Budget 2024	Projected 2023	Budget 2023	Actual 2022	Variance 2024 Budget V. 2023 Projected	Variance 2024 Budget v. 2023 Budget
COMMUNICATION EXPENSES						
Telephone/Fax/Website	140,000	135,000	\$ 9,000	\$ 132,641	\$ 5,000	\$ 131,000
Internet & Website	-	-	57,500	-	\$ -	\$ (57,500)
Postage & Freight	3,000	2,896	500	2,758	\$ 104	\$ 2,500
TOTAL COMMUNICATION EXPENSES	143,000	137,896	\$ 67,000	\$ 135,399	\$ 5,104	\$ 76,000
OCCUPANCY EXPENSES						
Utilities - Gas	76,453	73,513	\$ 114,500	\$ 70,012	\$ 2,941	\$ (38,047)
Utilities - Electric	275,134	264,552	229,500	251,954	\$ 10,582	\$ 45,634
Utilities - Water	17,292	16,627	15,500	15,835	\$ 665	\$ 1,792
Admin Insurance	236,378	198,440	144,500	190,808	\$ 37,938	\$ 91,878
Contractual Maintenance	19,609	18,855	24,500	17,957	\$ 754	\$ (4,891)
Emergency Medical Technicians	(5,048)	(4,854)	14,500	(4,623)	\$ (194)	\$ (19,548)
Security & Police	62,920	60,500	32,119	59,849	\$ 2,420	\$ 30,801
Building Repairs	9,426	9,064	11,500	8,632	\$ 363	\$ (2,074)
Licenses & fees	9,672	9,300	7,500	9,284	\$ 372	\$ 2,172
Other Occupancy	67,600	65,000	39,500	62,812	\$ 2,600	\$ 28,100
TOTAL OCCUPANCY	769,435	710,996	\$ 633,619	\$ 682,520	\$ 58,440	\$ 135,816
EQUIPMENT RENTAL/ REPAIRS & MAINT						
Equipment - Rentals	-	-	\$ 8,500	\$ -	\$ -	\$ (8,500)
Admin - Repairs & Maintenance	15,000	14,500	1,500	15,002	\$ 500	\$ 13,500
Maintenance - Repairs & Maintenance	4,600	4,508	500	4,293	\$ 92	\$ 4,100
Engineering - Repairs & Maintenance	135,000	125,000	74,500	132,649	\$ 10,000	\$ 60,500
TOTAL EQUIP RENTAL/ REPAIRS & MAINT	154,600	144,008	\$ 85,000	\$ 151,944	\$ 10,592	\$ 69,600

Buffalo Niagara Convention Center Management Corporation

2024 Operating Budget

	Proposed Budget 2024	Projected 2023	Budget 2023	Actual 2022	Variance 2024 Budget V. 2023 Projected	Variance 2024 Budget v. 2023 Budget
TRAVEL & ENTERTAINMENT						
Local Meetings & Travel	200	186	\$ 2,500	\$ 177	\$ 14	\$ (2,300)
Client Promotions & Entertainment	8,500	8,180	3,000	7,790	\$ 321	\$ 5,500
Trade Shows	7,500	7,243	14,500	6,898	\$ 257	\$ (7,000)
TOTAL TRAVEL & ENTERTAINMENT	16,200	15,608	\$ 20,000	\$ 14,865	\$ 592	\$ (3,800)
ADVERTISING & PROMOTIONS						
Advertising	8,000	7,678	\$ 19,500	\$ 7,312	\$ 322	\$ (11,500)
Promotional Materials	600	568	-	541	\$ 32	\$ 600
Other promotional	20,000	25,000	9,500	34,581	\$ (5,000)	\$ 10,500
TOTAL ADVERTISING & PROMOTIONS	28,600	33,246	\$ 29,000	\$ 42,434	\$ (4,646)	\$ (400)
OTHER EXPENSES						
Uniforms	6,684	6,427	\$ 13,500	\$ 6,121	\$ 257	\$ (6,816)
Dues & Subscriptions	22,000	20,834	3,500	19,842	\$ 1,166	\$ 18,500
Bank Fees/Interest	35,000	35,533	29,500	33,841	\$ (533)	\$ 5,500
Bad Debts	3,411	3,280	2,500	3,124	\$ 131	\$ 911
Miscellaneous / Depreciation/Equipment Purchase	-	50,000	2,000	95,743	\$ (50,000)	\$ (2,000)
TOTAL OTHER EXPENSES	67,096	116,074	\$ 51,000	\$ 158,671	\$ (48,979)	\$ 16,096
CAPITAL EQUIPMENT PURCHASES	-	-	-	-	\$ -	-
TOTAL OPERATING EXPENSES	\$ 6,357,024	\$ 5,900,169	\$ 5,497,644	\$ 5,748,736	\$ 456,855	\$ 859,379
INCREASE (DECREASE) IN OPERATING NET ASSETS	(0)	(507,670)	(100,000)	(218,360)	507,670	(100,001)
FUNDS ENCUMBERED TO COVER OPERATING DEFICIT						
NET INCREASE (DECREASE) IN OPERATING NET ASSETS	\$ (0)	\$ (507,670)	\$ (100,000)	\$ (218,360)	\$ 507,670	\$ (100,001)

BUFFALO CONVENTION CENTER

2024 BUSINESS PLAN



ABOUT BUFFALO CONVENTION CENTER

The Buffalo Convention Center is the premier meeting and exhibit facility in Western New York. We can host large gatherings of up to 7,000 and can also accommodate small, intimate groups. Our unique space allows us to create the perfect space to suit your needs.

The Buffalo Convention Center has over 110,000 square feet of flexible meeting/exhibit space.

Soaring ceilings add volume to the 64,000 square feet of contiguous exhibit space, which accommodates general session setups and up to 350 exhibit booths. This space may be sectioned into two halls with easy access to the loading docks. Four covered loading docks and direct drive-in access to each hall make setup easy and efficient.

The Convention Center's Ballroom spans 12,367 square feet with banquet seating for up to 1,000 guests. Pre-function areas extend the Ballroom space by 8,800 square feet. More than 46,000 square feet of flexible meeting space (21 meeting rooms) feature wireless and hardline capability in every meeting area.

Dedicated Convention Center staff totaling over 100+ years of industry service

MISSION

Delivering quality facilities and exceptional service through our warm hospitality, attention to detail and drive to achieve our clients' vision.

VISION

To create memorable event experiences for our guests and be a catalyst for economic development and improved quality of life in Buffalo and Erie County.

STRATEGIC PRIORITIES



GUEST EXPERIENCE

Treat all of our guests to a unique experience



COMMUNITY CONNECTION

Partner with our community to co-create a memorable guest experience



BUSINESS GROWTH

Drive incremental business by leveraging our relationships and facilities



TALENT AND CULTURE

Create an authentic guest-focused culture



ACCOUNTABILITY AND SUSTAINED PERFORMANCE

Demonstrate we are well-run and governed

**BUFFALO
CONVENTION
CENTER**

CONVENTION SALES

OBJECTIVES

- Generate economic impact by booking conventions that generate room nights and other ancillary revenues for Erie County.
- Evaluate and adjust business development strategies to align with the hotels' current inventory and availability.
- Uncover new leads and opportunities to host conventions that are more compatible with our facility, and destination with a focus on regional meetings.
- Enhance awareness of Buffalo as a viable convention option by highlighting our affordability, flexibility, and drivability through increased sales efforts.
- Strengthen customer engagement by implementing strategies to foster customer relationships through strong social media presence and in-person events.

STRATEGIES

- Schedule regular meetings with the Hyatt Regency sales staff to identify and strategize ways to attract new business and review business opportunities.
- Develop an ongoing relationship with Invest Buffalo businesses that may lead to new business.
- Focus on the emerging market segments identified in our Strategic Plan, including Life Science, Food and Dairy, Logistics, and Advanced Business Services.
- In coordination with VBN and hotel partners, attend major industry events and other fair share opportunities on a regional and national level.
- Continue engaging with customers by participating in the "Buffalo Book Club."
- Execute site visits in person and using the 360 virtual tours customized to each individual group, creating a memorable experience.
- Participate with VBN in client FAM tours throughout the year as scheduled.
- Continue partnership with VBN on the Customer Advisory Council by participating in group meetings that provide guidance, discuss new tactics, and implement strategies for future planning.

BANQUETS AND MEETINGS

OBJECTIVES

- Identify and book events that will fill need periods within the 12 - 18 month booking window.
- Enhance customer relationships by providing excellent customer service.

STRATEGIES

- Incentivize client referrals to capitalize on our great reputation for food and service to increase new lead opportunities.
- Identify key dates that need to be filled and create a client list based on past bookings during this period for solicitation.
- Use the 18-month booking window for the period mid-June thru August to increase wedding bookings and non-traditional events during this need period.
- Develop a virtual solicitation platform to continue customer outreach to uncover new opportunities.
- Review lost business reports to identify future opportunities.
- Enhance relationships with vendors, third-party providers, and others for referral opportunities.
- Introduce new menu offerings to current and prospective clients.

CONSUMER AND PUBLIC SHOWS

OBJECTIVES

- Rebook annual events and secure public and consumer shows to fill need periods.
- Maintain and strengthen relationships with annual trade show clients that have made the BCC their home.

STRATEGIES

- Focus on key show producers that host events during the summer months/shoulder periods at facilities similar in size.
- Identify and research shows that we are not currently hosting in our area and pursue for future.
- Continue efforts to uncover new opportunities and generate more revenue in untapped market.
- Solicit shows listed on event calendars of comparable venues.

CONVENTION AND EVENT SERVICES

OBJECTIVES

- Prioritize convention services to provide increased attention to security and safety of attendees, vendors, and guests.
- Provide exceptional service to every BCC client to ensure a successful event and future booking opportunities.

STRATEGIES

- Utilize results from Real-Time client survey to measure the success of the event, review problem areas, and address areas of improvement for future events.
- Participate in webinars, industry meetings, and other educational opportunities to keep current on the latest standards, trends, and innovative services to offer clients.
- Update and share the BCC Safety and Security Plan with clients during the planning process and feature on the use of the state-of-the-art Evolv Security entry system.
- Capture positive customer testimonials when customers share feedback.
- Improve and create a more consistent social media presence through the use of a dedicated resource.
- Participate in webinars, industry meetings and other educational opportunities to keep current on the latest trends and innovative services to offer client.
- Maintain and further develop strong relationships with key government city and county partners to ensure ancillary services are provided as needed for events throughout the year.
- Meet quarterly with VBN and hotel service staff to review upcoming groups and discuss ways to heighten the customer experience.
- Maintain ESPA – Event Services Professionals membership to network with peers and keep current on industry trends.

**BUFFALO
CONVENTION
CENTER**

ADMINISTRATION

OBJECTIVES

- Utilize convention center industry best practices in overall facility operations and management.
- Maintain excellent relationships with relevant Erie County departments, including by not limited to Executive, Environment and Planning, Health, Public Works.
- Maintain excellent relationships with State, County and City law enforcement agencies and departments and Homeland Security.

STRATEGIES

- Systematically review present green initiatives and practices and create a timeline of improvements to certification.
- Expand the use of Momentus (Ungerboeck) to all departments for greater efficiency and consistency.
- Update the venue safety plan by coordinating the completion of the IAVM Venue Safety & Security program.
- Manage financial resources in accordance with the organizational by-laws.
- Provide educational and training opportunities for staff development across all departments.
- Work with the Erie County Department of Public Works to identify priority capital improvement projects.

BUFFALO CONVENTION CENTER			
Q4 Revenue	Goal	Actual	Variance
Rent Revenue	174,617	186,471	6.79%
F&B Revenue	729,190	1,093,431	49.95%
Electrical Service	11,000	24,072	118.84%
Other Revenue	2,500	3,890	55.6%
TOTAL REVENUE	917,307	1,307,864	42.58%
YTD Revenue	2023	2022	Variance
Rent Revenue	681,656	\$707,483	-3.66%
F&B Revenue	2,788,719	\$2,126,000	31.17%
Electrical Service	111,180	\$116,816	-4.82%
Other Revenue	112,842	\$218,777	-48.42%
TOTAL REVENUE	3,694,397	\$3,169,076	16.58%
Q4 YTD Events	2023	2022	Variance
Number of Events	103	88	17.05%
Attendance	199,594	170,477	17.08%
F&B Profit Margin	8.8%	19.3%	
Comments Q3			
Total revenues were up from budget in the 4 th quarter in 2023 by \$390,557. This significant increase is mainly due to an increase of \$364,000 in Food & Beverage revenues as the result of several groups exceeding their F&B projections. These groups include NYSSBA (\$102K), CSEA (\$50K), HigherEdWeb (\$42K) and Buffalo Urban League (\$26K).			

Q4 Major Events Hosted		
Month	Event Name	Number of Attendees
October	New York State School Boards Association – 2023 Annual Convention	2,600
October	Roswell Park Alliance Foundation – All Star Gala	918
October	The Bison Scholarship Fund – The Bison Scholarship Fund Luncheon	860
October	Civil Service Employees Association – Annual Delegates Meeting	750
October	Higher Education Web Professionals Association (HighEdWeb) – Annual Convention	548
November	YMCA Buffalo Niagara - Turkey Trot Post Race Party	10,000
November	Conesus Fest For Charity - World's Largest Disco	7,000
November	UB Dental Alumni Association - Buffalo Niagara Dental Meeting	2,282
November	Buffalo Urban League – Gala	900
November	Greater Buffalo Sports Hall of Fame - Induction Ceremony & Dinner	680
November	Buffalo Fire Department – Awards Dinner	550
November	WILD Dance Intensive - Dance Intensive	515
December	Kaleida Health Foundation - Festival of Trees	1,995
December	Civil Service Employees Association – Holiday Party	625
December	Roswell Park Cancer Institute - Courage of Carly Holiday Party	600

December	County of Erie – County Executive Inauguration	400
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Q4 Major Events Booked		
Year	Event Name	Expected Revenue
2024	Moog Inc. – Mid-Winter Bash	\$85,000
2024	Black Achievers Inc. – Black Achievers Gala	\$30,000
2024	New York Public Transit Association – NYPTA Annual Conference	\$29,200
2024	New York State Association for Affordable Housing – Annual Upstate Affordable Housing Conference	\$22,750
2024	Town Square Media of Buffalo – Buffalo On Tap 2024	\$20,995
2025	National College Testing Association – NCTA 2025 Annual Conference	\$70,000
2026	National Indian Education Association – NIEA 57 th Annual Convention and Trade Show	\$71,950
2027	National Association of Development Organizations – ATC 2027	\$76,056

Q4 Notable BCC Activities	
Date	Program
October	Attended BNP Open House
October	Attended County Executive Press Conference introducing the new BCC façade, name and logo
October	Multiple District 20 Lions Club of New York and Bermuda bid presentation with VBN and Hyatt in Binghamton
October	Implemented the use of Evolv Technology Security Scanners
October	Site inspection with National Association of Development Organizations
October	Site inspection with American Association for Aerosol Research
October	Site inspection with NCAA Live Period/Scholastic Basketball Tournament
October	Site inspection and meeting with Executive Director of Empire State Society of Association Executives -ESSAE
November	Hosted lunch meeting with Hyatt Regency sales and service team
November	Site inspection with American Heart Association
November	Site inspection with Powerlifting Association
December	Momentum (Ungerboeck) on-site training for administrative staff
December	Interviewing for Sales and Catering Manager, following the retirement of Sue Kimmins after 44 years
December	Site inspection with William Syndrome Association
Ongoing	Regular and ongoing client outreach. Assist with securing future dates and provide updated facility information



**Buffalo Niagara Convention Center Management
Corporation**

FINANCIAL STATEMENTS

DECEMBER 31, 2023 and 2022

UNAUDITED

For presentation at the Board of Directors Meeting Wednesday February 7, 2024

BUFFALO NIAGARA CONVENTION CENTER MANAGEMENT CORP.
BALANCE SHEET
DECEMBER 31, 2023 AND 2022

UNAUDITED

	<u>2023</u>	<u>2022</u>
<u>ASSETS</u>		
Current assets:		
Cash and cash equivalents	\$ 239,104	\$ 958,809
Accounts receivable (net)	799,174	477,417
Accounts Receivable - County Grant	-	-
Inventory	49,517	44,753
Prepaid expenses	20,745	57,842
Total current assets	<u>1,108,540</u>	<u>1,538,821</u>
Property and equipment, net	<u>-</u>	<u>-</u>
Total assets	<u><u>\$ 1,108,540</u></u>	<u><u>\$ 1,538,821</u></u>

LIABILITIES AND NET ASSETS

Current liabilities:		
Short-term borrowings	\$ 200,000	\$ -
Current portion of long-term debt	-	-
Accounts payable and accrued expenses	359,585	535,888
Deferred revenue - Erie County Grant	-	-
Deferred revenue - Other	95,941	73,364
Total current liabilities	<u>655,526</u>	<u>609,252</u>
Long-term debt	-	-
Net Assets:		
Net assets - unrestricted	453,014	929,569
Total liabilities and net assets	<u><u>\$ 1,108,540</u></u>	<u><u>\$ 1,538,821</u></u>

BUFFALO NIAGARA CONVENTION CENTER MANAGEMENT CORP.
STATEMENT OF ACTIVITIES
FOR THE TWELVE MONTHS ENDED DECEMBER 31, 2023 AND 2022

UNAUDITED

	<u>Actual December 2023</u>	<u>Budget December 2023</u>	<u>\$ Variance Over (Under)</u>	<u>% Variance Over (Under)</u>	<u>Actual December 2022</u>
County Grant Funds	\$ 1,981,286	\$ 1,981,286	\$ -	0%	\$ 1,923,578
Other revenues	1,429,329	1,288,431	140,898	11%	1,734,229
Total Revenues	<u>3,410,615</u>	<u>3,269,717</u>	<u>140,898</u>	<u>4%</u>	<u>3,657,807</u>
Payroll and related costs	2,456,789	2,243,900	212,889	9%	2,312,735
Professional fees	200,254	147,399	52,855	36%	162,846
Supplies	259,438	166,369	93,069	56%	214,166
Telephone	107,624	75,951	31,673	42%	135,399
Occupancy costs	585,302	633,628	(48,326)	-8%	674,484
Equipment rental and maintenance	162,962	85,000	77,962	92%	159,980
Travel expenses	9,714	19,992	(10,278)	-51%	14,865
Promotional expenses	19,853	29,004	(9,151)	-32%	42,435
Other Expenses	78,184	46,767	31,417	67%	63,513
Capital Equipment Purchases	7,050	-	7,050	0%	95,744
Total Operating expenses	<u>3,887,170</u>	<u>3,448,010</u>	<u>439,160</u>	<u>13%</u>	<u>3,876,167</u>
Increase (decrease) in net assets	(476,555)	(178,293)	(298,262)	167%	(218,360)
Net assets - beginning	929,569	1,147,929	(218,360)	-19%	1,147,929
Net assets - ending	<u>\$ 453,014</u>	<u>\$ 969,636</u>	<u>\$ (516,622)</u>	<u>-53%</u>	<u>\$ 929,569</u>

BUFFALO NIAGARA CONVENTION CENTER MANAGEMENT CORP.
SCHEDULE OF FOOD SERVICE OPERATIONS
FOR THE TWELVE MONTHS ENDED DECEMBER 31, 2023 AND 2022

UNAUDITED

	Year To date December		Year To Date December	
	2023	%	2022	%
<u>Sales:</u>				
Sales - Food	\$ 2,338,306	81.05%	\$ 1,772,457	82.14%
Sales - Beverage	537,845	18.64%	381,627	17.69%
Sales - Vending all	8,908	0.31%	3,704	0.17%
Sales - Non-foods Other	-	0.00%	-	0.00%
Total Sales	2,885,059	100.00%	2,157,788	100.00%
<u>Cost of Sales:</u>				
Cost of Sales - Food	957,365	40.94%	691,882	32.06%
Cost of Sales - Beverage	206,003	38.30%	113,277	5.25%
Cost of Sales - Vending all	6,025	67.64%	2,775	0.13%
Cost of Sales - Non foods & Other	4,140	0.14%	25,219	1.17%
Cost of Sales - Employee meals	-	0.00%	-	0.00%
Total Cost of Sales	1,173,533	40.68%	833,153	38.61%
Gross Profit	1,711,526	59.32%	1,324,635	61.39%
<u>Operating Expenses:</u>				
Salaries & Benefits	1,092,086	37.85%	790,944	36.66%
Supplies and Freight	177,480	6.15%	95,467	4.42%
Occupancy	268,558	9.31%	94,260	4.37%
Equipment rental & maintenance	15,217	0.53%	7,261	0.34%
Promotion	19,513	0.68%	14,968	0.69%
Other	13,735	0.48%	36,517	1.69%
Total Operating Expenses	1,586,589	54.99%	1,039,417	48.17%
Net Income Food Service	\$ 124,937	4.33%	\$ 285,218	13.22%

BUFFALO NIAGARA CONVENTION CENTER MANAGEMENT CORP.
OTHER REVENUES RECAP
FOR THE TWELVE MONTHS ENDED DECEMBER 31, 2023 AND 2022

UNAUDITED

	Year to Date				
	Actual December 2023	Budget December 2023	\$ Variance Over (Under)	% Variance Over (Under)	Actual December 2022
<u>Earned Revenues:</u>					
Rentals/Rents	\$ 802,825	\$ 749,333	\$ 53,492	7%	\$ 707,483
Equipment Rentals	74,492	24,996	49,496	198%	51,316
Electrical Services	155,354	155,745	(391)	0%	116,816
Commissions	26,431	1,200	25,231	2103%	12,124
Net Catering Revenues	124,937	321,157	(196,220)	-61%	285,218
Investment Income	8,155	-	8,155	0%	-
Other	237,135	36,000	201,135	559%	561,202
 Total Other Revenues	 <u>\$ 1,429,329</u>	 <u>\$ 1,288,431</u>	 <u>\$ 140,898</u>	 <u>11%</u>	 <u>\$ 1,734,229</u>

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5M-5	ACCESS WNY	Response to COMM. 2E-26 (2024) - Veto of Local Law Intro. 9-1-2023
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	Attachments
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24COMM. 5M-5



EC LEG FEB 27 '24 PM 2:28

Arab American Community Center for Economic and Social Services

609 Ridge Road, Lackawanna, NY 14218

Phone 716-332-5901

www.accesswny.org

Fax 716-332-5924

January 29, 2024

Erie County Executive Mark Polancarz
Erie County Executive's Office
95 Franklin Street,
16th Floor Buffalo, NY 14202

Dear County Executive Mark Polancarz,

I hope this letter finds you well. I am writing on behalf of our community members and organizations to express our continued support for your leadership in Erie County while also conveying our deep disappointment regarding your recent veto of the Erie County Language Access Bill.

First and foremost, we want to emphasize our appreciation for your dedication to the welfare of Erie County and your commitment to fiscal responsibility. We recognize the importance of conducting a cost analysis to ensure that county resources are allocated judiciously. However, we believe that the veto of the Language Access Bill, which aimed to provide essential language services to our diverse community members, has left a significant void that directly impacts the well-being of our constituents.

The stated reason for the veto, requesting a cost analysis and identification of funding in the subsequent budget, is understood. Nonetheless, we firmly believe that language access is a fundamental right and a matter of equity. The ability to access county services, resources, and information in one's own language is essential for the well-being, safety, and empowerment of all members of our community.

The absence of language access not only hinders access to vital services but also perpetuates inequality and discrimination, further marginalizing our diverse and vibrant community. It is imperative that we work together to address this issue comprehensively.

In light of this, we kindly request a meeting with you to discuss the veto of the Erie County Language Access Bill further. We believe that through open dialogue and collaboration, we can find common ground and devise a solution that balances the fiscal responsibilities of the county with the urgent need to provide language access to our community members. We are confident that with your leadership, we can work towards a more inclusive and equitable Erie County.

Please let us know a convenient time for you to meet, and we will gladly accommodate your schedule. We appreciate your attention to this matter and look forward to engaging in a productive conversation that benefits our community as a whole.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Talib Abdullah MSW".

Talib Abdullah MSW
Executive Director

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT		
COMM. 5M-6	COMMUNITY ORGANIZATIONS	Response to COMM. 2E-26 (2024) - Veto of Local Law Intro. 9-1-2023
Attachments		
24COMM. 5M-6		



**PARTNERSHIP
FOR THE
PUBLIC GOOD**

617 Main Street Suite 300 Buffalo NY 14203
www.ppgbuffalo.org

EC LEG FEB 27 '24 PM 2:28

Dear Erie County Legislators and County Clerk Owens,

Please find below statements from Partnership for the Public Good, The New York Immigration Coalition and ACCESS of WNY, expressing our disappointment and concern at the County Executive's veto of the Erie County Language Access Law. We would like to formally submit these items to the Legislature, and request to speak on this issue at a committee meeting as soon as possible.

"In December 2023, the Erie County Legislature passed the Erie County Language Access Act, a county-wide, comprehensive language access law mandating the development of department-specific Language Accessibility plans, practices, and training for the top 6 languages, as well as American Sign Language, utilized by community members in the County.

Unfortunately, in January 2024, the Language Access bill was vetoed by County Executive Mark Poloncarz with no notice or discussion with the community leaders who shaped the law. We are disheartened by the decision to block this historic accomplishment for Erie County, to be the first to pass language access by local law (rather than by county executive order) in New York State.

On behalf of all residents who have shared their expertise and harrowing stories, we urge the legislature to convene a revision committee and adopt a revised law as soon as possible. This committee can address the concerns raised by County Executive Poloncarz in his veto message, which we believe do not require major changes to the current draft of the law.

We encourage the County Executive office, county departments and the Erie County Legislature to work together on the imperative need of language access for constituents. We must end the isolation and discrimination of disadvantaged communities and ensure prosperity for all County residents for the betterment of Western New York."

Partnership for the Public Good

"The Erie County Language Access Act was passed after three years of tireless work by the Erie County Language Access Working group. Last year in Erie County, it became a life-or-death matter when two immigrants tragically passed away during a blizzard because they did not receive weather warnings in their language. Moreover, an audit report conducted by the Office of State Comptroller revealed the devastating failings of county departments of the Department of Motor Vehicles in providing interpretation services and translating documents. This veto is truly devastating. By vetoing this historic bill, County Executive Poloncarz has made clear that he is not only firmly turning his back on immigrant and refugee communities in his county, but he's also telling those same constituents that they do not deserve equal access to the same government services and information as their neighbors—even in life-or-death circumstances. We will continue our fight for language justice and equity because it's the right thing to do to keep every New Yorker safe and secure."

Murad Awawdeh, Executive Director, New York Immigration Coalition

In addition, find the attached letter to County Executive Poloncarz on behalf of Talib Abdullah, Executive Director of Access of WNY. We look forward to further discussion and collaboration on this vital piece of legislation.

Kind Regards,

Dejia Marie James
Director of Policy Advancement & Media
Partnership for the Public Good

Erie County Legislature
Meeting Date: 03/07/2024

SUBJECT

COMM. 5M-7

BOARD OF HEALTH
CHAIRMAN

Proposed EC Sanitary Code

Attachments

24COMM. 5M-7



COUNTY OF ERIE

GALE R. BURSTEIN, MD, MPH
COMMISSIONER OF HEALTH

February 15, 2024

SENT TO: CITY, TOWN & VILLAGE CLERKS
CLERK OF THE COUNTY
LEGISLATURE
COUNTY EXECUTIVE

Attached hereto please find a copy of the proposed Erie County Sanitary Code, Article XXIII, Permitting, Inspection and Enforcement of Retail Tobacco Product Businesses, Retail Vapor Product Businesses and Retail Smoking Paraphernalia Businesses. This proposed new article is hereby being filed pursuant to the Erie County Administrative Code, Section 5.05(b).

A Public Hearing relative to the proposed new article will be held on March 19, 2024 at 3:00 P.M immediately preceding an Erie county Board of Health meeting in the 4th Floor Conference Room at 110 Franklin St., Buffalo, NY 14202.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert A. Free", with a long horizontal flourish extending to the right.

Robert Free
Chairman
Erie County Board of Health

Article XXIII

Permitting, Inspection and Enforcement of Retail Tobacco Product Businesses, Retail Vapor Product Businesses and Retail Smoking Paraphernalia Businesses

General Provisions

Section

1.1 Introduction. There exists within the County of Erie businesses that are retail merchants of tobacco, vapor products and smoking paraphernalia. These businesses are required to follow all laws, codes and regulations within New York State, including but not limited to NYS Public Health Law Articles 13-E (Regulation of Smoking and Vaping in Certain Public Areas) and Article 13-F (Regulation of Tobacco Products, Herbal Cigarettes and Smoking Paraphernalia; Distribution to Minors). Through years of inspections it has been determined that these businesses need to be regulated at the local level to ensure compliance. Therefore, the establishment of a permit and local code is needed to keep these harmful products out of the hands of individuals under 21 years of age and to eliminate the sale of all prohibited products to the residents and visitors of Erie County.

1.2 Purposes. It is hereby declared that the purpose of this Article is to protect, preserve and promote the health and well-being of the people by minimizing and/or eliminating the exposure to second hand smoke, minimizing and or eliminating the sale of tobacco and vapor products and smoking paraphernalia to those under 21 years of age and minimizing and/or eliminating the sale of prohibited tobacco and vapor products.

1.3 Title. This article shall be known and cited as the Erie County Sanitary Code Article XXIII.

1.4 Application and Scope.

(a) Application. The requirements of this article shall:

(1) When adopted by the appropriate local authority, apply within Erie County.

(2) Apply to all Retail Tobacco Product Businesses (including any wholesale activities taking place within the same building), Retail Vapor Product Businesses and/or Smoking Paraphernalia Businesses.

(3) The Erie County Commissioner of Health may direct enforcement of this article on any Retail Tobacco Product Business, Retail Vapor Product Business and/or Smoking Paraphernalia Business that poses a danger or hazard to public health and safety.

(b) Scope.

(1) It is intended that the application of the provisions of this Article be consistent with the provisions of all Federal, State and local laws, codes, rules and regulations: provided, however, that where the provisions of this Article are more restrictive, they shall govern, and where the provisions of such applicable Federal, State, or local laws, codes, rules and regulations are more restrictive, they shall govern.

(2) If any provisions of this Article are held invalid, such invalidity shall not affect other provisions which shall be given effect without the invalid provision.

1.5 Definitions

(a) ADULT ONLY ESTABLISHMENT means a retail business where the operator ensures or has a reasonable basis to believe (by checking the identification) that no person under the age of 21 years old is permitted entrance.

(b) APPLICANT means a person seeking a Tobacco, Vapor or Smoking Paraphernalia Retail Permit.

(c) DEPARTMENT means the Erie County Department of Health (ECDOH).

(d) ELECTRONIC CIGARETTE or E-CIGARETTE means an electronic device that delivers vapor which is inhaled by an individual user, and shall include any refill, cartridge and any other component of such device.

(e) LEGAL AGE means a person that is 21 years of age or older.

(f) PERSON means an individual, firm, company, corporation, partnership, sole proprietor, limited partnership or association.

(g) PROHIBITED PRODUCT means any tobacco or vapor product defined in Federal regulations, New York State Public Health Law Article 13-F or any local law or code as prohibited for sale.

(h) RENEWED RETAIL TOBACCO PRODUCT BUSINESS PERMIT means a Retail Tobacco Product Business Permit issued to an Applicant for the same location at which the Applicant possessed a valid Retail Tobacco Product Business Permit during the previous year.

(i) RENEWED SMOKING PARAPHERNALIA PROUCT BUSINESS means a Retail Smoking Paraphernalia Business Permit issued to an Applicant for the same location at which the Applicant possessed a valid Retail Smoking Paraphernalia Business Permit during the previous year.

(j) RENEWED RETAIL VAPOR PRODUCT BUSINESS PERMIT means a Retail Vapor Product Business Permit issued to an Applicant for the same location at which the Applicant possessed a valid Retail Vapor Product Business Permit during the previous year.

(k) RETAIL SMOKING PARAPHERNALIA BUSINESS means a sole proprietorship, Limited Liability Company, corporation, partnership or other enterprise in which the primary activity is the retail sale any pipe, hookah, rolling papers, electronic cigarette, vaporizer or any other device, equipment or apparatus designed for the inhalation of tobacco, nicotine or cannabis.

(l) RETAIL TOBACCO PRODUCT BUSINESS means a sole proprietorship, limited liability company, corporation, partnership or other enterprise in which the primary activity is the retail sale of tobacco products and accessories, and in which the sale of other products is merely incidental.

(m) RETAIL VAPOR PRODUCT BUSINESS means a sole proprietorship, limited liability company, corporation, partnership or other enterprise in which the primary activity is the retail sale of vapor products and accessories, and in which the sale of other products is merely incidental.

(n) SCHOOL means any public or private school (pre-school, nursery school, elementary school or secondary school) as defined by New York State Education Department and/or New York State Public Health Law Article 13-F and/or New York State Public Health Law Article 13-E

(o) SCHOOL GROUNDS mean any building, structure, and surrounding outdoor grounds contained within a public or private pre-school, nursery school, elementary school or secondary school's legally defined property boundaries as registered in a County Clerk's office, and any vehicles used to transport children or school personnel.

(p) SMOKING means the burning of a lighted cigarette, cigar, pipe or any other matter or substance which contains tobacco or cannabis as defined in section 222.00 of the penal law, or cannabinoid hemp as defined in section three of the cannabis law.

(q) SMOKING PARAPHERNALIA means any pipe, hookah, rolling papers, electronic cigarette, vaporizer or any other device, equipment or apparatus designed for the inhalation of tobacco, nicotine or cannabis.

(r) SMOKING PARAPHERNALIA RETAILER means a person possessing a Retail Smoking Paraphernalia Permit from the Department to sell Smoking Paraphernalia.

(s) TOBACCO BUSINESS means a sole proprietorship, limited liability company, corporation, partnership or other enterprise in which the primary activity is the sale, manufacture or promotion of tobacco, tobacco products and accessories, either wholesale or retail, and in which the sale, manufacture or promotion of other products is merely incidental.

(t) TOBACCO PRODUCT means one or more cigarettes or cigars, bidis, chewing tobacco, powdered tobacco, nicotine water or any other tobacco products.

(u) TOBACCO PRODUCT RETAILER means a person possessing a Retail Tobacco Permit from the Department to sell Tobacco Products.

(v) VAPING means the use of an electronic cigarette.

(w) VAPOR PRODUCT means any non-combustible liquid or gel, regardless of the presence of nicotine therein, that is manufactured into a finished product for use in an electronic cigarette, including any device that contains such non-combustible liquid or gel.

(x) VAPOR PRODUCT RETAILER means a person possessing a Retail Vapor Product Permit from the Department to sell Vapor Products.

1.6 Inspection

(1) The Erie County Commissioner of Health or their designated representative may without hindrance or fee, make inspections to determine compliance with the provisions of this Article and NYS Public Health Law Article 13-E and/or Article 13-F.

(2) For purpose of making such inspections, the Department is hereby authorized to enter, examine and survey all retail/wholesale areas of the business, all storage areas of the business and any office areas of the business. Except for emergencies, or where authorized by other law such inspections shall be made during the operating hours of the business.

(3) The owner and/or the operator shall give the Erie County Commissioner of Health or their designated representative access to the retail areas, storage areas and/or office areas of the business, or parts thereof for the purpose of such an inspection.

2.0 Retail Tobacco Product Business, Vapor Product Businesses and Smoking Paraphernalia Business: Permit to Operate

(a) No person shall operate a Retail Tobacco Product Business, Retail Vapor Product Business and/or Retail Smoking Paraphernalia Business or cause or allow the same to be operated, without a permit from the Department.

(b) Application for a permit shall be made on a form specified by the Department, by the person to the Department at least 30 business days prior to initial operation, the expiration of an existing permit or upon any change in name, ownership or person.

(c) The Department shall issue a permit if the Retail Tobacco Product Business, Retail Vapor Product Business and/or Retail Smoking Paraphernalia Business conforms or will conform at the time of operation to the requirements of this Article and will not present a danger to the health and safety of the employees and the general public. An applicant's past history of compliance or non-compliance will be a consideration in evaluating the previously mentioned criteria.

(d) A permit may be denied, revoked or suspended by the Department if the Retail Tobacco Product Business, Retail Vapor Product Business and/or Retail Smoking Paraphernalia Business is maintained or operated in violation of the New York State Public Health Law, this Article or other applicable laws, rules or codes. Before denial, suspension or revocation of a permit or after receipt of a notice of violation, the person shall have the right to an office conference to appeal the decision to the Department, except when a public health hazard exists, a permit may be temporarily suspended pending a hearing. A permit will also be revoked upon request of the person or upon abandonment of the operation. Following the revocation, an application shall be filed for a new permit and a satisfactory inspection be performed before resumption of operation.

(e) A permit for a Retail Tobacco Product Business, Retail Vapor Product Business and/or Retail Smoking Paraphernalia Business shall be issued for a period of not more than one (1) year from the date of issuance. A permit shall not be transferrable or assignable and shall expire upon a change of the person of the Retail Tobacco Product Business, Retail Vapor Product Business and/or Retail Smoking Paraphernalia Business or upon the date specified by the Department.

(f) The permit requires that at least one employee be currently certified as taken the NYS Tobacco Sales Training Program administered by a New York State Department Of Health approved entity during all operating hours. Proof of certification MUST be kept on site or with the certified individual and must be presented to the Department when

requested. Failure to have a certified individual present during operating hours will result in immediate closure of the establishment until such time a certified individual is available and present at the establishment. Noncompliance will be considered a violation of this Article.

(g) The Department shall be allowed entry, as specified in Section 1.6 of this Article, for the purpose of inspection.

(h) The permit issued for the operation of a Retail Tobacco Product Business, Retail Vapor Product Business and/or Retail Smoking Paraphernalia Business shall be posted in a conspicuous place in public view.

(i) The Department may establish procedures for the exchange of information with other State and local governmental agencies having responsibilities for making health and safety inspections of buildings, including Retail Tobacco Product Business, Retail Vapor Product Business and/or Retail Smoking Paraphernalia Business as defined in this Article, and/or Federal, State, County or Local Law enforcement agencies and may utilize the information provided by any such agency in making a determination regarding the issuance, denial or revocation of a permit required by this article.

2.1 Retail Tobacco Product Business, Retail Vapor Product Businesses and Retail Smoking Paraphernalia Business: Permit Fee

(a) A fee, established by the Erie County Legislature, per permit year shall be submitted with the application/re-application for any Retail Tobacco Product Business, Retail Vapor Product Businesses and/or Retail Smoking Paraphernalia Business. A permit fee shall be required for each business type.

3.0 Enforcement

(a) Permits and Placarding

(1) The Department shall order any facility operating without a permit as required in Section 2.0 to close, and remain closed until a valid permit for operation of the business is obtained.

(2) The enforcement procedures delineated in the NYS Public Health Law, the Erie County Sanitary Code or otherwise provided by law shall be used as applicable. Where a public health hazard, as determined by the Commissioner of Health, is found, the Retail Tobacco Product Business, Retail Vapor Product Business and/or Retail Smoking Paraphernalia Business shall be placarded to prohibit operation until the public health hazard is corrected, in order to protect

public health and safety. When a placard is used, it shall be conspicuously posted at each entrance of the Retail Tobacco Product Business, Retail Vapor Product Business and/or Retail Smoking Paraphernalia Business. The placard shall state the authority for its placement and indicate that concealment, mutilation, alteration or removal of it by any person without permission of the Department shall constitute a violation of the Erie County Sanitary Code and NYS Public Health Law.

(3) As soon as possible, but no more than 15 business days after placarding the Retail Tobacco Product Business, Retail Vapor Product Business and/or Retail Smoking Paraphernalia Business, the person shall be provided with an opportunity to be heard and present evidence that continued operation of the business does not constitute a danger to the public.

(4) The Department shall inspect the Retail Tobacco Product Business, Retail Vapor Product Business and/or Retail Smoking Paraphernalia Business within two business days of the notification that the hazard has been eliminated. The placards will be removed after the Department verifies that the hazard has been eliminated.

(5) For serious, repeated or persistent violations of the requirements of this Article, or for interference with the Commissioner of Health or their designated representative in the performance of their duties, the permit may be revoked after notice and an opportunity for a hearing has been provided.

(b) Public Health Hazards

For purposes of this Article, any of the following are public health hazards which require immediate correction or remedial action and which require the Department to order immediate correction or to immediately institute action as provided in Section 3.0 (a) of this article.

- (1) the offering for sale and/or sale of any prohibited product
- (2) the sale of any age restricted product to an individual under the age of 21 years
- (3) the denial of access for inspection according to Section 1.6 of this article
- (4) the failure to provide proof of a valid registration/license/permit from any required Federal, State or Local Agency

(5) any other condition the Commissioner of Health deems a public health hazard

(c) Violations

(1) Evidence of a violation of this Article discovered during such inspection shall not be used against the violator in either a criminal or civil proceeding except under the following conditions:

(i) Written notice of said violation shall be left with or mailed to the business and/or person responsible for correction of such violation or in the alternative, such notice shall be posted in a conspicuous place upon the structures, equipment, exterior property, premises or parts thereof where the violation is discovered.

(d) Fines and Surcharge

(1) Fines

(i) In addition to any other applicable penalty provided for by law, the Commissioner of Health may impose a civil penalty for a violation of this article in an amount not to exceed that set forth in NYS Public Health Law Article 13-E and /or Article 13-F, or as stated in the Erie County Sanitary Code. The fine for offering or selling a prohibited flavored vapor product, first offense, shall be no less than \$100 for each product offered or sold, a second and subsequent offense shall have a fine of not less than \$250-\$1000 for each product offered or sold.

(2) Surcharge

(i) The Department will assess, in addition to the NYS surcharge, a surcharge of \$200 for every violation, to be used to conduct inspections or provide education on this Article and NYS Public Health Law Articles 13-E and 13-F.