

**ERIE COUNTY LEGISLATURE
MEETING NO. 20
NOVEMBER 17, 2022**

The Legislature was called to order by Chair Baskin.

All members present.

An Invocation was held, led by Mr. Mills, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Bargnesi.

Item 1 – CHAIR BASKIN directed that the agenda be taken out of order and the next item for consideration shall be COMM. 20E-16.

GRANTED.

MR. MEYERS presented the following communication and moved for immediate consideration. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RE: Appointment to Fill Vacancy in
the Third Legislative District
(COMM. 20E-16)

November 15, 2022

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Appointment to Fill Vacancy in the Third Legislative District

Dear Mr. Graber:

Please be advised that the Democratic Caucus of the Erie County Legislature will take the necessary measures at the November 17, 2022 legislative session to make an appointment to fill the vacancy in the Third Legislative District.

Thank you for your assistance and courtesies.

Sincerely,

April N.M. Baskin
Chair, Erie County Legislature

November 15, 2022

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Appointment of Michael H. Kooshoian to Fill Vacancy
in the Third Legislative District

Dear Mr. Graber:

Pursuant to Section 2605 of the Erie County Charter, we the undersigned, representing a majority of the members of the Erie County Legislature representing the Democratic Party, do hereby nominate Michael H. Kooshoian, of Tonawanda, New York, a duly-qualified elector of the Third Legislative District having the same political affiliation as the person last elected to such office, for the appointment to fill the vacancy in the position of Third District Legislator. Said appointment shall take effect immediately upon a vote, pursuant to the Charter.

Sincerely,

Howard J. Johnson, Jr.
Legislator, District 1

April N.M. Baskin
Legislator, District 2

John A. Bargnesi, Jr.
Legislator, District 4

Jeanne M. Vinal
Legislator, District 5

Timothy J. Meyers
Legislator, District 7

John J. Gilmour
Legislator, District 9

MR. MEYERS moved to receive, file and print the communication. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved to approve the appointment. MR. GILMOUR seconded.

CHAIR BASKIN directed that a roll-call vote be taken, among members of the Erie County Legislature of the Democratic Caucus, on the appointment.

AYES: MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. MEYERS and MS. VINAL. NOES: None. (AYES: 6; NOES: 0)

CARRIED UNANIMOUSLY.

Item 2 – No tabled items.

Item 3 – No items for reconsideration from previous meeting.

Item 4 – MR. MEYERS moved for the approval of the minutes for Meeting Number 19 from 2022. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Item 5 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 6 – CHAIR BASKIN presented a proclamation Acknowledging Prematurity Awareness Month.

Item 7 – MR. BARGNESI presented a proclamation Celebrating and Recognizing Classic Lanes.

Item 8 – MR. JOHNSON presented a proclamation Acknowledging and Recognizing United States Antibiotic Awareness Week.

Item 9 – MR. JOHNSON presented a proclamation Acknowledging and Honoring National Day of Giving.

Item 10 – MS. VINAL presented a proclamation Honoring and Recognizing Leroi Johnson.

Item 11 – MS. VINAL presented a proclamation Recognizing the Make LemonAide Foundation and the Grand Opening of First Step Buffalo.

Item 12 – MS. VINAL presented a proclamation Recognizing Victoria Reynolds During National Veterans Small Business Week.

Item 13 – MR. LORIGO presented a proclamation Honoring the Aktion Club on Its Twentieth Anniversary.

Item 14 – MR. GREENE presented a proclamation Recognizing Alpha-1 Antitrypsin Deficiency Awareness Month.

Item 15 – MR. GREENE presented a proclamation Recognizing The Notorious D.O.G. on Small Business Saturday.

Item 16 – MR. GREENE presented a proclamation Recognizing Penny Lane Cafe on Small Business Saturday.

Item 17 – MR. GREENE presented a proclamation Recognizing Merkins Mercantile on Small Business Saturday.

Item 18 – MR. TODARO presented a proclamation Recognizing Dennis Crawley as Coach of the Year.

Item 19 – MR. TODARO presented a proclamation Welcoming the Bathe Store to Lancaster.

Item 20 – MR. TODARO presented a proclamation Welcoming Symposium Wine Bar to Lancaster.

Item 21 – MR. TODARO presented a proclamation Welcoming West Main Jewelers to Lancaster.

Item 22 – MR. TODARO presented a proclamation Welcoming Gabrielle’s Bakery to Lancaster.

Item 23 – MR. MILLS presented a proclamation Recognizing Ginger Snap Patisserie on Small Business Saturday.

Item 24 – MR. MILLS presented a proclamation Recognizing Village Togs on Small Business Saturday.

Item 25 – MR. MILLS presented a proclamation Honoring Orchard Park Police Captain Daniel Lagoda on His Promotion to Captain.

Item 26 – MR. MILLS presented a proclamation Celebrating James Benzinger on His 100th Birthday.

MR. MEYERS moved for consideration of the above twenty-one items. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved to amend the above twenty-one items by adding one from all members, and by including Et Al Sponsorship. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above twenty-two items as amended. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 27 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2022 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 28 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 168

November 10, 2022	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 18
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR JOHNSON.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

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

a. COMM. 19M-1 (2022)
EXECUTIVE DIRECTOR OF NFTA: “NFTA Cash Flow Statements”
(Chair’s Ruling)

2. COMM. 19E-12 (2022)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works (DPW), Division of Buildings and Grounds previously contracted with Bergmann and Associates to develop an inventory of vertical assets approved by the Legislature via COMM. 10E-25 (2022) on June 9, 2022; and

WHEREAS, DPW, Division of Highways maintains a Geographic Information System (GIS) for asset management and wishes to expand the highway asset inventory capabilities and add a work order system; and

WHEREAS, implementing a Cartegraph software system, DPW will be able to develop a new asset management and work order system, which will result in more efficiencies when responding to work orders, managing staff, as well as responding to the public with consistent and accurate data; and

WHEREAS, DPW, Division of Highways, determined that Bergmann and Associates has the appropriate experience in design, GIS technical services, and implementation services utilizing the New York State Office of General Services professional service contract; and

WHEREAS, in order for DPW, to manage an aging infrastructure and respond to County facilities deficiencies with electronic processes, Legislative approval is required to enter into a

contract amendment with Bergmann and Associates in an amount not to exceed \$50,000 to perform this work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a contract amendment with Bergmann and Associates for providing consulting services to assist DPW with the implementation of the Cartegraph software system for GIS asset inventory and a work order system in the Division of Highways for an amount not to exceed \$50,000; and be it further

RESOLVED, that the contract with Bergmann and Associates will be amended in the following amounts:

Comm:	Design	Contingency	Total
10E-25 authorized	\$ 300,000	\$ 0.00	\$ 300,000
Proposed resolution	\$ 350,000	\$ 0.00	\$ 350,000
Increase/(Decrease)	\$ 50,000	\$ 0.00	\$ 50,000
% Increase/(Decrease)	17%	0%	17%

and be it further

RESOLVED, that purchasing authority for this contract amendment is provided under the New York State Office of General Services; and be it further

RESOLVED, that the Comptroller’s Office is hereby authorized to make payments to Bergmann Associates for the Highway Asset Project from Capital Project B.21161 – 2021 IT & GIS Equipment, Fund 420, Funds Center 123; and be it further

RESOLVED, that five (5) certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller, and the Division of Purchase.

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

3. COMM. 19E-13 (2022)
COUNTY EXECUTIVE

WHEREAS, the Cigar Factory Project consists of the new construction of a residential building with a commercial storefront located in the City of Buffalo that will include eleven (11) affordable rental units for multi-family housing located at 591 and 595 Fillmore Avenue, Buffalo, NY 14212; 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 Broadway Fillmore Neighborhood Housing Services Inc., to operate the housing project it is necessary to extend tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Broadway Fillmore Neighborhood Housing Services Inc., and the City of Buffalo, and any other organizations necessary to conclude this PILOT Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.
(4-0) Chair Baskin not present for vote.

SCHEDULE A
PILOT Payments

Year	PILOT	City	County
1	\$ 1,740	\$ 1,305	\$ 435
2	\$ 1,792	\$ 1,344	\$ 448
3	\$ 1,846	\$ 1,385	\$ 462
4	\$ 1,902	\$ 1,426	\$ 475
5	\$ 1,959	\$ 1,469	\$ 490
6	\$ 2,017	\$ 1,513	\$ 504
7	\$ 2,078	\$ 1,558	\$ 519
8	\$ 2,140	\$ 1,605	\$ 535
9	\$ 2,204	\$ 1,653	\$ 551
10	\$ 2,271	\$ 1,703	\$ 568
11	\$ 2,339	\$ 1,754	\$ 585
12	\$ 2,409	\$ 1,807	\$ 602
13	\$ 2,481	\$ 1,861	\$ 620
14	\$ 2,555	\$ 1,917	\$ 639
15	\$ 2,632	\$ 1,974	\$ 658

4. COMM. 19E-14 (2022)
COUNTY EXECUTIVE

WHEREAS, DePaul Properties Inc. Project consists of the new construction of one-hundred-fifty (150) affordable rental units for multi-family housing located at 2633 Delaware Avenue, 2629 Delaware Avenue and 291 Virgil Street, Buffalo, NY 14216; 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 DePaul Delaware Avenue LLC, DePaul Delaware Avenue Housing Development Fund Company, Inc. to operate the housing project it is necessary to extend tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with DePaul Delaware Avenue LLC, DePaul Delaware Avenue Housing Development Fund Company, Inc., and the City of Buffalo, and any other organizations necessary to conclude this PILOT Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.
(4-0) Chair Baskin not present for vote.

**SCHEDULE A
PILOT Payments**

Year	Total	City	County
1	28,529	21,397	7,132
2	29,385	22,039	7,346
3	30,267	22,700	7,567
4	31,175	23,381	7,794
5	32,110	24,082	8,027
6	33,073	24,805	8,268
7	34,065	25,549	8,516
8	35,087	26,316	8,772
9	36,140	27,105	9,035
10	37,224	27,918	9,306
11	38,341	28,756	9,585
12	39,491	29,618	9,873
13	40,676	30,507	10,169
14	41,896	31,422	10,474
15	43,153	32,365	10,788

5. **COMM. 19E-15 (2022)
COUNTY EXECUTIVE**

WHEREAS, Magnolia Housing Buffalo Project consists of the acquisition and rehabilitation of two deteriorated apartment buildings in the City of Buffalo into twenty-four (48) affordable rental units for multi-family housing located at 395 Tonawanda Street and 840 Tonawanda Street, Buffalo, NY 14207; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Magnolia Housing LLC, Magnolia Housing Development Fund Company, Inc. to operate the housing project it is necessary to extend tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Magnolia Housing LLC, Magnolia Housing Development Fund Company, Inc., Inc., and the City of Buffalo and any other organizations necessary to conclude this PILOT Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.

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

**SCHEDULE A
PILOT Payments**

Year	Total	City	County
1	\$13,383	\$10,037	\$3,346
2	\$13,785	\$10,339	\$3,446
3	\$14,199	\$10,649	\$3,550
4	\$14,625	\$10,969	\$3,656
5	\$15,063	\$11,297	\$3,766
6	\$15,515	\$11,636	\$3,879
7	\$15,980	\$11,985	\$3,995
8	\$16,459	\$12,344	\$4,115
9	\$16,952	\$12,714	\$4,238
10	\$17,461	\$13,096	\$4,365
11	\$17,985	\$13,489	\$4,496
12	\$18,525	\$13,894	\$4,631
13	\$19,081	\$14,311	\$4,770
14	\$19,653	\$14,740	\$4,931
15	\$20,243	\$15,182	\$5,061

**TIMOTHY J. MEYERS
ACTING CHAIR**

Item 29 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 169

November 10, 2022	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 15
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ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 19E-19 (2022)
COUNTY EXECUTIVE “Erie County Community Climate Action Plan Term Contract Agreement Work Order”
(Chair’s Ruling)
 - b. COMM. 19M-6 (2022)
ERIE COUNTY WATER AUTHORITY: “Extract from the Minutes of the Meeting of the ECWA - October 29, 2022”
(Chair’s Ruling)

2. COMM. 16E-11 (2022) AS AMENDED
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning through its Division of Sewerage Management has the responsibility to operate and maintain over 1,100 miles of sewers, close to 100 pumping stations, five (5) overflow retention facilities, and six (6) wastewater treatment plants; and

WHEREAS, due to the age, condition, and complexity of the existing Erie County Sewer District facilities, numerous problems arise that require engineering solutions; and

WHEREAS, the Erie County Sewer Districts also face regulatory requirements that necessitate detailed engineering evaluation and study; and

WHEREAS, it is not practical to issue proposals for each and every small engineering project; and WHEREAS, it is further recognized that there is the need to have engineering assistance on standby for time critical projects; and

WHEREAS, the Division of Sewerage Management issued a request for proposals for engineering assistance on a term contract basis and received eighteen (18) timely responses from engineering firms; and

WHEREAS, in accordance with Section 26.08 of the Erie County Administrative Code, an evaluation committee scored all responses using a consistent rating matrix; and

WHEREAS, the top ten (10) ranked firms submitting proposals have been recommended by the Division of Sewerage Management to perform the requested services.

NOW, THEREFORE, BE IT

RESOLVED, that agreements for engineering term contract services with AECOM (One John James Audubon Pkwy – Suite 210, Amherst, NY, 14228), Arcadis of New York, Inc. (50 Fountain Plaza, Suite 600, Buffalo, New York 14202), Brown & Caldwell (247 W. Fayette St, Suite 204, Syracuse, NY 13202), DiDonato Engineering and Design Professionals (689 Main Street, Buffalo, New York 14203), Erdman Anthony (11 Century Hill Dr., Suite 105, Latham, New York, 12110), GHD Consulting Services, Inc. (285 Delaware Ave, Suite 500, Buffalo, New York 14202), JMDavidson (935 Sheridan Dr, Tonawanda, NY 14150), LaBella Associates PC (300 Pearl St, Suite 130, Buffalo, NY 14202), Ramboll (400 Andrews St, Harro East Building Suite 710, Rochester, NY 14604) and Wendel Companies (375 Essjay, Suite 200, Williamsville, New York 14221) in an amount not to exceed \$250,000.00 each over a three (3) year period are hereby approved; and be it further

RESOLVED, that the County Executive is authorized to execute said agreements subject to approval as to form by the County Attorney and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the amount not to exceed \$250,000.00 over a three (3) year period for an engineering firm may only be increased by a subsequent Legislative resolution; and be it further

RESOLVED, that no individual assignment issued under these agreements be greater than \$75,000.00; and be it further

RESOLVED, that individual work orders may be funded from any Sewer Capital Project in Fund 430, the Sewer Operating Fund 220 (including business areas 181, 182, 183, and 186, Account 516020 (Professional Service Contracts)), and/or Capital Project No. C.21150 (American Rescue Plan funds) as determined by the Deputy Commissioner of the Division of Sewerage Management; and be it further

RESOLVED, that the Division of Sewerage Management, be required to notify the Legislature of each project assigned to an engineering firm under this resolution; and be it further

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

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Budget and

Management, Richard Stanton, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.
(6-0)

TIMOTHY J. MEYERS
CHAIR

Item 30 – MR. MEYERS presented the following report, moved to separate item Number 4, and approve the balance of the report. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 170

November 10, 2022	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT, EXCEPT FOR LEGISLATOR JOHNSON.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 14E-29 (2022)
COMPTROLLER “Letter to Sheriff Regarding Stadium Pay for Managerial-Confidential Employees”
(Chair’s Ruling)
 - b. COMM. 18E-4 (2022)
COMPTROLLER: “3rd Quarter Managerial Confidential Overtime Report”
(Chair’s Ruling)
 - c. COMM. 18E-29 (2022)
COMPTROLLER: “Department of Law Risk Retention Fund Spending - August 2022”
(Chair’s Ruling)
 - d. COMM. 18D-3 (2022)
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report for Period Ending August 2022”
(Chair’s Ruling)
 - e. COMM. 19M-7 (2022)
EXECUTIVE DIRECTOR OF BUFFALO PLACE: “Documents Concerning Special Charge Levy”
(Chair’s Ruling)
2. COMM. 1D-1 (2022) 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 240137 through 240148, 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 2022 Petition No. 240,137.00

ASSESSOR Cancel \$3,890.21
S-B-L 79.07-1-22 1230 Eggert Rd 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$3,890.21 Town/SpecialDist/School
Charge To : 142289 AMHERST \$3,890.21
Relevy School \$3,890.21 142201 AMHERST CENTRAL

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

FISCAL YEAR 2022 Petition No. 240,138.00

ASSESSOR Refund\$1,024.84
S-B-L 336.17-1-36 4 S Edgewood Dr 143801 SPRINGVILLE

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,024.84 Town/SpecialDist/School
Charge To : 143801 SPRINGVILLE \$1,024.84
Relevy School \$1,024.84 143801 SPRING-GRIFFITH

RPTL 550(3): Incorrect square footage
Refund to be issued to Richard & Susan Mertowski

FISCAL YEAR 2022 Petition No. 240,139.00

ASSESSOR Cancel \$4,330.53
S-B-L 145.00-1-20.111 331 Pound Rd 144200 ELMA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$4,330.53 Town/SpecialDist/School
Charge To : 144200 ELMA \$4,330.53
Relevy School \$4,330.53 144201 IROQUOIS CENTRAL

RPTL 550(3): Increased assessment for improvement to wrong SBL
New tax bill to be issued.

FISCAL YEAR 2022 Petition No. 240,140.00

ASSESSOR Cancel \$1,014.13
S-B-L 148.00-11-20.11 2468 Eldridge Rd 145400 MARILLA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,014.13 Town/SpecialDist/School
Charge To : 145400 MARILLA \$1,014.13
Relevy School \$1,014.13 144201 IROQUOIS CENTRAL

RPTL 550(3): Incorrect square footage
New tax bill to be issued.

FISCAL YEAR 2022 Petition No. 240,141.00

ASSESSOR Cancel \$354.95
S-B-L 157.00-6-10./GG Four Rod Rd 145400 MARILLA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$354.95 Town/SpecialDist/School
Charge To : 145400 MARILLA \$354.95
Relevy School \$354.95 144201 IROQUOIS CENTRAL

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

FISCAL YEAR 2022 Petition No. 240,142.00

ASSESSOR Cancel \$1,470.87
S-B-L 173.19-3-28 Jewett Holmwood 146089 ORCHARD PARK

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,470.87 Town/SpecialDist/School
Charge To : 146089 ORCHARD PARK \$1,470.87
Relevy School \$1,470.87 146001 ORCH PARK CENTRAL

RPTL 550(7): Failed to move parcel to RS8, wholly exempt.
New tax bill to be issued.

FISCAL YEAR 2022 Petition No. 240,143.00

ASSESSOR Cancel \$55.86
S-B-L 173.19-3-29 Edgewood Farm Ln 146089 ORCHARD PARK

Acct. No. 112 \$0.00 County
Acct. No. 132 \$55.86 Town/SpecialDist/School
Charge To : 146089 ORCHARD PARK \$55.86
Relevy School \$55.86 146001 ORCH PARK CENTRAL

RPTL 550(7): Failed to move parcel to RS8, wholly exempt
New tax bill to be issued.

FISCAL YEAR 2022 Petition No. 240,144.00

ASSESSOR Cancel \$186.19
S-B-L 173.19-3-27 Jewett Holmwood 146089 ORCHARD PARK

Acct. No. 112 \$0.00 County
Acct. No. 132 \$186.19 Town/SpecialDist/School
Charge To : 146089 ORCHARD PARK \$186.19
Relevy School \$186.19 146001 ORCH PARK CENTRAL

RPTL 550(7): Failed to move parcel to RS8, wholly exempt
New tax bill to be issued.

FISCAL YEAR 2022 Petition No. 240,145.00

ASSESSOR Cancel
S-B-L 78.32-6-19 1181 Kenmore Ave 146401 KENMORE

Acct. No. 112 \$0.00 County
Acct. No. 132 Town/SpecialDist/School
520 Code SC520 \$6,102.56
Charge To : 146401 KENMORE
Relevy School \$4,868.60 146401 KEN-TON UNION FREE

RPTL 550(7): Failed to move parcel to RS8, wholly exempt and applied
exemption removal charge in error
New tax bill to be issued.

FISCAL YEAR 2022 Petition No. 240,146.00

ASSESSOR Cancel \$35,119.56
S-B-L 52.16-1-12 75 Pirson Pkwy 146489 TONAWANDA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$35,119.56 Town/SpecialDist/School
Charge To : 146489 TONAWANDA \$35,119.56
Relevy School \$35,119.56 146401 KEN-TON UNION FREE

RPTL 550(7): Failed to move parcel to RS8, wholly exempt
New tax bill to be issued.

FISCAL YEAR 2022 Petition No. 240,147.00

ASSESSOR Cancel \$5,246.11
S-B-L 555.00-65-1.1 Special Franchise 146489 TONAWANDA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$5,246.11 Town/SpecialDist/School
Charge To : 146489 TONAWANDA \$5,246.11
Relevy School \$5,246.11 146401 KEN-TON UNION FREE

RPTL 550(2): Failed to apportion special franchise properly
New tax bill to be issued.

FISCAL YEAR 2022 Petition No. 240,148.00

ASSESSOR Cancel \$998.96
S-B-L 166.00-1-12.1 11400 Big Tree Rd 146600 WALES

Acct. No. 112 \$0.00 County
Acct. No. 132 \$998.96 Town/SpecialDist/School
Charge To : 146600 WALES \$998.96
Relevy School \$998.96 144201 IROQUOIS CENTRAL

RPTL 550(2): Failed to apply Enhanced STAR exemption in omitted tax
calculation
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)

3. COMM. 19E-16 (2022)
COUNTY EXECUTIVE

WHEREAS, in accordance with NYCRR Title 8 Section 602.1 (c) and Title 2 of the U.S. Code of Federal Regulations (“CFR”), among other local, state and federal regulatory agencies, an annual independent audit of the financial statements and schedule of expenditures of federal awards is required to be performed and submitted; and

WHEREAS, as of August 31, 2021, year-end, the contract with the College’s external auditors has expired; and

WHEREAS, in accordance with the College’s procurement policy, on July 10, 2022 and then August 10, 2022 Amended RFP Release Date, the College formally solicited a request for proposals for annual audit services for three fiscal years, beginning with the year ending August 31, 2022; and

WHEREAS, two responses were received and internally reviewed.

NOW, THEREFORE, BE IT

RESOLVED, the College hereby approves management to enter into a contract with Drescher & Malecki LLP, to serve as the College’s external auditors at a cost not to exceed \$33,500 for the fiscal years ending August 31, 2022, 2023 and 2024, respectively, and with the option of a two-year extension at a cost not to exceed \$34,400 for the fiscal years ending August 31, 2025 and 2026, at the discretion of management and Drescher & Malecki LLP.

(5-0)

4. COMM. 19E-20 (2022)
COUNTY EXECUTIVE

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

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

WHEREAS, it is recommended that your Honorable Body direct the Director of Real Property Tax Services to bid and purchase for the County of Erie, its bid being preferred over all other offers, every 2022 Tax Certificate upon real estate for which current year real property taxes remain unpaid, along with any other unsold Tax Certificates, at the scheduled tax sale date for 2022 Tax Lien Certificates.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Article VII of the Erie County Tax Act, the Director of Real Property Tax Services be, and hereby is, authorized to bid for and purchase, on behalf of the County of Erie, all Tax Lien Certificates upon real estate in Erie County for which 2022 real property taxes have not been paid, along with any other unsold Tax Lien Certificates upon real estate in Erie County for which real property taxes have not been paid; and be it further

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

(5-0)

TIMOTHY J. MEYERS
CHAIR

MR. LORIGO moved to return item Number 4 to committee for further consideration. MS. VINAL seconded.

CHAIR BASKIN directed that a roll-call vote be taken.

AYES: MR. GREENE, MR. LORIGO, MR. MILLS, MR. TODARO and MS. VINAL.
NOES: MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOIAN and MR. MEYERS. (AYES: 5; NOES: 6)

FAILED.

MR. MEYERS moved to approve item Number 4. MR. GILMOUR seconded.

CHAIR BASKIN directed that a roll-call vote be taken.

AYES: MR. GREENE, MR. LORIGO, MR. MILLS, MR. TODARO, MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON and MR. MEYERS. NOES: MS. VINAL. (AYES: 10; NOES: 1)

CARRIED.

Item 31 – MR. GILMOUR presented the following report and moved for immediate consideration and approval. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 171

November 10, 2022	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 15
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR JOHNSON.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 19D-2 (2022)
COUNTY ATTORNEY: “Update on Planned Campaign to Address the Opioid Epidemic”
(Chair’s Ruling)
2. COMM. 19E-4 (2022)
COUNTY EXECUTIVE
WHEREAS, funds are available from the Youth Services 2022 Adopted Budget; and

WHEREAS, the Department of Social Services Youth Services division wishes to enhance the skill set of their management team; and

WHEREAS, the Department of Social Services wishes to have Triple Track HR Partners provide trainings to the Youth Services management team in communication, ethics, and harassment; and

WHEREAS, the Department of Social Services would like to contract with Triple Track HR Partners in the amount of \$4,000 to provide these important trainings.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and the County Executive are hereby authorized to enter into contract with Triple Track HR Partners to provide Youth Services management team members with trainings in communication, ethics, and harassment in an amount not to exceed \$4,000; and be it further

RESOLVED, sufficient funding for this contract is present in line 516020, Professional Services Contracts and Fees, in the 2022 Adopted Budget; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any additional budget adjustment which may be required in order to match expense with funding allocation adjustments; and be it further

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

(4-0) Legislator Todaro not present for vote.

3. COMM. 19E-5 (2022)
COUNTY EXECUTIVE
WHEREAS, funds are available in Professional Services Contracts and Fees; and

WHEREAS, Language Line Solutions currently provides these services through a State Contract Agreement; and

WHEREAS, the Department of Social Services wishes to have Language Line Solutions provide Foreign Language Interpretation & Translation Services; and

WHEREAS, due to the fact that Language Line Solutions currently has a State Contract Agreement we would like to request that the Erie County Legislature waive Erie County Administrative Code Section 26.08 to enter into this contract for Foreign Language Interpretation & Translation Services; and

WHEREAS, the Department of Social Services would like to contract with Language Line Solutions in an amount not to exceed \$40,000 for Foreign Language Interpretation & Translation Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and the County Executive are hereby authorized to enter into contract with Language Line Solutions for Foreign Language Interpretation & Translation Services in an amount not to exceed \$40,000; and be it further

RESOLVED, sufficient funding for this contract is present in line 516020, Professional Services Contracts and Fees, in the 2022 Adopted Budget; and be it further

RESOLVED, due to the fact that Language Line Solutions currently has a State Contract Agreement we would like to request that the Erie County Legislature waive Erie County Administrative Code Section 26.08 to enter into this contract for Foreign Language Interpretation & Translation Services; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any additional budget adjustment which may be required in order to match expense with funding allocation adjustments; and be it further

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

(4-0) Legislator Todaro not present for vote.

4. COMM. 19E-6 (2022)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Social Services has been awarded an amount of \$3,874,658 in 100% state share 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 Department of Social Services requires legislative approval to accept the State funds and to amend the Adopted 2022 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 does hereby authorize the County Executive 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 2022 Adopted Budget as follows:

Erie County Department of Social Services
Fund 110, Fund Center 120

Revenue	Increase
Account 409010 - State Aid Revenue	\$3,874,658
Appropriation	Increase
Account 516020 – Professional Services Contracts	\$3,874,658
Net Change	\$ -0-

and be it further

RESOLVED, that the Commissioner of Social Services and the County Executive are hereby authorized 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 the Office of the County Executive, the Department of Social Services, the Office of the Comptroller, and the Division of Budget and Management.

(4-0) Legislator Todaro not present for vote.

5. COMM. 19E-7 (2022)
COUNTY EXECUTIVE

WHEREAS, federal funds have become available through the Grants to Enhance Adult Protective Services to respond to a survey performed by the New York State Office of Children and Family Services (OCFS) of Local Districts as well as their staff's needs which are administered by the Administration for Community Living (ACL); and

WHEREAS, services are to be provided to Adult Protective Services (APS) Clients to enhance, improve, and expand the ability of APS to investigate allegations of abuse, neglect, and exploitation; and

WHEREAS, these funds may not be used to supplant any New York State APS funds they must be used to supplement existing state and local district APS resources; and

WHEREAS, the Adult Protective Services (APS) division would like to extend the term of two temporary positions to fill voids in their succession plan to September 30, 2024; and

WHEREAS, B-100's have been issued for both positions as follows: B-100 #12994 Temporary Social Case Supervisor – Unit and B-100 #13001 Temporary Case Assistant -Social Services; and

WHEREAS, these temporary staff members will be trained to assume positions of staff that will be retiring in the future; and

WHEREAS, the Adult Protective Services (APS) division would like to expand overtime in the amount of \$80,000, perform additional upgrades to the Dionna System in the amount of \$70,000, replace outdated equipment in the amount of \$44,500, and distribute emergency food boxes in the amount of \$10,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept funding for the Administration for Community Living – Adult Protective Services Grant FFY 22 in the amount of \$412,142; and be it further

RESOLVED, that the Commissioner of Social Services and the County Executive are hereby authorized to extend the term of the Temporary Social Case Assistant – Unit and the Temporary Case Assistant – Social Services until September 30, 2024; and be it further

RESOLVED, that the Department of Social Services is authorized to enter into contract with Diona (US), Inc. for the provision of services to provide additional modifications to the Mobile Adult Protective Preventive Services (MAPPS) system, in an amount not to exceed \$70,000; and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2022 Adopted Budget in order to establish Federal funding for the Administration for Community Living – Adult Protective Services Grant FFY 22 program:

Erie County Department of Social Services
Fund 110, Fund Center 120

Revenue	Increase
Account 414010 – Federal Aid	\$412,142
Appropriation	Increase
Account 500000 – Salaries	\$133,962
Account 501000 – Overtime	\$80,000
Account 502000 – Fringe Benefits	\$73,680
Account 516020 – Professional Services Contracts	\$80,000
Account 561410 – Lab & Technical Equipment	\$44,500
Net Change	\$ -0-

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any additional budget adjustment which may be required in order to match expense with Federal funding allocation adjustments; and be it further

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

(4-0) Legislator Todaro not present for vote.

6. COMM. 19E-8 (2022)

COUNTY EXECUTIVE

WHEREAS, funds are available from the 2022 Adopted Budget; and

WHEREAS, the Erie County Youth Bureau serves youth and families through asset development and advocacy, prevention, and intervention programs that strengthen families and communities; and

WHEREAS, the Department of Social Services issued a Request for Proposal (RFP) on July 12, 2022, RFP #2022-038VF to conduct a Community Needs Assessment; and

WHEREAS, Kulik Strategic Advisors, Inc. responded to the RFP with a strong proposal; and

WHEREAS, the Erie County Youth Bureau wishes to have Kulik Strategic Advisors, Inc. conduct a Community Needs Assessment; and

WHEREAS, the Department of Social Services would like to contract with Kulik Strategic Advisors, Inc. in the amount of \$50,000 to conduct a Community Needs Assessment.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and the County Executive are hereby authorized to enter into contract with Kulik Strategic Advisors, to conduct a Community Needs Assessment of the youth in Erie County Inc. in an amount not to exceed \$50,000; and be it further

RESOLVED, sufficient funding for this contract is present in line 516020, Professional Services Contracts and Fees, in the 2022 Adopted Budget; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any additional budget adjustment which may be required in order to match expense with funding allocation adjustments; and be it further

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

(4-0) Legislator Todaro not present for vote.

7. COMM. 19E-9 (2022)
COUNTY EXECUTIVE

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 County Executive is hereby authorized to enter into contract with the State of New York to accept funding for the Safe Harbor for Exploited Children program; and be it further

RESOLVED, that the Commissioner of Social Services and the County Executive are hereby authorized to enter into contract with the International Institute of Buffalo in the amount of \$43,350 for the provision of services for the Safe Harbor for Exploited Children program; and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2022 Adopted Budget in order to establish State funding for the Safe Harbor program:

Department of Social Services - 2020 Budget	
Fund 110	
Revenue	Increase
409000 State Aid	\$43,350
Expense	
516400 Preventive Agencies - International Institute	\$43,350
Net County Cost	\$0

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized 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, the Commissioner of Social Services, the Erie County Comptroller, and the Director of the Division of Budget and Management.

(4-0) Legislator Todaro not present for vote.

8. COMM. 19E-10 (2022)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental and behavioral health services for the residents of Erie County; and

WHEREAS, the Erie County Department of Mental Health has been awarded \$550,000 over a three-year period beginning 10/1/22 by BJA in order to plan and implement the enhancement and expansion of cross-system collaboration to improve public safety responses and outcomes for Erie County residents with mental health disorders (MHDs) or co-occurring mental health and substance use disorders (MHSUDs) who come into contact with the justice system; and

WHEREAS, the Department of Mental Health thus requires legislative approval to accept the Federal funds and to establish a grant budget in Fund 281; and

WHEREAS, no County funds will be necessary for Erie County to accept this federal aid to serve these high-risk individuals residing in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept BJA grant funds and to have the Department of Mental Health oversee the provision of

related services by contracting with Endeavor Health Services and thus authorizes the Division of Budget and Management to establish a grant as follows:

Erie County Department of Mental Health
Grant Fund 281, Fund Center 12410
October 1, 2022 - September 30, 2025
124BJACRT2225

Revenue	Increase
Account 414000 – Federal Aid	\$550,000
Appropriation	Increase
Account 517717 – Mid Erie MH Srvcs OMH	\$550,000

and be it further

RESOLVED, that this Honorable Body has previously approved of the County’s entering into contract with the aforementioned existing provider; 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 grantor award, provided there are no changes to county share amounts; and be it further

RESOLVED, that certified copies of this resolution be furnished to the: Office of the County Executive, Department of Mental Health, Office of the Comptroller, Department of Law and the Division of Budget and Management.

(4-0) Legislator Todaro not present for vote.

9. COMM. 19E-11 (2022)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental and behavioral health services for the residents of Erie County; and

WHEREAS, the Erie County Department of Mental Health has been awarded \$750,000 for a four-year period beginning 10/1/22 by BJA in order to enhance case management capacity to accelerate linkage to Medication Assisted Treatment (MAT) services and address the issue of unresolved trauma, particularly for those with substance use disorders and co-occurring mental illness, often common in low-income minority communities; and

WHEREAS, the Department of Mental Health thus requires legislative approval to accept the Federal funds and to establish a grant budget in Fund 281; and

WHEREAS, no County funds will be necessary for Erie County to accept this federal aid to serve these high-risk individuals residing in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept BJA grant funds and to have the Department of Mental Health oversee the provision of related services by contracting with Research Foundation of SUNY and thus authorizes the Division of Budget and Management to establish a grant as follows:

Erie County Department of Mental Health
Grant Fund 281, Fund Center 12410
October 1, 2022 - September 30, 2026
124BJAADTC2226

Revenue	Increase
Account 414000 – Federal Aid	\$750,000
Appropriation	Increase
Account 517764 – Research Foundation OMH	\$750,000

and be it further

RESOLVED, that this Honorable Body has previously approved of the County's entering into contract with the aforementioned existing provider; 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 grantor award, provided there are no changes to county share amounts; and be it further

RESOLVED, that certified copies of this resolution be furnished to the: Office of the County Executive, Department of Mental Health, Office of the Comptroller, Department of Law and the Division of Budget and Management.

(4-0) Legislator Todaro not present for vote.

JOHN J. GILMOUR
CHAIR

LEGISLATOR RESOLUTIONS

Item 32 – CHAIR BASKIN directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO. 20-1 from BASKIN. Modification of Agricultural Districts.

Item 33 – CHAIR BASKIN directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO. 20-2 from BASKIN. Eight-Year Review, Recertification and Consolidation of Agricultural Districts 1, 14, 16 and 17.

Item 34 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 172

RE: Waiving Property Tax Arrears,
Interest and Penalties for Town
of Amherst IDA, Temple
Shaarey Zedek
(INTRO. 20-3)

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

WHEREAS, 410 Hartford Road, in the Town of Amherst, is known as “Shaarey Zedek Apartments” an affordable housing apartment building for senior citizens that was established in 1999; and

WHEREAS, until 2020, the property was enrolled in a payment in lieu of taxes (PILOT) program granted by the Town of Amherst Industrial Development Agency; and

WHEREAS, in 2020, the PILOT expired and the property applied for a property tax exemption under New York State Real Property Tax Law “RPTL” Section 244(1), which provides exemptions for properties owned by non-profit corporations that provide affordable housing to at least 90% of its residents; and

WHEREAS, the property currently has an exemption under RPTL 244(1); and

WHEREAS, the 2020 and 2021 property taxes for the County, Town of Amherst and Sweet Home Central School District were billed for the full amount, due to the omittance of applying the proper property tax exemption on this parcel; and

WHEREAS, the property owner made payments in 2020 and 2021 for the taxes they were required to pay, including sewer district and water district charges; and

WHEREAS, in 2020 and 2021, as well as every year of Shaarey Zedek Apartments operation, the property was exclusive rented to senior citizens (aged 55+) and rents were limited to 80% of the area median income, which falls within RPTL 422(1)’s definition of low-income housing; and

WHEREAS, in addition to the arrears owed on this property from 2020 and 2021, the County’s Department of Real Property Tax Services had levied interest and penalties on the unpaid taxes, as per the Erie County Tax Act; and

WHEREAS, as of November 14, 2022, the arrears, interest and penalties total \$118,673.19;
and

WHEREAS, because of the omission of applying the proper real property tax exemption and the property owner making timely and good faith efforts to pay the appropriate amount of taxes in 2020, 2021 and 2022 as if the RPTL 422 exemption had been applied, the property owner is seeking authorization by the Erie County Legislature to waive the arrears, interest and penalties.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the waiving of all arrears, outstanding interest, and penalties for the parcel at 410 Hartford Road, Amherst, NY 14226 for the 2020 and 2021 fiscal years; and be it further

RESOLVED, that the Director of the Erie County Department of Real Property Tax Services is hereby authorized and directed to waive all arrears, interest, and penalties for the parcel at 410 Hartford Road for this one-time action; and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to the County Executive, County Attorney, Director of Real Property Tax Services, the Amherst Town Attorney, and the Episcopal Church Home and Affiliates.

MR. MEYERS moved to amend the resolution. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Replace the First Resolve Clause in Its Entirety as Follows:

RESOLVED, that, pursuant to Article XII Section 12-1.0 of the Erie County Tax Act and any other applicable provision of law, the Erie County Legislature hereby compromises and cancels all unpaid taxes, interest, and penalties now owed and due to the County of Erie which were levied against the property located at 410 Hartford Road, Amherst, NY 14226 for the 2020/2021 tax year; and be it further

Replace the Second Resolve Clause in Its Entirety as Follows:

RESOLVED, that the Director of the Erie County Department of Real Property Tax Services is hereby authorized and directed to take all necessary steps in order to effectuate the and memorialize the action taken by the Erie County Legislature herein; and be it further

MR. MEYERS moved to approve the resolution as amended. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Item 35 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 173

RE: Re-Appropriation of 2022 Public
Benefit Funding
(INTRO. 20-4)

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

WHEREAS, Grand Island Farms was awarded \$2,000 in public benefit funding by the Erie County Legislature in the adopted 2022 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518649; and

WHEREAS, Bible Presbyterian Church (Grand Island) was awarded \$5,000 in public benefit funding by the Erie County Legislature in the adopted 2022 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518030; and

WHEREAS, both organizations are not able to accept the funds, and the funding should be transferred to an alternative organization; and

WHEREAS, as in similar 2019, 2020 and 2021 situations, it is the intention of this Honorable Body to transfer such funding to community organizations serving the public.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer the \$7,000 of 2022 public benefit funding to the Tonawanda-Kenmore Historical Society; and be it further

RESOLVED, that while the agency names are changing the overall budget line amount is to remain the same; and be it further

RESOLVED, that the Director of the Division of Budget and Management is authorized to make any adjustments necessary to effectuate the intent of this resolution or any other changes identified by the Office of the Erie County Comptroller; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Executive, the Erie County Comptroller, the Director of Budget and Management, and any other party deemed necessary and proper.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

None.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 36 – (COMM. 20E-1) Interim Financial Report for the Third Quarter, 2022

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 37 – (COMM. 20E-2) Notice of EC Executive Order of Succession Appointments

Received, filed and printed.

November 2, 2022

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

Re: Notice of Erie County Executive order of succession appointments

Dear Honorable Members:

Article 3 Section 304 of the Erie County Charter (“Section 304”) provides that the Deputy County Executive shall be first in order of succession and shall perform the duties of the County Executive during his/her absence. Section 304 further provides that the County Executive shall designate one or more appointive department or executive division heads to act in the absence of the County Executive and the Deputy County Executive.

Pursuant to Section 304, I hereby designate the following individuals to perform the duties of the County Executive during the absence of the County Executive and the Deputy County Executive in the order specified.

- 1) Jeremy Toth, Erie County Attorney
- 2) Brian Bray, Commissioner, Erie County Department of Personnel
- 3) Marie Cannon, Commissioner, Erie County Department of Social Services
- 4) Robert Keating, Director, Erie County Division of Budget and Management

Please be further advised that I hereby revoke all previous order of succession appointments made pursuant to Section 304. Should you have any questions on this matter, please contact Benjamin Swanekamp, my chief of staff, at your earliest convenience.

Sincerely yours,

Mark C. Poloncarz
Erie County Executive

FROM THE COMPTROLLER

Item 38 – (COMM. 20E-3) Comptroller's Review of the Proposed 2023 EC Budget

Received and referred to the FINANCE & MANAGEMENT/BUDGET COMMITTEE.

FROM LEGISLATOR CHIMERA

Item 39 – (COMM. 20E-4) Resignation as a Member of the Erie County Legislature

Received, filed and printed.

November 4, 2022

Hon. Michael P. Kearns
Erie County Clerk
92 Franklin St.
Buffalo, NY 14202

Re: Letter of Resignation as a Member of the Erie County Legislature

Dear Mr. Kearns,

Please accept this letter as my formal resignation from my role as an Erie County Legislator effective Friday, November 4, 2022, at 11:59 p.m.

In my tenure as 3rd District Legislator, I am appreciative for the knowledge and experience gained, and am grateful for the relationships built. I hope to continue those relationships in my new position as Erie County's Deputy County Executive.

It has been a pleasure working with you and my colleagues.

Sincerely,

Lisa M. Chimera
Erie County Legislator - 3rd District

FROM CHAIR BASKIN

Item 40 – (COMM. 20E-5) Updated 2022 Legislature Committee Assignments

Received, filed and printed.

November 7, 2022

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

Dear Mr. Graber,

Attached to this letter is an updated Committee Assignments list for Finance and Management, Energy & Environment, and Health and Human Services committees.

Additionally, I am appointing Legislator John Bargnesi to serve on the Finance and Management/Budget Committee for the purposes of reviewing and acting upon the County Executive's proposed 2023 Budget.

Thank you for your attention to both of these matters.

Sincerely,

April Baskin
Chair, Erie County Legislature

2022 Committee Assignments

Finance and Management

Chair: Timothy Meyers
Chair of Legislature: April Baskin
Vice Chair: Howard Johnson
Members: John Gilmour
Joseph Lorigo
John Mills
Clerk: John Davis

Health and Human Services

Chair: John Gilmour
Chair of Legislature: April Baskin
Vice Chair: Howard Johnson
Members: Jeanne Vinal
Joseph Lorigo
Frank Todaro
Clerk: Rebecca Brooks

Energy and Environment

Chair: Timothy Meyers
Chair of Legislature: April Baskin
Vice Chair: Jeanne Vinal
Members: John Bargnesi
John Mills
Frank Todaro
Clerk: Trey McGee

FROM THE COUNTY EXECUTIVE

Item 41 – (COMM. 20E-6) Agreement With Rochester Institute of Technology - NYS Pollution Prevention Institute for a Waste Reduction Study of Meal Delivery & Nutrition Programs in Erie County Programs in Erie County

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 42 – (COMM. 20E-7) Authorization to Accept Grant & Incentive Funding for HVAC Replacement

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 43 – (COMM. 20E-8) Authorization to Enter Into Inter-Municipal Agreements to Implement the Agricultural Planning Grant Program

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 44 – (COMM. 20E-9) 2022 Bridge Painting and Vertical Down Repairs

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 45 – (COMM. 20E-10) ECSD No. 3 - Proposed Increase & Improvement of Facilities

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 46 – (COMM. 20E-11) Intermunicipal Agreement With Town of West Seneca

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 47 – (COMM. 20E-12) Southtowns Advanced Wastewater Treatment Facility Expansion Project Environmental Review

Item 48 – (COMM. 20E-13) ECSD No. 3 - Air Permit Assistance Term Contract Agreement

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR LORIGO

Item 49 – (COMM. 20E-14) Minority Caucus' Appointment to the Finance & Management/Budget Committee

Received, filed and printed.

November 17, 2022

Robert Graber, Clerk
Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, New York 14203

Dear Clerk Graber,

Section 3.02 of the Erie County Legislature's Rules of Order provides that the Finance and Management/Budget Committee is to be comprised of seven members. The minority caucus is entitled to appoint another member to the committee.

Please accept Legislator Christopher Greene as the Minority Caucus' appointment to the Finance Management and Budget Committee for the purpose of reviewing Erie County's 2023 Budget.

I appreciate your attention in this matter.

Sincerely,

Joseph C. Lorigo
Erie County Legislature, Minority Leader

FROM THE COMPTROLLER

Item 50 – (COMM. 20E-15) Letter to Legislator Lorigo Regarding Vacancy Report & Additional Data

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COMMISSIONER OF HEALTH

Item 51– (COMM. 20D-1) Letter Regarding National Lead Poisoning Prevention Week

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMMISSIONER OF SOCIAL SERVICES

Item 52 – (COMM. 20D-2) Comm. 12E-34 Compliance Report for the Month of October
Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPARTMENT OF LAW

Item 53 – (COMM. 20D-3) Transmittal of New Claims Against Erie County
Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYS DEC

Item 54 – (COMM. 20M-1) Public Notice - Brownfield Cleanup Program at 308 Crowley Ave., City of Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE CHAIR, ECMC BOARD OF DIRECTORS

Item 55 – (COMM. 20M-2) Letter to County Executive Concerning Appointments to the Erie County Medical Center Corporation Board of Directors

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NYS DEC

Item 56 – (COMM. 20M-3) Public Notice - Brownfield Cleanup Program for 2101 Kenmore Ave., Town of Tonawanda

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE DEPARTMENT OF
ENVIRONMENT & PLANNING

Item 57 – (COMM. 20M-4) Minutes of Public Hearing on Proposed Modification to Agricultural Districts

Item 58 – (COMM. 20M-5) Minutes of Public Hearing on Proposed Consolidation & Modification to Agricultural Districts

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ERIE COUNTY
DEMOCRATIC COMMITTEE

Item 59 – (COMM. 20M-6) Recommendation of Third Legislative District Committee Members to Fill Legislature Vacancy

Received, filed and printed.

November 14, 2022

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Recommendation of Third Legislative District Committee Members to Fill Vacancy

Dear Mr. Graber:

Please be advised that pursuant to the Rules of the Erie County Democratic Committee, a meeting of the Committee Members of the Third Erie County Legislative District was held at 5:30 pm on Monday, November 14, 2022 at the Knights of Columbus, 1530 Kenmore Ave., Buffalo NY 14216 for the purpose of endorsing a candidate to fill the vacancy in the Third Erie County Legislative District.

At the meeting, Third District Committee Members endorsed Michael H. Kooshoian, of Kenmore NY (Town of Tonawanda) to fill the vacancy in the Third Erie County Legislative District.

Thank you for your assistance and courtesies.

Sincerely,

Jeremy J. Zellner
Chair

ANNOUNCEMENTS

Item 60 – Chair Baskin announced that the Legislature will reconvene committee hearings on Monday, November 21, 2022, at 3:00 p.m., concerning the County Executive’s tentative 2023 Erie County budget, in Legislative Chambers.

Also, Chair Baskin announced that on Monday, November 21, 2022, the Legislature will conduct a Public Hearing, at 6:00 p.m., here in Legislative Chambers, to hear public comment on the County Executive’s tentative 2023 county budget.

Finally, Chair Baskin announced that the next scheduled session of the Legislature is Thursday, December 1, 2022, at which time the Legislature will also conduct its Annual Budget Meeting.

MEMORIAL RESOLUTIONS

Item 61 – Legislator Johnson requested that when the Legislature adjourns, it do so in memory of Jennifer A. Orr.

Item 62 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Kathleen Whalen.

Item 63 – Legislator Vinal requested that when the Legislature adjourns, it do so in memory of Latiquah Harris (Cason).

ADJOURNMENT

Item 64 - At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. JOHNSON moved that the Legislature adjourn until Thursday, December 1, 2022 at 12:00 Noon Eastern Standard Time. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, December 1, 2022 at 12:00 Noon Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE