

**ERIE COUNTY LEGISLATURE  
MEETING NO. 2  
JANUARY 19, 2023**

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Mr. Greene.

Item 1 – CHAIR BASKIN directed that the Rules of the Legislature for 2023 remain tabled.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MEYERS moved for the approval of the minutes for Meeting Number 1 from 2023. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. BARGNESI, MR. KOOSHOIAN & MR. GILMOUR presented a proclamation In Remembrance of Beverly A. Mazur.

Item 6 – MR. KOOSHOIAN & MR. BARGNESI presented a proclamation Congratulating and Honoring Phil Aguglia.

Item 7 – MR. JOHNSON presented a proclamation Honoring National Blood Donor Month - January 2023.

Item 8 – MR. JOHNSON & MR. GILMOUR presented a proclamation Remembering and Honoring the Life of Robert DuBose.

Item 9 – MS. VINAL presented a proclamation Congratulating and Recognizing Patrick Kapperman - New Assistant Principal of Amherst Central High School.

Item 10 – MR. TODARO presented a proclamation Recognizing and Honoring Ryan Miller on His Jersey Retirement and Historic Career.

Item 11 – MR. TODARO presented a proclamation Recognizing and Honoring Kenneth Graber as Recipient of the Lifetime Achievement Award.

Item 12 – MR. TODARO presented a proclamation Recognizing and Honoring Mark and Diane Casell on Being Named Citizen of the Year.

Item 13 – MR. TODARO presented a proclamation Celebrating Betty Clemen on Her 100th Birthday.

Item 14 – MR. MILLS presented a proclamation Honoring Pioneer Sno-Surfers Sardinia Snowmobile Club for Their Heroic Efforts During the Buffalo Blizzard.

Item 15 – MR. MILLS presented a proclamation Honoring WNY Snowmobile Club of Eden Trail Blazers for Their Heroic Efforts During the Buffalo Blizzard 2022.

Item 16 – MR. MILLS presented a proclamation Honoring WNY Snowmobile Club of Boston for Their Heroic Efforts During the Buffalo Blizzard 2022.

Item 17 – MR. MILLS presented a proclamation Congratulating the Ross Eye Institute on the Opening of Their New Facility in Orchard Park.

Item 18 – MR. GREENE presented a proclamation Honoring the Northern Erie Sno-Seekers Snowmobile Club for Their Heroic Efforts During the Buffalo Blizzard.

Item 19 – MR. GREENE presented a proclamation Honoring John Kelkenberg Sr. for His Heroic Efforts During the Buffalo Blizzard.

Item 20 – MR. GREENE presented a proclamation Honoring Paul Englert for His Heroic Efforts During the Buffalo Blizzard.

Item 21 – MR. GREENE presented a proclamation Honoring Newstead Volunteer Fire Company for Their Heroic Efforts During the Buffalo Blizzard.

Item 22 – MR. GREENE presented a proclamation Honoring Pastor Ron Martin of Faith Fellowship Church for His Generous Efforts During the Buffalo Blizzard.

Item 23 – MR. GREENE presented a proclamation Honoring Akron Fire Company for Their Heroic Efforts During the Buffalo Blizzard.

Item 24 – MR. MALCZEWSKI presented a proclamation Honoring the Kiwanis Club of East Aurora During World Kiwanis Week.

Item 25 – MR. MALCZEWSKI presented a proclamation Honoring the Kiwanis Club of Elma During World Kiwanis Week.

Item 26 – MR. MALCZEWSKI presented a proclamation Honoring the Kiwanis Club of Marilla During World Kiwanis Week.

Item 27 – MR. MALCZEWSKI presented a proclamation Honoring the Kiwanis Club of Wales During World Kiwanis Week.

Item 28 – MR. MALCZEWSKI presented a proclamation Honoring the Kiwanis Club of West Seneca During World Kiwanis Week.

Item 29 – MR. MALCZEWSKI presented a proclamation Honoring the Kiwanis Club of Holland During World Kiwanis Week.

Item 30 – THE MINORITY CAUCUS presented a proclamation Honoring EC Federation of Snowmobile Clubs, Inc. for Their Heroic Efforts During the 2022 Buffalo Blizzard.

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved to amend the above twenty-six items by including Et Al Sponsorship. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above twenty-six items as amended. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 31 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2022 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 32 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 33 – CHAIR BASKIN directed that Local Law No. 4 (Print #1) 2022 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

### **COMMITTEE REPORTS**

Item 34 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 3

January 12, 2023	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.  
CHAIR BASKIN PRESENT AS EX-OFFICO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 1M-1 (2023)  
NFTA: “NFTA Budget for FYE 2024”  
(Chair’s Ruling)
2. COMM. 22E-25 (2022) AS AMENDED  
COUNTY EXECUTIVE  
WHEREAS, year-end budget balancing amendments are necessary to close the County’s books and prepare financial statements for review by the County’s independent auditors for the 2021 fiscal year; and

WHEREAS, the aforementioned Budget Balancing resolution, Comm. 8E-1 (2022) was approved on May 12, 2022; and

WHEREAS, Comm.8E-1 (2022) allocated funding to a variety of community development and County projects; and

WHEREAS, the County of Erie is interested in the fostering of tourism and supporting arts and cultural organizations; and

WHEREAS, the nonprofit arts and culture sector is a significant industry in the Western New York economy generating over \$352 million in direct and indirect economic activity according to Arts Services Initiative; and

WHEREAS, Comm.8E-1 (2022) allocated \$25,000,000 towards “Cultural Agency Capital Fund;” and

WHEREAS, the aforementioned Fund seeks to provide capital improvement grants to defray the cost of capital improvements at art and cultural institution’s facilities; and

WHEREAS, a competitive application process was facilitated by the Department of Environment and Planning; and

WHEREAS, the Erie County Capital Projects Committee reviewed applications and selected a list of awardees representing arts and cultural organizations throughout the County; and

WHEREAS; additional legislation is needed to enter into a contract with awarded arts and cultural organizations to facilitate the projects; and

WHEREAS, pursuant to 6 N.Y.C.R.R. § 617.1 which implements the State Environmental Quality Review Act the consideration of environmental factors into decision making processes of local governments is required prior to the Legislature undertaking, approving or funding an action; and

WHEREAS, the Department of Environment and Planning reviewed the proposed cultural capital projects and determined that certain projects are considered Type II actions pursuant to SEQR; and

WHEREAS, the following Organization’s applications were selected to complete the following projects; and

Organization/Project	Description of Project
West Side Bazaar Relocation	Restoration of structure
Colored Musicians Club	Interior Capital Improvements to Existing Structure
Springville Center for The Arts	Interior Capital improvements to Existing Structure
Torn Space Theater Expansion	Construction of two small building additions
Alleyway Theater Improvements	Interior Capital Improvements, Equipment and Exterior Signage
Buffalo Irish Center Improvements	Interior and Exterior Capital Maintenance
Roycroft Campus Print Shop Restoration	Restoration of a historic structure
Juneteenth Festival Headquarters	Building repairs and Capital Improvements
Lancaster Opera House HVAC	HVAC install
Eliza Quirk House Restoration	Restoration of an existing structure
Stitch Buffalo Textile Center	Renovation of an existing structure
Buffalo Center for Arts and Tech	Purchase /installation of IT/ network equipment
Road Less Traveled Productions	Renovation of an existing structure
Buffalo Toronto Public Media	Installation of a new air chiller unit
Orchard Park Concert	Repairs to an outdoor bandshell

Pavilion	
Ukrainian Cultural Center "Dnipro"	Various interior building repairs and improvements
Threshing Barn Reconstruction	Reconstruction of barn
District School #6 Improvements	Building repairs and improvements
Buffalo Religious Arts Center	Preservation of glass windows
Buffalo String Works Elevator	Construction of a new elevator
Asa Warren House Improvements	Capital improvements to a historic structure
Italian Cultural Center Exhibit	Construction of a new interpretive exhibit
Locust Street Art Improvements	ADA improvements
Starlight Studio and Art Gallery Accessibility	ADA improvements
Heritage Discovery Center	Building Envelope /weather sealing
Buffalo Inner City Ballet Bathrooms	Capital improvements to an existing structure
Concordia Cemetery Fence & Roof	Roofing and site fencing repairs
WNY Book Arts Collaborative	Repairs to an existing structure
Buffalo Chamber Players Seats	Purchase of new audience seats
Sardinia Historical Society Painting	Interior improvements a historic building
Shakespeare In Delaware Park	Sound equipment purchases
Holland Historical Society Porch	Repairs to a historic structure
Buffalo Gay Men's Chorus Trailer	Purchase of a mobile performance trailer

NOW, THEREFORE, BE IT

RESOLVED, the County Legislature concurs with the Department of Environment and Planning's determination of significance set forth in 6 N.Y.C.R.R. § 617.7(c) and considers the aforementioned actions to be consider Type II action denoting a deminimis environmental impact; and

RESOLVED, that the County Executive / Deputy County Executive be authorized to execute contracts with the following entities in the amounts indicated, from the capital accounts as noted:

Organization/Project	Legal Name	Amount	Capital Account #/ WBS
West Side Bazaar Relocation	Westminster Economic Development Initiative, Inc.	\$925,000	A.22095.1.1
Colored Musicians Club	Colored Musicians Club of Buffalo NY	\$925,000	A.22095.1.2
Springville Center for The Arts	Springville Center for the Arts, Inc.	\$500,000	A.22095.1.5
Torn Space Theater Expansion	Torn Space Theater and/or Adam Mickiewicz Library and Dramatic Circle Inc.	\$500,000	A.22095.1.6
Alleyway Theater Improvements	Alleyway Theatre, Inc. and/or City of Buffalo	\$482,377	A.22095.1.7
Buffalo Irish Center Improvements	Gaelic American Athletic Association of Buffalo New York Inc.	\$383,341	A.22095.1.8
Roycroft Campus Print Shop Restoration	Roycroft Campus Corporation	\$350,000	A.22095.1.9
Juneteenth Festival Headquarters	Juneteenth Festival, Inc.	\$316,400	A.22095.1.10
Lancaster Opera House HVAC	Lancaster, NY Opera House Inc. and/or Town of Lancaster	\$293,590	A.22095.1.11
Eliza Quirk House Restoration	Preservation Buffalo Niagara	\$200,000	A.22095.1.13
Stitch Buffalo Textile Center	Stitch Buffalo, Inc. and/or 2468 Group, Inc.	\$200,000	A.22095.1.14
Buffalo Center for Arts and Tech	Buffalo Arts and Technology Center and/or Artspace Affordable Family Housing I, LP	\$189,350	A.22095.1.15
Road Less Traveled Productions	Road Less Traveled Productions and/or Ellicott Development	\$179,713	A.22095.1.16
Buffalo Toronto Public Media	Buffalo Toronto Public Media	\$177,210	A.22095.1.17
Orchard Park Concert Pavilion	Orchard Park Council of the Arts, Inc. and/or Orchard Park Central School District	\$172,425	A.22095.1.18
Ukrainian Cultural Center "Dnipro"	Ukrainian American Freedom Foundation Inc.	\$160,000	A.22095.1.19
Threshing Barn Reconstruction	Hull House Foundation	\$106,659	A.22095.1.20
District School #6 Improvements	Lancaster NY Historical Society and/or Town of Lancaster	\$100,000	A.22095.1.21
Buffalo Religious Arts Center	The Committee for the Buffalo Religious Arts Center, Inc.	\$91,692	A.22095.1.22

Buffalo String Works Elevator	Buffalo String Works, Inc. and/or Breeser Real Estate Enterprises, Inc.	\$85,600	A.22095.1.23
Asa Warren House Improvements	Eden Historical Society, Inc.	\$81,000	A.22095.1.24
Italian Cultural Center Exhibit	Centro Culturale Italiano di Buffalo	\$60,000	A.22095.1.25
Locust Street Art Improvements	Locust Street Neighborhood Art Classes, Inc.	\$50,000	A.22095.1.26
Starlight Studio and Art Gallery Accessibility	Learning Disabilities Association of Western New York, Inc. and/or Asbury Development, LLC	\$43,437	A.22095.1.27
Heritage Discovery Center	Western New York Railway Historical Society and/or Heritage Discovery Center, LLC	\$39,240	A.22095.1.28
Buffalo Inner City Ballet Bathrooms	Buffalo Inner City Ballet and/or 910 Millersport LLC	\$39,000	A.22095.1.29
Concordia Cemetery Fence & Roof	Concordia Cemetery, Inc.	\$38,353	A.22095.1.30
WNY Book Arts Collaborative	Western New York Book Arts Collaborative	\$27,690	A.22095.1.31
Buffalo Chamber Players Seats	Buffalo Chamber Players, Inc	\$24,890	A.22095.1.32
Sardinia Historical Society Painting	Sardinia Historical Society	\$21,800	A.22095.1.33
Shakespeare In Delaware Park	Shakespeare in Delaware Park, Inc	\$19,833	A.22095.1.34
Holland Historical Society Porch	Holland Historical Society and/or Wahl Enterprises, LLC	\$11,000	A.22095.1.35
Buffalo Gay Men's Chorus Trailer	Buffalo Gay Men's Chorus, Inc.	\$4,127	A.22095.1.36

and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to make any necessary budgetary adjustments as needed to administer these projects; and be it further

RESOLVED, that authorization is hereby given to the Comptroller's Office, following the necessary approvals of the Budget Office to make payments up to the contractual limits indicated above, with a total amount not to exceed \$6,798,727, the source shall be Capital Project A.22095, Capital Agency Capital Fund, Fund 410, Funds Center 162; and be it further

RESOLVED, that authorization is hereby given to the Department of Law and County Executive/ Deputy County Executive to execute easements, deed restrictions, intermunicipal



agreements and/or place additional requirements on the aforementioned contracting entities and associated real property (project location) as necessary to implement the projects; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive; the Erie County Comptroller; the Director of Budget and Management; Department of Law; and Department of Environment and Planning.  
(5-0)

3. COMM. 1E-10 (2023) AS AMENDED  
COUNTY EXECUTIVE

WHEREAS, our local small business economy has been adversely affected by the ongoing Covid-19 pandemic; and

WHEREAS, there was a record increase in on-line sales transactions during the earlier phases of the pandemic which has resulted in a significant amount of excess sales tax revenue; and

WHEREAS, \$10 million dollars of such sales tax revenue has been set aside to help area businesses with their recovery and continued growth; and

WHEREAS, Erie County seeks to reinvest that surplus sales tax revenue into our local business economy and offer grants of up to \$40,000 to improve the visual aesthetic, functionality, and pedestrian/customer interface of such business facades; and

WHEREAS, Erie County is desirous of engaging a project administration firm to assist with application intake, processing and scoring of applications, contract execution/management between business owners and contractors, and payment processing; and

WHEREAS, in compliance with Section 26.08 of the Erie County Administrative Code a consultant selection process was undertaken to evaluate responses to Request for Proposal #2021-048VF; and

WHEREAS, Erie County desires to work with H. Sicherman & Company, Inc. to provide project administration for this engagement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute an amended contract in an amount not to exceed \$8,900,000 with H. Sicherman & Company, Inc, which includes the previously authorized \$500,000 fee for project administration services via COMM. 6E-27 (2022) and \$8,400,000 for administration of storefront revitalization grants; and be it further

RESOLVED, that \$8,400,000 is available for this purpose in the 2022 Community/Neighborhood Development Budget, Fund 110, Funds Center 1332010, Account #516340 – Storefront Community Revitalization; and be it further

RESOLVED, that authorization is hereby given to re-appropriate \$8,400,000 in 2022 funding into 2023; and be it further

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

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

**HOWARD J. JOHNSON, JR.  
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 4

January 12, 2023	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.  
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 1M-3 (2023)  
EC ENVIRONMENT MANAGEMENT COUNCIL: “Annual Recommendation Report for 2022”  
(Chair’s Ruling)
2. RESOLVED, the following item is hereby received, filed and referred to the FINANCE & MANAGEMENT COMMITTEE:
  - a. COMM. 1M-4 (2023)  
AUDIT COMMITTEE FOR ERIE COUNTY: “Annual Report for the Year Ended December 31, 2021”  
(Chair’s Ruling)
3. COMM. 19E-18 (2022) AS AMENDED  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for Contract Nos. 101-G and 101-D at 2:00 p.m. on December 20, 2022:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 101-G General	Quackenbush Co., Inc. 495 Kennedy Road Buffalo, NY 14227	\$1,074,000.00
Contract No. 101-D Electrical	Frey Electric Construction Co., Inc. 100 Pearce Avenue Tonawanda, NY 14150	\$609,900.00

and

WHEREAS, the aforementioned lowest responsible bidders have successfully completed projects for the Division of Sewerage Management or other municipalities in the past; and

WHEREAS, the Division of Sewerage Management has determined this project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Big Sister Creek Water Resource Recovery Facility (WRRF) Secondary Aeration Blowers Replacement Project, Erie County Sewer District No. 2, Contract Nos. 101-G and 101-D be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 101-G General	Quackenbush Co., Inc. 495 Kennedy Road Buffalo, NY 14227	\$1,074,000.00
Contract No. 101-D Electrical	Frey Electric Construction Co., Inc. 100 Pearce Avenue Tonawanda, NY 14150	\$609,900.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute Contracts with the aforementioned lowest responsible bidders, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to allocate up to \$1,683,900.00 in Capital Account No. C.21150 (American Rescue Plan funds), Fund 430, Funds Center 182 to fund Contract Nos. 101-G and 101-D; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments necessary to facilitate this funding; and be it further

RESOLVED, that at the close of the project any unused funds be returned to the capital project and the budgets be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Richard Stanton, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.

(5-0)

4. COMM. 22E-1 (2022) AS AMENDED  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 26 at 2:00 p.m. on December 15, 2022:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
No. 26	Thomann Asphalt Paving Corp. 56 Gunnville Road Lancaster, NY 14086	\$169,775.00

and

WHEREAS, the aforementioned lowest responsible bidder has successfully completed projects designed by the Engineer, DiDonato Associates, in the past; and

WHEREAS, the Division of Sewerage Management has determined this project is a New York State Environmental Quality Review (SEQR) Unlisted Action and after due consideration a Negative Declaration was issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law; and

WHEREAS, there is adequate funding available in Erie County Sewer District No. 3 Capital Reserve Account C.11801.

NOW, THEREFORE, BE IT

RESOLVED, that the East Aurora Water Resource Recovery Facility Driveway Installation Project, Erie County Sewer District No. 8, Contract No. 26 be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
No. 26	Thomann Asphalt Paving Corp. 56 Gunnville Road Lancaster, NY 14086	\$169,775.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the County Comptroller is authorized and directed to allocate \$169,775.00 for Contract 26 from Erie County Sewer District No. 8, Capital Bond Account C.00071; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized and directed to transfer up to \$169,775.00 from Erie County Sewer District No. 8 Capital Reserve Account C.11801 to Erie County Sewer District No. 8 Capital Bond Account C.00071 and establish the budgets necessary to facilitate the transfer; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to increase estimated revenue and appropriations in Erie County Sewer District No. 8 Capital Bond Account C.00071 by \$169,775.00; and be it further

RESOLVED, that any unused funds for this Contract will be returned to Erie County Sewer District No. 8 Capital Reserve Account C.11801 based on guidance from the Division of Sewerage Management and the budget for the Capital Reserve Account be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Richard Stanton, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.  
(5-0)

5.       COMM. 22E-2 (2022)                               AS AMENDED  
          COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 77 at 10:00 a.m. on December 14, 2022:

Contract	Lowest Responsible Bidder	Amount
Contract No. 77	Hunting Valley Construction, Inc. 825 Rein Road Cheektowaga, NY 14225	\$147,500.00

and

WHEREAS, the aforementioned lowest responsible bidder has successfully completed projects for Erie County in the past; and

WHEREAS, the Division of Sewerage Management has determined that this project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State

Environmental Quality Review Act review under New York State Environmental Conservation Law; and

WHEREAS, there is adequate funding available in Erie County Sewer District No. 3 Capital Reserve Account C.00007.

NOW, THEREFORE, BE IT

RESOLVED, that the Southtowns Clarifier No. 1 Concrete Repair Project, Erie County Sewer District No. 3, Contract No. 77 be awarded as follows:

Contract	Lowest Responsible Bidder	Amount
Contract No. 77	Hunting Valley Construction, Inc. 825 Rein Road Cheektowaga, NY 14225	\$147,500.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the County Comptroller is authorized and directed to allocate \$147,500.00 for Contract 77 from Erie County Sewer District No. 3, Capital Bond Account C.17301; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized and directed to transfer up to \$147,500.00 from Erie County Sewer District No. 3 Capital Reserve Account C.00007 to Erie County Sewer District No. 3 Capital Bond Account C.17301 and establish the budgets necessary to facilitate the transfer; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to increase estimated revenue and appropriations in Erie County Sewer District No. 3 Capital Bond Account C.17301 by \$147,500.00; and be it further

RESOLVED, that any unused funds for this contract will be returned to Erie County Sewer District No. 3 Capital Reserve Account C.00007 based on guidance from the Division of Sewerage Management and the budget for the Capital Reserve Account be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Richard Stanton, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.

(5-0)

6. COMM. 22E-6 (2022) AS AMENDED  
COUNTY EXECUTIVE

WHEREAS, the County of Erie (“County”), through its legislative body, the Erie County Legislature (“Legislature”) is currently evaluating: (1) the conveyance of certain portions of land located in the Town of Orchard Park (SBLs: 161.00-5-1, 161.00-5-3.1, 161.00-5-16.1, 161.17-6-1, 161.17-6-3, 161.17-6-4.2, 161.17-6-10) to the Erie County Stadium Corporation (“ECSC”) and the subsequent lease of the sold parcels by ECSC to Buffalo Bills, LLC, Western New York’s National Football League franchise team (together, with its stadium affiliate, the “Team”); (2) the construction of a new stadium to replace the existing Highmark Stadium (“New Stadium”); (3) the demolition of Highmark Stadium (“Existing Stadium”) on the east side of Abbott Road between Big Tree Road and Southwestern Boulevard; and (4) the continued operation of the Team’s complex (collectively, the “Project” or “Action”); and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations adopted pursuant thereto by the New York State Department of Environmental Conservation (“NYSDEC”), being 6 NYCRR Part 617, et. seq., as amended (the “Regulations” and collectively with the SEQR Act, “SEQRA”), the County must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, on July 1, 2022, the Legislature transmitted to all potentially Interested and Involved Agencies (as those terms are defined pursuant to SEQRA) a notice of the Legislature’s intent to act as Lead Agency for the review of the Project (together with a completed Part 1 of the Full Environmental Assessment Form), as that term is defined pursuant to SEQRA; and

WHEREAS, on July 14, 2022, a public scoping meeting was held to garner public input on the scope of the SEQRA review of the Project, with public comments accepted following the public scoping meeting; and

WHEREAS, no other potentially Involved Agencies objected to the Legislature’s declaration of its notice of intent to serve as Lead Agency, such that the Legislature became the Lead Agency as of August 1, 2022; and

WHEREAS, on October 14, 2022, extensive environmental analysis including a detailed technical addendum to Part I of the Full environmental Assessment Form (“TA”) along with associated supporting studies in addition to responses to all public scoping comment responses received, as well as the draft Environmental Assessment Form Parts II and III were made publicly available for review and comment, with notice sent to all Potentially Interested and Involved Agencies; and

WHEREAS, on October 27, 2022, a public hearing was held at the Orchard Park Community Activity Center to garner public input on the environmental analysis, Technical Addendum, and documentation completed to date; and

WHEREAS, public comments on Part 1 of the Full Environmental Assessment Form and the environmental analysis were collected from October 14, 2022 until November 2, 2022; and

WHEREAS, to aid the Legislature in determining whether the Project may have a significant adverse impact upon the environment, the Legislature has received, or reviewed:

- 1) A Full Environmental Assessment Form, Part 1 (“FEAF”)
- 2) A Technical Addendum to the FEAF (“TA”), the appendices to which are listed separately herein;
- 3) Project Plans
- 4) Lead Agency Notice;
- 5) Summary of Sustainable Design Elements;
- 6) Public Scoping Comments and Responses;
- 7) Alternatives Analysis;
- 8) Lighting Design Narrative;
- 9) Geotechnical Engineering Assessment Report;
- 10) Ecological Review;
- 11) Phase 1 Environmental Site Assessment;
- 12) Preliminary Stormwater Pollution Prevention Plan (“SWPPP”);
- 13) Final Phase 1A Archaeological Investigation and Consultation Correspondence;
- 14) Water and Sanitary Sewer Report;
- 15) Electrical Demand Narrative;
- 16) WJHW Environmental Sound Study;
- 17) GHD Noise Impact Study;
- 18) Traffic Management Plan (“TMP”);
- 19) Traffic Assessment;
- 20) Demolition Mitigation Plan (“DMP”);
- 21) Viewshed Analysis;
- 22) Photosimulations;
- 23) Historic Survey;
- 24) TA Public Comments and Responses;
- 25) Final Letter of Resolution;
- 26) New Stadium Rendering;
- 27) Revised Part 2 and 3 of the Full Environmental Assessment Form;
- 28) Responses to NYSDOT Comments;
- 29) Progress Report for Phase 1A/Partial Phase 1B;
- 30) Traffic Management Plan - Version 2.0 and
- 31) other relevant environmental information (collectively, 1-32, together with all analysis and supporting documentation referenced therein or relied upon thereby, are incorporated by reference herein in their entirety and shall be referred to as the “Environmental Information”); and

WHEREAS, prior to making a determination about the potential environmental significance of the Project, the Legislature has completed Parts 2 and 3 of the FEAF, has reviewed the Environmental Information, consulted various information sources, and considered the list of activities which are Type I Actions outlined in Section 617.4 of the SEQRA regulations, the list of activities that are Type II Actions outlined in Section 617.5 of the SEQRA regulations and the criteria for determining significance outlined in Section 617.7 of the SEQRA regulations; and



WHEREAS, the Legislature has duly considered the Action, the full Environmental Assessment Form Parts I-III, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c), the draft Negative Declaration, and such other information deemed appropriate; and

WHEREAS, the Legislature has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature formally declares itself Lead Agency and accepts all responsibilities associated with same; and be it further

RESOLVED, that the Project is a Type I Action pursuant to SEQRA, as it involves the disturbance of land totaling over 10 acres; and be it further

RESOLVED, that based upon a thorough review and examination of the known facts relating to the Action and its careful review of all potentially adverse environmental impacts, and the entire record and proceedings, including the Environmental Information, relating to the Action, the Legislature finds that the Action will not have a significant adverse impact on the environment and that a Draft Environmental Impact Statement will not be prepared; and be it further

RESOLVED, that the attached Negative Declaration, incorporated herein by reference, is issued and adopted for the reasons stated in the determination of non-significance; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget and Management, the Department of Law, and Mark Rountree, Department of Environment and Planning and any other required parties pursuant to the SEQRA regulations.

**NEGATIVE DECLARATION  
Determination of Non-Significance**

Lead Agency: Erie County Legislature  
Date: January 5, 2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act, or "SEQRA") of the Environmental Conservation Law.

The County of Erie Legislature ("County"), as lead agency, has reviewed the proposed resolution regarding the Buffalo Bills New Stadium Project (the "Project" or "Action") and determined that it will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared. \* Terms not defined herein have the same meaning given to them in the Technical Addendum.

Name of Action: Buffalo Bills New Stadium

Location of Project Site: Towns of Orchard Park and Hamburg, New York (SBLs: 161.00-5-1, 161.00-5-3.1, 161.00-5-16.1, 161.17-6-1, 161.17-6-3, 161.17-6-4.2, 161.17-6-10).

SEQRA Status: Type I

Description of Action: Erie County is currently evaluating: (1) the conveyance of certain portions of land located in the Town of Orchard Park (SBLs: 161.00-5-1, 161.00-5-3.1, 161.00-5-16.1, 161.17-6-1, 161.17-6-3, 161.17-6-4.2, 161.17-6-10) to the Erie County Stadium Corporation (“ECSC”) and the subsequent lease of the sold parcels by ECSC to Buffalo Bills, LLC, Western New York’s National Football League (“NFL”) franchise team (together, with its stadium affiliate, the “Team”); (2) the construction of a new stadium facility (“New Stadium” or “New Stadium Complex”) to replace the existing Highmark Stadium (“Existing Stadium”); (3) the demolition of Highmark Stadium; and (4) the continued operation of the Team’s complex (collectively, the “Project”). Reference is made to the Technical Addendum (“TA”) for a more detailed description of the Project.

Reasons Supporting this Determination:

The County has identified the relevant areas of environmental concern and has taken a hard look at each of the identified areas as required by SEQRA. The County compared the Action with the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). The County has completed Parts 2 and 3 of the Full Environmental Assessment Form (“FEAF”), and, as indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Action will not have a significant adverse impact on the environment.

A. Impact on Land

The New Stadium and surrounding parking lots and pedestrian walking connections will be constructed on a previously developed site directly across the street from the Existing Stadium, on the west side of Abbott Road. The addition of improved drainage and parking lot runoff management will be a significant improvement when compared to the current conditions associated with the Existing Stadium and surrounding facilities. There will not be any significant construction activity on lands where the depth to the water table is less than 3 feet. The Project does not involve construction on slopes of greater than 15%. There will not be any blasting of bedrock necessary nor construction over limestone bedrock which typically has caves, cracks and/or sinkholes that could expose the groundwater table.

The footprint of the New Stadium is smaller than the Existing Stadium. Almost all of the excavated material will be reused and remain on the Site. During demolition, the Existing Stadium’s concrete structure will be ground up and recycled as fill material within its existing bowl area to reduce off-Site waste. Many of the large boulders used as vehicular barriers around the Site will be reused. Any metal and concrete materials not suitable for reuse on the Site will be recycled off-Site. Excavated clean and suitable soils maybe reused off-Site, at the County’s discretion, as a source of clean cover material and fill for other County projects. The Project will not result in increased erosion. All required soil and erosion control measures during construction will be implemented.

Furthermore, no state or federally mapped wetlands will be impacted by the construction of the New Stadium Complex.

Overall, the Project will involve significant amounts of construction lasting for three years. However, the Project essentially replaces the Existing Stadium, which has been operational for approximately 50 years, with a brand new, state of the art stadium on an adjacent, already developed parcel. Accordingly the Project will not have a significant adverse impact on land.

**B. Impact on Geological Features**

The Site contains no unique or unusual land forms (e.g. cliffs, dunes, minerals, fossils, or caves), nor are there any National Natural Landmarks at or around the Site of the New Stadium Complex. Accordingly, the Project will not have a significant adverse impact upon geological features.

**C. Impact on Surface Water**

Overall, proposed improvements to the New Stadium Complex's drainage conditions have been designed to meet all State and Federal requirements and will result in significant improvements to stormwater management over current practices, which are intended to result in a beneficial impact on downstream drainage conditions as compared with existing conditions. There are no proposed impacts to the mapped streams within the Project Area. The Project will result in new impervious surfaces which will require stormwater management systems to properly handle stormwater flows and ensure proper management of such stormwater on Site. Soil and erosion control measures will be implemented so there are no inappropriate discharges of contaminants to surface waters during construction. Following site stabilization and construction of the Project, erosion and control measures will control the water quality and quantity of stormwater runoff. Unlike existing conditions, the stormwater management system for the New Stadium Complex will provide treatment in accordance with NYSDEC criteria, and will control the peak runoff to Smoke Creek and Rush Creek Tributary, to rates at or below existing rates. The methods being employed will provide water quality treatment to address specific pollutants, such as phosphorus. This treatment will greatly enhance the quality of the post construction discharge as compared to current conditions.

Based on these facts, the Project will not have any significant adverse impacts on surface water.

**D. Impact on Groundwater**

Because both the Existing Stadium and the New Stadium Complex receive water from the Erie County Water Authority ("ECWA") sourced from Lake Erie, the Project will not require new water supply wells, nor place any additional demand on existing water supply wells. While the New Stadium Complex will require storage and use of fertilizers, fungicides, diesel, and pesticides, such storage will be in accordance with applicable federal, state, and local requirements to avoid any impacts to any groundwater resources, and is consistent with existing conditions resulting from the Existing Stadium. Groundwater in the vicinity of the New Stadium Complex is not a source of potable drinking water due to the existing municipal water supply system. In addition, the SWPPP and SPDES Permit controls will be in place to limit any impacts from construction and excavation. The Existing Stadium's demolition will adhere to all applicable federal, state, and local statutes, laws, codes, and ordinances, as well as industry standard practices for responsible environmental

controls. Based on these facts, the Project will not have any significant adverse impacts on groundwater.

E. Impact on Flooding

As detailed in the TA, while there is a 100-year floodplain on the south end of the Project Area, the Project Area itself is not located in a designated floodway, a 100-year floodplain, and a 500-year floodplain. The New Stadium Complex will achieve an 18% reduction in peak stormwater runoff as compared to existing conditions by utilizing stormwater controls. Stormwater controls include the installation/improvement of six bioretention facilities, the existing on-site storm sewer system, an underground detention chamber which will serve to attenuate peak discharge rates, two wet ponds, the use of hydrodynamic water quality units, and the use of impervious cover reduction with soil restoration practices. Based on these facts, the Project will not have any significant adverse impacts on flooding or flooding conditions, and will result in a net benefit to existing flood conditions in the vicinity of the New Stadium Complex.

F. Impact on Air

The New Stadium will have a reduced seating capacity compared to the Existing Stadium, thereby reducing vehicle trips per event as compared to the Existing Stadium and thereby reducing associated indirect air pollution impacts. During construction, in addition to indirect air pollution from vehicles, the demolition of the Existing Stadium could result in fugitive dust emissions, however those time periods will generally be limited to the initial construction stage when excavation work takes place and during demolition of the Existing Stadium. In order to ensure that the construction activities and demolition of the Existing Stadium do not have an adverse impact on air quality, the comprehensive Demolition Mitigation Plan (“DMP”) will be implemented. Additionally, the activities associated with the demolition of the Existing Stadium will adhere to all applicable federal, state, and local statutes, laws, codes, and ordinances, as well as industry standard practices for responsible environmental controls. Accordingly, the Project will not have any significant adverse impacts on air quality.

G. Impact on Plants and Animals.

The Site is largely developed, and there are no significant natural habitats on the Site. Several public comments raised concerns with respect to the impact of the design of the New Stadium on migratory birds. The façade of the stadium is generally split into two horizontal curved bands of solid materials at its base, and perforated screens at the upper levels of the stadium. Primary exterior cladding materials include: perforated metal panels (approximately 43%), solid metal panels (approximately 25.5%), brick (approximately 19%), glass (approximately 9.5%), and concrete (approximately 1.5%). As further detailed in the TA, the location of exterior glass has been strategically placed to maximize daylighting to key interior spaces at consolidated zones, is limited in height, and makes up less than 10% of the overall exterior façade, and will not be highly reflective, and up to approximately 25% of the glass surface is located behind perforated metal panels, all of which will further reduce impacts on avian species. Further, the New Stadium will be located further away from the existing wildlife habitat present in Smokes Creek compared to the Existing Stadium. As the vast majority of the Site is already developed and there is no significant natural habitat present, nor any threatened or endangered species, and due to the building materials,

integration of field lighting, and use of newer technology and lighting controls, the Project will not have any significant adverse impacts on plants and animals.

H. Impact on Agricultural Resources

The Site has not been used for agriculture, since at least 1972, and is not considered prime farmland, and is not located in a NYS certified Agricultural District. Accordingly, the Project will not have any significant adverse impacts upon agriculture or agricultural uses.

I. Impact on Aesthetic Resources

While the New Stadium's compact footprint is smaller than the Existing Stadium by approximately 50' in length and 100' in width, its roof canopy could extend approximately 50' higher than adjacent grade as compared to the Existing Stadium's field lights. Nevertheless, the nearest officially designated and publicly accessible federal, state, or local scenic or aesthetic resource (Woodlawn Beach State Park) is located approximately 5 miles from the New Stadium Complex, and the New Stadium will not be visible from this resource. The location where the difference in stadium height will be most noticeable is when walking or driving along Abbott Road and on the Erie Community College ("ECC") South Campus. In addition, the parking areas servicing the New Stadium Complex will have improved paved pedestrian pathways and landscaping consisting of trees, shrubs and groundcover as compared to the existing conditions. Multiple landscaped bioswales will be used to manage a portion of the stormwater runoff while also providing additional landscaped green infrastructure area.

The New Stadium will be substantially screened by existing vegetation from surrounding neighborhoods and other locations, including major roadways. While the New Stadium will be visible from Chestnut Ridge Park, such visibility is consistent with the skyline view of the Existing Stadium and City of Buffalo currently available to visitors.

Generally, due to topography and mature trees, even with the New Stadium's increased height, views from adjacent vantage points, particularly surrounding residential neighborhoods, are not adversely altered. Given the New Stadium's notable separation from the residential properties and the presence of existing trees in the surrounding area, the Project will not create a significant adverse aesthetic impact compared with existing conditions.

J. Impact on Historic and Archaeological Resources

There are no buildings, archeological sites or districts listed or nominated for inclusion on the State or National Register of Historic Places on the Site. The Existing Stadium was built between 1972-1973 and is now approximately 50 years old, however, significant modifications have been made to the original structure of the Existing Stadium since it was first constructed. The NYS Office of Parks, Recreation, and Historic Preservation ("OPRHP") has determined that the

The Site adjoins some historic cemeteries and is located on the historic homelands of several Indigenous Nations, including the Seneca, Erie, and Wenro, and Neutral. Thus, the area is considered sensitive for Indigenous archaeological resources, including the potential for burials and/or human remains. In accordance with Section 14.09 of the State Historic Preservation Act, a

consultation process was initiated among Involved Agencies (Empire State Development, OPRHP, the NYS Department of Environmental Conservation (“NYSDEC”) and the County). As part of this process, the region’s three Indigenous Nations, the Seneca Nation of Indians, the Tonawanda Seneca Nation, and the Tuscarora Nation (collectively the “Interested Nations”) were invited to participate by providing input into documentary research and to monitor on-Site investigations. The Involved Agencies have entered into a Letter of Resolution (“LOR”) documenting stipulations to be implemented to ensure protection and preservation of archaeological resources encountered. The Team and the Interested Nations have been invited to sign the LOR as Concurring Parties. Based on the above, the Project will not have a substantial adverse impact upon historic or archeological resources.

**K. Impact on Open Space and Recreation**

The New Stadium Complex will not result in a loss of recreational opportunities or a reduction in open space resources. With respect to the underutilized athletic fields on the ECC Campus, the ECC Board of Trustees has determined the ECC Campus land containing the athletic fields is no longer necessary for community college use or purposes. In terms of off-Site recreational resources, the closest is the California Road Recreational Area which is 1.5 miles away and will be unaffected by the Project. The nearest park is the Woodlawn Beach State Park which is approximately 5 miles away and, also, will be unaffected by the Project. Accordingly, the Project will not have a substantial adverse impact upon open spaces or recreation.

**L. Impact on Critical Environmental Areas**

There are no Critical Environmental Areas as described in subdivision 6 NYCRR 617.14(g) on the Site or in proximity to the Site. Accordingly, the Project will not have any significant adverse impacts upon Critical Environmental Areas.

**M. Impact on Transportation**

Overall, the New Stadium Complex will feature approximately 10,000 parking spaces controlled by the Buffalo Bills, similar to the approximately 9,950 spaces currently controlled with the Existing Stadium. Importantly, the New Stadium’s location, west of Abbott Road, will allow for patrons and vehicles to enter and exit more equally in all directions as compared to the Existing Stadium, which constrained on the east side by Smoke Creek. Further, new driveways will offer additional ingress and egress opportunities for parking areas, alleviating some existing game day traffic congestion for the New Stadium Complex.

The existing operations, outlined in the Traffic Management Plan (“TMP”), to accommodate and manage game day traffic and pedestrian operations for the New Stadium Complex will remain similar as to what is done today for the Existing Stadium Complex. Traffic management for Game Day and other events is reviewed at the end of the Team’s season to discuss any changes necessary for the coming year, and then again before the start of a season. As detailed below, the New Stadium Complex is expected to result in similar impacts to roadway facilities, vehicle trips, parking, public transportation facilities, travel patterns, and pedestrian conditions as the Existing Stadium, thus no significant change is expected to result from the Proposed Action.

i. Roadway Facilities

As the New Stadium will be located on the west side of Abbott Road (across from the Existing Stadium), the same existing regional street network will be used by patrons of the New Stadium. Notably, an additional driveway will provide a new connection between Southwestern Boulevard and Big Tree Road, adjacent to ECC Campus. Given the reduced seating capacity of the New Stadium, no increase to traffic volumes on the existing regional street network are anticipated.

Accordingly, the New Stadium Complex will not have a significant adverse impact on roadway facilities as compared to existing conditions.

ii. Vehicle Trips

Game day traffic volumes and parking demand will be reduced as compared to existing conditions as a result of the reduction in the number of attendees due to the reduced seating capacity of the New Stadium. Overall, the New Stadium is projected to generate approximately 2,000 fewer vehicle trips than the Existing Stadium. Furthermore, game attendees' travel patterns and behavior will largely resemble travel that of the Existing Stadium Complex. Accordingly, the New Stadium Complex will not have a significant adverse impact on vehicle trips.

iii. Parking Facilities

The New Stadium Complex is expected to incorporate expedited parking validation processes that will help to move pre-game traffic queues for parking areas more expeditiously. Between the Team/owner-controlled parking spaces, ECC Campus, and secondary and tertiary parking, 20,089 spaces are proposed for the New Stadium Complex. The identified demand for parking spaces at the New Stadium Complex is 18,080. During post-game operations, parking lot driveways are anticipated to retain their existing directional exit patterns to support traffic flow.

Accordingly, the New Stadium Complex will not have a significant adverse impact on parking facilities as compared to existing conditions.

iv. Public Transportation Facilities

NFTA is not proposing any changes to existing service along Route 14, Route 16, or Route 72 due to the Project. Beginning during the 2022 season, NFTA is piloting game day service that would operate between several locations across Western New York to a passenger drop-off on Abbott Road. This pilot service is in its initial phase as of the 2022 season and is subject to change throughout the season based on conditions and ridership. It is anticipated that this new direct service to the Site will continue on game days with the New Stadium.

Accordingly, the New Stadium Complex will not have a significant adverse impact on public transportation facilities.

v. Travel Patterns

Patrons parking in lots to the north and south of the Site will likely continue to equally approach/depart the Site from/to the west and east while patrons parking to the west will likely continue to approach/depart from/to the west and patrons parking to the east will likely continue to approach/depart from/to the east. New/modified internal roadways and access driveways will provide the flexibility needed to allow adjustments to the TMP based on actual operational experience with the New Stadium, and the TMP will be updated regularly.

Game day use of local streets is expected to remain similar to existing conditions, and potentially experience reduced traffic volumes due to reduced seating capacity at the New Stadium. In addition, the increase in the total number of anticipated parking spaces to the east of Abbott Road is anticipated to reduce the potential for cut-thru traffic on these roadways which are all located to the west of Abbott Road.

Accordingly, the New Stadium Complex will not have a significant adverse impact on travel patterns, as compared to baseline conditions.

vi. Pedestrian Conditions

The New Stadium will incorporate several new internal walkways west of Abbott Road to enhance pedestrian accommodations. Existing sidewalks, pedestrian walkways and accommodations provided on-Site to the east of Abbott Road will remain and are detailed in the TMP. The closure of Abbott Road for pedestrian accommodation pre- and post-game as part of the TMP is planned to continue, along with the other measures detailed therein that have been highly effective in ensuring pedestrian safety. It is noted that during the public comment period on the Technical Addendum and supporting environmental reports, several commenters stated that they were concerned about sidewalks, guiderails, and other structures of the like not being implemented in the new stadium design. As detailed in the response to that comment, pedestrian safety is of the highest importance before and after a game. As explained on page 17 of the TA, the Traffic Management Plan (Appendix 16 to the TA) has been specifically designed to manage game day traffic with the goal of maximizing capacity of the adjacent roadways and protecting the high number of pedestrians in the vicinity of the Existing Stadium Complex. In order to maximize pedestrian safety, Abbott Road from Big Tree Road to Southwestern Boulevard is shut down for pedestrian crossing during event days. Furthermore, before a game, a pedestrian corridor is established within the rightmost northbound lane of Abbott Road from Southwestern Boulevard to Webster Road. After a game, there are lane restrictions on Abbott Road north of Southwestern Boulevard and on Big Tree Road to provide pedestrian corridors. After a game, a pedestrian corridor is established within the right of way of the northbound lane of Abbott Road from Southwestern Boulevard to Webster Road. Furthermore, Big Tree Road (Route 20A) closes to westbound traffic at U.S. Rt. 219 starting at approximately halfway through the game/event. Big Tree Road is then converted into eastbound only traffic to the U.S. Rt. 219 interchange ramp. The TMP calls for use of channelizing devices such as cones or drums to delineate the eastbound traffic on the eastbound shoulder and the travel lanes. The westbound shoulder is used for a pedestrian corridor.

Accordingly, the New Stadium Complex will not have a significant adverse impact on pedestrian conditions.

vii. Construction Implications



All construction site impacts to parking spaces will occur to either Team/owner-controlled parking lots or ECC Campus parking spaces. No changes to secondary or tertiary parking is anticipated as part of the New Stadium construction. The construction stages will temporarily reduce the available number of on-Site parking spaces, most of which includes the employee, RV and bus and limo parking. During construction, temporary shuttling will occur to transport staff between the Site and remote parking lots. This will help to reduce the demand for on-Site parking during construction. Construction vehicle parking and staging will be accommodated on-Site. No off-Site parking or use of local roadways for construction vehicle parking is anticipated during the construction duration. Construction deliveries will be scheduled to avoid peak traffic times as much as possible. Delivery routes will be identified to minimize impacts to travel on adjacent roadways. The addition of these vehicles would result in negligible impacts to the operations of the roadways due to the available off-peak capacity of the network of roadways near the Site. The construction related traffic trips will be temporary, minor, and will conclude as the stages of construction are completed.

Overall, the addition of construction worker vehicles would result in negligible impacts to the operations of the roadways due to the available off-peak capacity of the network of roadways near the Site.

viii. Conclusion

The Project is expected to result in traffic volume and flow, parking, and pedestrian conditions that are similar to those of the Existing Stadium. This, combined with the reduced seating capacity and features included in the New Stadium, is not expected to result in significant adverse impacts to the transportation network above and beyond those experienced with the Existing Stadium.

Thus, the New Stadium Complex will not have a significant adverse impact on transportation, as compared to baseline conditions.

N. Impact on Energy

The Existing Stadium uses one (1) incoming 35 kV service feeder from NYSEG, and is split into two feeders to service the Existing Stadium. The current peak utility electrical demand from the Existing Stadium on both feeders totals approximately 7,500 kW for event days. The New Stadium Complex will require two (2) new dedicated 35 kV service feeds from NYSEG. The utility peak demand for the New Stadium is anticipated to be between 9,500 and 11,000 kW, but expansion of the electrical grid is not anticipated to be necessary. The increased electrical load is due to the increased area of the building and increased amount of technology, equipment, and amenities in a modern NFL stadium. Newer technologies that are more energy efficient than existing systems will be employed at the New Stadium and throughout the New Stadium Complex. The source of electricity will be the Western New York power grid which already uses 91% zero-emission energy for the electrical grid. The New Stadium Complex will continue to draw from these renewable resources.

Although there is a decrease in seating capacity associated with the New Stadium, there will be an increase in square footage per ticket holder, and an increase in heated interior space, when comparing the New Stadium Complex to the Existing Stadium. This is specifically designed to

increase fan comfort and enhance the Game Day experience. Even with the increase in heated interior space, because of the energy-efficient design of the New Stadium, the natural gas usage for the building, including space heating, cooking gas, and water heating, decreased by approximately 14% from existing conditions. However, overall, the natural gas usage will increase from 42,426 decatherms per year at the Existing Stadium Complex to 54,192 decatherms per year for the New Stadium Complex, an increase over existing conditions by 11,766 decatherms or approximately 27%. This increase in natural gas is attributable to the natural grass field, which requires heating through the use of underground boilers in winter. The natural grass field, as compared to the artificial turf at the Existing Stadium, is for purposes of enhanced player safety concerns, including the reduction of knee injury and concussion risks to players. To put this increase in some perspective, on an annual basis, the County's Rath Building utilizes approximately 11,422 decatherms per year. Thus, the increase in natural gas consumption associated with the Project is roughly equivalent to a large office building. Potential impacts from this increase in natural gas usage are mitigated by the more energy efficient design of the New Stadium.

Specifically, regarding the HVAC system, a more robust insulated building envelope will be developed that will result in conserving electricity when heating and cooling the building. The improved building envelope will use high performance glazing and increased exterior thermal insulation to reduce heating and cooling loads for interior spaces. The partially open, shaped roofline gives the New Stadium an aerodynamic form as a way to help drive Lake Erie winds over the facility, rather than to swirl around inside the bowl, as it does in the Existing Stadium. Improved HVAC automated controls and use of higher efficiency equipment including the use of airside economizers on all air handling systems will increase the New Stadium's energy efficiency and optimize its performance.

LED video displays used in the seating bowl and concourses, as well as illuminated signs, are more energy efficient than previously available models, thus use less electricity power per square foot than what currently exists at the Existing Stadium. Energy efficient LED lighting fixtures will be used both in the New Stadium, including the playing field, and throughout the New Stadium Complex to reduce the electrical demand. A more extensive lighting control system will be used to minimize the use of electricity and conserve energy when areas are unoccupied.

During construction of the New Stadium, the energy demand associated with construction activities will be less than the Existing Stadium's game day peak load. The New Stadium will not be operated concurrently with the Existing Stadium, thus there is no overlap of stadium operational electrical use.

As such, there will be no significant adverse impacts on energy usage.

O. Impact on Noise, Odor and Light

i. Noise

1. New Stadium Operations

For game day events the New Stadium speaker system levels are expected to result in similar community sound level impact as compared to the Existing Stadium speaker system.

For concert events, the New Stadium speaker system levels are expected to result in a significantly lower community sound level impact reducing the overall sound level impact by 8 to 11 dBA. A small area approximately 4,110 feet from the New Stadium (at Lynwood Ave. and Brookview Terrace) could see an increase in sound level of approximately 3 dBA due to the location of the New Stadium. However, this location is nearly a mile from the New Stadium and will likely be shielded by intermittent buildings and vegetation.

## 2. Construction

Equipment and activities associated with construction of the New Stadium have the potential to produce intermittent noise emissions in the vicinity of the New Stadium above the documented baseline limits, and changes to ambient noise levels and vibrations have the potential to impact existing sensitive receptors. The impacts would largely be associated with the excavation and foundations work stages of construction, which is over a limited time period, and it is anticipated that approximately 85 to 90% of the construction work will be performed during standard daytime work hours (Monday to Friday 7:00 a.m. to 6:00 p.m.) when noise sensitivity is lowest.

The noise levels during each stage of construction at the point of reception are predicted to be within applicable noise limits at the worst-case receptor locations. Active construction monitoring will be done throughout the construction period on an as needed basis. Additionally, where construction work is adjacent to residential areas and in proximity to the grade separation work sites, it will be determined whether there is a need to further reduce noise effects if persistent complaints arise, and additional mitigation measures will be implemented where appropriate.

## 3. Conclusion

Overall, during construction of the New Stadium, the Project will include increased noise levels within the New Stadium Complex and the surrounding area. However, the construction stage is temporary and short-term relative to the entire life cycle of the Project, most activities will be limited to daytime construction hours, construction activities will be within the construction noise guideline limit of 80 dBA at the worst-case receptor locations, and best practices and noise mitigating controls will be utilized where feasible. Additionally, the Project will replace the existing sound system with an enhanced system that will improve the fan experience and will reduce sound levels from concert events, and sound levels on game days will be similar to existing conditions. Accordingly, there will be no significant adverse impacts to noise.

### ii. Odor

As mentioned in the TA, the Existing Stadium Complex tends to emit food odors from tailgating activities and concessions. These same activities are expected to continue with the New Stadium. Thus, there will be no significant adverse impacts to odor.

### iii. Light

Overall, the Project will replace the existing, 140' tall free-standing stadium lighting and tall parking lot post lighting with modern lighting specifically designed to limit light impacts to adjoining properties, roadways and wildlife during construction and operation of the New Stadium, and improve lighting for pedestrian safety throughout the New Stadium Complex. All of the lighting for the New Stadium Complex is energy efficient light emitting diode ("LED") lighting. All façade and site lighting will to be controlled via a time clock with the overall controls system. Well-shielded LED light sources will be used throughout site will help minimize skyglow, which can be disorienting to birds and bats. Warm color temperatures, which are proven to have the least impact on birds and bats, will be used throughout New Stadium Complex. The new lighting controls will allow for modifications and creation of multiple lighting scenes or scenarios, where appropriate fixture wattages will be selected with the surrounding environment and energy codes in mind. The new controls will also be used as described above to limit the number of lights that are on at night, to help protect the sleep-wake cycles and reproductive patterns of surrounding wildlife. Accordingly, there will be no significant adverse impacts to light.

P. Impact on Human Health

Construction will be located within the larger New Stadium Complex, accordingly, the general public's exposure to any hazards will be limited. While certain hazardous materials will be stored on-Site, such storage will be in accordance with applicable federal, state, and local requirements and is consistent with existing conditions resulting from the Existing Stadium. Additionally, the Project will minimize risks to construction personnel by implementing the DMP prior to the commencement of demolition, as well as by fully complying with applicable federal Occupational Safety and Health Administration ("OSHA") and New York State Labor Law requirements.

No construction of, or modification to, any solid waste management facility will be necessary to accommodate the Project. As detailed in the Impact on Traffic section, supra, vehicle flow both on and off site is expected to improve from existing conditions, with increased efficiencies resulting from the design of the onsite parking and access driveways, with a corresponding increase in vehicular and pedestrian safety.

Accordingly, the Project will not have any significant adverse impact to human health.

Q. Consistency with Community Plans

i. Land Use Components & Development Goals

No portion of the ECC Campus in the Town of Hamburg will be incorporated into the New Stadium Complex and the existing parking lots on the ECC Campus located in the Town of Hamburg will continue to service ECC going forward, while also servicing the New Stadium Complex on event days (as they currently service the Existing Stadium). The Town of Orchard Park Comprehensive Plan contemplates continued use of the Existing Stadium Complex for operations by the Team, and establishes the importance of the Team and a stadium on the Existing Stadium Complex to the Comprehensive Plan of the Town. The New Stadium will be located on currently underutilized and surplus athletic fields on the ECC Campus, and will otherwise occupy the footprint of parking lots that predominantly service the Existing Stadium. Thus, the Project is consistent with the overall development visions and goals of the Towns of Orchard Park and Hamburg. The Site has already

been the home of the Buffalo Bills for the last fifty years. In that time, there has been some off-Site development to support the Existing Stadium Complex including adjacent bars, restaurants, and various types of commercial stores and lodging establishments. These businesses have used their proximity to the Existing Stadium as the basis for drawing in business and generating revenue. The introduction of the New Stadium across Abbott Road from the Existing Stadium Complex will continue to support these businesses but the Project is not expected to result in material ancillary development. Nonetheless, to the extent either the Towns of Orchard Park or Hamburg were to decide to make ancillary development a priority, this could certainly change.

ii. Public Infrastructure

1. Water

The New Stadium Complex will see a reduction in peak water usage on event days due to the new infrastructure and reduced capacity of the New Stadium. While there will be new water usage as a result of the field irrigation, the Project also provides sustainable design elements and upgrades to a 50 year old stadium, such that annual water usage is expected to drop from approximately 20 million gallons per year at the Existing Stadium to approximately 15 million gallons per year at the New Stadium, a 25% reduction in overall water used at the New Stadium Complex. Based on initial discussions with the ECWA, the primary water connection will occur on an existing transmission main separate from the mains used to service adjacent businesses and residences, alleviating water pressure issues on game days. Thus, there will be no significant adverse impacts on water usage.

2. Sewer

It is expected that the New Stadium Complex will see a reduction in peak sanitary sewer discharge to the attenuation tank system on event days given the reduction in capacity of the New Stadium, as well as the use of low water consumption toilet fixtures and flush valves to reduce the amount of sanitary waste drainage volume created during events. Thus, there will be no significant adverse impacts on the sewer system.

3. Telecommunications

A Cellular Distributed Antenna System (“DAS”) and a separate public responder DAS will be provided in the New Stadium, in concert with a venue provided spectator Wi-Fi deployment equal to that provided at new or recently renovated NFL venues. Thus, there will be no significant adverse impacts on telecommunications service.

iii. Conclusion

The New Stadium Complex’s land use components are essentially identical to the current land use pattern for the Existing Stadium Complex, and the Project is consistent with the overall development visions and goals of the Towns of Orchard Park and Hamburg. Additionally, no new or expanded public infrastructure is required for the Project. Thus, the Project will not have any significant adverse impact to community plans.

R. Consistency with Community Character

Overall, the Project is consistent with the longstanding usage of the Site to support Team operations in Western New York. The Team is a vital part of the community character and the Project keeps the Team in Buffalo, at a minimum, for the duration of the entire 30-year term of the New Stadium lease. The Existing Stadium has been in operation for approximately fifty years, and is reaching the end of its lifespan, requiring demolition and replacement. While the location and design of the New Stadium differ from the Existing Stadium, these differences are anticipated to mitigate existing conditions and provide the community with a new home for Western New York's NFL football franchise. Accordingly, the Project will not have a significant adverse impact on land use and zoning.

#### S. Cumulative/Growth Inducing Impacts

There are several projects that may take place in future years that are related to the Project, including: (i) potential improvements to mass transit routes and or other public transportation improvements to better serve the New Stadium Complex; (ii) bicycle paths/trails and/or additional off-site pedestrian walkways/sidewalks; and, (iii) the relocation of the ECC Cell Tower. At this point in time, it is unclear if any of these projects will be undertaken. In addition, none of these projects are sufficiently defined as to be able to analyze potential environmental impacts at this time. Accordingly, separate environmental reviews for these projects should they ever move forward are warranted under the circumstances. Further, each of these projects, if they ever move forward, will be subject to their own environmental impact analysis pursuant to SEQRA. Thus, not including these projects in the current SEQR process for the Project is no less protective of the environment.

The introduction of the New Stadium across Abbott Road from the Existing Stadium Complex will continue to support existing businesses but studies have shown that the Project will not result in material ancillary development.

#### II. Conclusion

A number of temporary and/or minor environmental impacts have been identified in connection with the New Stadium Complex when compared to existing baseline conditions. However, a thorough analysis of these potential impacts reveals that where necessary, such impacts have been mitigated to the greatest extent possible by the design of the Project and that none of these impacts will be significant. Accordingly, the issuance of a negative declaration for the Project is appropriate.

For Further Information:

Contact Person: Mark Rountree, Department of Environment and Planning

Address: Erie County Department of Environment and Planning  
95 Franklin Street, 10<sup>th</sup> Floor  
Buffalo, New York 14202

Telephone Number: (716) 858-8008

[\\*\\*\\*See New Bills Stadium - Full Environmental Assessment Form - COMM. 22E-6 \(2022\) Amendment](#)

(5-0)

**TIMOTHY J. MEYERS  
CHAIR**

Item 36 – MS. VINAL presented the following report and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 5

January 12, 2023	SMALL BUSINESS COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.  
CHAIR BASKIN PRESENT EX-OFFICIO MEMBER.

1. RESOLVED, all items are hereby tabled.  
(Chair’s Ruling)

**JEANNE M. VINAL  
CHAIR**

**LEGISLATOR RESOLUTIONS**

Item 37 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 6

RE: Opposition to the Proposed Ban on  
Natural Gas Heating and Appliances  
in NYS  
(INTRO. 2-1)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS GREENE, MILLS, TODARO & MALCZEWSKI**

WHEREAS, Governor Hochul’s state-of-the-state address contained a proposal to “...end the sale of new fossil powered heating equipment by 2030 by calling for construction of – all new construction needs to be zero emission – starting in 2025 for small buildings and 2028 for large buildings,”; and

WHEREAS, President Biden and the White House have come out against any prohibition of gas stoves; and

WHEREAS, the Governor's ban is intended to help address climate change, but this government mandate is more a burden on our region's working-class residents; and

WHEREAS, a ban on natural gas appliances and water heaters is not feasible for Western New York with harsh winter weather and exposed electrical infrastructure. Appliances used to heat water and cook food need to work during power outages especially during times of inclement weather; and

WHEREAS, this past December saw a blizzard rip through the Buffalo Metro Area leaving tens of thousands of residents stuck in their home without power, many for several days. Gas appliances, fed by more resilient infrastructure, allowed those residents to heat their homes, boil water, and safely cook their food for the days needed to clear the roads and restore electricity. Nearly four dozen people died during this storm, many more would have suffered if they had to rely on our power grid for cooking and emergency heating; and

WHEREAS, what is more, current technology that is expected to replace gas appliances, like space heating, does not work well in our climate. This fact was noted in the recent Climate Action Council's report, which proposed requiring two heating sources for New York Residents who live in areas that are frequently too cold; and

WHEREAS, electrical appliances have more moving parts and are expensive to maintain and repair, mandating their purchase is an unnecessary burden we are placing on families across New York State at a time when the cost of living has significantly outpaced wage growth; and

WHEREAS, further, all electric appliances have been shown to be less efficient and therefore cost more to generate the same amount of heat than natural gas fed appliances. With the higher costs, energy bills will go through the roof for residents further exacerbating the recent price spikes in food, transportation, and general merchandise; and

WHEREAS, as we have seen with California's recent push to make everything electric, this government mandate will likely lead to an increased strain on our state's electrical grid leading to black outs and rationing, which is especially dangerous with the winter weather we routinely experience; and

WHEREAS, the infrastructure investment costs are not the sole responsibility of utility companies nor do they exist in a bubble. The investment costs to bury powerlines, increase renewable energy infrastructure, and increase the capacity of transformers will be passed on directly to consumers in the form of increased energy costs. Further, individual homes, especially those in older housing stock like Buffalo, will be forced to conduct costs in-home electrical panel upgrades to accommodate the increased demand from their appliances.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby opposes the Governor's plan to ban natural gas heating and appliances as not feasible or warranted for Erie County and much of Western New York; and be it further



RESOLVED, that this honorable body hereby urges Governor Hochul and the New York State Legislature to pause in their rush and to fully examine the real life impact their decisions will have for all New Yorkers, especially those least able to afford them; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor Hochul's Office, the Western New York Delegation to the New York State Senate and Assembly, and any other party deemed necessary and proper.

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

MR. GREENE requested the separation of the sentence stating, "Delete the first resolve clause in its entirety."

GRANTED.

CHAIR BASKIN moved the previous question (the balance of the amendment less the separated sentence).

CARRIED UNANIMOUSLY.

CHAIR BASKIN moved the separated sentence, and directed that a roll-call vote be taken.

AYES: MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOIAN, MR. MEYERS and MS. VINAL. NOES: MR. GREENE, MR. MALCZEWSKI, MR. MILLS and MR. TODARO. (AYES: 7; NOES: 4)

CARRIED.

Amend the Third Whereas Clause as Follows:

WHEREAS, the State's proposal is intended to help address climate change, but could create a burden for our region's working-class residents; and

Amend the Sixth Whereas Clause as Follows:

WHEREAS, what is more, alternatives to natural gas-powered heating have yet to be proven reliable as a sole-source heating system in cold-weather climates; and

Amend the Eighth Whereas Clause as Follows:

WHEREAS, currently, due to market conditions and technology limitations, most electric appliances are less efficient and absent improvements in electricity efficiencies and the electrical infrastructure grid, would likely cause increases in energy costs; and

Amend the Ninth Whereas Clause as Follows:

WHEREAS, as we have seen with California's recent push to make everything electric, improperly planned energy transitions can lead to an increased strain on a state's electrical grid, leading to black outs and rationing, which is especially dangerous with the winter weather we experience.

Amend the Tenth Whereas Clause as Follows:

WHEREAS, the costs to transition the state's energy infrastructure grid should go through a more thorough review to understand how this will impact the energy production and distribution system as a whole, as well as the impact on residential energy systems, before any action is taken.

Delete the First Resolve Clause in Its Entirety.

MR. MEYERS moved to approve the resolution as amended. MS. VINAL seconded.

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

AYES: MR. GREENE, MR. MALCZEWSKI, MR. MILLS, MR. TODARO, MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOIAN, MR. MEYERS and MS. VINAL. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

Item 38 – CHAIR BASKIN directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO. 2-2 from BASKIN. Appointment to the ECCSAB.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 39 – MR. MEYERS moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 23E-15 (2022). MR. JOHNSON seconded. MS. VINAL voted in the negative.

CARRIED. (10-1)

RESOLUTION NO. 7

RE: Axon Body Worn Cameras for ECSO  
Personnel  
(COMM. 23E-15, 2022)

MR. MEYERS moved to amend the item. MR. JOHNSON seconded. MS. VINAL voted in the negative.

CARRIED. (10-1)

Insert the Following:

WHEREAS, the Erie County Sheriff's Office has negotiated new terms with Axon Enterprise, Inc. (Axon), with a termination clause, for body worn cameras, Tasers, evidence maintenance, training software; and

WHEREAS, the new terms would guarantee pricing levels for the next ten (10) years which would result in a \$4,955,815.87 (in 2023 dollars) savings to the county over that time; and

WHEREAS, with the new agreement, Axon will supply the Erie County Sheriff's Office with an additional forty (40) Tasers at no additional cost; and

WHEREAS, in addition to the Tasers, the ECSO will receive Axon Signal Sidearm, updated and upgrade virtual training components and software, auto-transcribe and search software, digital integration and standardization for Use of Force forms, and community outreach capabilities where civilians and businesses can upload digital evidence to a secure server through case assigned hyperlinks; and

WHEREAS, the terms of the new agreement are \$12,175,576.03 over the next 120 months beginning in 2023; and

WHEREAS, the Sheriff's Office and Axon Enterprises have agreed to a termination clause after five years; and

WHEREAS, the "Agency" may terminate the agreement within 30 days prior to the end of the fifth year during the term with thirty (30) days written notice; and

WHEREAS, the new agreement reduces inflationary pressures for future years beyond 2023; and

WHEREAS, the Sheriff's Office has negotiated a termination clause for the length of the contract if program funding is eliminated; and

WHEREAS, starting in 2023, Axon will no longer offer the aforementioned clause to current or new clients; and

WHEREAS, this renegotiated contract will have no fiscal impact on the 2023 budget.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Sheriff's Office and the County Executive to enter into an agreement with Axon Enterprises, Inc., 17800 N. 85<sup>th</sup> Street, Scottsdale, Arizona 85255, continued use of body worn cameras, Tasers, Evidence.com, as well as nineteen other features; and be it further

RESOLVED, the terms of the new agreement are February 2023 through December 2032 with a termination clause that allows the county to end the contract if program funding is eliminated or with a thirty (30) days written notice in the fifth year of the agreement; and be it further

RESOLVED, Certified copies of this resolution shall be forwarded to the County Executive, the County Attorney, the Division of Budget and Management, the Erie County Comptroller, the Department of Public Works, and the Sheriff's Administration Division.

MR. MEYERS moved to approve the item as amended. MR. MILLS seconded. MS. VINAL voted in the negative.

CARRIED. (10-1)

### **SUSPENSION OF THE RULES**

Item 40 – MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 2-3 from BASKIN Re: Appointment to the Erie County Fisheries Advisory Board

RESOLUTION NO. 8

### **A RESOLUTION SUBMITTED BY LEGISLATOR BASKIN**

WHEREAS, under Article 9, Section 9.07 of the Erie County Administrative Code, there is an Erie County Fisheries Advisory Board consisting of twelve members, in which the Chairperson of the Erie County Legislature shall make the appointment for one position, subject to confirmation by the full Legislature; and

WHEREAS, the Chair of the Legislature desires to appoint Hector Pagan, 116 Highland Parkway, Tonawanda, NY 14223, for a three-year term; and

WHEREAS, Mr. Pagan is a member of the West Ferry Anglers and has been life-longer fisherman; and

WHEREAS, Mr. Pagan is also a leader in Erie County's Latino community, and will bring a wealth of experience, as we continue to strive to diversify Erie County's advisory boards to ensure they are inclusive and representative of Erie County's many cultures and traditions.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby appoints Hector Pagan, to the Erie County Fisheries Advisory Board for a three-year term effective immediately; and be it further

RESOLVED, that certified copies of this resolution be transmitted to Commissioner of the Erie County Department of Environment and Planning, Chair of the Fisheries Advisory Board, and to Hector Pagan.

MR. MEYERS moved to approve the resolution. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM LEGISLATOR MEYERS**

Item 41 – (COMM. 2E-1) Letter of Absence form Session No. 23 of 2022

Received, filed and printed.

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

Dear Clerk Graber,

This letter is to explain my absence from the December 15, 2022 Legislature Session #7. Due to a death in my family, I was unable to attend the meeting.

Please enter the aforementioned into the Legislature's official record.

Sincerely,

Timothy Meyers  
District 7 Legislator

**FROM CHAIR BASKIN**

Item 42 – (COMM. 2E-2) 2023 Schedule of Legislative Sessions - Invocation & Pledge Schedule

Received, filed and printed.

TO: ROBERT M. GRABER, CLERK  
FROM: APRIL N.M. BASKIN, CHAIR  
SUBJECT: 2023 SCHEDULE OF LEGISLATIVE SESSIONS

**INVOCATION & PLEDGE SCHEDULE**

---

**JANUARY**

5 Baskin Mills  
19 Kooshoian Greene

**JULY**

6 Bargnesi Meyers  
20 Vinal Todaro

**FEBRUARY**

2 Bargnesi Meyers  
16 Vinal Todaro

**AUGUST**

Recess

**MARCH**

9 Greene Gilmour  
23 Meyers Malczewski

**SEPTEMBER**

7 Greene Gilmour  
21 Meyers Malczewski

**APRIL**

13 Todaro Mills  
27 Gilmour Johnson

**OCTOBER**

5 Todaro Mills  
19 Gilmour Johnson

**MAY**

11 Malczewski Kooshoian  
25 Mills Bargnesi

**NOVEMBER**

2 Malczewski Kooshoian  
16 Mills Bargnesi

**JUNE**

8 Johnson Vinal  
22 Kooshoian Greene

**DECEMBER**

7 Johnson Vinal  
21 Kooshoian Greene

**FROM THE COUNTY EXECUTIVE**

Item 43 – (COMM. 2E-3) ECSD No. 3 - Southtowns AWTF - Bid Opening

Item 44 – (COMM. 2E-4) ECSD No. 8 - Engineering Term Contract Agreement

Item 45 – (COMM. 2E-5) ECSD No. 2 - Engineering Term Contract Agreement

Item 46 – (COMM. 2E-6) ECSD No. 6 - Engineering Term Contract Agreement

Item 47 – (COMM. 2E-7) ECSD No. 4 - Engineer Term Contract Agreement

Item 48 – (COMM. 2E-8) ECSD Nos. 1, 3, 4, & 5 - Construction Inspection Term Contract Agreement

Item 49 – (COMM. 2E-9) ECSD No. 3 - Engineering Term Contract Agreement, Arcadis of NY, Inc.

Item 50 – (COMM. 2E-10) ECSD No. 3 - Engineering Term Contract Agreement, CHA Consulting, Inc.

Item 51 – (COMM. 2E-11) ECSD No. 3 - Engineering Term Contract Agreement, O'Brien & Gere Engineers, Inc.

Item 52 – (COMM. 2E-12) ECSD No. 3 - Engineering Term Contract Agreement, C&S Companies

Item 53 – (COMM. 2E-13) ECSD No. 3 - Engineering Term Contract Agreement, DiDonato Associates

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

FROM THE COUNTY CLERK

Item 54 – (COMM. 2E-14) Erie County Clerk Designated Legal Publications

Received, filed and printed.

January 3, 2023

Robert M. Graber  
Clerk of the Erie County Legislature  
92 Franklin Street  
Buffalo, New York 14222

Re: Erie County Clerk Designated Legal Publications

Dear Clerk Graber:

The Erie County Clerk is tasked with designating daily and weekly newspapers for various legal purposes. This letter serves as an update to such a list of publications and, upon receiving, filing and printing this designation, it shall supersede all previous such notices.

Daily Newspapers

Erie County

BUFFALO NEWS  
One News Plaza  
Buffalo, New York 14203  
716-856-5555  
Fax: 716-849-3428  
Email: [legals@buffnews.com](mailto:legals@buffnews.com)

NIAGARA GAZETTE  
473 Third Street  
Niagara Falls, New York 14301  
Phone: 716-282-2311 Ext. 2310  
Email: [legals@wnyclassified.com](mailto:legals@wnyclassified.com)

Weekly Newspapers

Akron (Village)	AKRON BUGLE 67 Main Akron, New York 14001 716-542-9615 Fax: 716-210-8947 Email: <a href="mailto:akronbugle@gmail.com">akronbugle@gmail.com</a>
Alden (Village) Alden (Town)	ALDEN ADVERTISER 13448 Broadway Alden, New York 14004 716-937-9226 Fax: 716-937-9291 Email: <a href="mailto:aldenadvertiser@rochester.rr.com">aldenadvertiser@rochester.rr.com</a> Hours: Monday-Friday 8 am-2 pm
Amherst	AMHERST BEE (Bee Group Newspapers) 5564 Main Street Williamsville, New York 14221 716-204-4909 Fax: 716-633-8601 Email: <a href="mailto:legals@beenews.com">legals@beenews.com</a>
Angola (Village)	None, see next nearest municipality
Aurora (Town)	See East Aurora
Blasdell (Village)	None, see next nearest municipality
Boston	None, see next nearest municipality
Brant	None, see next nearest municipality
Buffalo	AM-POL EAGLE 3620 Harlem Road Cheektowaga, New York 14215 716-835-9454 Fax: 716-835-9457 <a href="mailto:renee@ampoleagle.com">renee@ampoleagle.com</a>



BUFFALO ROCKET NEWSPAPER  
9195 Main Street  
Clarence, New York 14031  
716-652-0808  
Fax: 716-652-8586  
Email: [Editor.BuffaloRocket@gmail.com](mailto:Editor.BuffaloRocket@gmail.com)

BUFFALO JEWISH REVIEW  
2730 North Forest Road Suite 133  
Getzville, NY 14068  
716-777-2351  
Attn: Nathan Sull  
Email: [Israel2555@gmail.com](mailto:Israel2555@gmail.com)

The BUFFALO CRITERION  
623-625 William Street  
Buffalo, New York 14206  
Phone: 716-882-9570  
Fax: 716-882-9570  
E-mail: [bcriterion@verizon.net](mailto:bcriterion@verizon.net)

BUFFALO BUSINESS FIRST (BUSINESS FIRST)  
465 Main Street  
Buffalo, NY 14203-1793  
Phone: 716-541-1656  
Fax: 716-854-3394  
Attn: Kim Schaus  
Email: [buflegals@bizjournals.com](mailto:buflegals@bizjournals.com)

CHALLENGER COMMUNITY NEWS  
Mailing Address:  
P.O. Box 474  
Buffalo, New York 14209  
Physical Address:  
1337 Jefferson Ave  
Buffalo, New York 14208  
Phone: 716 881-1051  
Email: [advertising@thechallengernews.com](mailto:advertising@thechallengernews.com)

The JEWISH PRESS  
3692 Bedford Avenue, Suite P2  
Brooklyn, NY 11229  
Phone: 718-330-1100, Ext. 332  
Fax: 718-624-4106  
Email: [ads@jewishpress.com](mailto:ads@jewishpress.com); [yaacov@jewishpress.com](mailto:yaacov@jewishpress.com)

RIVERROCK TIMES  
979 Grant Street  
Buffalo, 14207  
716-835-9455  
Fax: 716-835-9457  
Att: Roger Puchalski  
Email: [riverrock@email.com](mailto:riverrock@email.com)

Cheektowaga

AM-POL EAGLE  
3620 Harlem Road  
Cheektowaga, New York 14215  
716-835-9454  
Fax: 716-835-9457  
Email: [renee@ampoleagle.com](mailto:renee@ampoleagle.com)

CHEEKTOWAGA BEE  
(Bee Group Newspapers)  
5564 Main Street  
Williamsville, New York 14221  
716-204-4909  
Fax: 716-633-8601  
Email: [legals@beenews.com](mailto:legals@beenews.com)

Clarence

CLARENCE BEE  
(Bee Group Newspapers)  
5564 Main Street  
Williamsville, New York 14221  
716-204-4909  
Fax: 716-633-8601  
Email: [legals@beenews.com](mailto:legals@beenews.com)

Colden

None, see Orchard Park or East Aurora

Collins

None, see Orchard Park or East Aurora

Concord

None, see Orchard Park or East Aurora

Depew (Village)

LANCASTER BEE  
(Bee Group Newspapers)  
5564 Main Street  
Williamsville, New York 14221  
716-204-4909  
Fax: 716-633-8601  
Email: [legals@beenews.com](mailto:legals@beenews.com)

East Aurora (Village)	EAST AURORA ADVERTISER 710 Main Street East Aurora, New York 14052 716-652-0320 Email Submissions: <a href="mailto:info@eastaurorany.com">info@eastaurorany.com</a> Billing: <a href="mailto:billingadvertiser@gmail.com">billingadvertiser@gmail.com</a>
	EAST AURORA BEE (Bee Group Newspapers) 5564 Main Street Williamsville, New York 14221 716-204-4909 Fax: 716-633-8601 Email: <a href="mailto:legals@beenews.com">legals@beenews.com</a>
Eden	None, see next nearest municipality
Elma	ELMA REVIEW 710 Main Street East Aurora, New York 14052 716-652-0320 Email Submissions: <a href="mailto:info@eastaurorany.com">info@eastaurorany.com</a> Email Billing: <a href="mailto:billingadvertiser@gmail.com">billingadvertiser@gmail.com</a>
Evans	None, see next nearest municipality
Farnham (Village)	None, see next nearest municipality
Gowanda (Village)	None, see next nearest municipality
Grand Island	GRAND ISLAND DISPATCH 1859 Whitehaven Road Grand Island, New York 14072 716-773-7676 Email: <a href="mailto:legalnotice@wnypapers.com">legalnotice@wnypapers.com</a>
Hamburg (Village) Hamburg (Town)	HAMBURG SUN 5599 Camp Road Hamburg, NY 14075 716-856-5555 Option 3 Email: <a href="mailto:Legals@sun-news.com">Legals@sun-news.com</a>
Holland	None, see East Aurora
Kenmore (Village)	KEN-TON BEE (Bee Group Newspapers)

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	5564 Main Street Williamsville, New York 14221 716-204-4909 Fax: 716-633-8601 Email: <a href="mailto:legals@beenews.com">legals@beenews.com</a>
Lackawanna	None, see next nearest municipality
Lancaster (Village) Lancaster (Town)	LANCASTER BEE (Bee Group Newspapers) 5564 Main Street Williamsville, New York 14221 716-204-4909 Fax: 716-633-8601 Email: <a href="mailto:legals@beenews.com">legals@beenews.com</a>
Marilla	ALDEN ADVERTISER 13448 Broadway Alden, New York 14004 716-937-9226 Fax: 716-937-9291 Email: <a href="mailto:aldenadvertiser@rochester.rr.com">aldenadvertiser@rochester.rr.com</a> Hours: Monday-Friday 8 am-2 pm  ELMA REVIEW 710 Main Street East Aurora, New York 14052 716-652-0320 Email Submissions: <a href="mailto:info@eastaurorany.com">info@eastaurorany.com</a> Billing: <a href="mailto:billingadvertiser@gmail.com">billingadvertiser@gmail.com</a>
Newstead	LOCKPORT UNION-SUN & JOURNAL 135 Main Street Lockport, New York 14094 Phone: 716-282-2311 Ext. 2310 Email: <a href="mailto:legals@wnyclassified.com">legals@wnyclassified.com</a>
North Collins (Village) North Collins (Town)	None, see next nearest municipality
North Tonawanda	None, see next nearest municipality
Orchard Park (Village) Orchard Park (Town)	ORCHARD PARK BEE (Bee Group Newspapers) 5564 Main Street Williamsville, New York 14221 716-204-4909

Fax: 716-633-8601  
Email: [legals@beenews.com](mailto:legals@beenews.com)

ORCHARD PARK SUN  
5599 Camp Road  
Hamburg, NY 14075  
716-856-5555 Option 3  
Email: [Legals@sun-news.com](mailto:Legals@sun-news.com)

Pendleton	None, see Newstead
Sardinia	None, see next nearest municipality
Sloan (Village)	None, see Buffalo
Springville (Village) Springville (Town)	None, see next nearest municipality
Tonawanda (Town) Tonawanda (Village)	None, see next nearest municipality
Wales	None, see East Aurora
West Seneca	WEST SENECA BEE (Bee Group Newspapers) 5564 Main Street Williamsville, New York 14221 716-204-4909 Fax: 716-633-8601 Email: <a href="mailto:legals@beenews.com">legals@beenews.com</a>
	WEST SENECA SUN 5599 Camp Road Hamburg, NY 14075 716-856-5555 Option 3 Email: <a href="mailto:Legals@sun-news.com">Legals@sun-news.com</a>
Wheatfield	None, see Newstead
Williamsville (Village)	AMHERST BEE (Bee Group Newspapers) 5564 Main Street Williamsville, New York 14221 716-204-4909 Fax: 716-633-8601 Email: <a href="mailto:legals@beenews.com">legals@beenews.com</a>

Thank you for your attention to this matter.

Sincerely,

Michael P. Kearns  
Erie County Clerk

FROM CHAIR BASKIN

Item 55 – (COMM. 2E-15) 2023 Legislature Committee Assignments

Received, filed and printed.

2023 Committee Assignments

Finance & Management

Chair: Timothy Meyers  
Chair of Legislature: April Baskin  
Vice Chair: Howard Johnson  
Members: John Gilmour  
Christopher Greene  
John Mills

Energy & Environment

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

Health & Human Services

Chair: John Gilmour  
Chair of Legislature: April Baskin  
Vice Chair: Howard Johnson  
Members: Jeanne Vinal  
James Malczewski  
Frank Todaro

Public Safety

Chair: Howard Johnson  
Chair of Legislature: April Baskin  
Vice Chair: John Gilmour  
Members: Timothy Meyers  
Frank Todaro  
Christopher Greene

Government Affairs

Chair: John Bargnesi  
Chair of Legislature: April Baskin  
Vice Chair: John Gilmour  
Members: Michael Kooshoian  
James Malczewski  
Frank Todaro

Community Enrichment

Chair: John Gilmour  
Chair of Legislature: April Baskin  
Vice Chair: Howard Johnson  
Members: Jeanne Vinal  
John Mills  
Christopher Greene

Economic Development

Chair: Howard Johnson  
Chair of Legislature: April Baskin  
Vice Chair: Timothy Meyers  
Members: John Gilmour

Minority & Women Business Enterprise

Chair: Howard Johnson  
Chair of Legislature: April Baskin  
Vice Chair: Jeanne Vinal  
Members: John Bargnesi

Frank Todaro  
John Mills

John Mills  
James Malczewski

Small Business

Chair: Jeanne Vinal  
Chair of Legislature: April Baskin  
Vice Chair: John Bargnesi  
Members: Howard Johnson  
John Mills  
Frank Todaro

FROM THE COUNTY EXECUTIVE

Item 56 – (COMM. 2E-16) Rehabilitation of Abbott Rd. & Willett Rd., Hamburg, Orchard Park, and City of Lackawanna

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 57 – (COMM. 2E-17) Erie County Soil & Water Conservation District Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 58 – (COMM. 2E-18) On-Call General Civil & Geotechnical Services - 5 Month Agreement Extension

Item 59 – (COMM. 2E-19) Rehabilitation of Vermont St. - From NY Route 16 to Pearl St.

Item 60 – (COMM. 2E-20) Construction of Asphalt Snow Storage on East & West Rd., Orchard Park Rd. to Union Rd. - West Seneca

Item 61 – (COMM. 2E-21) On-Call General Civil Engineering & Land Survey Services

Item 62 – (COMM. 2E-22) Buffalo & EC Botanical Gardens Grow House Addition & Building Demolition

Item 63 – (COMM. 2E-23) SUNY ECC North Campus 2022 Gleasner Hall & Dry Library Exterior Envelope Rehabilitation Work

The above six items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 64 – (COMM. 2E-24) ECSD No. 5 - Contract Close Out, National Water Main Cleaning Co.

Item 65 – (COMM. 2E-25) ECSD No. 3 - Sanitary Sewer Betterments

Item 66 – (COMM. 2E-26) ECSD, NYSDOT - Public Utility Work Agreements, 2023

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

Item 67 – (COMM. 2E-27) 2023 Annual Action Plan for the Community Development Block Grant, Emergency Solutions & HOME Investment Partnership Program

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 68 – (COMM. 2E-28) EC Senior Focused E-Waste Collection Project, No-Cost Time Extension

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 69 – (COMM. 2E-29) MOU with Urban Sustainability Directors Network for the "Climate Connections for Buffalo's East Side Youth" Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 70 – (COMM. 2E-30) Trailblazing Women's Monument - Artist Contracts

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 71 – (COMM. 2E-31) Transportation Services for Older Adults Provider Approval

Item 72 – (COMM. 2E-32) Department of Social Services - Authorization to Enter Into Contract with Measurement Inc.

The above two items were received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE SHERIFF

Item 73 – (COMM. 2E-33) KeyBank Center Police Services Agreement

Item 74 – (COMM. 2E-34) Variable Minimum for New Director of Correctional Health Services

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 75 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.



RESOLUTION NO. 9

RE: Personnel Adjustment - Variable  
Minimum  
(COMM. 2E-35)

WHEREAS, all requests for authority to recruit at a higher increment level must be approved by both the Legislature and the Erie County Executive; and

WHEREAS, because of the challenges in recruiting experienced attorneys, the Erie County District Attorney is prepared and desires to fill the position of one Assistant District Attorney V at a variable minimum pending action from your honorable body; and

WHEREAS, Section 2507b of the Erie County Charter states that independent elected officials, including the District Attorney, have the power to manage their departments within the parameters of their adopted budget; and

WHEREAS, the funds necessary to effectuate the above changes are available within the District Attorney's adopted appropriations for 2023.

NOW, THEREFORE, BE IT

RESOLVED, that one position of Assistant District Attorney V (position #471) is hereby authorized to be filled at a variable minimum step 5 (annual salary \$119,714); and be it further

RESOLVED, that the Director of Budget and Management and the Commissioner of Personnel make any changes necessary to effectuate the implementation of this resolution effective January 1, 2023; and be it further

RESOLVED, certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, the Commissioner of Personnel and the Director of Budget and Management.

**FROM THE BASKIN**

Item 76 – (COMM. 2E-36) Recommendation Request for EC Health Equity Advisory Board  
Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COMMISSIONER OF HEALTH**

Item 77 – (COMM. 2D-1) ECDOH Nursing Home COVID-19 Infection Report  
Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE CHIEF PLANNER ENVIRONMENT AND PLANNING

Item 78 – (COMM. 2D-2) Southtowns Advanced Wastewater Treatment Facility Expansion

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE DIRECTOR OF REAL PROPERTY TAX SERVICES

Item 79 – (COMM. 2D-3) Open Item - Finance & Management Committee

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 80 – (COMM. 2D-4) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

FROM THE TOWN OF ALDEN

Item 81 – (COMM. 2M-1) Certified Resolution Opposing NYS Laws Concerning Firearm Restrictions

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**ANNOUNCEMENTS**

Item 82 – Chair Baskin announced that the Legislature will conduct committee meetings on Thursday, January 26, 2023, and the schedule will be distributed. Chair Baskin further announced that the next session of the Legislature will be held on Thursday, February 2, 2023.

Chair Baskin also announced Birthday wishes to Minority Leader John J. Mills and Legislator John J. Gilmour.

Finally, Chair Baskin announced that the distribution of tablets to legislators is underway.

**MEMORIAL RESOLUTIONS**

Item 83 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Leonard F. Kupkowski, Thomas R. Anthony, and James M. Vallone.

Item 84 – Legislator Johnson requested that when the Legislature adjourns, it do so in memory of Edward Parson Jr.

Item 85 – Chair Baskin requested that when the Legislature adjourns, it do so in memory of James Alexander.

Item 86 – Legislator Malczewski requested that when the Legislature adjourns, it do so in memory of Jeffrey Diegelman.

**ADJOURNMENT**

Item 87 – 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, February 2, 2023 at 12:00 Noon Eastern Standard Time. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, February 2, 2023 at 12:00 Noon Eastern Standard Time.

**ROBERT M. GRABER  
CLERK OF THE LEGISLATURE**