

ERIE COUNTY LEGISLATURE
MEETING NO. 20
NOVEMBER 1, 2018

The Legislature was called to order by Chair Savage.

All members present.

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

The Pledge of Allegiance was led by Mr. Rath.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MS. BASKIN moved for the approval of the minutes for Meeting Number 19 from 2018. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. BASKIN presented a proclamation Recognizing November as Anti-Displacement Month.

Item 6 – MR. HARDWICK presented a proclamation Recognizing Jeanette Harmon Upon Being Named the Chamber of Commerce of the Tonawandas' Citizen of the Year 2018.

Item 7 – MR. HARDWICK presented a proclamation Recognizing KeyBank Upon Being Named the Chamber of Commerce of the Tonawandas' Business of the Year 2018.

Item 8 – MR. RATH presented a proclamation Congratulating Perry's Ice Cream on Their 100th Anniversary.

Item 9 – MR. RATH presented a proclamation Commemorating the Dedication of the Roadside Marker in Honor of Akron, NY Native Major General Dennis E. Nolan on November 11, 2018: the 100th Anniversary of the Armistice of World War I.

Item 10 – MR. RATH presented a proclamation Recognizing and Honoring Du Drop Athletic Club on its 65th Anniversary.

MS. BASKIN moved for consideration of the above six items. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

MS. BASKIN moved to amend the above six items by including Et Al Sponsorship. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

MS. BASKIN moved for approval of the above six items as amended. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 11 – CHAIR SAVAGE directed that Local Law No. 1 (Print #2) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 12 – CHAIR SAVAGE directed that Local Law No. 4 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 13 – CHAIR SAVAGE directed that Local Law No. 8 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 14 – CHAIR SAVAGE directed that Local Law No. 12 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 15 – CHAIR SAVAGE directed that Local Law No. 14 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 16 – CHAIR SAVAGE directed that Local Law No. 15 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 17 – CHAIR SAVAGE directed that Local Law No. 16 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 18 – CHAIR SAVAGE directed that Local Law No. 17 (Print #1) 2017 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 19 – CHAIR SAVAGE directed that Local Law No. 20 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 20 – CHAIR SAVAGE directed that Local Law No. 23 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 21 – CHAIR SAVAGE directed that Local Law No. 2 (Print #1) 2018 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 22 – CHAIR SAVAGE directed that Local Law No. 3 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 23 – CHAIR SAVAGE directed that Local Law No. 6 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 24 – CHAIR SAVAGE directed that Local Law No. 7 (Print #1) 2018 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 25 – CHAIR SAVAGE directed that Local Law No. 8 (Print #1) 2018 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 26 – CHAIR SAVAGE directed that Local Law No. 9 (Print #1) 2018 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 27 – MR. BRUSO presented the following report and moved for immediate consideration and approval. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 206

October 25, 2018	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 14
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ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 16E-9 (2018)
LORIGO: “Letter to Chair of Health & Human Services Committee Regarding the Child Advocacy Center”
(Chair’s ruling)
2. COMM. 19E-5 (2018)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Health has declared opioid addiction a public health crisis; and

WHEREAS, for every fatal opioid overdose there are dozens of overdoses where the victim is revived with naloxone; and

WHEREAS, the hours and days after a non-fatal overdose are often when the individual with opioid use disorder is most open to beginning a path to recovery; and

WHEREAS, Erie County has is in the second year of a program to follow up after non-fatal overdoses; and

WHEREAS, the U.S. Department of Health and Human Services has decided to fund an expanded version of this program in Erie County and in several other municipalities across the United States; and

WHEREAS, this program will allow the Erie County Department of Health to support local law enforcement outreach to individuals with opioid use disorder to address the challenge of repeat overdoses; and

WHEREAS, this grant in the amount of \$100,000 requires no local funding.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Health is authorized to receive a grant award from the United States Department of Health and Human Services in the amount of \$100,000 to be budgeted as follows:

“Comprehensive Addiction and Recovery Act (“CARA”)
127CARA1819
10/1/18 – 9/30/19

SAP	REVENUE	BUDGET
414000	Federal Aid	<u>\$100,000</u>
	TOTAL	<u>\$100,000</u>
SAP	EXPENSES	
500000	Full Time - Salaries	\$ 38,861
502000	Fringe Benefits	18,653
505000	Office Supplies	3,486
510100	Out of Area Travel	2,500
516020	Professional Svcs Contracts & Fees	35,000
912790	ID Health Grant Services	<u>(16,072)</u>
	TOTAL	<u>\$100,000</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues, which may be impacted by changes to the grantor award, provided there are no changes to personnel levels; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Personnel, the Department of Law and to Dr. Gale R. Burstein, Commissioner, in the Erie County Department of Health, 9th Floor, Rath Building.
(5-0) Legislator Loughran not present for vote.

3. COMM. 19E-12 (2018)
COUNTY EXECUTIVE

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

WHEREAS, within the Department of Mental Health, the Forensic Mental Health Division employs certain clinical staff with eligible position title codes pursuant to applicable provisions of the new York State Mental Hygiene Law; and

WHEREAS, the New York State Office of Mental Health provides a 3.25% annual Workforce COLA to cover annual increases in salary and salary-related fringe benefit expenses; and

WHEREAS, in order to receive said funding, the State requires that the governing board of the county approve a resolution ensuring how the Workforce COLA funding will be allocated.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature agrees to accept the New York State Office of Mental Health COLA of 3.25%, as applied to salary and fringe expenditures, for those employees determined by the New York State Office of Mental Health to be eligible to receive the funding; and be it further

RESOLVED, that this funding will be distributed solely to those eligible employees at the appropriate rate as applied to actual salary and salary-related fringe expenditures incurred during the award period; and be it further

RESOLVED, that the funding received for any Workforce COLA will be used solely to support salary and salary-related fringe benefit expenses for eligible clinical staff professionals; and be it further

RESOLVED, that this action is conducted pursuant to Subdivision 3-e of Section 1 of Part C of Chapter 57 of the Laws of 2006, as amended by L. 2017, Chapter 57, Part Q, Section 2 (paragraph (i)) and the applicable standards issued by New York State; and be it further

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

RESOLVED, that certified copies of this resolution shall be transmitted to the Erie County Executive, Commissioner of Personnel, Director of Budget and Management, County Comptroller, County Attorney and the Commissioner of Mental Health.

(5-0) Legislator Loughran not present for vote.

JOHN BRUSO
CHAIR

Item 28 – MS. MILLER-WILLIAMS presented the following report and moved for immediate consideration and approval. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 207

October 25, 2018	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 17
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

- 1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 19E-13 (2018)
COMPTROLLER: "2018 Revenue Anticipation Note Notification"
(Chair's Ruling)
 - b. COMM. 19D-2 (2018)
DIRECTOR OF BUDGET & MANAGEMENT: "Budget Monitoring Report for Period
Ending August 2018"
(Chair's Ruling)

2. COMM. 4D-1 (2018)
 REAL PROPERTY TAX SERVICES AS AMENDED
 WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

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

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 218112 through 218137, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR	2018	Petition No.	218,112.00
	ASSESSOR	Refund	\$529.53
S-B-L	56.14-1-7	115 Bassett Rd 142289 AMHERST	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$529.53	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$529.53	
	Relevy School	\$529.53	142203 WILLIAMSVILLE

CENT

RPTL 550(2): Exemption amount calculated incorrectly
Refund to be issued to Marie C. Leman

FISCAL YEAR	2018	Petition No.	218,113.00
	ASSESSOR	Cancel	\$397.08
S-B-L	26.20-1-11	58 Ayrault Dr 142289 AMHERST	

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$397.08	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$397.08
	Relevy School	\$397.08	142207 SWEET HOME

CENTRAL

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

FISCAL YEAR 2018 Petition No. 218,114.00

 ASSESSOR Cancel \$1,366.69
S-B-L 56.20-13-22 379 Country Pkwy 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,366.69	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$1,366.69
	Relevy School	\$1,366.69	142203 WILLIAMSVILLE

CENT

RPTL 550 (2): Hardship granted by state
New tax bill to be issued.

FISCAL YEAR 2018 Petition No. 218,115.00

 ASSESSOR Cancel
S-B-L 68.13-5-1 31 Campus Ln 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132		Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		
	Relevy School	\$2,631.98	142201 AMHERST

CENTRAL

RPTL 550 (2): Hardship granted by state
New tax bill to be issued.

FISCAL YEAR 2018 Petition No. 218,116.00

 ASSESSOR Cancel \$1,122.94
S-B-L 69.09-8-1/24 19 Woodpointe Run 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,122.94	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$1,122.94
	Relevy School	\$1,122.94	142203 WILLIAMSVILLE

CENT

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

FISCAL YEAR 2018 Petition No. 218,117.00

 ASSESSOR Cancel
S-B-L 69.05-10-9 152 Sherbrooke Av 142289 AMHERST

 Acct. No. 112 \$0.00 County
 Acct. No. 132 Town/SpecialDist/School
Charge To : 142289 AMHERST
 Relevy School \$618.63 142203 WILLIAMSVILLE

CENT

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

FISCAL YEAR 2017 Petition No. 218,118.00

 ASSESSOR Refund \$420.94
S-B-L 90.76-1-25 1558 E Delevan Av 143089 CHEEKTOWAGA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$420.94 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$420.94

RPTL 550(2): Applied sewer charges in error.
Refund to be issued to Ahmed Chowdhury

FISCAL YEAR 2018 Petition No. 218,119.00

 ASSESSOR Refund \$424.29
S-B-L 90.76-1-25 1558 E Delevan Av 143089 CHEEKTOWAGA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$424.29 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$424.29

RPTL 550(2): Applied sewer charges in error
Refund to be issued to Ahmed Chowdhury

FISCAL YEAR 2018 Petition No. 218,120.00

 ASSESSOR Cancel \$1,399.96
S-B-L 246.00-1-49.1 182 N Main St 145000 HOLLAND

Acct. No. 112	\$0.00	County
Acct. No. 132	\$1,399.96	Town/SpecialDist/School

Charge To : 145000 HOLLAND \$1,399.96
Relevy School \$1,399.96 145001 HOLLAND

CENTRAL

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

FISCAL YEAR 2018 Petition No. 218,121.00

ASSESSOR Refund \$476.82
S-B-L 246.00-1-40 8639 Phillips Rd 145000 HOLLAND

Acct. No. 112	\$0.00	County
Acct. No. 132	\$476.82	Town/SpecialDist/School

Charge To : 145000 HOLLAND \$476.82
Relevy School \$476.82 145001 HOLLAND

CENTRAL

RPTL 550(2): Failed to apply Enhanced STAR exemption
Refund to be issued to Robert Erasing.

FISCAL YEAR 2018 Petition No. 218,122.00

ASSESSOR Cancel \$324.09
S-B-L 104.08-1-29.1 175 Broezel Ave 145289 LANCASTER

Acct. No. 112	\$0.00	County
Acct. No. 132	\$324.09	Town/SpecialDist/School

Charge To : 145289 LANCASTER \$324.09
Relevy School \$324.09 145201 LANCASTER

CENTRAL

RPTL 550(2): Failed to calculate exemption properly
New tax bill to be issued.

FISCAL YEAR 2018 Petition No. 218,123.00

ASSESSOR Cancel \$777.81
S-B-L 126.06-7-32 00 Hidden Meadow 145289 LANCASTER

Acct. No. 112	\$0.00	County
Acct. No. 132	\$777.81	Town/SpecialDist/School

Charge To : 145289 LANCASTER \$777.81

Relevy School \$777.81 145201 LANCASTER
CENTRAL

RPTL 550(2): Duplicate parcel
New tax bill to be issued.

FISCAL YEAR 2018 Petition No. 218,124.00

ASSESSOR Cancel \$12,929.01
S-B-L Multiple Multiple 145289 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$12,929.01 Town/SpecialDist/School
Charge To : 145289 LANCASTER \$12,929.01
Relevy School \$12,929.01 145201 LANCASTER

CENTRAL

RPTL 550(2): Incorrect assessed value
New tax bills to be issued.

FISCAL YEAR 2018 Petition No. 218,125.00

ASSESSOR Cancel \$760.53
S-B-L 94.15-2-9 67 Tranquility Trl 145289 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$760.53 Town/SpecialDist/School
Charge To : 145289 LANCASTER \$760.53
Relevy School \$760.53 145201 LANCASTER

CENTRAL

RPTL 550(2): Incorrect assessment
New tax bill to be issued.

FISCAL YEAR 2018 Petition No. 218,126.00

ASSESSOR Refund \$554.20
S-B-L 161.14-1-10 5635-5637 Ellis Rd 146089 ORCHARD PARK

Acct. No. 112 \$0.00 County
Acct. No. 132 \$554.20 Town/SpecialDist/School
Charge To : 146089 ORCHARD PARK \$554.20
Relevy School \$554.20 146001 ORCH PARK

CENTRAL

RPTL 550(2): Failed to apply Basic STAR exemption
Refund to be issued to Mary B Pascall

FISCAL YEAR 2018 Petition No. 218,127.00

 ASSESSOR Refund \$1,860.66

S-B-L 337.00-1-11.2 10440 Creek Rd 146200 SARDINIA

 Acct. No. 112 \$0.00 County

 Acct. No. 132 \$1,860.66 Town/SpecialDist/School

 520 Code SC520 \$430.52

Charge To : 146200 SARDINIA \$1,430.14

 Relevy School \$1,430.14 143801 SPRING-GRIFFITH

RPTL 550(2): Failed to apply exemptions & applied exemption removal charge in error
Refund to be issued to Ruth Lux

FISCAL YEAR 2018 Petition No. 218,128.00

 ASSESSOR Cancel \$141.10

S-B-L 207.00-1-8.11 2143 N Creek Rd 144000 EDEN

 Acct. No. 112 \$0.00 County

 Acct. No. 132 \$141.10 Town/SpecialDist/School

Charge To : 144000 EDEN \$141.10

 Relevy School \$141.10 144804 FRONTIER

CENTRAL

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

FISCAL YEAR 2018 Petition No. 218,129.00

 ASSESSOR Refund \$551.40

S-B-L 148.00-10-21 11203 Sunrise Ln 145400 MARILLA

 Acct. No. 112 \$0.00 County

 Acct. No. 132 \$551.40 Town/SpecialDist/School

Charge To : 145400 MARILLA \$551.40

 Relevy School \$551.40 144201 IROQUOIS

CENTRAL

RPTL 550(2): Failed to apply Enhanced STAR exemption
Refund to be issued to George & Theresa Baran

FISCAL YEAR 2018 Petition No. 218,130.00

 ASSESSOR Refund \$93.41

S-B-L 130.03-1-36 12751 Clinton St 145400 MARILLA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$93.41	Town/SpecialDist/School
<u>Charge To :</u>	145400 MARILLA		\$93.41
	Relevy School	\$93.41	142001 ALDEN CENTRAL

RPTL 550(2): Failed to apply vet exemption
Refund to be issued to Frederick & Linda Dobo

FISCAL YEAR 2018 Petition No. 218,131.00

 ASSESSOR Cancel \$1,149.00
S-B-L 152.05-2-1.1 5336 Berg Rd 146800 WEST SENECA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,149.00	Town/SpecialDist/School
<u>Charge To :</u>	146800 WEST SENECA		\$1,149.00
	Relevy School	\$1,149.00	146801 WEST SENECA

CENT

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

FISCAL YEAR 2018 Petition No. 218,132.00

 ASSESSOR Cancel \$572.11
S-B-L 134.15-3-16 75 Ansley Ct 146800 WEST SENECA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$572.11	Town/SpecialDist/School
<u>Charge To :</u>	146800 WEST SENECA		\$572.11
	Relevy School	\$572.11	146801 WEST SENECA

CENT

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

FISCAL YEAR 2018 Petition No. 218,133.00

 ASSESSOR Refund \$353.43
S-B-L 124.53-4-12 738 Harlem Rd 146800 WEST SENECA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$353.43	Town/SpecialDist/School
<u>Charge To :</u>	146800 WEST SENECA		\$353.43

CENT Relevy School \$353.43 146801 WEST SENECA

RPTL 550(2): Failed to apply vet exemption
Refund to be issued to Melvin Gluc

FISCAL YEAR 2018 Petition No. 218,134.00

 ASSESSOR Refund \$618.86
S-B-L 135.08-1-10 1181 Seneca Creek 146800 WEST SENECA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$618.86 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$618.86
 Relevy School \$618.86 146801 WEST SENECA

CENT

RPTL 550(2): Failed to apply Enhanced STAR exemption
Refund check to be issued to Douglas Smithmeyer.

FISCAL YEAR 2018 Petition No. 218,135.00

 ASSESSOR Refund \$590.23
S-B-L 79.23-5-25 191 Capen Blvd 142289 AMHERST

 Acct. No. 112 \$263.24 County
 Acct. No. 132 \$326.99 Town/SpecialDist/School
Charge To : 142289 AMHERST \$326.99

RPTL 550(2): Failed to apply vet exemption
Refund to be issued to David B. Sugnet

FISCAL YEAR 2017 Petition No. 218,136.00

 ASSESSOR Refund \$611.47
S-B-L 79.23-5-25 191 capen 142289 AMHERST

 Acct. No. 112 \$284.01 County
 Acct. No. 132 \$327.46 Town/SpecialDist/School
Charge To : 142289 AMHERST \$327.46

RPTL 550(2): Failed to apply vet exemption
Refund to be issued to David B. Sugnet.

FISCAL YEAR 2016 Petition No. 218,137.00

 ASSESSOR Refund \$596.56

S-B-L 79.23-5-25 191 Capen Blvd 142289 AMHERST

	Acct. No. 112	\$267.45	County
	Acct. No. 132	\$329.11	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$329.11

RPTL 550(2): Failed to apply vet exemption
Refund to be issued to David B. Sugnet.

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
(5-0)

3. COMM. 19E-7 (2018)
COUNTY EXECUTIVE

WHEREAS, the New York State Office of Indigent Legal Services provided a three year grant totaling \$1,350,000 to the County for the development and operation of a Regional Immigration Assistance Center with the provision of legal support, assistance, training and education services to indigent defense providers; and

WHEREAS, Erie County contracted with the Erie County Bar Association Volunteer Lawyers Project, Inc. to deliver the services required through the grant; and

WHEREAS, the New York State Office of Indigent Legal Services has agreed to extend the contract term for an additional one year period to allow the agency to complete the terms and conditions of the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract amendment with the State of New York Office of Indigent Legal Services, extending the contract term for an additional one year period of November 1, 2018 to October 31, 2019; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a contract amendment with the Erie County Bar Association Volunteer Lawyers Project, Inc. extending the contract term for an additional one year period of November 1, 2018 to October 31, 2019; and be it further

RESOLVED, that authorization is provided to extend the grant period of 160RAIC1518 in the County Attorney's Office to October 31, 2019; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to authorized personnel levels and county share amounts; and be it further

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

(5-0)

BARBARA MILLER-WILLIAMS
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 208

October 25, 2018	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 15
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 14-1 (2018)
LOUGHRAN & LORIGO: "Termination of Erie County Water Authority Commissioner Schad"
(Chair's Ruling)
 - b. COMM. 14E-3 (2018)
SAVAGE: "Letter to County Attorney Requesting Legal Opinion Concerning Removal Process of ECWA Commissioner"
(Chair's Ruling)
 - c. COMM. 14D-1 (2018)
COUNTY ATTORNEY: "Legal Opinion Concerning ECWA"
(Chair's Ruling)
 - d. COMM. 14M-2 (2018)
NYS AUTHORITIES BUDGET OFFICE: "Response to Inquiry Regarding Removal of ECWA Members"
(Chair's Ruling)
 - e. COMM. 15D-2 (2018)

COUNTY ATTORNEY: “County Attorney Opinion - Concerning Operational Control of ECWA”

(Chair’s Ruling)

f. INTRO. 16-4 (2018)

LOUGHRAN & LORIGO: “Second Resolution Terminating Appointment of ECWA Commissioner Jerome Schad”

(Chair’s Ruling)

g. INTRO. 17-4 (2018)

LOUGHRAN & LORIGO: “Third Resolution Terminating Appointment of Erie County Water Authority Commissioner Jerome Schad”

(Chair’s Ruling)

h. COMM. 19M-2 (2018)

NYSDEC: “Public Comment Invitation - Brownfield Cleanup Program Application for Site on Doat St., Buffalo”

(Chair’s Ruling)

i. COMM. 19M-5 (2018)

NYSDEC: “Public Comment Invitation - Brownfield Cleanup Program Application for Site on River Rd., Town of Tonawanda”

(Chair’s Ruling)

2. COMM. 19E-8 (2018)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) has played a crucial role in water quality and habitat protection concerns throughout the region for decades and continues to lead and manage many initiatives that protect and preserve our natural resources; and

WHEREAS, DEP is committed to coordinate, oversee, and support work towards the protection of the County’s natural resources and public spaces; and

WHEREAS, the Dormitory Authority of the State of New York (DASNY) State Municipal Facilities Program provides grant assistance to municipalities to implement projects to improve the quality of the Great Lakes, ecosystem and habitat; and

WHEREAS, DEP provides technical assistance regarding the management of the Times Beach Nature Preserve and provides public access to this unique globally important migratory bird flyway and ecotourism attraction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$500,000 for the purpose of establishing a “Erie County Department of Environment & Planning 3-Year DASNY Grant for

Times Beach Nature Preserve Capital Improvements - 1/1/19 through 12/31/21” project; and be it further

RESOLVED, that the grant budget and project period for “Erie County Department of Environment & Planning 3-Year DASNY Grant for Times Beach Nature Preserve Capital Improvements - 1/1/19 through 12/31/21” project is hereby created in the Department of Environment and Planning, Business Area 162, as follows:

Erie County Department of Environment & Planning
3-Year DASNY Grant for Times Beach Nature Preserve
Capital Improvements 1/1/19 through 12/31/21
SAP Grant Account #162TBNPDASNY1921

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
409000	State Aid Revenue	<u>\$500,000</u>
TOTAL REVENUE		\$500,000

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
516020	Professional Services	\$500,000
TOTAL APPROPRIATIONS:		\$500,000

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 shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.

(5-0)

JOHN BRUSO
CHAIR

Item 30 – MR. BURKE presented the following report and moved for immediate consideration and approval. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 209

October 25, 2018	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 15
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ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

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

a. COMM. 19M-3 (2018)

EDEN TOWN CLERK: "Resolution of Eden Town Board - Notifying EC of Defects on County Highways in Eden"
(Chair's Ruling)

2. COMM. 19E-15 (2018)
COUNTY EXECUTIVE

WHEREAS, a project for the replacement of the Heise Road bridge over Ransom Creek BR 283-01 (BIN 3326690) in the Town of Clarence, Erie County (the "Project") was authorized by your honorable body via Communication 13E-23 (2010); and

WHEREAS, it is desired to award the Project in 2018 and to progress construction during the 2019 construction season; and

WHEREAS, after a public bid opening on October 4, 2018, it is desired to award a construction contract to the lowest responsible bidder, Union Concrete Construction Corp., in an amount not to exceed \$748,617; and

WHEREAS, it is desired to execute a contract with Watts Architecture & Engineering, D.P.C., the project consultant, for construction phase engineering and inspection services in an amount not to exceed \$150,000; and

WHEREAS, it is desired to establish a construction contingency in the amount of \$78,310.88 by which the County Executive may execute change orders and/or AE amendments if necessary; and

WHEREAS, it is estimated that the total cost of the Project should not exceed \$976,927.88; and

WHEREAS, funds, in the amount of \$976,927.88, necessary for the project are available in SAP Fund 420, Funds Center 123, Projects:

B.14018, 2014 Preservation of Bridges & Culverts in the amount of \$122,433.64

B.15011, 2015 Preservation of Bridges & Culverts in the amount of \$139,494.24

B.16014, 2016 Preservation of Bridges & Culverts in the amount of \$715,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject Project; and be it further

RESOLVED, that the County Executive is authorized to award a construction contract to the lowest responsible bidder, Union Concrete Construction Corp., for the Project in an amount not to exceed \$748,617; and be it further

RESOLVED, that the County Executive is authorized to execute an agreement with Watts Architecture & Engineering, D.P.C. for construction phase engineering services in an amount not to exceed \$150,000; and be it further

RESOLVED, that the County Executive is authorized to establish a construction contingency in the amount of \$78,310.88 and execute change orders and/or AE amendments, if necessary, for the Project; and be it further

RESOLVED, that Funds, in the total amount of \$976,927.88, be made available for the Project from the following SAP Fund 420, Funds Center 123, Projects:

B.14018, 2014 Preservation of Bridges & Culverts in the amount of \$122,433.64

B.15011, 2015 Preservation of Bridges & Culverts in the amount of \$139,494.24

B.16014, 2016 Preservation of Bridges & Culverts in the amount of \$715,000.00;

and be it further

RESOLVED, that the Clerk of the Legislature will be instructed to forward five (5) certified copies of this Resolution to the Department of Public Works, Division of Highways, and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

3. COMM. 19E-16 (2018)
COUNTY EXECUTIVE

WHEREAS, the resurfacing of Abbott Road (CR-04), McKinley Parkway (CR-204), and Armor Duells Road (CR-44) are all eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the three Project agreements and their authorizations were approved in the combined amount of \$760,000 via Comm. 6E-3, Comm. 6E-4, and Comm. 6E-16 on April 12, 2018; and

WHEREAS, the County of Erie desires to enter into a single Supplemental Agreement with the New York State Department of Transportation (NYSDOT) for all three projects under one combined PIN, 5762.25, in the combined amount of \$760,000 in the most efficient and economical way to proceed with the Project for these short tracks of roadway; and

WHEREAS, the Department of Public Works is requesting authorization to have the County Executive execute the combined Supplemental Agreement; and

WHEREAS, the Department of Public Works requests authorization to work with the Division of Budget and Management to best effectuate the combination of funding for the Project from the three (3) Pay-As-You-Go Capital Project budgets in Fund 420, Funds Center 123: B.18052 – Abbott Road Design PIN 5761.74, B.18053 – 2018 McKinley Pkwy Design PIN 5761.75, and B.18054 – 2018 Armor Duells Rd Design PIN 5762.25 into a new Capital Project: 2018 PIN 5762.25 – Resurfacing of Abbott Road; Route. 20 – Milestrip Road and McKinley Parkway; Route 20 – Willet and Armor Duells Road; Abbott – Duerr Road in the single amount of \$760,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a single Supplemental Agreement with the New York State Department of Transportation (NYSDOT) for the resurfacing of Abbott Road (CR-04), McKinley Parkway (CR-204), and Armor Duells Road (CR-44) merged under one PIN, 5762.25 in the combined amount of \$760,000; and be it further

RESOLVED, that the Department of Public Works, Division of Highways and the Division of Budget and Management are hereby authorized to best effectuate the combination of funding for the Project from the three (3) Pay-As-You-Go Capital Project budgets in Fund 420, Funds Center 123: B.18052 – Abbott Road Design PIN 5761.74 (\$200,000), B.18053 – 2018 McKinley Pkwy Design PIN 5761.75 (\$200,000) , and B.18054 – 2018 Armor Duells Rd Design PIN 5762.25 (\$360,000) into a new Capital Project: 2018 PIN 5762.25 – Resurfacing of Abbott Road; Route. 20 – Milestrip Road and McKinley Parkway; Route 20 – Willet and Armor Duells Road; Abbott – Duerr Road in the single amount of \$760,000; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's design phases I-VI exceeds the appropriated amount of \$760,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that should the Department of Public Works be awarded addition federal or New York State revenue for the Project under this combined PIN, the Division of Budget be advised to accept the funds and adjust the budget accordingly; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, related Supplemental Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie, with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid- and State Aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

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

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Department of Public Works, Division of Highways, to be forwarded to the New York State Department of Transportation; and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

(6-0)

PATRICK B. BURKE
CHAIR

Item 31 – MS. BASKIN presented the following report and moved for immediate consideration and approval. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 210

October 25, 2018	PUBLIC SAFETY COMMITTEE REPORT NO. 14
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ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following item is hereby amended by majority vote, and tabled on Chair's ruling:

a. INTRO. 5-4 (2018)

BASKIN: "Bail Reform for Detainees at the Erie County Holding Center"

(6-0)

2. COMM. 19E-6 (2018)

COUNTY EXECUTIVE

WHEREAS, on April 10, 2017 Governor Cuomo signed into law "Raise the Age" (RTA) legislation which established new mandates and regulations pertaining to the supervision of all juvenile and adolescent offenders; and

WHEREAS, Probation Officers will need to obtain additional specialized training to comply with these new Raise the Age mandates and regulations pertaining to providing alternative to detention services and Cognitive Behavioral Intervention for juvenile and adolescent offenders; and

WHEREAS, The Train for Change, Inc. (a division of The Change Companies) is the sole provider of "Forward Thinking Interactive Journaling Training"; and

WHEREAS, Erie County Probation Officers need to be trained as facilitators in the Forward Thinking Series in order to facilitate and provide this service to juvenile and adolescent offenders as an alternative to detention.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive be and is hereby authorized to enter into an initial \$5,000 contract with Train for Change, Inc. (a division of The Change Companies), 5221 Sigstrom Drive, Carson City, Nevada 89706; and be it further

RESOLVED, that the Erie County Legislature hereby waives the procedures outlined in Section 19.08 of the Erie County Administrative Code regarding professional services contracts because the contractor is a sole source provider; and be it further

RESOLVED, that Professional Services budget for Probation's RTA be increased by \$5,000 to fund this contract, with offsetting anticipated State Aid- RTA revenue; and be it further

RESOLVED, and if necessary the County Executive be and is hereby authorized to execute amendments to this contract to effectuate adjusted funding levels; and be it further

RESOLVED, that certified copies of this resolution be sent to the: County Executive's Office, Division of Budget and Management, County Comptroller, County Attorney, and the Probation Department.

(6-0)

3. COMM. 19E-14 (2018)

SHERIFF AS AMENDED

WHEREAS, the United States Department of Justice has awarded \$750,000.00 to the Erie County Sheriff's Office to combat human trafficking; and

WHEREAS, the Human Trafficking grant term is October 1, 2018 through September 30, 2021; and

WHEREAS, this grant is to be used to combat human trafficking activities in the Western New York region; and

WHEREAS, grant funds will be used to pay for, in part or in its entirety, or reimburse participating municipalities and law enforcement agencies for personnel, fringe benefits, training, travel, supplies, awareness campaign materials, and consultants for the Western New York Human Trafficking Task Force; and

WHEREAS, the grant designates the Erie County Sheriff's Office as the lead law enforcement agency and administrator of the grant for law enforcement investigation; and

WHEREAS, the grant further stipulates that the County of Erie is to reimburse participating non-county, municipal employees and law enforcement agencies that are part of the WNY Human

Trafficking Task Force for mandatory training and travel expenses incurred by designated task force members; and

WHEREAS, this grant also includes funding to increase law enforcement personnel on the taskforce; and

WHEREAS, the Sheriff's Office will create a Deputy Sheriff – Criminal position to be assigned to the task force; and

WHEREAS, the grant will reimburse the County of Erie for the one Deputy Sheriff – Criminal, their wages, fringe benefits, overtime, uniform allowance, and line-up pay for the term of the grant:

Account 500000 - Full Time Salaries	\$207,591.00
Account 500300 - Shift Differential	\$6,000.00
Account 500320 - Uniform Allowance	\$4,500.00
Account 500340 - Line-up Pay	\$8,100.00
Account 501000 – Overtime	\$93,867.00
Account 502000 - Fringe Benefits	\$201,639.00

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office and the County Executive are hereby authorized to enter into an agreement with United States Department of Justice and accept the terms and the funding within the 2018 – 2021 Human Trafficking grant; and be it further

RESOLVED, that the Erie County Sheriff's Office and the Erie County Personnel Department is authorized to create one (1) Deputy Sheriff – Criminal position to be assigned to the Western New York Human Trafficking Task Force; and be it further

RESOLVED, the Division of Budget and Management is authorized to make any technical adjustments necessary for the 2018 – 2021 Human Trafficking Grant; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make any payments necessary associated with this grant for training, travel, and payment to partner agencies; and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, Erie County Comptroller, Erie County Personnel Department, and the Chief of Administration of the Sheriff's Office for implementation.

(6-0)

**APRIL N.M. BASKIN
CHAIR**

Item 32 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MS. BASKIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 211

October 25, 2018	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 13M-1 (2018)
VISIT BUFFALO NIAGARA: “2018 Quarterly Reports”
(Chair’s ruling)
 - b. COMM. 13M-7 (2018)
BUFFALO & EC PUBLIC LIBRARY: “Agenda Items for Board of Trustees Meeting Held June 21, 2018”
(Chair’s ruling)
 - c. COMM. 16E-3 (2018)
COMPTROLLER: “SUNY ECC Audited Financial Statements & Management Letter for Fiscal Year Ended August 31, 2017”
(Chair’s ruling)
 - d. COMM. 16M-2 (2018)
MICHAEL B. RISMAN, HODGSON RUSS LLP: “Consent to Donation of Gethsemane Cemetery”
(Chair’s ruling)
 - e. COMM. 16M-5 (2018)
VISIT BUFFALO NIAGARA: “Second Quarter Reports for Period Ending June 30, 2018”
(Chair’s ruling)
 - f. COMM. 17M-1 (2018)
BUFFALO & EC PUBLIC LIBRARY: “Agenda for Board of Trustees Meeting to be Held 9/20/18, and Minutes of Meeting Held 7/19/18”
(Chair’s ruling)
 - g. COMM. 19M-6 (2018)
BUFFALO & EC PUBLIC LIBRARY BOARD OF TRUSTEES: “Proposed Agenda for Meeting to be Held October 18, 2018”
(Chair’s ruling)

2. COMM. 19E-9 (2018)
COUNTY EXECUTIVE

WHEREAS, as noted in the SUNY Erie Professional Services and Specialized Products RFP Policy, professional services or specialized products in excess of \$50,000 in addition to being subject to the formal RFP process and requiring the approval of the college's Board of Trustees, also require the approval of the Erie County Legislature. These approvals are required prior to the hiring of the professional or purchase of the product; and

WHEREAS, the determination of whether the professional service or specialized product exemption for bidding is applicable must be made on a case-by-case basis, examining the particular services or goods needed. Generally professional services include the specialized expertise of interpreters, consultants, lawyers, doctors, engineers and so forth. Specialized products include but are not limited to software and other technology related products; and

WHEREAS, the goals of the chosen vendor's software and services are to centralize accreditation services at the college, to build a consistent data warehouse that is used by all of its units and standardizes data at the college, and to improve the college's assessment efforts as required by its accrediting agency the Middle States Commission on Higher Education; and

WHEREAS, on July 27, 2017, the Erie County Legislature resolved that the college was approved to award a software license agreement to Nuventive, LLC as the vendor for a maximum contract not to exceed \$87,800 in Year One of the contract (including one-time implementation costs) and \$55,200 in Years Two and Three; and

WHEREAS, in order to facilitate better management of data-based action planning, SUNY Erie has identified changes included in an addendum to the existing software license agreement that will facilitate the delivery of unit-specific data to improve the college's planning and assessment system and deliver actionable and relevant data to units; and

WHEREAS, the proposed addendum amends and supplements the software license agreement with the requested module in Years Two and Three and through the new Year Four for a total annual maximum cost of \$63,200; and

WHEREAS, the addendum amends and supplements the software license agreement in the Year Two and includes an additional pro-rated amount of \$512.93 for the delivery of services during the last month of Year One; and

WHEREAS, SUNY Erie has budgeted funds available to pay for this expenditure; and

WHEREAS, at its May 31, 2018 meeting, the SUNY Erie Board of Trustees approved the addendum to the software license agreement and on September 27, 2018 also approved seeking Erie County Legislature approval of the same addendum.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie does hereby approve to amend the award for the addendum to the software license agreement with Nuventive, LLC to allow SUNY Erie to enter into a maximum four-year contract cost of \$277,912.93 for an increase of \$87,712.93; and be it further

RESOLVED, that the County of Erie does hereby approve to amend the award for the addendum to the software license agreement with Nuventive, LLC to allow SUNY Erie to make an additional payment for the prorated delivery of services during May through June of 2018 of \$512.93 and that this payment should be included in the Year Two payment at a total cost of \$63,712.93, with a Year 3 payment of \$63,200 and a Year 4 payment of \$63,200; and be it further

RESOLVED, that the SUNY Erie President or his designee is hereby approved to award the software license agreement addendum to Nuventive, LLC as outlined above.

(5-0)

3. COMM. 19E-10 (2018)
COUNTY EXECUTIVE

WHEREAS, as noted in the SUNY Erie Professional Services and Specialized Products RFP Policy, professional services or specialized products in excess of \$50,000 in addition to being subject to the formal RFP process and requiring the approval of the college's Board of Trustees, also require the approval of the Erie County Legislature. These approvals are required prior to the hiring of the professional or purchase of the product; and

WHEREAS, the determination of whether the professional service or specialized product exemption for bidding is applicable must be made on a case-by-case basis, examining the particular services or goods needed. Generally professional services include the specialized expertise of interpreters, consultants, lawyers, doctors, engineers and so forth. Specialized products include but are not limited to software and other technology related products; and

WHEREAS, Title II of the Americans with Disabilities Act prohibits discrimination against people with disabilities in state and local government (public) services and Section 504 of the 1973 Rehabilitation Act prohibits discrimination on the basis of disability in federally assisted programs; and

WHEREAS, as a reasonable accommodation, SUNY Erie's Student Access Centers provide American Sign Language (ASL) interpretation services for deaf and hard-of-hearing students and SUNY Erie's Human Resources department provides ASL interpretation for faculty and staff with the same needs; and interpretation services are provided in: classrooms and labs, meetings, convocation, graduation and at staff development activities; and

WHEREAS, interpretation services are already established to provide for students covered by the New York State Education Department of Adult Career and Continuing Education Services – Vocational Rehabilitation (ACCESS-VR) through another outside vendor and, through this proposed agreement with Deaf Access Services, the interpretation services would also be provided to additional students, faculty and staff who are not already covered by the state through ACCESS-VR; and

WHEREAS, the SUNY Erie Board of Trustees has approved a request for a three-year contract with the vendor Deaf Access Services with the option to renew for two one-year extensions with an annual expenditure of approximately \$50,000 to \$60,000 for students and an additional \$5,000 to \$10,000 for faculty and staff; and

WHEREAS, SUNY Erie has budgeted funds available to pay for this expenditure.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the SUNY Erie President or his designee to award the proposed Standard Agreement to Deaf Access Services as outlined above.

(5-0)

**THOMAS A. LOUGHRAN
CHAIR**

LEGISLATOR RESOLUTIONS

Item 33 – MS. BASKIN presented the following resolution and moved for immediate consideration. MR. BURKE seconded.

RESOLUTION NO. 212

RE: Concern Over Tops Friendly
Markets' Executive Bonuses
While its Union Workers are
Negatively Impacted
(INTRO. 20-1)

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

WHEREAS, just four months after Tops Friendly Markets' executives dropped a controversial plan to pay up to \$3.6 million in bonuses to its chief executive officer and four other high-ranking executives during its bankruptcy case, the company once again is proposing to pay \$3.6 million in bonuses to its top managers as well as to grant the Top executives 10% of the company's stock in the newly reorganized company; and

WHEREAS, the prior bonus plan was roundly criticized by the public, media and Tops shoppers and employees, particularly given that Tops had filed for bankruptcy protection and it was seeking to cut the company's worker pension obligations, leaving employees with reduced retirement benefits while proposing to benefit its management team; and

WHEREAS, in June 2018, as part of its bankruptcy process, Tops compelled its Teamsters union Local 264 employees working in the warehouse supplying the company's markets to take major hits in wages, benefits and pensions; and

WHEREAS, the new executive bonus proposal, as outlined in bankruptcy court documents, potentially could be even more valuable to the executives than the first plan, which was scrapped as part of a deal struck in June by the Amherst-based company to resolve a bitter, four-year pension dispute involving workers at its Lancaster warehouse; and

WHEREAS, when news emerged this week about the new executive bonus proposal, Tops officials refused to comment to media about the bonus plan; and

WHEREAS, the U.S. Bankruptcy Trustee monitoring Tops' bankruptcy has objected to the latest bonus plan, calling it an "insider retention plan" that should be subject to the provisions of bankruptcy law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby expresses its grave concerns.

MS. BASKIN moved to amend the resolution by including MS. BASKIN, MR. BRUSO, MS. MILLER-WILLIAMS and CHAIR SAVAGE as Co-Sponsors. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

MS. BASKIN moved to approve the resolution as amended. MR. BURKE seconded. MR. MILLS abstained.

CARRIED. (10-0-1)

Item 34 – MS. BASKIN presented the following resolution and moved for immediate consideration and approval. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 213

RE: Re-Appropriation of 2018 Public
Benefit Funding
(INTRO. 20-2)

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

WHEREAS, the following three organizations were awarded public benefit funding by the Erie County Legislature in the adopted 2018 Budget in Fund Center 1332010 – Community/Neighborhood Development:

- Group Ministry Opioid Recovery Center (\$5,000)
- Boys and Girls Club of Buffalo-Butler-Mitchell (\$5,000)
- Westside Baseball Little League (\$2,500); and

WHEREAS, all three organizations have declined to accept this County funding this year and there are community organizations that are deserving and in need of County funding; and

WHEREAS, as in similar 2018 situations, it is the intention of this Honorable Body to transfer such 2018 funding to community organizations serving the public.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer \$5,000 of the available 2018 funding declined by the Group Ministry Opioid Recovery Center in Fund Center #1332010 to the S&J Foundation; and be it further

RESOLVED, that authorization is provided to transfer \$5,000 of the available 2018 funding declined by the Boys and Girls Club of Buffalo-Butler-Mitchell in Fund Center #1332010 to the Western New York Youth Muslim Basketball League (WNYymbL); and be it further

RESOLVED, that authorization is provided to transfer \$2,500 of the available 2018 funding declined by the Westside Baseball Little League in Fund Center #1332010 to the Paul Robeson Theatre; and be it further

RESOLVED, that if funds are not expended or encumbered for the benefit of these three agencies in 2018, then such funding will be re-appropriated into 2019; and be it further

RESOLVED, that while the agency allocation is changing the overall budget line amount is to remain the same for 2018; and be it further

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

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

Item 35 – MS. BASKIN presented the following resolution and moved for immediate consideration and approval. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 214

RE: Re-Appropriation of 2018 Public
Benefit Funding
(INTRO. 20-3)

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

WHEREAS, the following two organizations were awarded public benefit funding by the Erie County Legislature in the adopted 2018 Budget in Fund Center 1332010 – Community/Neighborhood Development:

- St. Martha’s Food Pantry (\$5,000)
- Trinity Pantry (\$5,000); and

WHEREAS, Lancaster Rural Cemetery was awarded \$2,500 in public benefit funding by the Erie County Legislature in the adopted 2018 Budget in Fund Center 1333020 – Cultural Agencies; and

WHEREAS, all three organizations have declined to accept this County funding this year and there are community organizations that are deserving and in need of County funding; and

WHEREAS, as in similar 2018 situations, it is the intention of this Honorable Body to transfer such 2018 funding to community organizations serving the public.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer \$5,000 of the available 2018 funding declined by St. Martha’s Food Pantry in Fund Center #1332010 to the Alden Substance Abuse Coalition; and be it further

RESOLVED, that authorization is provided to transfer \$5,000 of the available 2018 funding declined by Trinity Pantry in Fund Center #1332010 to the Depew-Lancaster Substance Abuse Prevention Coalition (FOCUS); and be it further

RESOLVED, that authorization is provided to transfer \$2,500 of the available 2018 funding declined by the Lancaster Rural Cemetery in Fund Center #1333020 to Plymouth Crossroads in Fund Center 1332010; and be it further

RESOLVED, that if funds are not expended or encumbered for the benefit of these three agencies in 2018, then such funding will be re-appropriated into 2019; and be it further

RESOLVED, that while the agency allocation is changing the overall budget line amount is to remain the same for 2018; and be it further

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

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

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 36 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 20E-26 from MILLS Abstention on INTRO. 20-1 (2018)

Received, filed and printed.

November 1, 2018

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin St., 4th Floor
Buffalo, NY 14202

RE: Abstention on INTRO. 20-1 (2018)

Dear Mr. Graber:

Pursuant to Rule 2.21 of the 2018 Rules of Order of the Erie County Legislature and in accordance with Section 5b of Erie County Local Law No. 2 - 2018, my abstention to the above referenced communication was done to avoid any possible conflict of interest with my private sector dealings.

Sincerely,

John J. Mills
Erie County Legislator

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE SHERIFF

Item 37 – (COMM. 20E-1) Budget Reallocation for Air-1 Pilot Insurance Policy

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIR SAVAGE

Item 38 – (COMM. 20E-2) 2019 Tentative EC Budget - Schedule of Budget Hearings to be Conducted by the Finance & Management/Budget Committee

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

FROM LEGISLATOR DIXON

Item 39 – (COMM. 20E-3) Letter to Chair of Legislature Requesting Public Hearing on Amendment to Social Host Law

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 40 – MS. BASKIN presented the following resolution and moved for immediate consideration and approval. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 215

RE: Teamsters Local Union No. 264 –
Supervisor's Unit 2017-2023 Collective
Bargaining Agreement
(COMM. 20E-4)

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

WHEREAS, the Teamsters Local Union No. 264 – Supervisor's Unit ("Unit") is an employee union organization which represents Captiain and Lieutenants employed by the Sheriff's Office (Erie County Holding Center); and

WHEREAS, the existing collective bargaining agreement between Erie County and the Unit expired on December 31, 2016, but has remained binding pursuant to the Taylor Law; and

WHEREAS, Erie County and the Unit negotiated a collective bargaining agreement, covering the period between January 1, 2017 and December 31, 2023; and

WHEREAS, Unit membership recently ratified the agreement.

NOW, THEREFORE, BE IT

RESOLVED, the agreement between Erie County and the Teamsters Local Union No. 264 – Supervisor's Unit for the period January 1, 2017-December 31, 2023, is hereby approved; and be it further

RESOLVED, all terms and conditions of the successor agreement shall be implemented in full; and be it further

RESOLVED, that authorization is provided to appropriate up to \$150,000 in undesignated/unassigned fund balance into the 2018 Erie County Budget to cover all or a portion of the net local share costs of the successor agreement; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any and all required budgetary adjustments in the 2018 Budget to properly fund the increased costs associated with the Teamsters Local Union No. 264 – Supervisor’s Unit agreement and the Commissioner of Personnel is authorized to make any necessary personnel adjustments to implement the terms of the agreement for County employees; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Erie County Comptroller, Erie County Sheriff’s Office, Division of Budget and Management, Department of Labor Relations, Department of Personnel and the Erie County Fiscal Stability Authority.

Item 41 – (COMM. 20E-5) Chestnut Ridge Park Concession Agreement

Item 42 – (COMM. 20E-6) ECC North Campus - 2018 - Bell Sports Center Roof Repairs, Recoating & Roof Replacement - A/E Contract Amendment

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

Item 43 – (COMM. 20E-7) Authorization to Extend Lease - 290 Main St., Buffalo, NY

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 44 – (COMM. 20E-8) SNAP Bonus Award

Item 45 – (COMM. 20E-9) Acceptance of Grant Award - Naloxone Expansion with Local First Responders & Emergency Department-Initiated Care Coordination

Item 46 – (COMM. 20E-10) Acceptance of Grant Award - EC NY Opioid Overdose Review Board

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

Item 47 – (COMM. 20E-11) Indigent Legal Services Grant

Item 48 – (COMM. 20E-12) Indigent Legal Services Grant Amendment

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 49 – (COMM. 20E-13) Authorization to Enter into Contract with Evergreen Health

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 50 – (COMM. 20E-14) ECSD Nos. 3 & 8 Construction Inspection Contract Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 51 – (COMM. 20E-15) Purchase of 2018 Tax Lien Certificates

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 52 – (COMM. 20E-16) Acceptance of Funds for the Replacement of Hillcroft Dr. Bridge Over Eighteen Mile Creek

Item 53 – (COMM. 20E-17) Federal-Aid Highway Local Project Utility Work Agreements: National Grid, Charter, Verizon, AT&T - Tonawanda Rails to Trails Extension

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

Item 54 – (COMM. 20E-18) Senior Information Security Analyst - Variable Minimum

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 55 – (COMM. 20E-19) Dept. of Health - Acceptance of a Performance Incentive Initiative Award

Item 56 – (COMM. 20E-20) Authorization to Enter into Contract with Lasting Education for Women, Adults & Children (LEWAC) Associates of WNY Inc.

Item 57 – (COMM. 20E-21) Authorization to Contract with University Psychiatric Practice

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

Item 58 – (COMM. 20E-22) ECSD Nos. 1-6 & 8 User Charges - 2019

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 59 – (COMM. 20E-23) Establish Innovations in Nutrition - 2018-2020 Grant

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY CLERK

Item 60 – (COMM. 20E-24) 2nd Extension of Software Maintenance Agreement - New Vision Systems Corporation

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATORS LORIGO & LOUGHRAN

Item 61 – (COMM. 20E-25) Letter to Chair of Legislature Regarding Remove ECWA Commissioner Shad

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DEPUTY COMPTROLLER - AUDIT

Item 62 – (COMM. 20D-1) Letter to Commissioner of Central Police Services Regarding Audit of Contract Payments

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 63– (COMM. 20D-2) Letter to Chair of Legislature in Response to Request for Information: Budget Consumption Reports, Position & Vacancy Reports, Turnover Calculation

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

FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING

Item 64 – (COMM. 20D-3) SEQR - Solicitation for Lead Agency Status - Unlisted Action

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE BUFFALO NIAGARA COALITION
FOR OPEN GOVERNMENT

Item 65 – (COMM. 20M-1) Report Titled, "Behind Closed Doors, Executive Sessions & the Public's Right to Know"

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE EC AGRICULTURAL
& FARMLAND PROTECTION BOARD

Item 66 – (COMM. 20M-2) EC Agricultural Districts, Inclusion of Viable Agricultural Land - 2018 Report

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE EDEN TOWN CLERK

Item 67 – (COMM. 20M-3) Resolution of Eden Town Board - Notifying EC of Defects on County Highways in Eden

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYSDEC

Item 68 – (COMM. 20M-4) Public Comment Invitation - Brownfield Cleanup Program - 1585 Hertel Ave. Site

Item 69 – (COMM. 20M-5) Public Comment Invitation - Brownfield Cleanup Program - 166 Chandler St. Site

Item 70 – (COMM. 20M-6) Public Comment Invitation - Brownfield Cleanup Program - 1550 Harlem Rd. Site

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

ANNOUNCEMENTS

Item 71 – Clerk of Legislature announced two upcoming public hearings. The first, concerning proposed modifications to agricultural districts, will be held on Monday, November 5, 2018, at 6:00 p.m., at 21 S. Grove Street in East Aurora. The second public hearing, concerning assessment rolls for Erie County Sewer Districts, will be held on Thursday, November 8, 2018, at 6:00 p.m., in the Chambers of the Legislature.

Item 72 – Chair Savage announced that the annual budget hearings concerning the tentative 2019 Erie County budget will be held on Tuesday, November 13, 2018 and Wednesday, November 14, 2018; and the public hearing to hear public comment on the budget proposal will be held on Monday, November 19, 2018, at 6:00 p.m., in the Chambers of the Legislature.

MEMORIAL RESOLUTIONS

Item 73 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Patrick G. Lucey.

Item 74 – Legislator Baskin requested that when the Legislature adjourns, it do so in memory of Ora Lee Delgado.

Item 75 – Legislator Brusio requested that when the Legislature adjourns, it do so in memory of JoAnne Gill.

Item 76 – Legislator Burke requested that when the Legislature adjourns, it do so in memory of Timothy K. Fitzgerald.

Item 77 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of MaryAnn Penberthy, Kellee Horn, Seth Creenan, Julie Ann Neville, John C. Bartolomeo and Shirley Reinbolt.

Item 78 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Elliot Goldman, George A. Porter and Patrick G. Lucey.

Item 79 – Chair Savage requested that when the Legislature adjourns, it do so in memory of Carmella Palma.

ADJOURNMENT

Item 80 - At this time, there being no further business to transact, CHAIR SAVAGE announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, November 15, 2018 at 2:00 p.m. Eastern Standard Time. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

CHAIR SAVAGE declared the Legislature adjourned until Thursday, November 15, 2018 at 2:00 p.m. Eastern Standard Time.

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