

ERIE COUNTY LEGISLATURE
MEETING NO. 11
JUNE 7, 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. Lorigo.

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 10 from 2018. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. MILLS presented a proclamation Honoring Leonard Berkowitz for His Years of Service to the Community.

Item 6 – MR. LORIGO, MR. HARDWICK, CHAIR SAVAGE, MS. BASKIN, MS. DIXON, MR. MILLS, MR. RATH, MR. BURKE, MR. BRUSO, MR. LOUGHRAN & MS. MILLER-WILLIAMS presented a proclamation Designating June 15 as "Elder Abuse Awareness Day" in Erie County.

Item 7 – MR. LORIGO presented a proclamation Congratulating Ten Members of the Reserve Hose Volunteer Fire Co. for 50 or More Years of Service.

Item 8 – CHAIR SAVAGE presented a proclamation Honoring Leonard Lenihan as Kenmore West High School Corridor of Honor Member.

Item 9 – CHAIR SAVAGE, MR. LOUGHRAN & MR. RATH presented a proclamation Honoring Susan Grelick for Her Steadfast Advancement and Unparalleled Support of the Buffalo Niagara Heritage Village.

Item 10 – MS. MILLER-WILLIAMS presented a proclamation Welcoming Reggae Artist Nkulee Dube to Buffalo.

Item 11 – MS. MILLER-WILLIAMS presented a proclamation Celebrating the Past and Embracing the Future of Bennett Park Montessori Center in Commemoration of Its 40th Anniversary.

MS. BASKIN moved for consideration of the above seven items. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MS. BASKIN moved for approval of the above seven items as amended. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 12 – CHAIR SAVAGE directed that Local Law No. 1 (Print #2) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 13 – CHAIR SAVAGE directed that Local Law No. 4 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 – CHAIR SAVAGE directed that Local Law No. 8 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 15 – CHAIR SAVAGE directed that Local Law No. 12 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 16 – CHAIR SAVAGE directed that Local Law No. 14 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 17 – CHAIR SAVAGE directed that Local Law No. 15 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 18 – CHAIR SAVAGE directed that Local Law No. 16 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 19 – CHAIR SAVAGE directed that Local Law No. 17 (Print #1) 2017 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

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

Item 21 – CHAIR SAVAGE directed that Local Law No. 23 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 22 – CHAIR SAVAGE directed that Local Law No. 2 (Print #1) 2018 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 23 – CHAIR SAVAGE directed that Local Law No. 3 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 24 – MR. BRUSO presented the following report and moved for immediate consideration and approval. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 125

| | |
|--------------|---|
| May 31, 2018 | ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 9 |
|--------------|---|

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR BURKE.
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

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

a. COMM. 10M-2 (2018)
NYS AGRICULTURE AND MARKETS “Letter Regarding Modification of Agricultural Districts”
(Chair’s ruling)

2. COMM. 10E-24 (2018)
COUNTY EXECUTIVE

WHEREAS, the County of Erie retained Arcadis of N.Y., Inc. to provide engineering services related to flow monitoring and infiltration/inflow (I/I) quantification in Erie County Sewer District No. 3 pursuant to Legislative Comm. 4E-12 (2016); and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement, dated March 17, 2016, with Arcadis of N.Y., Inc. in the final contract amount of \$161,942.04; and

WHEREAS, the revenue for this project were authorized in Capital Project C.16301.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated March 17, 2016 between the County of Erie and Arcadis of N.Y., Inc. be formally closed in the final amount of \$161,942.04; and be it further

RESOLVED, that the remaining balance of capital reserve funding authorized for this project pursuant to Legislative Comm. 4E-12 (2016) in Capital Project C.16301 be returned to Erie County Sewer District No. 3 Capital Reserve Account C.00007; and be it further

RESOLVED, that the Clerk of the Legislature send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management, and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.

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

3. COMM. 10E-30 (2018)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has identified a need for additional accounting and administrative services; and

WHEREAS, it has been determined that a Coordinator of Grants and Program Administration (FT) position will improve efficiency of operations in a cost-effective manner; and

WHEREAS, the Erie County Division of Sewerage Management and the Division of Community Development through the Community Block Grant Program will share equally in the utilization and overall funding for this position.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Division of Sewerage Management is hereby authorized to create a full-time Coordinator of Grants and Program Administration (Job Grade 12, budgeted Step 2) position as noted in B-100 #10271; and be it further

RESOLVED, that a vacant Senior Clerk Typist position (#51009084) be eliminated; and be it further

RESOLVED, that the Environment & Planning Community Development Operations Funds Center 1621120 Fund 290 Budget be revised as follows:

| | Revenues | Current Budget | Changes | Amended Budget |
|---|----------------|----------------|-----------|----------------|
| Account Description | | | | |
| 412500 Fed Aid - Community Development | | \$2,733,034 | \$ 23,087 | \$2,756,121 |
| | Appropriations | Current Budget | Changes | Amended Budget |
| Account Description | | | | |
| 916200 ID Environment and Planning Services | | \$8,105 | \$ 23,087 | \$ 31,192 |

and be it further

RESOLVED, that the Commissioner of the Department of Environment and Planning, Commissioner of Personnel, and Division of Budget and Management are hereby authorized to make the necessary budgetary and personnel adjustments to effectuate this action; and be it further

RESOLVED, that certified copies of this resolution be sent to the: County Executive's Office; Commissioner of Personnel; Director of the Division of Budget and Management; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.
(4-0) Chair Savage not present for vote.

4. COMM. 10E-35 (2018)
COUNTY EXECUTIVE

WHEREAS, the County of Erie advertised for and received responses to a Request for Proposals to perform professional services associated with the Erie County Sewer District No. 2 – Flow Monitoring and I/I Quantification Project; and

WHEREAS, the completion of flow monitoring and I/I quantification will assist Erie County Sewer District No. 2 in making informed decisions relative to collection system work and regulatory requirements; and

WHEREAS, the project has been awarded a \$100,000 grant from the New York State Department of Environmental Conservation; and

WHEREAS, Erie County Sewer District No. 2 has adequate authorization in Capital Project C. 17201 to fund the local share of this project; and

WHEREAS, a review committee was established to evaluate all responses to the County's Request for Proposals for this project, using a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends Arcadis of New York, Inc. (Arcadis) to complete the requested consulting services; and

WHEREAS, the Division of Sewerage Management has determined that this proposed project is a Type II action in accordance with 6 NYCRR 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 Arcadis be retained to perform professional services associated with the Erie County Sewer District No. 2 – Flow Monitoring and I/I Quantification Project for the Division of Sewerage Management; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with Arcadis, 50 Fountain Plaza, Suite 600, Buffalo, New York 14202 for professional services associated with this project in an amount not to exceed \$180,000 subject to approval as to content by the Commissioner of the Department of Environment and Planning and approval as to form by the County Attorney's Office; and be it further

RESOLVED, that the Director of Budget and the County Comptroller be authorized to increase estimated revenues and appropriations in Capital Project C.17201 for the \$100,000 grant from the New York State Department of Environmental Conservation; and be it further

RESOLVED, that the costs associated with this project be allocated from Capital Project C.17201; and be it further

RESOLVED, that the Clerk of the Legislature shall send one (1) certified copy each to the County Executive, the Erie County Director of Budget and Management, the Erie County Comptroller, Kristen Walder, Assistant County Attorney; and send two (2) certified copies of this resolution to Joseph Fiegl, P.E., Division of Sewerage Management.

(5-0)

JOHN BRUSO

CHAIR

Item 25 – MS. MILLER-WILLIAMS presented the following report and moved for immediate consideration and approval. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 126

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|--------------|--|
| May 31, 2018 | FINANCE & MANAGEMENT COMMITTEE REPORT NO. 10 |
|--------------|--|

ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 9E-2 (2018)
COMPTROLLER “Audit of Paid Leave - Department of Personnel”
(Chair’s ruling)
 - b. COMM. 9E-28 (2018)
SAVAGE & LORIGO “Letter to Clerk of Legislature Concerning Special Investigative Oversight Committee”
(Chair’s ruling)
 - c. COMM. 10E-1 (2018)
COMPTROLLER “Interim Financial Report for EC - Period Ending March 31, 2018”
(Chair’s ruling)
 - d. COMM. 10D-1 (2018)
DEPUTY COMPTROLLER, AUDIT “Letter to Commissioner of Social Services Regarding Audit of Grant Procedures with Respect to Independent Living Organizations”
(Chair’s ruling)
 - e. COMM. 10D-2 (2018)
DEPUTY COMPTROLLER, AUDIT “Letter to Commissioner of Health Regarding Audit of Procedures with Respect to the Purchasing and Disbursement of Gift Cards”
(Chair’s ruling)
 - f. COMM. 10D-3 (2018)
COMMISSIONER OF SOCIAL SERVICES “Letter to Legislator Lorigo Regarding Department's Use of LifeLock Protection”
(Chair’s ruling)
 - g. COMM. 10D-6 (2018)

DEPUTY COMPTROLLER, AUDIT "Letter to Commissioner of Social Services Regarding Audit of Department's Compliance with RFP Process for STSJP Program Services"
(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 218076 through 218082, 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 | 2017 | Petition No. | 218,076.00 |
| | ASSESSOR | Refund | \$1,192.03 |
| S-B-L | 80.06-11-35 | 18 Roycroft Blvd | 142289 AMHERST |
| | Acct. No. 112 | \$0.00 | County |
| | Acct. No. 132 | \$1,192.03 | Town/SpecialDist/School |
| <u>Charge To :</u> | 142289 AMHERST | \$1,192.03 | \$1,192.03 |
| | Relevy School | \$1,192.03 | 142201 AMHERST |

CENTRAL

RPTL 550(2): Exemptions removed in error
Refund to be issued to Alton L. Steward.

| | | | |
|--------------------|----------------|--------------|-------------------------|
| FISCAL YEAR | 2018 | Petition No. | 218,077.00 |
| | ASSESSOR | Refund | \$728.53 |
| S-B-L | 80.06-11-35 | 18 Roycroft | 142289 AMHERST |
| | Acct. No. 112 | \$410.06 | County |
| | Acct. No. 132 | \$318.47 | Town/SpecialDist/School |
| <u>Charge To :</u> | 142289 AMHERST | | \$318.47 |

RPTL 550(2): Exemption removed in error
Refund to be issued to Alton L. Steward

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|-------------|------|--------------|------------|
| FISCAL YEAR | 2018 | Petition No. | 218,078.00 |
|-------------|------|--------------|------------|

ASSESSOR Cancel \$192.00
S-B-L 238.00-5-34.12 9012 S State Rd 144000 EDEN

Acct. No. 112 \$0.00 County
Acct. No. 132 \$192.00 Town/SpecialDist/School
Charge To : 144000 EDEN \$192.00

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

FISCAL YEAR 2017 Petition No. 218,079.00

ASSESSOR Refund \$67.32
S-B-L 173.09-2-42 122 Meadowbrook 146001 ORCHARD PARK

Acct. No. 112 \$0.00 County
Acct. No. 132 \$67.32 Town/SpecialDist/School
Charge To : 146001 ORCHARD PARK \$67.32

Relevy Village \$67.32 Village of ORCHARD PARK
RPTL 550(2): Failed to apply exemption
Refund to be issued to Jame & Dina Lucas.

FISCAL YEAR 2018 Petition No. 218,080.00

ASSESSOR Cancel \$66.77
S-B-L 173.09-2-42 122 Meadowbrook 140200 BUFFALO

Acct. No. 112 \$0.00 County
Acct. No. 132 \$66.77 Town/SpecialDist/School
Charge To : 140200 BUFFALO \$66.77

Relevy Village \$66.77 Village of BUFFALO
RPTL 550(2): Failed to apply exemption
New tax bill to be issued.

FISCAL YEAR 2017 Petition No. 218,081.00

ASSESSOR Refund \$40.39
S-B-L 173.06-2-13 67 Stonehenge Dr 146001 ORCHARD PARK

Acct. No. 112 \$0.00 County
Acct. No. 132 \$40.39 Town/SpecialDist/School
Charge To : 146001 ORCHARD PARK \$40.39

Relevy Village \$40.39 Village of ORCHARD PARK
RPTL 550(2): Failed to apply exemption
Refund to be issued to Frank E. Ferro

FISCAL YEAR 2018 Petition No. 218,082.00

ASSESSOR Cancel \$40.06
S-B-L 173.06-2-13 67 Stonehenge Dr 146001 ORCHARD PARK

Acct. No. 112 \$0.00 County
Acct. No. 132 \$40.06 Town/SpecialDist/School
Charge To: 146001 ORCHARD PARK \$40.06

Relevy Village \$40.06 Village of ORCHARD PARK
RPTL 550(2): Failed to apply exemption
New tax bill to be issued.

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.

(4-0) Legislator Burke and Chair Savage not present for vote.

3. COMM. 10E-29 (2018)
COUNTY EXECUTIVE

WHEREAS, on March 20, 2014, the Legislature adopted the 2014 Capital Budget in Comm.6E-4, which included Fund 480 Capital Project E.14006 – 2014 ECC Code Compliance (College-wide); and

WHEREAS, the bond description for this capital project did not previously include wording that State Aid pays for 50% of the cost; and

WHEREAS, on April 3, 2014, the Legislature adopted consolidated Bond Resolution No. 76-2014 which appropriated only \$50,000 for such project and authorized \$50,000 bonds to finance said appropriation; and

WHEREAS, amendment of the 2014 Capital Budget and consolidated Bond Resolution No. 76-2014 to revise the bond description and appropriate an additional \$50,000 to be funded from State aid will increase the overall funds available for Erie Community College's code compliance capital projects; and

WHEREAS, the State University of New York (SUNY) State Budget share balance of \$50,000 was approved by SUNY Office for Capital Facilities on April 24, 2018 to match the local County budget share balance of \$50,000.

NOW, THEREFORE, BE IT

RESOLVED, that the 2014 adopted Capital Budget is hereby amended to revise the bond description for Fund 480 Capital Project #E.14006 – 2014 ECC Code Compliance (College-wide) as follows:

| Fund | Project Number | Project Name | Estimated Maximum Cost | Amount of Bonds Authorized | State or Federal and Expected or Other Source | Project Details |
|------|----------------|--|------------------------|----------------------------|---|--|
| 480 | E.14006 | 2014 ECC Code Compliance (Collegewide) | \$100,000 | \$50,000 | \$50,000 | This project will address issues involving ADA, electrical, environmental and/or asbestos abatement compliance at ECC. State aid pays for 50% of the cost. |

and be it further

RESOLVED, that consolidated Bond Resolution No. 76-2014 is hereby amended to (1) increase the total estimated maximum cost of and appropriation for the component projects from \$ 39,996,672 to \$ 40,046,672; (2) revise line no. 47 of the attached spreadsheet of project components to increase the estimated maximum cost from \$50,000 to \$100,000 and increase the State or FEDERAL AID EXPECTED or OTHER SOURCE from -0- to \$50,000; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management and the Comptroller’s Office to make any and all budgetary and financial entries required to implement the revision to the bond description; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner’s Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, Erie Community College, and the Office of the Comptroller. (5-0) Chair Savage not present for vote.

4. COMM. 10E-32 (2018)
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the 2018 Erie County Budget has allocated \$57,045 to Franciscan Center for Homeless and Runaway Youth and Transitional Independent Living Programming in Erie County; and

WHEREAS, the Franciscan Center, after 3 decades of service, has unexpectedly closed its Center; and

WHEREAS, Teaching and Restoring Youth and Plymouth Crossroads are both providers of Transitional Independent Living Program services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into and or amend existing contracts in order to provide an equal re-allocation of funds; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Division of Budget and Management, the Office of the Comptroller, and the Department of Social Services, and the Division of Youth Services.

(5-0) Chair Savage not present for vote.

BARBARA MILLER-WILLIAMS
CHAIR

Item 26– MR. BURKE presented the following report and moved for immediate consideration and approval. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 127

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| May 31, 2018 | ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 8 |
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ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 10E-3 (2018)
LORIGO “Letter to Commissioner of Environment and Planning Regarding FOIL Request”
(Chair’s ruling)
 - b. COMM. 10D-5 (2018)
OFFICE OF THE COUNTY EXECUTIVE “Initiatives for a Smart Economy 2.0- 2018 Bi-annual Report #1”
(Chair’s ruling)
 - c. COMM. 10M-3 (2018)
NFTA “Board Minutes - Meeting Held 3/22/18”
(Chair’s ruling)

2. COMM. 10E-23 (2018)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for ADA Improvements at the Erie County Holding Center and Erie County Correctional Facility on April 10, 2018 and May 7, 2018; and

WHEREAS, the Erie County Department of Public Works is recommending award of the contract to the lowest responsible bidders; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Kideney Architects for providing Professional Architectural/Engineering Services on ADA Improvements at the Erie County Holding Center and Erie County Correctional Facility; and

WHEREAS, During the course of design and bidding phases of the ADA Improvements project at the Erie County Holding Center and Erie County Correctional Facility, performed additional Professional Architectural/Engineering services required for the project; and

WHEREAS, the County Executive requests authorization to enter into an Agreement Amendment with the firm of Kideney Architects for providing Professional Architectural/Engineering Services for the ADA Improvements at the Erie County Holding Center and Erie County Correctional Facility.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the lowest responsible bidders for the ADA Improvements project at the Erie County Holding Center and Erie County Correctional Facility as follows:

General Construction

Willett Builders, Inc. Base Bid \$ 490,000

Plumbing Construction Work

MKS Plumbing Corp. Base Bid \$ 97,000

Electrical Construction Work

Weydman Electric, Inc. Base Bid \$ 66,400

Mechanical Construction Work

Greater Niagara Mechanical, Inc. Base Bid \$29,600

Total award of construction contracts \$ 683,000

and be it further

RESOLVED, that the sum of \$100,000 be allocated to a Construction Contingency Fund with authorization for the County Executive and/or Commissioner of Public Works, to approve change orders for an amount not to exceed the balance of the Contingency Fund; and be it further

RESOLVED, that change order reductions will result in such funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the County Executive is authorized to enter into an Agreement Amendment with Kideney Architects for providing Architectural/Engineering Services, for an amount not to exceed \$12,000; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from the Projects as follows:

| | |
|--|------------|
| A.15027 – 2015 Improvements to Holding Center and Correctional Facility ADA Countywide | \$ 749,200 |
| A.17004 – 2017 Code and Environmental Compliance Countywide | \$ 45,800 |
| for an amount not to exceed | \$ 795,000 |

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, Sheriff's Office, and the Office of the Comptroller.
(6-0)

3. COMM. 10E-25 (2018)
COUNTY EXECUTIVE

WHEREAS, The Erie County Department of Public Works, Division of Highways, works closely with the Village of Springville; and

WHEREAS, it is cost effective for Erie County to work jointly with the Village of Springville; and

WHEREAS, an executed Inter-municipal Agreement between the Village of Springville and County of Erie should be in effect before such cooperative services are undertaken.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a no-cost Inter-municipal Agreement with the Village of Springville whereby the Division of Highways may exchange services with the Village of Springville; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the

Office of the Erie County Attorney, the Division of Budget, Management and Finance and the Office of the Comptroller.

(6-0)

4. COMM. 10E-26 (2018)
COUNTY EXECUTIVE

WHEREAS, the County of Erie is interested in the fostering of tourism and the improvement of the waterfront; and

WHEREAS, the Erie Canal Harbor Development Corporation, a subsidiary of New York State Empire State Development owns the property and is currently constructing a Children's Museum on said property; and

WHEREAS, the subject property will be leased to Explore and More Children's Museum, which will manage the day to day operation of the structure as a Children's Museum; and

WHEREAS, Erie County desires to fund a portion of the construction of the Explore and More Children's Museum project in Canalside; and

WHEREAS, the Erie Canal Harbor Development Corporation has extensive experience in contracting and managing construction projects; and

WHEREAS, the County of Erie has allocated \$175,000 for the construction of a 43,000 square foot Children's Museum at Canalside in the approved 2018 Budget in SAP Project A.18023.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts, easements and agreements with the Erie Canal Harbor Development Corporation, a subsidiary of Empire State Development, Explore and More and any other municipal, state and federal agencies, in amounts not to exceed a total of \$175,000 for the purpose of construction of the Explore and More Children's Museum; and be it further

RESOLVED, that the source of these funds shall be \$175,000 available in the approved 2018 Erie County Capital Budget within SAP Project A.18023; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(6-0)

5. COMM. 10E-27 (2018)
COUNTY EXECUTIVE

WHEREAS, the resurfacing of Maple Road (CR-192) from Hopkins Road to Rt. 78, PIN 5761.76, (the "Project") is 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 County of Erie desires to advance the Preliminary Engineering (Design I-VI) and Right of Way (ROW) Incidentals phases of the Project by making a commitment to pay in the first instance 100% of the Federal and non-Federal shares of the estimated \$400,000 cost of the subject Project phases; and

WHEREAS, the total estimated cost of these phases of the subject Project is \$400,000, the 80% Federal share is \$320,000 and the 20% non-Federal share is broken down into the 15% New York State (NYS) Marchiselli share of \$60,000, and the 5% Erie County share of \$20,000; and

WHEREAS, funding for this Project is available in the approved 2018 Consolidated Bond Resolution, Line 21, Project B.18007, Funds Center 123, Fund 420 for the estimated project total of \$400,000, including the acceptance of Federal revenue in the amount of \$320,000 and NYS Marchiselli funding in the amount of \$60,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the resurfacing of Maple Road between Hopkins Road and Transit Road (NY Route 78), PIN 5761.76, (the Project); and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases of the Project or portions thereof in the amount of \$400,000; and be it further

RESOLVED, that funding for this Project is available in the approved 2018 Consolidated Bond Resolution, Line 21, Project B.18007, Funds Center 123, Fund 420, including \$320,000 in Federal revenue – Account 414000, \$60,000 in NYS Marchiselli revenue – Account 405160, and \$20,000 in bond proceeds – Account 475000; 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 Preliminary Engineering (Design I-VI) and Right of Way incidentals phases exceeds the amount appropriated, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation (NYSDOT) thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal aid and/or State aid on behalf of the County of Erie, with the NYSDOT in connection with the advancement or approval of the Project as 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 six (6) certified copies of this Resolution be forwarded to the Department of Public Works, Office of the Commissioner, to be forwarded to the NYSDOT; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) certified copy of this Resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney and the Office of the Comptroller.

(6-0)

6. COMM. 10E-28 (2018)
COUNTY EXECUTIVE

WHEREAS, the design phase of Akron Falls Park- Retaining Wall Rehabilitation, (the "Project") was approved via Communication 13E-38 of July 27, 2017; and

WHEREAS, the County of Erie desires to advance the Construction phase of the Project; and

WHEREAS, bids were taken for the construction of Akron Falls Park- Retaining Wall Rehabilitation, on May 10, 2018, and the lowest responsible bidder was Horizon Masonry Restoration, in the amount of \$62, 900; and

WHEREAS, the Department of Public Works recommends the Project progress through the Construction phase to prevent any further deterioration of the Project site; and

WHEREAS, the Department of Parks, Recreation and Forestry seeks authorization for the County Executive to enter into agreements with low bidder Horizon Masonry Restoration, in the amount of \$56,900, design phase engineers CHA Consulting, Inc. for construction phase engineering and inspection services in the amount of \$5,000, and to establish a construction contingency in an amount not to exceed \$6,000.

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Executive be authorized to award and execute contracts between the County of Erie and Horizon Masonry Restoration, CHA Consulting, Inc., establish a Construction Contingency for the Akron Falls Park-Retaining Wall Rehabilitation in the total project amount of \$67,900; and be it further

RESOLVED, that spending in Fund 410 Project A.17012, 2017 County-wide Parks Improvements, Funds Center 164 be authorized in an amount not to exceed \$67,900; and be it further

RESOLVED, the County Executive is hereby authorized to execute the construction contract with the responsible low bidder, Horizon Masonry Restoration, enter an into a construction phase engineering services agreement with project designers CHA Consulting, Inc., and establish a construction contingency in an amount not to exceed \$67,900; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this Resolution to the Department of Parks, Recreation and Forestry, Office of the Commissioner, and also one (1) copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

(6-0)

7. COMM. 10E-31 (2018)
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services continually reviews potential locations to expand the Stay Fit Dining program throughout Erie County; and

WHEREAS, there is a need to provide healthy dining opportunities for older adult residents of Erie County, especially in senior housing communities; and

WHEREAS, the Buffalo Municipal Housing Authority, desires to operate a dining site as part of the Department's Stay Fit Dining program to serve needful seniors in their community; and

WHEREAS, the Department of Senior Services recommends that a new Congregate Dining site, operating at the LBJ Apartments located on 167 West Humboldt Parkway, Buffalo, New York be added to the Stay Fit Dining Program to serve needful seniors; and

WHEREAS, the Department desires to contract with the site sponsor, the Buffalo Municipal Housing Authority, 35 Tower St., Buffalo, New York 14215, to begin serving meals after the effective date of this resolution; and

WHEREAS, that the County Executive is authorized to execute contracts for Senior Service Congregate Dining sites with sponsor agencies, which remain in effect until terminated by either the County or the agency (evergreen); and

WHEREAS, the Department has sufficient funds available to cover the clean-up and meal costs of the new dining site in the 163IIC-12018 grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to contract with Buffalo Municipal Housing Authority to operate a Congregate Dining site located at the LBJ Apartments located on 167 West Humboldt Parkway, Buffalo, New York which shall remain in effect until terminated by either the county or the agency (evergreen); and be it further

RESOLVED, that clean-up costs of the new dining site be paid from the available aggregate appropriations Professional Services Contracts/Fees(account #516020) and meal costs from

available funds in provider Meals on Wheel's for WNY (account #517697) all within the 163III-C-12018 grant; and be it further

RESOLVED, that the Congregate Dining site contract shall be subject to annual budgetary appropriation as approved by this Body; and be it further

RESOLVED, and if necessary the County Executive is hereby authorized to execute amendments to Senior Services agencies contracts to effectuate adjusted funding levels; and be it further

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

(6-0)

8. COMM. 10E-38 (2018)
COUNTY EXECUTIVE

WHEREAS, the Safety Improvements at the Intersection of Colvin Boulevard (CR 118) and Brighton Road (CR 196) Intersection, Town of Tonawanda, PIN 5760.97 (the "Project") is eligible for funding under Federal Transportation Alternatives Program (TAP) administered by the New York State Department of Transportation (NYSDOT) that calls for the apportionment of the costs of such program to be borne at the approximate ratio of 90% Federal funds and 10% Non-Federal funds; and

WHEREAS, under the Transportation Alternatives Program, the Federal cost share is limited to the amount set forth in the agreement with NYSDOT, with any additional cost borne 100% by the local sponsor; and

WHEREAS, the County of Erie previously advanced the Project by making a commitment of 100% of the Non-Federal share of the costs of the Design via Legislative Communication 8E-6 dated May 12, 2016 and Communication 8E-7 dated May 11, 2017; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment to advance the reimbursable Federal share and payment of the Non-Federal share of the costs of the Construction and Construction Inspection phases of the Project; and

WHEREAS, the Construction and Construction Inspection phases of the Project, PIN 5760.97, are currently estimated at \$670,500 and the County is required to pay the Local Share for the Project; and

WHEREAS, capital project B.18XXX – Federal Aid Projects Intersection Construction – Colvin Avenue and Brighton Road (PIN 5760.97), Fund 420, Funds Center 123 was previously approved in the 2018 Adopted Capital Budget, Book B, and was approved in the 2018 Consolidated Bond Resolution, Line 22, on 5/10/18; and

WHEREAS, the anticipated budget for this project is \$342,000 federal revenue, \$28,500 NYS Marchiselli revenue, and \$300,000 in bonds for the Local Share representing the balance of the

\$670,500 project; and

WHEREAS, the firm of Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, DPC, after having completed the Preliminary Design Phases of this project, has been selected as having the necessary expertise, experience, and manpower to provide the County of Erie with construction inspection services for the safety improvements of the above noted Colvin Boulevard (CR 118) and Brighton Road (CR 196) intersection; and

WHEREAS, the construction company of Occhino Corporation has been selected as the lowest responsible bidder having the necessary expertise, experience, and manpower to provide the County of Erie with construction services for the Project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Safety Improvements at the Intersection of Colvin Boulevard (CR 118) and Brighton Road (CR 196) Intersection, Town of Tonawanda, PIN 5760.97 Project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Construction and Construction Inspection phases of the Project or portions thereof; and be it further

RESOLVED, that the Division of Budget and Management set up the Marchiselli Aid and Federal Aid budgets, per the approved Supplemental Agreement No. 2 with the NYSDOT, for the Colvin Avenue and Brighton Road (PIN 5760.97) portion of B.18XXX - Federal Aid Projects Intersection Construction, in Fund 420, Funds Center 123, as well as the \$633,888 in approved bond proceeds for B.18XXX, as follows:

| Account | Description | Budget |
|----------------------|-------------------------|--------------------|
| REVENUES | | |
| 405160 | Marchiselli Aid | \$28,500 |
| 414000 | Federal Aid | \$342,000 |
| 475000 | Gen Oblig Bond Proceeds | <u>\$633,888</u> |
| TOTAL REVENUES | | <u>\$1,004,388</u> |
| APPROPRIATIONS | | |
| Capital Projects | Capital Project Exp | <u>\$1,004,388</u> |
| TOTAL APPROPRIATIONS | | <u>\$1,004,388</u> |

and be it further

RESOLVED that the County Executive be authorized to execute the Supplemental Agreement No. 2 with the NYSDOT and a negotiated Contract between the County of Erie and Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, DPC for construction inspection services in an amount not to exceed \$100,000; and be it further

RESOLVED that the County Executive be authorized to execute a negotiated Contract between the County of Erie and Occhino Corporation for construction services in an amount not to exceed \$480,000 and establish a Project Contingency in an amount not to exceed \$90,500 and execute any necessary Change Orders; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Construction and Construction Inspection phases exceeds the amount appropriated above, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, should the Supplemental Agreement receive additional NYS Marchiselli reimbursement in the future, the project revenue will be accepted by Erie County and the budget adjusted to reflect the receipt of funds; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary 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; and providing for the administration of the Project and the County'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, Office of the Commissioner, to be forwarded to the New York State Department of Transportation; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, and 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)

PATRICK B. BURKE
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 128

| | |
|--------------|---|
| May 31, 2018 | PUBLIC SAFETY COMMITTEE REPORT NO. 7 |
|--------------|---|

ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

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

a. COMM. 5E-3 (2018)

RATH, DIXON, LORIGO & MILLS “Letter to Chair Savage Concerning Legalization of Sparkling Devices”
(Chair’s ruling)

2. COMM. 10E-21 (2018)

SHERIFF

WHEREAS, The Erie County Sheriff’s Office has developed one of the largest K9 units in New York State; and

WHEREAS, there are seven certified patrol certified canines currently without protective vests; and

WHEREAS, the Sheriff’s Office has applied and has been approved to receive ballistic and stab protective vests for seven of our eligible work dogs from the not-for-profit group – Vested Interest in K9’s; and

WHEREAS, this groups donates protective K9 vests to law enforcement agencies throughout the United States and receives its funding from private and corporate donations; and

WHEREAS, the Sheriff’s Office, and the law, consider law enforcement work dogs law enforcement officers and the Sheriff expresses the desire to properly equip the K9 Deputies; and

WHEREAS, the donation of the vests saves the Sheriff’s Office and county taxpayer approximately \$1,000.00 per vest; and

WHEREAS, the donation from Vested Interest in K9s, Inc. will equip all eligible canines within the Police Services Division.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature does hereby authorize the Erie County Sheriff’s Office to accept seven protective K9 vests from Vested Interest in K9s; and be it further

RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this resolution to the Division of Purchasing and the Erie County Sheriff’s Office.

(6-0)

3. COMM. 10E-22 (2018)
SHERIFF

WHEREAS, the US Department of Homeland Security through the NYS Division of Homeland Security and Emergency Services has awarded \$143,667.50 for FY17 to Erie County in funding to increase security along the Canadian Border; and

WHEREAS, the Erie County Sheriff's Office will coordinate with police departments from the City of Buffalo, City of Tonawanda, and the towns of Brant, Evans, and Hamburg to conduct joint waterway patrols supporting U.S. Border Patrol's mission of apprehending terrorists and their weapons; and

WHEREAS, the funds will be used for overtime and fringe benefits of the participating law enforcement agencies associated with the mission, and to purchase equipment required to support this program; and

WHEREAS, there will be no impact on County tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the New York State Department of Homeland Security to accept \$143,667.50 for FY17; and be it further

RESOLVED, that the County Executive is authorized to enter into sub-contracts with the participating agencies to reimburse the expenses they incur while participating in the Stonegarden Border Security Operation; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management to establish funding in the Grant Fund 281 and budget those funds as follows:

Erie County Sheriff's Office
FY 17 Operation Stonegarden Grant
October 1, 2017, to August 31, 2020

| <u>REVENUE</u> | <u>Increase</u> |
|----------------------------------|----------------------|
| Account 414000 – Federal Revenue | \$ 143,667.50 |
| TOTAL REVENUE | <u>\$ 143,667.50</u> |

| <u>APPROPRIATIONS</u> | <u>Increase</u> |
|--|----------------------|
| Account 501000 – Overtime | \$ 27,120.00 |
| Account 502000 – Fringe Benefits | \$ 8,136.00 |
| Account 505600 – Auto Supplies | \$ 4,378.50 |
| Account 516010 – Contractual Payments | \$ 75,365.00 |
| Account 561410 – Lab & Technical Equipment | \$ 28,668.00 |
| TOTAL APPROPRIATIONS | <u>\$ 143,667.50</u> |

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with State and Federal approved funding levels; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make the necessary transfers and to make any technical adjustments necessary to effectuate these transfers should there be any unforeseen issues; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

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

(6-0)

4. COMM. 10E-33 (2018)
COUNTY EXECUTIVE

WHEREAS, the Department of Central Police Services is in the process of upgrading the CHARMS system which is utilized by law enforcement agencies throughout Erie County; and

WHEREAS, the E-911 Fund provides support for the CHARMS system; and

WHEREAS, there are sufficient funds in the CPS E-911 Fund Budget (Fund 230, Funds Center 16500, Account 516020 (Professional Services)) to provide for the needed system upgrade.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to issue a purchase order to Globalquest Solutions Inc., a local WBE/New York State contract vendor, in the amount of \$8,400 to provide the professional technical services needed for this project; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the Office of the Comptroller, the Bureau of Purchase, and the Department of Central Police Services, attention: Brian Speers.

(5-0) Chair Savage not present for vote.

5. COMM. 10E-36 (2018)
DISTRICT ATTORNEY AS AMENDED

WHEREAS, it is necessary to transfer funds from the Erie County District Attorney's Asset Forfeiture Trust Fund prior to their being expended; and

WHEREAS, said forfeiture funds are required to be expended for law enforcement and prosecutorial efforts and operations as Federal guidelines dictate; and

WHEREAS, the District Attorney would prefer to use available Asset Forfeiture Trust Funds, rather than County tax dollars, to provide funding for the purchase of office equipment, furniture and motor vehicles as the need arises throughout the year.

NOW, THEREFORE, BE IT

RESOLVED, that \$65,000 in available balances in the Erie County District Attorney's Asset Forfeiture Trust Fund are hereby transferred to the District Attorney's Asset Forfeiture Program (SAFDA); and be it further

RESOLVED, that the following budgetary transactions are hereby authorized in Business Area 114; Cost Center: 1140010; Funded Program/WBS Element: SAFDA:

| <u>Revenue</u> | |
|------------------------------------|-----------------|
| 421550 Forfeiture Crime Proceeds | <u>\$65,000</u> |
| Total Revenue | <u>\$65,000</u> |
| <u>Appropriation</u> | |
| 506200 Maintenance & Repair | \$5,000 |
| 510100 Out of Area Travel | 5,000 |
| 561420 Office Furniture & Fixtures | 25,000 |
| 561440 Motor Vehicles | <u>30,000</u> |
| Total Appropriations | <u>\$65,000</u> |

and be it further

RESOLVED, that the Director of Budget and Finance is hereby authorized to adjust SAFDA budgets as necessary during the year in order for the District Attorney's Office to enhance its investigative, surveillance and prosecutorial efforts, as the forfeiture regulations dictate; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Comptroller and the Director of Budget and Management.
(5-0) Chair Savage not present for vote.

APRIL N.M. BASKIN
CHAIR

LEGISLATOR RESOLUTIONS

Item 28 – MR. LORIGO moved to receive and file the following resolution. MR. RATH seconded.

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

AYES: MS. DIXON, MR. LORIGO, MR. MILLS, MR. RATH and MR. LOUGHRAN.
NOES: MR. HARDWICK, MS. BASKIN, MR. BRUSO, MR. BURKE, MS. MILLER-WILLIAMS
and CHAIR SAVAGE. (AYES: 5; NOES: 6)

FAILED.

INTRO. 11-1 from SAVAGE, BASKIN, LOUGHRAN, BRUSO, BURKE & MILLER-
WILLIAMS. Amending the Erie County Tax Act - Home Rule Requests.

CHAIR SAVAGE directed that the resolution be referred to the GOVERNMENT AFFAIRS
COMMITTEE.

GRANTED.

Item 29 – MS. BASKIN presented the following resolution and moved for immediate
consideration. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 129

RE: State Funding for Local Roads,
Bridges & Culverts
(INTRO. 11-2)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS BURKE, BRUSO, BASKIN,
LOUGHRAN & MILLER-WILLIAMS**

WHEREAS, funding for the Consolidated Local Streets and Highway Improvement Program
(CHIPS) and enhanced State assistance to local governments through BRIDGE NY, PAVE NY and
Extreme Winter Recovery initiatives is helping counties to meet the overwhelming needs of the
locally-owned transportation systems; and

WHEREAS, while this additional funding is most welcomed and already being put to good
use, locally-owned roads and bridges account for 87% of the State's 110,000 miles of roadways and
50% of the State's 18,000 bridges and counties still struggle to raise enough funding for the
maintenance and replacement of this vast system of aging and ailing infrastructure; and

WHEREAS, studies show that half of local road pavements are rated fair or poor; and

WHEREAS, New York State Comptroller Thomas P. DiNapoli reports that 20.7% of bridges
in New York are functionally obsolete and 12.8% are structurally deficient and the cost to repair all
of these bridges is \$27.4 billion dollars with local bridges more likely to be structurally deficient
than state-owned bridges; and

WHEREAS, programs designed to direct state funding directly to local transportation
infrastructure needs such as CHIPS, PAVE NY, BRIDGE NY and Extreme Winter Recovery are

undoubtedly helping to improve the conditions of New York's roads, bridges and culverts as more of these critical projects are being funded each year; and

WHEREAS, with the state seeking hundreds of millions of additional dollars to address the critical and deserving needs of the NYC transit system, the state's commitment to MTA-NYSDOT capital plan parity will mean the historical expectation of a comparable increase in funding to address the unmet needs of state and local transportation infrastructure; and

WHEREAS, CHIPS is the financial lifeblood of any local highway department, distributing vital and reoccurring state funding through a formula to every local government in the state yet State Budget funds for CHIPS remains static; and

WHEREAS, a safe and efficient statewide integrated transportation system is necessary for trade, economic development and revitalization, job creation and retention, schools, agriculture, businesses, health and hospital facilities and emergency responders, as well as the general traveling public.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature commends Governor Andrew Cuomo and the New York State Legislature for recent budget actions enacted to enhance state investments in local roads, bridges and culverts, and urges that state assistance to local highway departments continues at increasing levels; and be it further

RESOLVED, that state elected officials continue to partner with local governments and agree to increase CHIPS funding and consider consolidating Extreme Winter Recovery funds if available and PAVE NY into the CHIPS funding base in the future, the total of which to be distributed through the CHIPS formula, thus building on a program that provides a fair distribution of funds to every municipality in the state and maximizes flexibility for local highway departments to direct this funding to priority maintenance, pavement preservation, and bridge and culvert rehabilitation projects where it is needed most; and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to Governor Andrew M. Cuomo, the New York State Legislature, the State Commissioner of Transportation, the County Executive, County Commissioner of Public Works, and all others deemed necessary and proper.

MS. BASKIN moved to amend the resolution by including Et Al Sponsorship. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 30 – MS. BASKIN presented the following resolution and moved for immediate consideration. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 130

RE: State Assumption of the Cost of
Mandated State Programs that
Counties Are Currently Required
to Pay for Under State Law
(INTRO. 11-3)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS BURKE, BRUSO, BASKIN,
LOUGHRAN & MILLER-WILLIAMS**

WHEREAS, for decades, the State has required county taxpayers to finance with local taxes dozens of State programs that, for the most part, counties in other states are not required to finance; and

WHEREAS, many of these state mandated programs are very comprehensive and generous to their recipients compared to what other states provide and often are among the most expensive in the country in total dollars, as well as per beneficiary; and

WHEREAS, state imposed mandates on counties require more than \$12 billion annually in locally raised taxes to be sent to the State Capitol so they can be used in lieu of state raised revenues to pay for statewide programs and initiatives; and

WHEREAS, state elected officials recognize that mandating local governments to finance state-designed and controlled programs directly impacts the property tax burden and to help mitigate this they have enacted important mandate relief for county property taxpayers including the implementation of two separate caps on the growth in the local share of Medicaid costs and major pension reforms; and

WHEREAS, since the enactment of these mandate relief initiatives the growth rate in aggregate county property taxes has slowed dramatically, generally averaging two percent per year over the last decade, less than the rate of inflation over that time frame; and

WHEREAS, counties believe that aligning the cost of the state's human services programs with the governmental entity that defines and controls them will result in historic and sustainable reductions in county property taxes and establish a more appropriate and equitable distribution of the cost of the state's human services programs; and

WHEREAS, the cost of the state Medicaid program in a typical county equals about one half of the county property tax levy, or in Erie County's case, all of the property tax levy; and

WHEREAS, the benefits, scope, and ultimate cost of Medicaid has been set and controlled by the State for 50 years, but not fully financed with state resources, therefore transferring a significant burden to local property taxpayers and contributing greatly to the disparity between property taxes in New York and other states; and

WHEREAS, Cornell University researchers have documented how New York's practice of shifting fiscal responsibilities from the state to lower levels of government including counties creates severe imbalances between New York and other states in relation to property taxes.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature calls on the Governor and State Legislature to focus on enacting a phased-in state takeover of the costs of its own mandated human services, starting with Medicaid, that would provide immediate, permanent, and measurable county property tax reductions and lower tax rates for New York residents; and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to Governor Andrew M. Cuomo, the New York State Legislature, the Erie County Executive and all others deemed necessary.

MS. BASKIN moved to amend the resolution by including Et Al Sponsorship. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 131

RE: Prohibiting State Cost Shifts and
New Costs to Counties, and
Seeking More State Fiscal
Responsibility for State Health,
Human Service, and Public
Safety Programs
(INTRO. 11-4)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS BURKE, BRUSO, BASKIN,
LOUGHRAN & MILLER-WILLIAMS**

WHEREAS, county governments and local governments have long used shared services and functional consolidation as a primary tool in improving local government efficiency; and

WHEREAS, over the last several years the State has endorsed a variety of shared services initiatives to encourage more consolidation and service sharing at the local level; and

WHEREAS, since 2011, the State has enacted a series of laws requiring local governments to reduce property tax increases and find new opportunities to share services and reduce costs at the local level; and

WHEREAS, these laws included the property tax cap enacted in 2011, the Government Efficiency Program enacted in 2014, and the County-Wide Shared Services Initiative enacted in 2017; and

WHEREAS, Erie County has been a leader in this process, conducting analyses, proposing options and/or submitting several Government Efficiency Plans with annual savings and sharing services or programs with other local governments; and

WHEREAS, in the 2017-18 State Budget, the County-Wide Shared Services Initiative called for county leaders to take the lead in convening and developing new shared services and consolation proposals designed to reduce the burden of local property taxes; and

WHEREAS, as part of this law, in September 2017, the Erie County Shared Services Panel approved a Final Plan that identified 22 specific initiatives that would save county taxpayers up to \$4.5 million if all were implemented and the plan was submitted to and accepted by the New York State Division of Budget; and

WHEREAS, the plan also identified another 10 possible initiatives that could save millions of dollars of additional costs if pursued; and

WHEREAS, among the plan's Shared Services Projects were agreements to share storm sewer maintenance, animal control services, composting, building inspection services, recreational facilities, electronic waste disposal, cooperative highway equipment purchasing, and coordinated municipal purchasing; and

WHEREAS, additional uncertified plan projects that could be implemented in the future address further sharing of water and sewer services, takeover of county roads by municipalities, and shared commercial sign making; and

WHEREAS, in 2018, Governor Andrew M. Cuomo proposed that state funding for local government performance aid will now be conditional on the continuation of shared services panels; and

WHEREAS, counties are committed to the pursuit of achieving greater efficiencies through shared services but are also concerned about overly prescriptive state mandates that intrude upon local home rule authority guaranteed under the New York State Constitution; and

WHEREAS, these state-enacted laws requiring counties and local governments to reduce costs do not recognize the state's role in driving up local costs, including the programs it mandates counties to deliver and fund, and the policies and regulations that it requires all local governments and school districts to follow.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby calls on the state to help counties and local governments reduce local property taxes by constitutionally prohibiting all new costs to local governments, taking more fiscal responsibility for state health, human service, and public safety programs delivered by counties, reducing or reforming state mandated programs, and increasing flexibility on various regulations required of local governments; and be it further

RESOLVED, that this Honorable Body supports incentives to facilitate shared services such as making state matching funds permanent and providing seed funding to help counties develop and evaluate complex shared services proposals; and be it further

RESOLVED, to maximize benefits for property taxpayers, schools, special taxing districts, and fire districts should be included in these shared services incentive programs; and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to Governor Andrew M. Cuomo, the New York State Legislature, the Erie County Executive, Association of Erie County Governments, and all others deemed necessary and proper.

MS. BASKIN moved to amend the resolution by including Et Al Sponsorship. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 32 – MR. LORIGO moved to discharge the GOVERNMENT AFFAIRS COMMITTEE of further consideration of INTRO. 10-2 (2018). MR. RATH seconded.

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

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS and MR. RATH.
NOES: MS. BASKIN, MR. BRUSO, MR. BURKE, MR. LOUGHRAN, MS. MILLER-WILLIAMS and CHAIR SAVAGE. (AYES: 5; NOES: 6)

FAILED.

SUSPENSION OF THE RULES

Item 33 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 11-5 from MILLS Re: Re-Appropriation of 2018 Cultural Funding

RESOLUTION NO. 132

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

WHEREAS, the group Evans-Brant Citizens for Responsible Change was awarded \$2,000 in county funding in the 2018 Erie County Budget by the Legislature; and

WHEREAS, Evans-Brant Citizens for Responsible Change is unable to accept county funding this year; and

WHEREAS, there are additional organizations that are deserving and in need of County funding that serve the same population; and

WHEREAS, it is the intent of this honorable body to transfer such 2018 funding to organizations serving the same population.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer \$2,000 of the available 2018 funding declined by Evans-Brant Citizens for Responsible Change in Fund Center #1333010, Account #518500, to the Town of Evans, in Fund Center #1333010, Account #518500; and be it further

RESOLVED, that if funds are not expended or encumbered by the Town of Evans in fiscal 2018, then such funding will be re-appropriated into fiscal 2019; and be it further

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

RESOLVED, that this honorable body hereby authorizes the Director of the Division of Budget and Management 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.

MR. MILLS moved to approve the resolution. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Item 34 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 11E-20 from the COUNTY EXECUTIVE Re: Notification to the Legislature on the Appointment of Permanent Commissioner of Labor Relations

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 35 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 11M-6 from the ERIE COUNTY ASSESSORS' ASSOCIATION Re: Letter Concerning Proposed Amendments to the Erie County Tax Act

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

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

GRANTED.

COMM. 11M-7 from the ASSOCIATION OF ERIE COUNTY GOVERNMENTS Re: Resolution Concerning Proposed Amendments to the Erie County Tax Act

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 37 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 11M-8 from the TOWN OF CLARENCE Re: Resolution Concerning Proposed Amendments to the Erie County Tax Act

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 38 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 11M-9 from the ASSOCIATION OF TOWNS OF THE STATE OF NEW YORK Re: Letter Concerning Proposed Amendments to the Erie County Tax Act

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 39 – (COMM. 11E-1) Report on Shift Differential Payments to EC Employees

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR DIXON

Item 40 – (COMM. 11E-2) Letter to Commissioner of Public Works Requesting Update on Road Projects

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 41 – (COMM. 11E-3) SUNY Erie Community College 2018-2019 Budget

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM LEGISLATORS LORIGO & LOUGHRAN

Item 42 – (COMM. 11E-4) Letter to Legislator Brusio Regarding ECWA

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR BASKIN

Item 43 – MR. BRUSIO presented the following resolution and moved for immediate consideration and approval. MR. BURKE seconded. MS. BASKIN abstained.

CARRIED. (10-0-1)

RESOLUTION NO. 133

RE: Lease Agreement for Legislative
Office Space
(COMM. 11E-5)

RESOLVED, the Erie County Executive is hereby authorized to sign a 18-Monthr Lease Agreement with Richard C. Cummings for Legislative office space for April N.M. Baskin, located at 790 East Delavan Ave., Buffalo, NY 14215, for a monthly rate of \$950.

FROM THE SHERIFF

Item 44 – (COMM. 11E-6) Seized Assets Fund Transfer

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY CLERK

Item 45 – (COMM. 11E-7) Letter to Chair Savage Requesting Committee Discussion Regarding Security at Auto Bureau Locations

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATORS RATH & DIXON

Item 46 – (COMM. 11E-8) Letter to Commissioner of Mental Health Concerning Review of Current Procedures for Suicide Prevention

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 47 – (COMM. 11E-9) Access Western New York Inc. Contract

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 48 – (COMM. 11E-10) ECSD No. 6 - Pumping Station Electrical Upgrades

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 49 – (COMM. 11E-11) SUNY ECC STEM Building - Cabling & Communications Room Equipment

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 50 – (COMM. 11E-12) Central Police Services - Position Add/Delete

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 51 – (COMM. 11E-13) 2017 On-Call/Emergency Engineering Services Contract Extension

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 52 – (COMM. 11E-14) Appointments to the EC Salary Review Commission

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 53 – (COMM. 11E-15) Sale of Surplus County Owned Land Parcels

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 54 – (COMM. 11E-16) Authorization to Accept Grant Funding for the Complex Coordinated Terrorism Attack Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 55 – (COMM. 11E-17) Authorization to Accept Rebate Funds Resulting from the Purchase of Electric Vehicles

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 56 – (COMM. 11E-18) EC Youth Detention Facility - Interior Housing Unit Renovations - Construction Contingency Increase

Received and referred to the ECONOMIC DEVELOPEMT COMMITTEE.

Item 57 – (COMM. 11E-19) AppleTree Business Park Lease for the Department of Social Services

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DEPARTMENT OF LAW

Item 58– (COMM. 11D-1) Filing Documents for Local Law 4 (2018)

Received and filed.

Item 59 – (COMM. 11D-2) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 60 – (COMM. 11D-3) Budget Monitoring Report for Period Ending April 2018

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE SPECIAL ASSISTANT
TO THE DSS COMMISSIONER

Item 61 – (COMM. 11D-4) Services Memorandum - Communication with NYS Regarding Lost Files

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE TOWN OF AMHERST

Item 62 – (COMM. 11M-1) Town Board Resolution Supporting NFTA Light Rail Extension

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE BUFFALO & EC NAVAL & MILITARY PARK

Item 63 – (COMM. 11M-2) Letter Concerning Naval Park Board of Directors

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYS PUBLIC SERVICE COMMISSION

Item 64 – (COMM. 11M-3) Order Concerning Petition of Verizon New York Inc.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE ECFSA

Item 65 – (COMM. 11M-4) ECFSA Annual Financial Audit for 2017

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NFTA

Item 66 – (COMM. 11M-5) NFTA Minutes for Annual Board Meeting Held 4/26/18

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ANNOUNCEMENTS

Item 67 – Clerk of Legislature announced that a Public Hearing will be held on Wednesday, June 13, 2018 to hear public comment on the proposed SUNY ECC 2018-2019 budget. The hearing will take place at 6:00 P.M. in the Chambers of the Legislature.

MEMORIAL RESOLUTIONS

Item 68 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Blanche Toole.

Item 69 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Nathan S. Neill.

Item 70 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Michael Denecke and Lucia Lehner.

Item 71 – Legislator Baskin requested that when the Legislature adjourns, it do so in memory of Miguel Vega, Sr.

Item 72 – Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of Susan Hoyt.

ADJOURNMENT

Item 73 - At this time, there being no further business to transact, CHAIR SAVAGE announced that the Chair would entertain a Motion to Adjourn.

MR. BURKE moved that the Legislature adjourn until Thursday, June 21, 2018 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR SAVAGE declared the Legislature adjourned until Thursday, June 21, 2018 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE