

**ERIE COUNTY LEGISLATURE  
MEETING NO. 14  
JULY 12, 2018**

The Legislature was called to order by Chair Savage.

All members present.

An Invocation was held, led by Ms. Baskin, who offered a prayer.

The Pledge of Allegiance was led by Mr. Hardwick.

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 13 from 2018. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. LORIGO presented a proclamation Congratulating Colden Elementary for Being Named the Gold Prize Winner of J.M. Smucker's 3rd Annual Get Out & Grow Contest.

Item 6 – MR. LORIGO, MS. DIXON, MR. HARDWICK, MR. MILLS & MR. RATH presented a proclamation Recognizing and Honoring Thomas 'The Conehead' Girot for Being the Unending Ambassador for Buffalo Bison Baseball.

Item 7 – MR. BURKE presented a proclamation Honoring Donald Herbert, Jr. and Tara Herbert for their Commitment to Seneca Bluffs Natural Habitat Park.

Item 8 – CHAIR SAVAGE, MS. BASKIN, MR. LORIGO, MS. MILLER-WILLIAMS, MR. HARDWICK, MR. LOUGHRAN, MR. RATH, MR. BURKE, MR. BRUSO, MS. DIXON & MR. MILLS presented a proclamation In Remembrance of Western New York Symbol, Leader, and Guardian Sheriff Thomas F. Higgins.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 9 – CHAIR SAVAGE directed that Local Law No. 1 (Print #2) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 10 – CHAIR SAVAGE directed that Local Law No. 4 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 11 – CHAIR SAVAGE directed that Local Law No. 8 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

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

GRANTED.

Item 13 – CHAIR SAVAGE directed that Local Law No. 14 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

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

GRANTED.

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

GRANTED.

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

GRANTED.

Item 17 – CHAIR SAVAGE directed that Local Law No. 20 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 18 – CHAIR SAVAGE directed that Local Law No. 23 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 19 – CHAIR SAVAGE directed that Local Law No. 2 (Print #1) 2018 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 20 – 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 21 – MS. BASKIN presented the following report, moved to separate item Number 1, and approve the balance of the report. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 142

June 28, 2018	PUBLIC SAFETY COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT.  
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 11E-12 (2018)  
COUNTY EXECUTIVE

WHEREAS, positions in the Department of Central Police Services Forensic laboratory were developed in conjunction with New York State Civil Service to allow the laboratory to hire staff at an entry-level position and then promote to higher levels as they meet years of work experience qualifications for upgrades; and

WHEREAS, the employee in the mid-level position has met the work experience requirement for the upgrade.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to create the position of Firearms Examiner III (Job Group 12) in the Department of Central Police Services 165GIVE1819 grant and delete the position of Firearms Examiner II (Job Group 10) in the same grant (B-100 #10241); and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to re-allocate funds within the grant in the budget of the Department of Central Police Services as follows:

**CENTRAL POLICE SERVICES**

**GUN INVOLVED VIOLENCE ELIMINATION GRANT**

165GIVE1819

7/1/18-6/30/19

REVENUE		ORIGINAL	ADJUSTMENT	FINAL
409000	STATE AID COUNTY	148,132	-	148,132
479000	SHARE	<u>104,024</u>	<u>32,168</u>	<u>136,192</u>
	TOTAL REVENUE	252,156	32,168	284,324

**APPROPRIATIONS**

500000	FULL TIME SALARIES	154,237	23,158	177,395
502000	FRINGE BENEFITS (60%)	97,169	9,260	106,429
510100	OUT OF AREA TRAVEL	<u>750</u>	<u>(250)</u>	<u>500</u>
	TOTAL APPROPRIATIONS	252,156	32,168	284,324

and be it further

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

(5-1) Legislator Rath voted in the negative.

2. COMM. 13E-11 (2018)  
COUNTY EXECUTIVE

WHEREAS, Crusade Against Impaired Driving, Inc. (CAID) was established by the Kwiatkowski family in memory of Karen Kwiatkowski, victim of a crash caused by an impaired driver on March 6, 1998; and

WHEREAS, CAID is a 501c3 foundation dedicated to the prevention of impaired driving in Erie County; and

WHEREAS, the Kwiatkowski family has accumulated a distinguished record of service to the residents of Erie County; and

WHEREAS, the work of the CAID Foundation and the Kwiatkowski family has improved public awareness of the danger of impaired driving and contributed to the decrease of impaired driving fatalities in Erie County; and

WHEREAS, the CAID Foundation has concluded operations and the Kwiatkowski family wishes to donate \$12,233.30, the balance of CAID financial resources, to the Erie County STOP-DWI Office.

NOW, THEREFORE, BE IT

RESOLVED, that the following transactions are authorized to permit receipt of the CAID donation and deposit it to dedicated deferred revenue account of the STOP-DWI Office.

CENTRAL POLICE SERVICES

STOP-DWI

Cost Center #1650060 STOP-DWI/TRAFFIC SAFETY  
WBS ELEMENT #SDWI

<u>REVENUE</u>		<u>AMOUNT</u>
ACCT. #417050	Donations	\$12, 233.30
<u>APPROPRIATIONS</u>		
ACCT. #516020	Professional Services Contracts & Fees	\$3,000.00
ACCT. #561410	Lab & Technical Equipment	\$9,233.30

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of County Executive, Office of the Comptroller, Division of Budget & Management, and the STOP-DWI Office.

(6-0)

**APRIL N.M. BASKIN  
CHAIR**

MS. BASKIN moved to approve item Number 1. MR. BRUSO seconded.

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

AYES: MS. DIXON, MR. HARDWICK, MS. BASKIN, MR. BRUSO, MR. BURKE, MR. LOUGHRAN, MS. MILLER-WILLIAMS and CHAIR SAVAGE. NOES: MR. LORIGO, MR. MILLS and MR. RATH. (AYES: 8; NOES: 3)

CARRIED.

Item 22 – MR. BRUSO presented the following report and moved for immediate consideration and approval. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 143

June 28, 2018	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 10
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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. 13E-18 (2018)  
SAVAGE: “Letter to Governor Cuomo Regarding Expansion of ECMC”  
(Chair’s ruling)
  - b. COMM. 13D-3 (2018)  
SPECIAL ASSISTANT TO COMMISSIONER OF SOCIAL SERVICES: “CPS Statistical Report – May 2018”  
(Chair’s ruling)
2. COMM. 13E-27 (2018)  
COUNTY EXECUTIVE  
WHEREAS, Effective July 1, 2018, the New York State Office for the Aging will cease funding the Department of Senior Services Senior Employment grant (163SREMPY1819); and

WHEREAS, this grant was included in the County’s 2018 adopted budget and was to receive \$248,880 in State and \$18,000 in County share monies for the period July 1, 2018 to June 30, 2019; and

WHEREAS, the total grant funds were appropriated for the Supportive Services Corporation, a not for profit agency that operates employment programs for Erie County job seekers fifty-five years and older; and

WHEREAS, as a result of the elimination of the grant, Supportive Services Corp is now facing an operating shortfall of \$78,720 which represents the amount of the 163SREMPLOY1819 grant funding they were allowed to use for direct care and operating expenses of the agency's employment services program; and

WHEREAS, the Supportive Services Corp via the Senior Employment services provides comprehensive employment assessment, job development, resume preparation, job match and referral, job coaching, case management referral (if needed), and workshops in navigating the various aspects of retraining and obtaining employment for Erie County job seekers fifty-five years and older; and

WHEREAS, the Department of Senior Services has a separate 2018 general fund contract with Supportive Services that provides the agency with \$60,000 in operating funds for employment services for seniors; and

WHEREAS, the Department of Senior Services desires to increase this existing general fund contract with the \$18,000 of County share monies budgeted for the 163SREMPLOY1819 grant, to reduce the funding shortfall Supportive Services is facing.

NOW, THEREFORE, BE IT

RESOLVED, that the 163SREMPLOY1819 grant be removed from the 2018 adopted County grant budget; and be it further

RESOLVED, the County Executive be and is hereby authorized to amend the Senior Services Department's general fund contract with the Supportive Services Corporation to increase funding by \$18,000, utilizing the County share monies that had been budgeted in the 163SREMPLOY1819 grant; and be it further

RESOLVED, that the Department of Senior Services general fund budget for the Administration & Support cost center (#1631010) be amended as follows:

	INITIAL BUDGET	CHANGE	AMENDED BUDGET
APPROPRIATIONS			
517825 Supportive Srvs Corp	\$60,000	+18,000	\$78,000
559000 County Share-Grants	2,144,729	(18,000)	2,126,729
NET CHANGE			<u><u>-0-</u></u>

and be it further

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

(6-0)

3. COMM. 13E-29 (2018)  
COUNTY EXECUTIVE

WHEREAS, group respite programs provide a safe, supervised, entertaining environment for memory impaired adults, thereby allowing their family caregivers temporary relief; and

WHEREAS, the Department of Senior Services is working to cost efficiently expand services for frail older adults in Erie County by partnering with faith-based institutions to provide group respite programs; and

WHEREAS, the Department of Senior Services has identified an additional area church to begin this initiative, First Presbyterian Church of Tonawanda; and

WHEREAS, the Department of Senior Services plans on providing the church with a one-time payment of \$1,000 to cover program startup expenses; and

WHEREAS, budgetary appropriations are available in the Elder Caregiver Support (163III-E2018) grant's Professional Services Contracts and Fees account (#516020) to fund the contract with the church.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into a contract, not to exceed \$1,000 with First Presbyterian Church, to begin a group respite program; and be it further

RESOLVED, that budgetary appropriations in the 163III-E2018 grant's Professional Services Contracts and Fees account be utilized to fund the contract with the church; and be it further

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

(6-0)

4. COMM. 13E-30 (2018)  
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services Powerful Tools for Caregivers (PTC) program is a class series designed to help family caregivers take better care of themselves while caring for a family member or friend; and

WHEREAS, the Department of Senior Services desires to efficiently expand its PTC program in Erie County by contracting with Lisa Rood a certified PTC master trainer with experience in establishing program sites, training new instructors and organizing classes; and

WHEREAS, this consultant contract would be for the period June 1, 2018 through December 31, 2018 at a cost not to exceed \$9,000; and



WHEREAS, budgetary appropriations to cover contract costs are available in the Department's 163III-E grant's Professional Services Contracts & Fees account #516020.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to contract with Lisa Rood, for the period June 1, 2018 through December, 31, 2018 at a cost not to exceed \$9,000 to assist with the expansion and coordination of the Department's PTC program; and be it further

RESOLVED, that budgetary appropriations in the Department's 163III-E grant's Professional Services Contracts & Fees account (#516020) be utilized to fund the contract; and be it further

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

(6-0)

5. COMM. 13E-35 (2018)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health provides forensic medical services through the Office of the Medical Examiner; and

WHEREAS, the need for expert pathological skills is critical for the function of the medical examiner's office; and

WHEREAS, the Erie County Medical Examiner's office provides crucial support and determinations to the law enforcement community; and

WHEREAS, as such, the Department of Health is requesting authorization to fill the vacant title of Associate Chief Medical Examiner at a variable minimum; and

WHEREAS, funding for these changes is already available in the 2018 enacted budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the hiring of one Associate Chief Medical Examiner, Job Group 22, at a variable minimum hiring level of Step 5 (annual salary \$156,790); and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive, the Office of the Comptroller, the Department of Personnel, the Division of Budget and Management, and to Commissioner Gale R. Burstein in the Erie County Department of Health.

(6-0)

**JOHN BRUSO**

**CHAIR**

Item 23 – MR. BURKE presented the following report, moved to separate item Number 5, and approve the balance of the report. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 144

June 28, 2018	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 10
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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. 8E-1 (2018)  
DIXON: “Letter to Commissioner of Public Works Concerning Lakeview Rd.”  
(Chair’s ruling)
  - b. COMM. 11E-2 (2018)  
DIXON: “Letter to Commissioner of Public Works Requesting Update on Road Projects”  
(Chair’s ruling)
2. COMM. 13E-17 (2018)  
COUNTY EXECUTIVE  
WHEREAS, the 2018 Capital Overlay Contract A roads: Cleveland Drive, from the NYS Thruway bridge to Union Road; North Forest Road, from Sheridan Drive to Maple Road; Beach Road, from Genesee Street to Wehrle Drive; and Ellicott Creek Road, from the Tonawanda City Line to Niagara Falls Blvd. are all in poor condition; and

WHEREAS, the Department of Public Works opened bids for the 2018 Capital Overlay Contract A Project on May 31, 2018; and

WHEREAS, the lowest responsible bidder was Destro & Brothers Concrete Co., Inc. at \$2,379,604.10; and

WHEREAS, the allotted contingency for the 2018 Capital Overlay Contract A project is \$119,395.90 and \$1,000 for misc., advertising, and permits; and

WHEREAS, it is desired to award the construction contract to Destro & Brothers Concrete Co., Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the 2018 Capital Overlay Contract A Project for construction of Cleveland Drive, North Forest Road, Beach Road and Ellicott Creek Road in the Towns of Amherst, Cheektowaga and Tonawanda; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay for the Construction Phases of the Project or portions thereof; and be it further

RESOLVED, that the County Executive is authorized to execute a construction agreement between the County of Erie and Destro & Brothers Concrete Co., Inc. for the 2018 Capital Overlay Contract A Project; and be it further

RESOLVED, that the total cost of the construction phase of the Project with contingency shall not exceed \$2,500,000 and is broken down as follows:

Construction	\$2,379,604.10
Misc., advertising, permits, etc.	\$ 1,000.00
Contingency	<u>\$ 119,395.90</u>
TOTAL	\$2,500,000.00

and be it further

RESOLVED, that funding for the Project is available in Fund 420, Funds Center 123, as follows:

B.18050.1.2 – 2018 Capital Overlay	\$1,253,284.95
B.18050.2.1 – 2018 Capital Overlay	<u>\$1,246,715.05</u>
TOTAL	\$2,500,000.00

and be it further

RESOLVED, that the Erie County Comptroller be authorized to pay for the project; and be it further

RESOLVED, that the Clerk of the Legislature shall forward three (3) 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. 13E-19 (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, the County of Erie desires to enter into the final design phase for the Bridge Replacement of Heise Road over Ransom Creek, thus requiring the County Executive to amend the design agreement with Watts Architecture & Engineering, D.P.C.; and

WHEREAS, the amendment for the final design phase is estimated at an amount not to exceed \$25,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute an amendatory contract with Watts Architecture & Engineering, D.P.C. in an amount not to exceed \$25,000 for the final design engineering services in reference to the reconstruction of the replacement of the Heise Road bridge over Ransom Creek BR 283-01 (BIN 3326690); and be it further

RESOLVED, that the source of these funds shall be allocated from Capital Project B.16015 – 2016 Bridge and Culvert Design, Fund 420, Funds Center 123; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments for this amended contract; and be it further

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.  
(6-0)

4. COMM. 13E-21 (2018)  
COUNTY EXECUTIVE

WHEREAS, Concord American Legion Post #431 (Legion) is celebrating their 100-year anniversary between August 2018 and September 2019; and

WHEREAS, the Concord American Legion Post #431 continues to honor and support America's veterans while promoting service to both our Country and the local community; and

WHEREAS, the Legion has requested a road name change to honor their anniversary; and

WHEREAS, the Village of Springville supports a temporary honorary name change in the vicinity of the Legion; and

WHEREAS, an honorary road name change is in conformance with guidelines outlined in the Manual on Uniform Traffic Control Devices for Highways and Streets (MUTCD) published by the Federal Highway Administration (FHWA).

NOW, THEREFORE, BE IT

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

RESOLVED, that Zoar Valley Rd west of Cascade Drive in the Village of Springville will be known as Honorary Legion Drive from August 2018 to October 2019; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County of Erie Department of Public Works to manufacture and install an “Honorary Legion Drive” street name sign; and be it further

RESOLVED, the official road name of Zoar Valley Road will remain unchanged; and be it further

RESOLVED, that the Clerk of the Legislature shall forward one (1) certified copy each of this Resolution to the Department of Public Works/Division of Highways, and the Office of the County Executive.

(6-0)

5. COMM. 13E-36 (2018)  
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works looks to constantly improve and enhance its roll throughout Erie County by providing open and consistent access to infrastructure across every city, town, and village throughout the county; and

WHEREAS, the Division of Fleet Services owns and maintains electric cars, and the market for electric vehicles has been rising throughout the country; and

WHEREAS, New York State Energy Research and Development (NYSERDA) identified regions across the state that did not have sufficient Electronic Vehicle (EV) infrastructure and responded by incentivizing municipalities to install charging stations; and

WHEREAS, NYSERDA performed a competitive solicitation process and the proposal put forth by Energetics Inc. was selected; and

WHEREAS, the NYSERDA funded program allows for the total cost of approximately \$8,000 for one charging station, as well as installation, to be covered for partnering cities, towns and counties; and

WHEREAS, a requirement of receiving the grant and the station is that the station be powered and maintained for two (2) years, of which the contract with Energetics includes the first year warranty therefore an additional one (1) year warranty will need to be purchased; and

WHEREAS, Chestnut Ridge Park is one of the most visited institutions within the County’s purview and therefore is well situated to be the site for an Electronic Vehicle (EV) charging station.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract and amendments with Energetics Inc. for the purchase and installation of one EV charging station at Chestnut Ridge Park; and be it further

RESOLVED, that Erie County agrees to partner with NYSERDA as a recipient of the grant as well as in the provision of usage data so that services moving forward may be enhanced; and it be further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract and amendments with Chargepoint, Inc. in an amount not to exceed \$1,000, which is appropriated from the previously approved capital project A.17011 – 2017 Purchase of Electric Vehicles and Charging Stations, Fund 410, Funds Center 107; and it be further

RESOLVED, that the costs of a one year warranty, and the electricity for two years involved with the charging station in an amount not to exceed \$2,000 are offset by a \$10,000 rebate which the county received for the purchase of two electric vehicles and was used to increase the budget in project A.17011 via Comm. 11E-17 (2018) on June 14, 2018; and it be further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the Erie County Executive; the Division of Budget and Management; the Office of the Comptroller; and the Department of Public Works.  
(6-0)

**PATRICK B. BURKE**  
**CHAIR**

MR. BURKE moved to amend item Number 5. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

Add the Following Resolve Clause:

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into additional identical contracts and amendments with both Chargepoint and Energetics, as the opportunity for additional charging stations at other locations may become available through the above mentioned NYSERDA program mentioned in this resolution; and it be further

MR. BURKE moved to approve item Number 5 as amended. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Item 24 – MS. MILLER-WILLIAMS presented the following report and moved for immediate consideration and approval. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 145

June 28, 2018	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 12
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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. 9D-3 (2018)  
DEPARTMENT OF LAW “Report Detailing Settlements Over Harassment Claims Paid for with Public Dollars”  
(Chair’s ruling)
  - b. COMM. 13E-10 (2018)  
COMPTROLLER “Letter to Legislature Expressing Opposition to Amend Erie County Tax Act”  
(Chair’s ruling)
  - c. COMM. 13E-22 (2018)  
COMPTROLLER “A Report on Revenue from Town and Village Courts for Erie County Programs”  
(Chair’s ruling)
  - d. COMM. 13D-2 (2018)  
DEPUTY COUNTY EXECUTIVE “Response to Comptroller Communication on the Proposed Erie County Tax Act Amendment”  
(Chair’s ruling)
  - e. COMM. 13M-4 (2018)  
ERIE COUNTY TOWN CLERKS, TAX RECEIVERS & COLLECTORS ASSOCIATION  
“Comments on the Erie County Tax Act Proposed Amendment”  
(Chair’s ruling)
  - f. COMM. 13M-5 (2018)  
ASSOCIATION OF TOWNS OF THE STATE OF NEW YORK  
“Memorandum of No Objection to Amending the Erie County Tax Act”  
(Chair’s ruling)
2. INTRO. 13-6 (2018)  
LORIGO  
WHEREAS, the West Seneca Youth Baseball Organization was awarded \$2,500 in county funding through the 2017 Budget Balancing Amendments by the Legislature; and

WHEREAS, this tremendous youth organization is unable to accept county funding at this

time; 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 \$2,500 of the available 2018 funding declined by West Seneca Youth Baseball in Fund Center #1333010, Account #518500, to the Hawk Creek Wildlife Center, in Fund Center #1333010, Account #518500; and be it further

RESOLVED, that if funds are not expended or encumbered by the Hawk Creek Wildlife Center 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.

(6-0)

3. COMM. 13E-12 (2018)  
COUNTY EXECUTIVE

WHEREAS, insufficient funds exist to medical supplies related to two Hepatitis-A exposure events; and

WHEREAS, the Department of Health has analyzed its objects of expense and has determined that in that in Account 505800 Medical and Health Supplies expenditures will exceed appropriations by \$73,927; and

WHEREAS, a transfer of funds must be made in order to fulfill our commitment to protect the public against the transmission of communicable diseases; and

WHEREAS, as a result of an unexpected decrease in the weekly share amounts for April-December 2018 for Medicaid released by the New York State Department of Health in March 2018, sufficient funds are available in Account 525000 MMIS Medicaid Local Share to accommodate this request.



NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the following budgetary adjustments to general fund accounts of the Departments of Health and Social Services:

Health Department Health Division Fund Center 12700	
<u>Expense Account</u>	<u>Increase/(Decrease)</u>
505800 Medical & Health Supplies	\$73,937
Total Expense	\$73,937

Social Services Department Fund Center 120	
<u>Expense Account</u>	<u>Increase/(Decrease)</u>
525000 MMIS Medicaid Local Share	\$(73,937)
Total Expense	\$(73,937)

and be it further

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

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, and to the and to Dr. Gale R. Burstein, Commissioner in the Erie County Department of Health, 9<sup>th</sup> Floor, Rath Building.

(6-0)

**BARBARA MILLER-WILLIAMS**  
**CHAIR**

Item 25 – MR. BURKE presented the following report, moved to separate item Number 2, and approve the balance of the report. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 146

June 28, 2018	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 6
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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. INTRO. 6-1 (2018)  
MILLER-WILLIAMS “Support for Tesla Auto Sales in New York State”  
(Chair’s ruling)
  - b. COMM. 8E-2 (2018)  
LORIGO “Letter to Chair Savage Concerning Appointment of Social Services Commissioner”  
(Chair’s ruling)
  - c. COMM. 8E-3 (2018)  
LORIGO “Letter to County Executive Concerning Appointment of Social Services Commissioner”  
(Chair’s ruling)
  - d. COMM. 8E-4 (2018)  
COUNTY EXECUTIVE “Letter to Legislator Lorigo Concerning Appointment of Social Services Commissioner”  
(Chair’s ruling)
  - e. COMM. 8M-6 (2018)  
ASSIGNED COUNSEL PROGRAM “Quarterly Report for 1st Quarter of 2018”  
(Chair’s ruling)
  - f. COMM. 10D-4 (2018)  
DEPARTMENT OF LAW “Transmittal of New Claims Against EC”  
(Chair’s ruling)
  - g. COMM. 11D-2 (2018)  
DEPARTMENT OF LAW “Transmittal of New Claims Against Erie County”  
(Chair’s ruling)
  - h. COMM. 11M-3 (2018)  
NYS PUBLIC SERVICE COMMISSION “Order Concerning Petition of Verizon New York Inc.”  
(Chair’s ruling)
  - i. COMM. 11M-6 (2018)  
ERIE COUNTY ASSESSORS’ ASSOCIATION “Letter Concerning Proposed Amendments to the Erie County Tax Act”  
(Chair’s ruling)
  - j. COMM. 11M-7 (2018)

ASSOCIATION OF ERIE COUNTY GOVERNMENTS “Resolution Concerning Proposed Amendments to the Erie County Tax Act”  
(Chair’s ruling)

k. COMM. 11M-8 (2018)  
TOWN OF CLARENCE “Resolution Concerning Proposed Amendments to the Erie County Tax Act”  
(Chair’s ruling)

l. COMM. 11M-9 (2018)  
ASSOCIATION OF TOWNS OF THE STATE OF NEW YORK “Letter Concerning Proposed Amendments to the Erie County Tax Act”  
(Chair’s ruling)

m. COMM. 12M-1 (2018)  
ASSOCIATION OF ERIE COUNTY GOVERNMENTS “Letter to Chair Savage Concerning Revised Erie County Tax Act”  
(Chair’s ruling)

2. INTRO. 9-2 (2018)  
BURKE  
WHEREAS, the U.S. Supreme Court has heard arguments in the case of Janus v. American Federation of State, County and Municipal Employees; and

WHEREAS, the plaintiff in the case charges that the fair-share fees collected by public-sector unions from workers who don’t become members are a violation of the dissenting workers’ First Amendment rights; and

WHEREAS, this challenges federal case law set nearly 40 years ago when in 1977 the Supreme Court unanimously ruled in Abood v. the Detroit Board of Education that although public school teachers cannot be required to join a union or to contribute to the union’s political expenditures, they can be required to pay their fair share of the costs that the union incurs in negotiating and administering an agreement on behalf of all teachers; and

WHEREAS, this case and its dangers are substantively similar to the case of Friedrichs v. California Teachers Association, for which a lower court ruling in favor of the defendants only prevailed due to a vacancy on the Supreme Court; and

WHEREAS, the Janus plaintiffs have followed the same legal strategy as the Friedrichs plaintiffs; and

WHEREAS, the newest Supreme Court Justice Neil Gorsuch is likely to side with the four justices who were willing to rule with the plaintiffs in Friedrichs; and

WHEREAS, this means that although public-sector unions would still be obligated to represent all members of their bargaining units, they would no longer be assured of receiving fees to

compensate them for the costs of representing nonmembers, which could deeply undercut the unions' financial viability; and

WHEREAS, the Janus case is driven by the same movement that has been working for at least two decades to undermine labor unions so as to reduce their influence on politics and public policy on behalf of working people.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its grave concerns regarding the Janus case and its outcome for our economy and our workforce; and be it further

RESOLVED, that the Clerk of the Legislature forward certified copies of this resolution to the Erie County Executive, the Honorable Mark Poloncarz; all City of Buffalo Common Council members; ECIDA Chairwoman, Brenda McDuffie; and all supervisors and mayors of towns, villages and cities within Erie County.

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

3. COMM. 11E-20 (2018)  
COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature does hereby confirm the appointment, on the recommendation of the County Executive, of Acting Commissioner Gary Wilson to the permanent position of the Commissioner of Labor Relations effective immediately.

(6-0)

4. COMM. 13E-14 (2018)  
COUNTY EXECUTIVE

WHEREAS, the County Law Section 408-A specifically authorizes the County Legislature to allow municipalities and special districts to make purchases through the County bidding procedure; and

WHEREAS, Erie Community College and Monroe County BOCES have requested that the Director of Purchase be authorized to permit the these public entities to utilize County contracts for making purchases; and

WHEREAS, in most instances the provision of such services by the Erie County Division of Purchase will not create any additional cost or burdens upon said division, but may enable a potential reduction to Monroe BOCES and ECC's operating costs.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the provisions of the Erie County Administrative Code Section 3.06 (c) (9) the following are hereby established as the conditions upon which the Purchasing Director may make purchasing services available to Erie Community College:

1. When in the opinion of the Director of Purchase it will not create any burden or hardship upon the County and the anticipated prices will not be adversely affected thereby, the Director is authorized when deemed appropriate and as may be

requested by Erie Community College and Monroe BOCES to provide in any particular County bid specification that the participating municipalities and special districts in Erie County shall have the right to make purchases based upon the bids received by the County.

2. The County Purchasing Director within the limits of time and manpower shall disseminate relevant contract information to Erie Community College and Monroe BOCES.
3. Erie Community College and Monroe BOCES participating in County contracts will issue purchase orders directly to vendors with the specified contract period referencing the County contract involved and be liable for any payments due on such purchase orders.

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Division of Purchase, the Comptroller's Office and the Erie Community College Purchasing Department.

(6-0)

5. COMM. 13E-25 (2018)  
COMPTROLLER

WHEREAS, The Erie County Comptroller's Office is currently using multiple software systems that do not communicate with each other in order to pay the county's bills; and

WHEREAS, the county's Accounts Payable module in SAP was not set up to manage documents; and

WHEREAS, the county currently uses OnBase® software for document management purposes including the organization and storage of invoices and contracts; and

WHEREAS, the Accounts Payable process requires the verification that the county has the authority to make a payment on an invoice which requires access to the initial contract; and

WHEREAS, the current process requires the manual input of all information that exists in the OnBase® system to the SAP system which creates an unnecessary risk for human error; and

WHEREAS, that risk is unnecessary because technology exists today to integrate the two systems so that they communicate information between each other, free from human error, in a way that saves staff time and strengthens our payment verification methods.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Comptroller is authorized to enter into a contract with Hyland professional services for the purpose of integrating county software systems; and be it further

RESOLVED, that funding for this estimated \$87,622 expense was approved by the Erie County Legislature in the 2017 year end designations and is available in the Comptroller's Professional Services, Contracts, and Fees account; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to County Comptroller Stefan Mychajliw, Budget Director Robert Keating, and Chief Information Officer Michael Breeden.

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

6. COMM. 13E-31 (2018)  
COUNTY EXECUTIVE

WHEREAS, General Municipal Law Section 104-b, subdivision 4 requires the governing board of the County to annually review County policies and procedures with respect to procurement of goods and services where such goods and services are not required by law to be procured pursuant to competitive bidding; and

WHEREAS, it has been determined that the implementation of these procedures are within the scope of and furtherance of specific purchase and procurement laws and rules set forth by New York State statute, the Erie County Charter, and the Erie County Administrative Code; and

WHEREAS, the Erie County procurement policies have been previously reviewed and found to be in compliance with the requirements of General Municipal Law Section 104-b (Comm. 2E-26) and were adopted by this Legislature on July of 2013.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby adopt the Erie County Purchase Policies and Procedures under General Municipal Law 104-b as the policy of the County of Erie pursuant to General Municipal Law Section 104-b; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Director of Budget and Director of Purchase.

(6-0)

**PATRICK B. BURKE**  
**CHAIR**

MR. BURKE moved to amend item Number 2. MR. BRUSO seconded.

CHAIR SAVAGE entered the Legislature into recess at 2:15 p.m.

CHAIR SAVAGE reconvened the Legislature at 2:17 p.m.

All members present.

CHAIR SAVAGE entered the Legislature into recess at 2:20 p.m.

CHAIR SAVAGE reconvened the Legislature at 2:25 p.m.

All members present.

MR. LORIGO moved to send the amendment to committee for further consideration. MR. MILLS 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.

MR. BURKE moved to amend the amendment to include CHAIR SAVAGE, MS. MILLER-WILLIAMS and MR. LOUGHRAN as co-sponsors. MS. BASKIN seconded.

CARRIED UNANIMOUSLY.

CHAIR SAVAGE moved the previous question (the original amendment) and directed that a roll-call vote be taken.

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

CARRIED.

Add Legislators Baskin and Brusio as Co-Sponsors.

Delete the Resolution in its Entirety and Replace with the Following:

WHEREAS, on June 27, 2018 the Supreme Court, in a divided 5-4 ruling, in the case of Janus v. AFSCME, overruled 41 years of precedent, and found that public sector employees who are represented by a union, but who wish not be a union member and are paying agency fees, are no longer required to pay such fees to the union, but that the union must nonetheless represent such nonmembers, in most instances, thereby allowing "free riders"; and

WHEREAS, it is well documented that the voice of employees working in concert through the labor movement created the middle class in America; and

WHEREAS, the decline of the labor movement has resulted in massive income inequality in our Country; and

WHEREAS, post-Janus nationally funded outside interest groups are poised to spend tens of millions of dollars to launch campaigns to encourage unionized public employees around the Country to resign their membership and become free riders, where the union is forced to represent such employees despite their refusal to pay their fair share in their own representation; and

WHEREAS, the Erie County Legislature wishes to avoid having such campaigns launched upon the employees of Erie County government, which has a long and productive history of positive and mutually-beneficial labor-management relations that has served the community well; and

WHEREAS, on April 12, 2018, in expectation of a Janus ruling against unions, New York State government amended the Taylor Law; and

WHEREAS, the amendment requires public sector unions not to provide representation to public employees who choose not to be a member of a union and pay union membership dues.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County will take every effort necessary to block anti-union groups from obtaining Erie County employees' personal information, including, but not limited to, employee home addresses, personal emails, and personal telephone numbers, unless compelled to do so by lawful service of subpoena, or otherwise required by court or law. This Resolution does not apply to employee organizations as defined by Article 14 of NY Civil Service Law; and be it further

RESOLVED, that while public sector employees are entitled to make their own individual decisions, this Honorable Body cautions County employees on any personal decision to end union membership and representation as such actions would leave the worker vulnerable to a loss of union representation in situations such as grievances, arbitrations, discipline or discharge; and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to the County Executive, Commissioners of Personnel and Labor Relations, and to the presidents of CSEA Local 800, AFSCME Local 1095, NYSNA, Teamsters Local 264, Sheriff PBA, CSEA Correctional Unit, and the Librarians Association.

MR. LORIGO moved to further amend the resolution. MS. DIXON seconded.

CHAIR SAVAGE entered the Legislature into recess at 2:50 p.m.

CHAIR SAVAGE reconvened the Legislature at 2:55 p.m.

All members present.

MR. BURKE moved to send the amendment to committee for further consideration. MS. BASKIN seconded.

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



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

FAILED.

CHAIR SAVAGE moved the previous question (the amendment offered by Mr. Lorigo) and directed that a roll-call vote be taken.

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

CARRIED.

Amend the First Resolved Clause in INTRO. 9-2 (2018) to read as follows:

RESOLVED, that Erie County will take every effort necessary to block anti-union and pro-union groups from obtaining Erie County employees' personal information, including, but not limited to, employee home addresses, personal emails, and personal telephone numbers, unless compelled to do so by lawful service of subpoena, or otherwise required by court or law. This Resolution does not apply to employee organizations as defined by Article 14 of NY Civil Service law; and be it further

MR. LORIGO moved to table the resolution as amended. 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.

MR. BURKE moved to approve the resolution as amended. MR. BRUSO seconded.

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

AYES: MS. DIXON, MR. HARDWICK, MS. BASKIN, MR. BRUSO, MR. BURKE, MR. LOUGHRAN, MS. MILLER-WILLIAMS and CHAIR SAVAGE. NOES: MR. LORIGO, MR. MILLS and MR. RATH. (AYES: 8; NOES: 3)

CARRIED.

Item 26 – MR. BRUSO presented the following report, moved to separate item Number 2, and approve the balance of the report. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 147

June 28, 2018	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 10
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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. 13E-13 (2018)  
COUNTY EXECUTIVE "ECSD No. 3 - Engineer Term Agreement"  
(6-0)
  - b. COMM. 13E-16 (2018)  
COUNTY EXECUTIVE "ECSD No. 3 - Engineer Term Contract Agreement"  
(6-0)
2. COMM. 13E-15 (2018)  
COUNTY EXECUTIVE

EXTRACT OF MINUTES  
Meeting of the County Legislature of  
the County of Erie, New York.  
\_\_\_\_\_, 2018

\* \* \*

A regular meeting of the County Legislature of the County of Erie, New York, was held at the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on \_\_\_\_\_, 2018, at 2 o'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: Robert M. Graber, Clerk of the Legislature

\* \* \*

Legislator \_\_\_\_\_ offered the following resolution and moved its adoption:

RESOLUTION NO. \_\_\_\_-2018

BOND RESOLUTION DATED \_\_\_\_\_, 2018

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE ISSUANCE OF \$674,636 BONDS OF THE COUNTY, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF MODIFIED INCREASE AND IMPROVEMENT OF FACILITIES FOR ERIE COUNTY SEWER DISTRICT NO. 8; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$674,636, STATING THE PLAN OF FINANCING; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO. 8 TO SAID COUNTY.

(Introduced) \_\_\_\_\_, 2018

(Adopted) \_\_\_\_\_, 2018

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 8 of the County of Erie, New York (the "District"), has heretofore been established and a plan for increase and improvement of facilities for the District has been authorized by the County Legislature of the County of Erie, New York on January 24, 2008; and

WHEREAS, such County Legislature has heretofore duly authorized the financing of said establishment, at an estimated maximum cost of \$4,000,000, which amount was appropriated therefore pursuant to Bond Resolution No. 15-2008 duly adopted on January 24, 2008, and it has now been determined that such resolution has been deemed to be repealed by operation of law on the tenth anniversary of its effective date except to the extent that \$674,636 of the County's bonds have yet to be issued pursuant thereto; and

WHEREAS, it is now appropriate to reauthorize such appropriation and the issuance of \$674,636 bonds to finance the balance of such appropriation; and

WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5A of the County Law and more particularly a resolution of this County Legislature dated May 24, 2018, a modification of plans for a portion of said increase and improvement of the facilities of Erie County Sewer District No. 8 (the District") has been approved at a total estimated maximum cost of \$674,636 (the "Projects"); and

WHEREAS, the Projects are to be financed through the issuance of said bonds; now therefore be it

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to undertake the Projects, consisting of upgrades to the filters, reactor tanks, piping, the physical plant, and energy improvements at the water resource recovery facility, collection system upgrades, and related engineering and administration costs; all as more fully described in the report and estimate of

cost approved by the Board of Managers of the District on December 5, 2017 and filed with the County Legislature. The total estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$674,636 and said amount is hereby reappropriated therefor pursuant to the duly adopted 2018 Capital Budget for the County. The plan of financing includes the issuance of \$674,636 aggregate principal amount of bonds of the County to finance said appropriation, the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable, the said principal and interest to be reimbursed to the County by the assessment and levy on the real property in the District, all in accordance with their respective proportionate shares of equalized assessed value in the District.

Section 2. Bonds of the County in the principal amount of \$674,636, or so much thereof as may be necessary, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law") to finance said appropriation.

Section 3. The period of probable usefulness for the specific object or purpose for which said \$674,636 bonds herein authorized are to be issued, within the limitations of §11.00 a. 4 of the Law, is forty (40) years.

Section 4. Current funds are not required to be provided as a down payment prior to the issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

Section 5. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of said improvements, prior to the issuance of the bonds or bond anticipation notes herein authorized, out of any available funds of the County on an interim basis, which respective amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County pursuant to this Resolution, in the respective maximum amounts of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 6. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the issuance of bonds having substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 7. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be

general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This Resolution shall take effect immediately upon approval by the County Executive.

\* \* \*

The adoption of the foregoing resolution was seconded by Legislator \_\_\_\_\_ and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

THE RESOLUTION WAS DECLARED ADOPTED.

\* \* \*

Dated: Buffalo, New York,  
\_\_\_\_\_, 2018

The foregoing Bond Resolution is hereby approved

\_\_\_\_\_  
County Executive  
Mark C. Poloncarz

I, Robert M. Graber, HEREBY CERTIFY that the County Executive of Erie County approved a Bond Resolution of which the foregoing is a certified copy and returned the same for

filing in the office of the Erie County Legislature.

\_\_\_\_\_, 2018.

\_\_\_\_\_  
Robert M. Graber  
Clerk of the Erie County Legislature

APPROVED AS TO CONTENT:  
By  
Stefan I. Mychajliw, Erie County  
Comptroller  
Date:

APPROVED AS TO CONTENT:  
By  
Thomas R. Hersey, Jr., Commissioner  
Environment & Planning  
Date:

APPROVED AS TO FORM:  
By  
Michael Siragusa, Erie County  
Attorney  
Document No.  
Date:

RECOMMENDED BY:  
By  
Joseph L. Fiegl, P.E.  
Deputy Commissioner  
Environment & Planning  
Date:

Legislator \_\_\_\_\_ offered the following resolution and moved its adoption:

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The Clerk of the Erie County Legislature is hereby directed to publish the foregoing bond resolution, in summary, "Amherst Bee" and in the "Challenger", the official newspapers of said County, and in the "East Aurora Bee", for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

\* \* \*

CERTIFICATE

I, Robert M. Graber, Clerk of the Erie County Legislature, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Erie County Legislature duly called and held on \_\_\_\_\_, 2018, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said County Legislature and is a true, complete and correct copy thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County this \_\_\_\_ day

of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Robert M. Graber  
Clerk of the Erie County Legislature

(NOTICE TO BE ATTACHED TO AND TO BE PUBLISHED  
WITH COPY OF RESOLUTION AFTER ADOPTION)

NOTICE

The resolution, a summary of which is published herewith, has been adopted by the County Legislature on the \_\_\_\_ day of \_\_\_\_\_, 2018 and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Erie, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

ROBERT M. GRABER.  
Clerk of the County Legislature

RESOLUTION NO. \_\_\_\_\_ OF 2018

BOND RESOLUTION DATED \_\_\_\_\_, 2018

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE ISSUANCE OF \$674,636 BONDS OF THE COUNTY, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF MODIFIED INCREASE AND IMPROVEMENT OF FACILITIES FOR ERIE COUNTY SEWER DISTRICT NO. 8; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$674,636, STATING THE PLAN OF FINANCING; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO. 8 TO SAID COUNTY.

object or purpose: modified increase and improvement of facilities for Erie County Sewer District No. 8, consisting of upgrades to the filters, reactor tanks, piping, the physical plant, and energy improvements at the water resource recovery facility, collection system upgrades, and related engineering and administration costs; all as more fully described in the report and estimate of cost approved by the Board of Managers of the District on December 5, 2017 and filed with the County Legislature

period of probable usefulness:	forty (40) years
amount of obligations to be issued:	\$674,636

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the Clerk of the Erie County Legislature, in Buffalo, New York.

Dated: \_\_\_\_\_, 2018  
Buffalo, New York

(6-0)

3. COMM. 13E-20 (2018)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature resolved to become a Climate Smart Community (Comm. 12E-5 (2014)); and

WHEREAS, in 2018 the Erie County Legislature authorized a New York State Department of Environmental Conservation (NYSDEC) grant to conduct Climate Smart Community certification activities (COMM 7E-38); and

WHEREAS, the New York State Department of Conservation has issued a Request for Applications for grant moneys to conduct additional Climate Smart Communities certification activities; and

WHEREAS, the additional Climate Smart Communities certification activities will promote Erie County internal operations and community sustainability, and the reduction of climate change impacts; and

WHEREAS, New York State Department of Conservation would require a fifty percent (50%) local match in the event of a grant award; and

WHEREAS, Erie County can provide for the required match for the grant through in-kind services.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County can apply for grant funding to conduct additional Climate Smart Communities certification activities; and be it further

RESOLVED, that in the event of a grant award, Erie County can make resources available to the project to meet the required fifty percent (50%) match through in-kind services; and be it further

RESOLVED, that certified copies of this resolution shall be provided for the County Executive; the County Attorney; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.

(6-0)

4. COMM. 13E-28 (2018)  
COUNTY EXECUTIVE



WHEREAS, the Erie County Legislature resolved to become a Climate Smart Community, and to set goals and implement sustainability actions (COMM. 12E-5, 2014); and

WHEREAS, to plan a comprehensive program of sustainability actions, the Erie County Legislature authorized acceptance of a grant from New York State Energy Research and Development Authority (NYSERDA) to create an internal operations Climate Action and Sustainability Plan with a term of April 1, 2015 through March 31, 2017 (COMM. 6E-8, 2015); and

WHEREAS, Erie County Department of Environment and Planning (DEP) has conducted activities using the grant funding to develop an internal operations Climate Action Sustainability Plan (SAP Grant 162-ECCASP15517); and

WHEREAS, in December 2016, DEP amended the grant from NYSERDA to extend the completion of the project to June 30, 2018; and

WHEREAS, DEP has determined that project outcomes will be best achieved by executing a no-cost extension to the contract to December 31, 2018; and

WHEREAS, no County funds will be necessary for Erie County to extend this project; and

WHEREAS, legislative approval is required to execute a no-cost extension for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to execute the necessary agreements to extend the “Erie County Climate Action and Sustainability Plan” for six months (June 30, 2018 to December 31, 2018); and be it further

RESOLVED, that certified copies of this resolution shall be furnished to the Office of 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, Bonnie Lawrence, Deputy Commissioner of Environment and Planning; and Peter J. Wilson, Coordinator – Pollution Prevention Program.

(6-0)

**JOHN BRUSO**  
**CHAIR**

MR. BRUSO moved to approve item Number 2. MR. MILLS seconded.

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

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, MS. BASKIN, MR. BRUSO, MR. BURKE, MR. LOUGHRAN, MS. MILLER-WILLIAMS and CHAIR SAVAGE. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

**LEGISLATOR RESOLUTIONS**

Item 27 – CHAIR SAVAGE directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO. 14-1 from LOUGHRAN & LORIGO. Termination of Erie County Water Authority Commissioner Schad.

Item 28 – CHAIR SAVAGE directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE. CHAIR SAVAGE further directed that MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, MR. LOUGHRAN and MS. MILLER-WILLIAMS be added as co-sponsors.

GRANTED.

INTRO. 14-2 from SAVAGE, BASKIN, BURKE & BRUSO. Excluding Veteran Disability Compensation from the Income Calculation for an Erie County Senior Citizen Property Tax Exemption.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 148

RE: Seneca Bluffs Natural Habitat  
Park and Donald Herbert  
(INTRO. 14-3)

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

WHEREAS, Donald Herbert Sr., was a Buffalo firefighter who, at the age of 34, was trapped in 1995 under a collapsed roof while fighting a fire and looking for victims; and

WHEREAS, firefighter Herbert went without oxygen for several minutes, thereby suffering brain damage and was unresponsive and uncommunicative until April 30, 2005 when he suddenly became lucid and was able to communicate with his loving family and friends; and

WHEREAS, his wife Linda never gave up searching for a cure even as medical experts ruled out any chance of a recovery and she raised their four sons, Donald Jr., Patrick, Thomas and Nicholas, who were aged 14, 13, 11 and 3 when their father was hurt; and

WHEREAS, in February 2006, Donald passed away at the age of 44 after contracting pneumonia, leaving his loving family, his wife Linda, and his four sons, who continued his commitment to public service, with two becoming Buffalo firefighters and two becoming Buffalo police officers; and

WHEREAS, as a fitting commemoration Donald's name still graces the side of Buffalo's Rescue One, where he served; and

WHEREAS, the Seneca Bluffs Natural Habitat Park is a County-owned property that consists of approximately 15 acres of riparian floodplain located in a heavily urbanized area along the Buffalo River; and

WHEREAS, Seneca Bluffs is being redeveloped and improved by the County and its partners at the US Army Corps of Engineers, Buffalo Niagara Waterkeeper, and Western New York PRISM (Partnership for Regional Invasive Species Management, based at the Great Lakes Center at SUNY Buffalo State); and

WHEREAS, as a part of the many improvements to Seneca Bluffs, a playground is being created for recreation purposes.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, in partnership with Erie County Executive Mark C. Poloncarz, does hereby determine and declare that the playground at Seneca Bluffs Natural Habitat Park will be named in honor and to the memory of Donald Herbert, Sr., a heroic and courageous firefighter and family man who gave the ultimate sacrifice.

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. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 149

RE: Appointment and  
Reappointments to the Erie  
County Medical Center  
Corporation Board of Directors  
(INTRO. 14-4)

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

WHEREAS, Public Authorities Law Section 3628(1)(b) provides for three appointments to the Board of Directors of the Erie County Medical Center Corporation (“ECMCC”) by the Governor from recommendations submitted by the Legislature of the County of Erie; and

WHEREAS, Erie County Local Law No. 5-2003 granted the Chair of the Legislature one (1) recommendation to the Governor, the Majority Caucus of the Legislature one (1) recommendation, and the Minority Caucus of the Legislature one (1) recommendation for the ECMCC Board of Directors, and subsequent actions by the Legislature have followed Local Law No. 5-2003 when recommending persons to serve as ECMCC directors; and

WHEREAS, the term of Jonathan Dandes as a director of the Erie County Medical Center Corporation recommended to the Governor by the County Legislature expired on June 4, 2018; and

WHEREAS, the term of Ronald Bennett as a director of the Erie County Medical Center Corporation recommended to the Governor by the County Legislature expired on April 4, 2018; and

WHEREAS, Frank Messiah, a director of ECMCC recommended to the Governor by the County Legislature Minority Caucus died on April 27, 2018; and

WHEREAS, the Erie County Legislature has determined to fill these three expired or vacated positions on the Board of Directors of the Erie County Medical Center Corporation.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature does hereby recommend to the Governor the re-appointment of Jonathan Dandes, residing at 4 Meadow Spring Lane, East Amherst, New York 14051, as a director of the Erie County Medical Center Corporation recommended by the Chair of the Legislature as authorized by Public Authorities Law Section 3628(1)(b) for a term expiring June 4, 2023; and be it further

RESOLVED, the Erie County Legislature does hereby recommend to the Governor the appointment of Mark Blue, residing at 7 Middlebury Lane, Lancaster, New York 14086, as a director of the Erie County Medical Center Corporation recommended by the Majority Caucus of the Legislature as authorized by Public Authorities Law Section 3628(1)(b) for a term expiring on April 4, 2023; and be it further

RESOLVED, the Erie County Legislature does hereby recommend to the Governor the re-appointment of Ronald Bennett, residing at Two Main Street, Holland, new York 14080, as a director of the Erie County Medical Center Corporation recommended by the Minority Caucus of the Legislature as authorized by Public Authorities Law Section 3628(1)(b) to replace Mr. Messiah for a term expiring March 30, 2022; and be it further

RESOLVED, that a certified copy of this Resolution shall be submitted by the Clerk of the Erie County Legislature to the Office of General Services, Center for Recruitment and Public

Service, Appointments Office, 40th Floor, Corning Tower, Empire State Plaza, Albany, New York 12242 and to Erie County Medical Center Corporation.

MS. BASKIN moved to amend the resolution. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

Delete the Third (3<sup>rd</sup>) Resolve Clause in its Entirety and Replace with the Following:

RESOLVED, the Erie County Legislature does hereby recommend to the Governor the re-appointment of Ronald Bennett, residing at 318 Olean Street, East Aurora, New York 14052, as a director of the Erie County Medical Center Corporation recommended by the Minority Caucus of the Legislature as authorized by Public Authorities Law Section 3628(1)(b) to replace Mr. Messiah for a term expiring March 30, 2022; and be it further

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

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

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, MS. BASKIN, MR. BRUSO, MR. BURKE, MR. LOUGHRAN, MS. MILLER-WILLIAMS and CHAIR SAVAGE. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

### **COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 31 – MS. BASKIN moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 13E-34 (2018). MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 150

RE: From the County Executive - Request to Enter Intro Contract with JMZ Architects & Planners, Inc. (COMM. 13E-34, 2018)

WHEREAS, SUNY Erie Community College, following due process to select a firm to complete a Comprehensive Academic and Facilities Master Plan, has chosen to enter an agreement with JMZ Architects and Planners, Inc.; and

WHEREAS, the SUNY Erie Community College Board of Trustees approved the selection at their May 31, 2018 meeting; and

WHEREAS, the price proposal of approximately \$387,500 inclusive of all direct and indirect costs exceeds the SUNY Erie Community College Board of Trustees authority; and

WHEREAS, SUNY Erie Community College has adequate funds available in its operating budget for 2018-2019 and 2019-2020 to cover the cost of this Comprehensive Academic and Facilities Master Plan.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves awarding a contract to JMZ Architects and Planners, Inc., subject to approval of the Erie County Attorney, for the purpose of enacting a Comprehensive Academic and Facilities Master Plan at a cost to the college not to exceed \$387,500; and be it further

RESOLVED, SUNY Erie Community College's President is authorized to enter a contract with JMZ Architects and Planners, Inc., subject to the approval of the Erie County Attorney, for the above-mentioned services; and be it further

RESOLVED, that certified copies of the resolution be forwarded to the Erie County Executive, the President of SUNY Erie Community College, and the Chairman of the SUNY Erie Board of Trustees.

MS. BASKIN moved to approve the item. MR. BRUSO seconded.

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

AYES: MS. DIXON, MR. HARDWICK, MR. MILLS, MR. RATH, MS. BASKIN, MR. BRUSO, MR. BURKE, MR. LOUGHRAN, MS. MILLER-WILLIAMS and CHAIR SAVAGE.  
NOES: MR. LORIGO. (AYES: 10; NOES: 1)

CARRIED.

### **SUSPENSION OF THE RULES**

Item 32 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 14-5 from BASKIN Re: Support for Breast Milk and Babies

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

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

GRANTED.

COMM. 14E-45 from the COUNTY EXECUTIVE Re: Placeholder - Fleet Services - Authorization to Enter into Contract with Enterprise Fleet Management

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

GRANTED.

COMM. 14E-46 from the COUNTY EXECUTIVE Placeholder - Buffalo Niagara Convention Center - 2018 - Energy Efficient Modifications & Various Improvements to the Exhibit Hall

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE SHERIFF**

Item 35 – (COMM. 14E-1) Seized Assets Fund Transfer

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM CHAIR SAVAGE**

Item 36 – (COMM. 14E-2) Letter to County Executive Regarding 2018 Mid-Year Budget Hearings

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 37 – (COMM. 14E-3) Letter to County Attorney Requesting Legal Opinion Concerning Removal Process of ECWA Commissioner

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE COMPTROLLER**

Item 38 – (COMM. 14E-4) Report Detailing Apportionment and Distribution of EC Sales Tax for the Months of March, April, & May 2018

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE SHERIFF**

Item 39 – (COMM. 14E-5) Seized Assets Fund Transfer

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER

Item 40 – (COMM. 14E-6) Letter to Legislature Regarding Law Department Spending for May 2018

Item 41 – (COMM. 14E-7) Erie County 2017 Comprehensive Annual Financial Report

Item 42 – (COMM. 14E-8) Review of Fixed Assets - Town of Boston

The above three items were received and referred to the FINANCE & MANAGEMNT COMMITTEE.

FROM THE SHERIFF

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 151

RE: Bomb Squad Training Grant for FY17  
(COMM. 14E-9)

WHEREAS, the US Department of Homeland Security through the NYS Division of Homeland Security and Emergency Services has awarded \$155,000.00 to the Erie County Sheriff's Office in funding specifically allocated to agencies with established Bomb Squads Units; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contract and accept \$155,000.00 in federal resources to provide funds for specialized training and equipment to protect the residents of Erie County and the State of New York from terrorist attacks involving explosive devices; and

WHEREAS, at the time of the grant application the Erie County Sheriff's Office must submit a specific list of training modules and the NYSDHSES approved consultants; and

WHEREAS, the NYSDHSES must approve the training vendors prior to the award of the grant; and

WHEREAS, the NYSDHSES approved training and vendors for this grant are as follows:

1. Dco-Leadership, Planning and Decision Making Training (Phase 2).
2. Global Assets- Counter Suicide Bomber (CSB), Detection, Deterrence, and Defeat Training.
3. Direct Action Resource Center (DARC) - Counter-Terrorism and Integration Training; 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 Division of Homeland Security to accept grant funding in the amount of \$155,000.00 for FY17 for the Erie County Sheriff's Office; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management to establish funding for FY17 in the Grant Fund 281 and budget those funds as follows:

Erie County Sheriff's Office  
FY 2017 Bomb Squad Grant  
May 25, 2018 to August 31, 2020

<u>REVENUE</u>	<u>Increase</u>
Account 414000 – Federal Revenue	<u>\$155,000.00</u>
TOTAL REVENUE	<u>\$155,000.00</u>

<u>APPROPRIATIONS</u>	<u>Increase</u>
Account 561410 – Lab & Technical Equipment	<u>\$69,000.00</u>
Account 510200 – Training and Education	<u>\$51,000.00</u>
Account 510100 – Out of Area Travel	<u>\$35,000.00</u>

and be it further

RESOLVED, that the Erie County Sheriff's Office is authorized to enter into agreements with the aforementioned NYSDHSES approved vendor, D-CO, Leader and Training LLC, PO Box 376, Rockwood, Maine 04478, for the described training not to exceed the \$26,000.00 provided by the grant; and be it further

RESOLVED, that the Erie County Sheriff's Office is authorized to enter into an agreement with the NYSDHSES approved vendor, Global Assets Integrated LLC, 6440 Sky Pointe Drive, Ste. 140-217, Las Vegas, Nevada 89131, for the prescribed training not to exceed \$25,000.00 provided by the grant; and be it further

RESOLVED, that the Erie County Sheriff's Office is authorized to enter into an agreement with the NYSDHSES approved vendor, Direct Action Resource Center LLC, 6302 Valentine Road, North Little Rock, Arkansas 72117, for the prescribed training not to exceed \$35,000.00 provided by the grant; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust grant appropriations and revenues in accordance with the final grantor funding levels or grantor authorized changes to award amounts, provided there are no changes to authorized personnel levels and county share amounts; and be it further

RESOLVED, the Division of Budget and Management is authorized to make any technical

adjustments necessary to effectuate this transfer 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.

**FROM LEGISLATOR LORIGO**

Item 44 – (COMM. 14E-10) Letter to Legislator Bruso Regarding County's Efforts to Combat the Opioid Crisis

Item 45 – (COMM. 14E-11) Letter to Commissioner of Health Requesting an Update on the Department's Effort to Combat the Opioid Crisis

Item 46 – (COMM. 14E-12) Letter to Commissioner of Mental Health Requesting an Update on the Department's Effort to Combat the Opioid Crisis

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

**FROM THE COUNTY EXECUTIVE**

Item 47 – (COMM. 14E-13) Federal-Aid Highway Local Project - NYSDOT Supplemental Agreement No. 2 - Tonawanda Rails to Trails Extension Project

Item 48 – (COMM. 14E-14) Award of Contract to Lowest Responsible Bidder - Belscher Rd. Slide Remediation

Item 49 – (COMM. 14E-15) ECC City Campus 2018 - Various ADA Upgrades & Ellicott St. Building Elevator Modernization

Item 50 – (COMM. 14E-16) Award of Construction to Lowest Responsible Bidder - 2018 Miscellaneous Culvert Group 1 - Construction Phase Services Contract

Item 51 – (COMM. 14E-17) Award of Construction to Lowest Responsible Bidder - 2018 Culvert Group 2 - Construction Phase Services Contract

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

Item 52 – (COMM. 14E-18) Levy of 2018-2019 School Tax Budgets

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 53 – (COMM. 14E-19) Budget Revision for NYSDEC Waste Reduction & Recycling Coordination Grant

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 54 – (COMM. 14E-20) Federal-Aid Highway Local Project Agreement with NYSDOT & Contracts for Engineering Design Services for Pedestrian Safety Action Plan Improvements

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 55 – (COMM. 14E-21) Department of Probation - Utilizing Forfeiture Funds to Purchase Equipment

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 56 – (COMM. 14E-22) Retain Engineering Services for Big Sister Creek Constructed Wetland Study

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 57 – (COMM. 14E-23) Award of Construction Contract for the 2018 Overlay of Garrison Rd.

Item 58 – (COMM. 14E-24) Goodrich Road Reconstruction

Item 59 – (COMM. 14E-25) Award of Construction Contract for the 2018 Capital Overlay Contract - Pleasant View Rd. & Kenmore Ave.

Item 60 – (COMM. 14E-26) ECC STEM Building - Architecture/Engineering Consultant's Design Contingency Increase

Item 61 – (COMM. 14E-27) Federal-Aid Project for Pavement Resurfacing Project - Maple Rd., Hopkins Rd. to Rt. 78

Item 62 – (COMM. 14E-28) Federal-Aid Project Pavement Rehabilitation/Resurfacing Design Agreement - Abbott Rd., McKinley Pkwy. & Armor Duells Rd.

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

Item 63 – (COMM. 14E-29) E911 Capital Project Upgrade

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 64 – (COMM. 14E-30) Agreement with Town of Evans for a Transportation Alternatives Program Grant Application - Evans Shoreline Trail Phase 4

Item 65 – (COMM. 14E-31) Buffalo Niagara Convention Center - Phase 2 Toilet Room Renovations

Item 66 – (COMM. 14E-32) EC Clarence Highway Facility - 2018 Soil Remediation & Fuel Tank Replacements

Item 67 – (COMM. 14E-33) Locally Administered Federal Aid Project - NYSDOT Agreement and Construction Award for Bridge Painting & Repairs - Towns of Aurora & Marilla, Village of Hamburg

Item 68 – (COMM. 14E-34) Federal-Aid Highway Local Project - Supplemental Agreement with NYSDOT - Cedar St. Bridge over Ledge Creek Replacement - Town of Newstead

Item 69 – (COMM. 14E-35) Federal-Aid Highway Local Project - Supplemental Agreement with NYSDOT - Pontiac Rd. Bridge over Big Sister Creek Replacement - Town of Evans

Item 70 – (COMM. 14E-36) Bethlehem Steel Redevelopment - Contract for Construction Services for Dona St. Extension - City of Lackawanna

Item 71 – (COMM. 14E-37) Federal-Aid Project Agreement for the Replacement of Hillcroft Dr. Bridge over Eighteen Mile Creek - Town of Boston

Item 72 – (COMM. 14E-38) Federal-Aid Highway Local Project - Supplemental Agreement with NYSDOT & Contracts for Construction & Inspection Services for Safety Improvements at Genesee Rd., Route 240 & Sibley Rd. Intersection - Town of Concord

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

Item 73 – (COMM. 14E-39) Regional Niagara River Lake Erie Watershed Management Plan Phase 2 - No Cost Extension

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 74 – (COMM. 14E-40) Contract Extension - Aging by Design Planning Grant

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 75 – (COMM. 14E-41) EC Holding Center - 2018 Kitchen Floor Replacement & Kitchen/Laundry Domestic Hot Water Upgrades

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER

Item 76 – (COMM. 14E-42) 2018 RAN Resolution

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY CLERK

Item 77 – (COMM. 14E-43) Purchase of Technology Equipment & Software Updates, Auto Bureau Seating

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 78 – (COMM. 14E-44) Raise the Age 2018

Received and referred to the FINANCE & MANAGEMENT COMMITTEE

**COMMUNICATIONS FROM THE DEPARTMENTS**

FROM THE COUNTY ATTORNEY

Item 79– (COMM. 14D-1) Legal Opinion Concerning ECWA

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE DEPUTY COMPTROLLER, AUDIT

Item 80 – (COMM. 14D-2) Letter to Commissioner of Probation Regarding Audit of Operation and Performance of the Department's Restitution Fund

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ENVIRONMENT & PLANNING

Item 81 – (COMM. 14D-3) State Environmental Quality Review - Solicitation for Lead Agency Status Unlisted Action

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE DIRECTOR OF BUDGET AND MANAGEMENT

Item 82 – (COMM. 14D-4) Budget Monitoring Report for Period Ending May 2018

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM DAVID KARB**

Item 83 – (COMM. 14M-1) Letter of Interest for Commissioner of the Erie County Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE NYS AUTHORITIES BUDGET OFFICE**

Item 84 – (COMM. 14M-2) Response to Inquiry Regarding Removal of ECWA Members

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM RONALD J. PILOZZI**

Item 85 – (COMM. 14M-3) Letter of Interest for Commissioner of the Erie County Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM DALE KEPNER**

Item 86 – (COMM. 14M-4) Letter of Interest for Commissioner of the Erie County Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM E. THOMAS JONES, ESQ.**

Item 87 – (COMM. 14M-5) Letter of Interest for Commissioner of the Erie County Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM ALAN K. GETTER**

Item 88 – (COMM. 14M-6) Letter of Interest for Commissioner of the Erie County Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE NFTA**

Item 89 – (COMM. 14M-7) 2017-18 NFTA-Metro Annual Performance Report

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

Item 90 – (COMM. 14M-8) Brownfield Cleanup Program - Public Comment Period  
Announcement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS AUTHORITIES BUDGET OFFICE

Item 91 – (COMM. 14M-9) Annual Report on Public Authorities in NYS - July 1, 2018

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**ANNOUNCEMENTS**

Item 92 – Clerk of Legislature announced that a public hearing will be held on Thursday, July 19, 2018 at 6:00 p.m., in the Chambers of the Legislature, on INTRO. 14-3 (2018), concerning property tax exemptions. Also, the Legislature will conduct Mid-Year Budget Hearings July 17<sup>th</sup> through July 19<sup>th</sup>.

**MEMORIAL RESOLUTIONS**

Item 93 – Legislator Burke requested that when the Legislature adjourns, it do so in memory of a friend's Dad and New York State Trooper Nicholas Clark.

Item 94 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Clayton Maranto-Mortenson.

Item 95 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Edward J. Ringler, Emma Rose Whitney and Peter C. Andreana.

Item 96 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Eleanor Murray.

Item 97 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Frances Bastedo, Elizabeth Luna, Helen Kiel, Collette Carey, Linda Donovan, Gordon Wisniewski and Mildred Vacco.

Item 98 – Chair Savage requested that when the Legislature adjourns, it do so in memory of Albert C. "Duke" Reinhardt and Edward Shatzel.

**ADJOURNMENT**

Item 99 - At this time, there being no further business to transact, CHAIR SAVAGE announced that the Chair would entertain a Motion to Adjourn.

MS. BASKIN moved that the Legislature adjourn until Thursday, July 26, 2018 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR SAVAGE declared the Legislature adjourned until Thursday, July 26, 2018 at 2:00 p.m. Eastern Standard Time.

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