

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 15**  
**JULY 26, 2018**

The Legislature was called to order by Chair Savage.

All members present.

An Invocation was held, led by Father Joseph Bayne, at the request of Mr. Mills.

The Pledge of Allegiance was led by Mr. Burke.

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 14 from 2018. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – 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 Recognizing and Honoring Father Joseph Bayne for His Service to the Community.

Item 6 – MR. MILLS presented a proclamation Honoring Mary Jo Hultquist for Her Dedication to Serving the Residents of the Town of Eden.

Item 7 – MR. RATH presented a proclamation Congratulating the Volunteers of the Food Bank of WNY on the 11th Annual Walk off Hunger.

Item 8 – MS. DIXON presented a proclamation Honoring Dr. Cynthia A. Zane on Her Retirement as President of Hilbert College.

Item 9 – 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 WNY Labor Leader Flo Tripi.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 10 – CHAIR SAVAGE directed that Local Law No. 1 (Print #2) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 11 – CHAIR SAVAGE directed that Local Law No. 4 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 12 – CHAIR SAVAGE directed that Local Law No. 8 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 13 – CHAIR SAVAGE directed that Local Law No. 12 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

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

GRANTED.

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

GRANTED.

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

GRANTED.

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

GRANTED.

Item 18 – CHAIR SAVAGE directed that Local Law No. 20 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 19 – CHAIR SAVAGE directed that Local Law No. 23 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 20 – CHAIR SAVAGE directed that Local Law No. 2 (Print #1) 2018 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 21 – CHAIR SAVAGE directed that Local Law No. 3 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 22 – CHAIR SAVAGE directed that Local Law No. 6 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 23 – CHAIR SAVAGE directed that Local Law No. 7 (Print #1) 2018 remain on the table and in the HEALTH & HUMAN SERVICES 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. 152

July 19, 2018	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR HARDWICK.  
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 13M-2 (2018)  
ROSS RUNFOLA JR. "Letter of Interest for Commissioner of the Erie County Water Authority"  
(Chair's ruling)
  - b. COMM. 14D-3 (2018)  
ENVIRONMENT & PLANNING "State Environmental Quality Review - Solicitation for Lead Agency Status Unlisted Action"  
(Chair's ruling)
  - c. COMM. 14M-1 (2018)  
DAVID KARB "Letter of Interest for Commissioner of the Erie County Water Authority"  
(Chair's ruling)
  - d. COMM. 14M-8 (2018)  
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION "Brownfield Cleanup Program - Public Comment Period Announcement"  
(Chair's ruling)
2. COMM. 10E-34 (2018)  
COUNTY EXECUTIVE AS AMENDED  
WHEREAS, the Department of Parks, Recreation and Forestry was recently compelled to close the Ellicott Creek Park Pedestrian Bridge due to hazardous conditions affecting public safety; and

WHEREAS, the Department of Parks and Department of Public Works mutually seek to successfully implement the Ellicott Creek Park (ECP) Pedestrian Bridge Replacement Project; and

WHEREAS, CHA Consulting Inc., under a current Term Agreement, has the necessary experience and staff to perform design and construction phase engineering services; and

WHEREAS, public letting of construction is anticipated to occur during Legislative recess, and advance award would hasten the project during the short construction season; and

WHEREAS, the design, construction, construction administration and inspection, and project contingency for the Ellicott Creek Park (ECP) Pedestrian Bridge Replacement Project is estimated at \$348,000.

NOW, THEREFORE, BE IT

RESOLVED, that the CHA Consulting, Inc. On Call/As Directed Engineering Services Term Agreement be amended to provide design and construction phase engineering services for the Ellicott Creek Park (ECP) Pedestrian Bridge Replacement Project; and be it further

RESOLVED, that the Project, upon public let, be awarded to the lowest, responsible bidder; and be it further

RESOLVED, that the Erie County Executive is authorized to execute the Amendment with CHA Consulting, Inc., the Construction Agreement with the lowest responsible bidder, and any Change Orders related to the Project through an established Project contingency in an total Project amount not to exceed \$348,000; and be it further

RESOLVED, that the Project funding, in the amount of \$348,000, be made available from Funds Center 164, Fund 410, Project A.17012, 2017 Countywide Parks Improvements in the amount of \$48,000 and Funds Center 123, Fund 420, Project B.18024, 2018 Ellicott Creek Park Pedestrian Bridge in the amount of \$300,000; and be it further

RESOLVED, that the Clerk of the Legislature shall forward (2) certified copies each of this Resolution to the County Executive; the Director of the Division of Budget and Management; the Erie County Comptroller; the Commissioner of the Department of Parks, Recreation and Forestry; the Commissioner of the Department of Public Works; and the Erie County Attorney's Office.  
(5-0)

3. COMM. 14E-19 (2018)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) plays a crucial role working with the two local solid waste boards (Boards), local municipalities, and the County on waste reduction and recycling; and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) is requiring that the County's two solid waste management boards have updated plans submitted in 2019; and

WHEREAS, DEP has received a municipal waste and reduction contract from the NYSDEC (COMM. 19E-10) which includes the scope of work to be performed by the DEP, updating the Local Solid Waste Management Plan (LSWMP) of both boards, the Northeast Southtowns and Northwest Solid Waste Management Boards; and

WHEREAS, as part of its NYSDEC Waste Reduction and Recycling Coordination Program budget, the DEP has adequate funds available under the Professional Services budget line; and

WHEREAS, it is necessary to revise the existing budget and create two Intern Seasonal positions in accordance with the current work plan and contractual requirements of the granting agency; and

WHEREAS, the granting agency, NYSDEC, has agreed to the budget revision allowing for the funding of the seasonal employee positions using funds that fall under the municipal waste and reduction contract from the NYSDEC (COMM. 19E-10).

NOW, THEREFORE, BE IT

RESOLVED, that the previously amended grant budget for the NYSDEC Waste Reduction & Recycling Coordination Grant is hereby revised in the DEP, Business Area 162, as follows:

New York State Department of Environmental Conservation Waste Reduction and Recycling  
Coordination Grant (Grant Period: 10/1/2016 – 9/30/2019),  
SAP Grant Account #162WRRCG1619

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
402499	Other Local Source Revenue	\$ 60,750
409000	State Aid Revenue	\$ 268,521
479000	County Share Contribution	<u>\$ 20,100</u>
TOTAL REVENUE		\$ 349,371

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
500000	Full Time – Salaries	\$158,974	\$ 0	\$158,974
500030	Seasonal – Wages	\$ 0	\$ 12,000	\$ 12,000
502000	Fringe Benefits	\$130,272	\$ 3,000	\$133,272
505000	Office Supplies	\$ 525	\$ 0	\$ 525
510100	Out of Area Travel	\$ 8,550	\$ 0	\$ 8,550
510200	Training	\$ 1,150	\$ 0	\$ 1,150
516020	Professional Services	\$ 43,250	\$(15,000)	\$ 28,250
530000	Other (Promotional)	\$ 6,000	\$ 0	\$ 6,000
545000	Rental Charges	<u>\$ 650</u>	<u>\$ 0</u>	<u>\$ 650</u>
TOTAL APPROPRIATIONS		\$349,371	\$ 0	\$349,371

and be it further

RESOLVED, that the following positions, for which sufficient funding exists in the NYSDEC grant for personal services and fringe benefits, will be created in the above grant:

- (2) Intern Seasonal (JG-01)  
B-100 #10382.  
Budgeted Annual Salary and Fringe: \$15,000

and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; Bonnie Lawrence, Deputy Commissioner of Environment and Planning; and Paul Kranz, P.E., Associate Engineer.

(5-0)

4. COMM. 14E-22 (2018)  
COUNTY EXECUTIVE

WHEREAS, Erie County desires to improve water quality at Big Sister Creek and Bennett Beach; and

WHEREAS, Erie County Department of Environment and Planning (DEP) was awarded a \$25,000 grant from Stony Brook University (SBU) to conduct the Big Sister Feasibility Study and Design Project (SAP Grant 162BSFSADP1718); and

WHEREAS, the County executed a contract with SBU in 2017 for the project with a term of March 1, 2017 through May 31, 2018 as authorized in 2017 by Comm. 2E-21; and

WHEREAS, the County executed a no-cost extension to the contract with SBU in 2018 to extend the project until December 31, 2018 as authorized in 2018 by Comm. 7E-46; and

WHEREAS, Erie County has solicited proposals from qualified firms for proposals to perform the Big Sister Creek Constructed Wetland Feasibility and Design Study (hereafter, "the Study"); and

WHEREAS, Erie County assembled a Proposal Selection Committee, which has conducted a review and selection process for the proposals that have been received to conduct the Study; and

WHEREAS, the Proposal Selection Committee has selected Ecology and Environment, Inc. to perform the Study; and

WHEREAS, the Study will develop preliminary designs and assess feasibility for mitigation measures that would address identified water quality issues at Big Sister Creek and Bennett Beach; and

WHEREAS, no County funds will be necessary for Erie County conduct the Study.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie and the County Executive or Deputy County Executive, is authorized to enter into agreements with Ecology and Environment, Inc. for an amount not to exceed \$25,000 to perform the Big Sister Creek Constructed Wetland Feasibility and Design Study; and be it further

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

RESOLVED, that certified copies of this resolution shall be furnished to the Office of the County Executive; the Director of the Division of Budget and Management; the Office of the County Attorney; the Office of 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.  
(5-0)

5. COMM. 14E-30 (2018)  
COUNTY EXECUTIVE

WHEREAS, the County of Erie desires to continue the construction of the Shoreline Trail, a system of interconnected bicycle and pedestrian multi-use trails along Lake Erie and the Niagara River; and

WHEREAS, the County is supportive of Phase 4 of the Evans Shoreline Trail – the Evans Town Park to Point Breeze phase; and

WHEREAS, the Town of Evans is also supportive of the Evans Shoreline Trail Phase 4 project and desires to apply for grant funding from the New York State Department of Transportation (NYSDOT), Transportation Alternatives Program (TAP) to design and construct Evans Shoreline Trail – Phase 4; and

WHEREAS, the Town of Evans if successful has agreed to provide the 20% match required for the grant; and

WHEREAS, the desired location of the proposed Evans Shoreline Trail – Phase 4 is within the right-of-way of the County Highway, Old Lakeshore Road; and

WHEREAS, the NYSDOT TAP grant requires an agreement between Erie County and the Town of Evans authorizing the usage of the County right-of-way for this purpose; and

WHEREAS, said agreement will authorize the Town of Evans to apply for the TAP grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature authorizes the County Executive to enter into all documents and agreements with the Town of Evans related to the authorization of the Evans Shoreline Trail Phase 4 TAP application, authorization of this activity within the Old Lakeshore



Road County right-of-way, and implementation and management of the Evans Shoreline Trail Phase 4 project; 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 Commissioner of the Department of Public Works; the Commissioner of the Department of Environment and Planning; the County Attorney; and the Supervisor of the Town of Evans.

(5-0)

6. COMM. 14E-39 (2018)  
COUNTY EXECUTIVE

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

WHEREAS, DEP is committed to coordinate, oversee, and conduct work towards the creation of a Regional Niagara River Lake Erie Watershed Management Plan Phase 2; and

WHEREAS, the New York State Department of State (NYS DOS) provides grant assistance to municipalities to prepare watershed revitalization plans; and

WHEREAS, the NYS DOS awarded Erie County a \$507,830 grant SAP # 162RNRLEWMP1417 to complete the “Regional Niagara River Lake Erie Watershed Management Plan Phase 2” project; and

WHEREAS, DEP has determined that project outcomes will be best achieved by executing a no-cost extension to the contract through June 30, 2019.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute the necessary agreements to extend the “Regional Niagara River Lake Erie Watershed Management Plan Phase 2” contract for one year (July 1, 2018 – June 30, 2019); 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.

(5-0)

**JOHN BRUSO**  
**CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 153

July 19, 2018	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 13
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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. 11E-1 (2018)  
COMPTROLLER “Report on Shift Differential Payments to EC Employees”  
(Chair’s ruling)
  - b. COMM. 14E-2 (2018)  
SAVAGE “Letter to County Executive Regarding 2018 Mid-Year Budget Hearings”  
(Chair’s ruling)
  - c. COMM. 14E-4 (2018)  
COMPTROLLER “Report Detailing Apportionment and Distribution of EC Sales Tax for the Months of March, April, & May 2018”  
(Chair’s ruling)
  - d. COMM. 14E-6 (2018)  
COMPTROLLER “Letter to Legislature Regarding Law Department Spending for May 2018”  
(Chair’s ruling)
  - e. COMM. 14E-7 (2018)  
COMPTROLLER “Erie County 2017 Comprehensive Annual Financial Report”  
(Chair’s ruling)
  - f. COMM. 14E-8 (2018)  
COMPTROLLER “Review of Fixed Assets - Town of Boston”  
(Chair’s ruling)
  - g. COMM. 14D-2 (2018)  
DEPUTY COMPTROLLER, AUDIT “Letter to Commissioner of Probation Regarding Audit of Operation and Performance of the Department's Restitution Fund”  
(Chair’s ruling)
  - h. COMM. 14D-4 (2018)  
DIRECTOR OF BUDGET AND MANAGEMENT “Budget Monitoring Report for Period Ending May 2018”

(Chair's ruling)

2. RESOLVED, the following item hereby failed by a majority or tie vote:
  - a. COMM. 14E-43 (2018)  
COUNTY CLERK "Purchase of Technology Equipment & Software Updates, Auto Bureau Seating"  
(3-3) Legislators Brusco and Burke, and Chair Savage voted in the negative.

3. COMM. 14E-18 (2018)  
COUNTY EXECUTIVE

WHEREAS, the several non-city school districts lying within the County of Erie will have adopted their school budgets for the current school year, determined the amount thereof to be raised by real property tax and will have fixed their school tax rates, said budgets, amounts and rates to be certified to and filed with the Real Property Tax Services Department of Erie County, no later than August 10, 2018; and

WHEREAS, the Director for said Real Property Tax Services Department will spread and extend said school tax amounts, at the school tax rates certified to him, against the taxable real property appearing on the respective school assessment rolls.

NOW, THEREFORE, BE IT

RESOLVED, that that as of September 1, 2018, there is hereby levied and assessed upon the taxable real property appearing on the school assessment rolls for the respective school districts the amounts to be raised by school taxes, as spread and extended by the Director of the Real Property Tax Services Department, which amounts shall be collected from the persons and corporations liable therefore in accordance with and pursuant to the provisions of the statutes in such cases made and provided; and be it further

RESOLVED, that the Chairman and the Clerk of the Legislature are hereby directed to execute in the name and under the seal of the County of Erie, and to annex to the respective school district tax rolls as they are compiled by the Director of the Real Property Tax Services Department, a good and sufficient warrant, addressed to the proper tax collecting officials, commanding them to collect such school district taxes in accordance with applicable law; and be it further

RESOLVED, that the Director of the Real Property Tax Services Department is hereby directed to deliver such school district tax rolls and warrants to such tax collecting officials to be acted upon in accordance with applicable law; and be it further

RESOLVED, that each and every act of the Director for the Real Property Tax Services Department in connection with the foregoing is hereby ratified and confirmed; and be it further

RESOLVED, The Clerk of the Legislature is hereby directed to cause such non-city school district budgets, tax rates and resolutions to be printed in the journal of the proceedings of the Legislature; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, County Attorney, County Comptroller, Director of Budget and Management, and Director of Real Property Tax Services.  
(6-0)

4. COMM. 14E-40 (2018)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Senior Services, in conjunction with the Pride Center of Western New York, Inc. (Pride Center) had previously been awarded, by the Health Foundation for Western and Central New York (Health Foundation), a \$25,000 Aging By Design Planning grant for the six month period October 1, 2017 through March 30, 2018; and

WHEREAS, the Department has successfully met the initial grant requirements and assisted in developing prototype projects designed to meet the needs of LGBTQ seniors; and

WHEREAS, the Health Foundation now desires to extend the grant contract, through the period November 15, 2019, to allow the Department to utilize \$5,123 of unspent grant monies plus an additional \$7,647 of new grant funding, to continue its collaboration with the Pride Center and refine and implement the LGBTQ Cultural Competency Training and Client Advocacy project successfully prototyped during the first phase of the grant; and

WHEREAS, the grant is 100% funded and does not require a local share.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into an Aging by Design Planning grant contract extension, through November 15, 2019, with the Health Foundation and accept an additional \$7,647 of grant funding; and be it further

RESOLVED, that the budget for the 163ABD1718 grant, be amended as follows:

		INITIAL		AMENDED
		BUDGET	CHANGE	BUDGET
<b>REVENUES</b>				
Account	Description			
417060	Other Income Senior Services	\$25,000	7,647	\$32,647
		INITIAL		AMENDED
		BUDGET	CHANGE	BUDGET
<b>APPROPRIATIONS</b>				
Account	Description			
510000	Local Mileage	\$0	150	\$ 150
510100	Out of Area Travel	0	350	350
517763	Pride Center of WNY	18,500	(3,481)	15,019
916390	ID Senior Srvcs Grant Srvcs	6,500	10,628	17,128
	<b>TOTAL</b>	<b>\$25,000</b>	<b>\$7,647</b>	<b>\$32,647</b>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the budget as required to comply with the Health Foundation's approved funding levels; and be it further

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

(6-0)

5. COMM. 14E-44 (2018)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, the on April 10, 2017, Governor Cuomo signed into law "Raise the Age (RTA)" legislation that was included as part of the State Budget and can be found in A-3009c/S-2009c Part WWW; and

WHEREAS, the legislation raised the age of juvenile accountability to 16 years old effective October 1, 2018 and to 17 years old effective October 1, 2019; and

WHEREAS, the RTA legislation also established extensive new mandates and regulations pertaining to the processing and supervision of all juvenile and adolescent offenders; and

WHEREAS, included in the new legislation is the requirement after phase-in that no 16 or 17 year old are to be housed in a county jail; and

WHEREAS, the Raise the Age Legislation will require additional new and enhanced services within the Erie County juvenile justice system; and

WHEREAS, all county departments impacted by this legislation have been meeting to analyze the legislation, plan services and coordinate implementation efforts.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive is hereby authorized to enter into agreement with various New York State agencies as required to accept New York State Raise the Age reimbursement; and be it further

RESOLVED, that authorization is provided to increase the 2018 Budget of the Department of Probation to provide mandated services required under the NYS Raise the Age legislation as follows:

Department of Probation  
Fund Center 12610

REVENUE	BUDGET
407625 State Aid- RTA	\$ 242,917

Appropriations	
500000 Full Time Salaries	\$ 87,541
500300 Shift Differential	1086
501000 Overtime	2,146
502000 Fringe Benefits	53,556
505000 Office Supplies	288
505200 Clothing Supplies	738
506200 Maintenance and Repair	1,626
510000 Local Mileage	2,027
510100 Out of Area	656
510200 Training and Education	852
516020 Professional Services	60
516030 Maintenance Contracts	328
561410 Lab & Technical Equipment	10,935
561420 Office Equipment	6,713
912220 ID Building and Grounds	<u>74,365</u>
Total	\$ 242,917

and be it further

RESOLVED, that the following positions be added (3) Probation Officers grade 11, (1) Probation Supervisor grade 12 and that the Principal Clerk grade 6 be upgraded to Administrative Assistant grade 9; and be further

RESOLVED, that authorization is provided to appropriate 2018 funds for the Division of Building and Grounds in order to add office space in the Probation Office to accommodate new staff as follows:

Division of Building and Grounds  
Fund Center 12220

Appropriations	BUDGET
516020 Professional Services	\$ 74,365
912220 ID Building and Grounds	<u>(74,365)</u>
Total	<u>\$ 0</u>

and be it further

RESOVLED, that the Division of Buildings and Grounds conducted an RFP process to identify a contractor to add additional office space for the new Probation Officers and as a result choose the Walter Johnson Building company; and be it further

RESOLVED, the County Executive is authorized to execute an agreement with Walter Johnson Building Company 6638 Mooradian Dr. Niagara Falls NY for general construction work at Erie County Family Court in an amount not to exceed \$74,365; and be it further

RESOLVED, that authorization is provided to increase the 2018 Budget of the Youth Services Division to provide mandated services required under the NYS Raise the Age legislation as follows:

Department of Youth Detention  
Fund Center 12520

Revenue	BUDGET
407625 State Aid- RTA	\$ 578,870
Appropriations	
500000 Full Time Salaries	\$209,842
501000 Overtime	40,000
502000 Fringe Benefits	132,902
505200 Clothing Supplies	5,400
516020 Professional Services: Education	31,493
516020 Professional Services: Food Service	56,700
530000 Other Expenses	5,400
561410 Lab & Technical Equipment	55,000
912700 ID Health Services	<u>42,133</u>
Total	\$ 578,870

and be it further

RESOLVED, that the following positions be added, (10) Youth Detention Workers grade 6, (2) Juvenile Justice Counselors grade 10, (1) Detention Shift Supervisor grade 10 and (1) Detention Home Intake Worker grade 8; and be further

RESOLVED, that authorization is hereby provided to amend current Youth Services contracts for the provision of educational and food services as required to meet the increase in need for the anticipated raise the age daily detention population increase; and be it further

RESOLVED that authorization is provided to increase the 2018 Budget of the Division of Health to provide mandated services required under the NYS Raise the Age legislation that takes effect October 1, 2018 as follows:

Division of Health  
Fund Center 12700

Appropriations	BUDGET
500000 Full Time Salaries	\$ 15,832
500020 Regular PT Wages	10,834
500200 Fringe Benefits	15,467
912700 ID Health	<u>(42,133)</u>
Total	\$ 0

and be it further

RESOLVED, that the following positions be added (1) Registered Nurse grade 8, (1) Registered Nurse (RPT) grade 8; and be further

RESOLVED, that authorization is provided to increase the 2018 Budget of the Youth Bureau to provide mandated services required under the NYS Raise the Age legislation as follows:

Department of Youth Bureau  
Fund Center 12530

Revenue	BUDGET
407625 State Aid- RTA	\$ 5,297
Appropriations	
500000 Full Time Salaries	\$ 4,238
502000 Fringe Benefits	<u>1,059</u>
Total	\$ 5,297

and be it further

RESOLVED, that authorization is provided to reclassify the position of Director of the Youth Bureau, grade 12, to Sr. Director of the Youth Bureau, grade 14; and be it further

RESOLVED, that authorization is provided to increase the 2018 Budget of the Department of Social Services to provide mandated services required under the NYS Raise the Age legislation that takes effect October 1, 2018 as follows:

Department of Social Services  
Fund Center 120

Revenue	BUDGET
407625 State Aid- RTA	\$ 230,592
Appropriation	BUDGET
500000 Personal Services	\$ 18,886
502000 Fringe Benefits	11,706
516010 Contractual Payments	<u>200,000</u>
Total	\$ 230,592

and be it further

RESOLVED, that the County Executive is hereby authorized to amend existing Department of Social Services community agency contracts, as needed, in order to provide needed counseling and rehabilitative services for youth as required under the Raise the Age Legislation; and be it further



RESOLVED, that (1) position of Counsel-Services, grade 14, be added to the budget of the Department of Social Services; and be further

RESOLVED, that authorization is provided to the Division of Budget and Management to make any budgetary adjustments between Social Service agency accounts, as required to properly fund Raise the Age community services; and being it further

RESOLVED, that authorization is provided to increase the 2018 Budget of the Department of Law/County Attorney to provide mandated services required under the NYS Raise the Age legislation that takes effect October 1, 2018 as follows:

Law/County Attorney Fund Center 16010	
Revenue	BUDGET
407625 State Aid- RTA	\$ 68,771
Appropriations	BUDGET
500000 Full Time Salaries	\$ 42,964
500200 Fringe Benefits	<u>25,807</u>
Total	\$ 68,771

and be it further

RESOLVED, that the following positions be added to the County Attorney's Office, (1) Assistant County Attorney Grade 17 and (1) Legal Secretary Grade 6; and be further

RESOLVED, that the Division of Budget and Management is authorized to make any necessary budgetary adjustments to facilitate this request; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Probation Department, Department of Social Services, Youth Services, Health Department, Buildings and Grounds, County Executive's Office, Comptroller's Office and the Director of Budget and Management.

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

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

MS. MILLER-WILLIAMS moved to amend item Number 2. MR. BRUSO seconded. MR. BURKE voted in the negative.

CARRIED. (10-1)

Delete the Tenth (10<sup>th</sup>) and Eleventh (11<sup>th</sup>) Whereas Clauses and Replace with the Following:

WHEREAS, the County Clerk's Office has transferred \$500,000 to the Comptroller's Office recognizing the first phase of the reconciliation of the Concentration Account; and

WHEREAS, the Comptroller's Office has credited the County Clerk's Miscellaneous Receipts Account 466000 in the SAP system in the County Clerk's Registrar Division; and

WHEREAS, the County Clerk's staff will be working with the County Comptroller's staff during the balance of this year to finalize a reconciliation of the Concentration Account; and

WHEREAS, the purchases will be funded entirely by the unbudgeted revenue in the Miscellaneous Receipts Account.

Replace the First (1<sup>st</sup>) Resolve Clause with the Following:

RESOLVED, that the Erie County Legislature does hereby authorize the Budget Director to make the following adjustments and changes to the Erie County Clerk's 2018 Budget as follows:

INCREASE: \$134,519  
Funds Center 466000 Miscellaneous Receipts

Appropriate that increase as follows:

INCREASE:

Funds Center 11310 – Registrar Division		
561410	Lab and Technical Equipment	\$55,205
561420	Office Equipment, Furniture & Fixtures	\$4,600

INCREASE:

Funds Center 11320 – Auto Bureau Division		
561410	Lab and Technical Equipment	\$26,455
561420	Office Equipment, Furniture & Fixtures	\$48,259

and be it further

MS. MILLER-WILLIAMS moved to approve item Number 2 as amended. MR. LORIGO 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. LOUGHRAN, MS. MILLER-WILLIAMS and CHAIR SAVAGE.  
NOES: MR. BURKE. (AYES: 10; NOES: 1)

CARRIED.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 154

July 19, 2018	PUBLIC SAFETY COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.  
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 14E-1 (2018)  
SHERIFF  
WHEREAS, the Erie County Sheriff’s Office service pistol is aging; and

WHEREAS, The number of extra pistols in inventory is decreasing due to an increase in personnel as well as the increase in individuals needing to qualify; and

WHEREAS, the Weapons and Ordnance Unit is responsible for issuing and maintaining the Sheriff’s service pistol as well as providing training and qualification pistols for new employees and other county employees; and

WHEREAS, the current service pistol is aging, and the number of repairs is increasing; and

WHEREAS, when the a Deputy needs a temporary or permanent replacement pistol, the inventory of available pistols is nearing a critical level; and

WHEREAS, as of June 25, 2018, the Seized Asset Forfeiture Account balance is \$307,767.10; and

WHEREAS, the funds transferred from the Seized Assets Forfeiture Account for equipment is an U.S. Department of Justice authorized expenditure.

NOW, THEREFORE, BE IT

RESOLVED, that \$15,000.00 in the Asset Forfeiture Trust Funds are available and are hereby transferred to the Erie County Sheriff’s Office Asset Forfeiture Funded Program; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE

Sheriff – SAFS Funded Program		
REVENUE		DECREASE
421550	Forfeiture Crime Proceeds	\$15,000.00
APPROPRIATION		INCREASE

561410	Lab & Tech	\$15,000.00
	Total Revenue	\$15,000.00

and be it further

RESOLVED, that designated Seized Asset Fund expenditure meets the criteria established by the U.S. Department of Justice for the use of equitable shared funds; 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 any payments necessary to complete the purchase of new service pistols; and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, Erie County Comptroller, and the Erie County Sheriff's Office for implementation.  
(6-0)

2. COMM. 14E-5 (2018)  
SHERIFF

WHEREAS, the Erie County Sheriff's Office seeks to purchase ten (10) new mobile data terminals (also known as laptops) and vehicle mounting brackets for the Detectives Bureau; and

WHEREAS, Currently, Detectives are required to return to their office or to a substation to conduct research and write reports on desktops; and

WHEREAS, the new laptops and upgraded software would allow the Detectives to remain at a scene or away from the office while conducting investigations and provide them means to author reports and do research; and

WHEREAS, as of July 2, 2018, the Seized Asset Forfeiture Account balance is \$307,767.10; and

WHEREAS, the funds transferred from the Seized Assets Forfeiture Account for equipment is an U.S. Department of Justice authorized expenditure.

NOW, THEREFORE, BE IT

RESOLVED, that \$45,000.00 in the Asset Forfeiture Trust Funds are available and are hereby transferred to the Erie County Sheriff's Office Asset Forfeiture Funded Program; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE

Sheriff – SAFS Funded Program		
REVENUE		DECREASE
421550	Forfeiture Crime Proceeds	\$45,000.00
APPROPRIATION		INCREASE
561410	Lab & Tech	\$45,000.00
	Total Revenue	\$45,000.00

and be it further

RESOLVED, that designated Seized Asset Fund expenditure meets the criteria established by the U.S. Department of Justice for the use of equitable shared funds; 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 any payments necessary to complete the purchase of new mobile data terminals and vehicle mounting brackets; and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, Erie County Comptroller, the Division of Purchase and the Chief of Administration of the Sheriff office for implementation.

(6-0)

3. COMM. 14E-21 (2018)  
COUNTY EXECUTIVE

WHEREAS, the Probation Department warrant squad is mandated to find absconders, take them into custody, and transport them to the holding center, and officers perform these duties in Probation Department vehicles; and

WHEREAS, the Erie County Department of Probation has purchased a 2018 Ford Explorer which needs a Ford Explorer compatible cargo barrier with wire screens installed for officer safety; and

WHEREAS, the Erie County Department of Probation desires to purchase and install a cargo barrier with wire screens to protect its officers; and

WHEREAS, the Probation Department also needs to purchase and install a shotgun rack for a 2018 Ford Explorer for officers and public safety; and

WHEREAS, the County has available Asset Forfeiture funds of which a portion can be used to help supplement the purchase and installation of cargo barrier with wire screens as well as a shotgun rack; and

WHEREAS, there is no impact on the existing 2018 Erie County Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves the appropriation of Asset Forfeiture Funds and authorizes the following budgetary change in the 2018 Budget of the Probation Department, cost center 1261010 funded program SAFPRO:

REVENUE	Increase
421550 Forfeiture Crime Proceeds	<u>\$ 747</u>
REVENUE TOTAL:	\$ 747

APPROPRIATION	Increase
561440 Motor Vehicles	<u>\$ 747</u>
APPROPRIATION TOTAL:	\$ 747

and be it further

RESOLVED, that these expenditures meet the criteria established by the US Department of Justice for use of equitable shared funds; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the County Comptroller, the County Attorney and the Probation Department care of Christina Schrader at 1 Niagara Plaza, Room 112.  
(6-0)

4. COMM. 14E-29 (2018)  
COUNTY EXECUTIVE

WHEREAS, the current E911 system was installed in 2011 and is no longer supported by the existing vendor; and

WHEREAS, after extensive evaluation of all options West Safety Solutions Corp., was selected in a unanimous decision by all Erie County Public Safety Answering Point (PSAP) partners; and

WHEREAS, the Department of Central Police Services requests authorization to enter into a contact with West Safety Solutions Corporation to upgrade the E-911 system; and

WHEREAS, in order to fully implement and integrate the E911 upgrade Central Police Services will need to enter into a professional service agreement with Bergmann Associates, EM Systems Inc., and Globalquest Staffing Solutions who have extensive knowledge and expertise to perform work on the E911 system; and

WHEREAS, Central Police Services funds are available in Capital Project A.18028 (2018 Continuation of E911 Services/Hardware Refresh) \$ 2,594,000 to fund the initial phase of the project.

NOW, THEREFORE, BE IT

RESOLVED, that Central Police Services is hereby authorized to enter into contract with West Safety Solutions Corporation, 1601 Dry Creek Drive, Longmont, Colorado 80503 for the proprietary installation, configuration and maintenance of the E911 system upgrade; and be it further

RESOLVED, that Central Police Services is authorized to work with and issue purchase orders as appropriate with Bergmann Associates, 280 East Broad Street, Rochester, New York 14604, EM Systems, Inc., 4043 Maple Road, Amherst, New York 14226 and Globalquest Staffing Solutions, 8201 Main Street, Suite 7, Williamsville, New York 14221, not to exceed \$100,000 in total; and be it further

RESOLVED, that certified copies of this resolution are forwarded to the County Executive, Director of Budget and Management, Office of the Comptroller, Commissioner of Central Police Services, attention: Brian Speers.

(6-0)

5. COMM. 14E-41 (2018)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Holding Center laundry equipment operates at an inadequate water supply temperature; and

WHEREAS, the Sheriff's Office must purchase replacement linens and utilize third-party laundry services at an expensive cost to insure sanitary linens are provided; and

WHEREAS, boosting the water supply temperature will insure that facility linens are properly decontaminated; and

WHEREAS, the existing kitchen floor finish is in disrepair, causing a potential safety hazard to facility staff; and

WHEREAS, re-sloping and replacement of the kitchen floor will correct the safety issue; and

WHEREAS, professional design services are required to replace the floor finish and boost the hot water supply temperature while keeping the kitchen operating; and

WHEREAS, the Erie County Department of Public Works received professional Architectural/Engineering design services proposals for the Erie County Holding Center – 2018 Kitchen Floor Replacement & Kitchen/Laundry Domestic Hot Water Upgrades project (herein called the "Project") on November 14, 2017; and

WHEREAS, LiRo Engineering, Inc. has the necessary expertise and manpower to provide professional design and construction services for the Project; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement to LiRo Engineers, Inc. for providing professional design and construction services for the Project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into an Agreement with LiRo Engineers, Inc. for providing Professional Architectural/Engineering Services for the Project for an amount not to exceed \$50,000, including reimbursables and a design contingency; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the approved, as adopted Erie County 2013 and 2016 Capital Budgets, Fund 410, Funds Center 122, as follows:

A.13022	2013 Various Improvements to Holding Center Buffalo	\$ 33,361.45
A.16032	2016 Improvements to the Holding Center and Correctional Facility (Countywide)	\$ 16,638.55
For a Total Amount Not to Exceed		\$ 50,000.00

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, the Sheriff's Office, and the Office of the Comptroller.  
(6-0)

**APRIL N.M. BASKIN  
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 155

July 19, 2018	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 14M-7 (2018)  
NFTA: "2018-2018 NFTA-Metro Annual Performance Report"  
(Chair's ruling)
2. COMM. 14E-13 (2018)



COUNTY EXECUTIVE

WHEREAS, the Tonawanda Rails to Trails Extension Project PIN 5761.02 (the "Project") is eligible for funding under the Federal Transportation Alternatives Program (TAP) administered by the New York State Department of Transportation (NYSDOT), such funding being apportioned as stated in Title 23 U.S. Code, as amended, that calls for the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, under TAP the Federal cost share is limited to the amount set forth in the original agreement with NYSDOT with any additional costs being 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 Preliminary Engineering, Right of Way Incidentals and Right of Way Acquisition Phases via Legislative Communications 11E-10 (2015) and 2E-8 (2017); and

WHEREAS, the County of Erie would like to advance the Project's Supplemental Agreement with NYSDOT which includes the addition of the Construction/Construction Inspection phase of the Project, by making a commitment of 100% of the Non-Federal share of the costs; and

WHEREAS, the NYSDOT supplemental agreement is in the total amount of \$1,816,400 an increase of \$1,579,400 over the County's existing Project agreement with NYSDOT; and

WHEREAS, the required local share of the increase is \$1,009,000, of which \$822,000 is available in Fund 420, Funds Center 123 as follows:

B.17008	2017 Tonawanda Rails to Trails Extension	\$513,000
B.15005	2015 Tonawanda Rails to Trails	<u>\$309,000</u>
		\$822,000

and

WHEREAS, the remaining \$187,000 in local share is available from the City of Tonawanda according to an existing Inter-Municipal Agreement; and

WHEREAS, authorization is required to accept \$187,000 from the City of Tonawanda and to increase the budget in Project B.17008.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject 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/Construction Inspection phase of the Project or portions thereof; and be it further

RESOLVED, that the Erie County Legislature hereby approves the acceptance of \$187,000 from the City of Tonawanda as per an existing Inter-Municipal Agreement and to increase to budget in Project B.17008; and be it further

RESOLVED, that the Project budget be adjusted to reflect the anticipated Federal revenue for the Construction/Construction Inspection phase as follows:

B.17008 – 2017 Tonawanda Rails to Trails Extension  
Fund 420, Funds Center 123

REVENUES		CURRENT BUDGET	INCREASE/ (DECREASE)	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 787,000	(\$ 216,600)	\$ 570,400
420499	Other Local Source			
	Revenue	\$ 0	\$ 187,000	\$ 187,000
475000	Gen Oblig Bond Proc	<u>\$ 513,000</u>	<u>\$ 0</u>	<u>\$ 513,000</u>
<b>TOTAL REVENUES</b>		<b>\$ 1,300,000</b>	<b>(\$ 29,600)</b>	<b>\$1,270,400</b>

**APPROPRIATIONS**

Capital Projects	Capital Project Exp	\$ 513,000	\$ 187,000	\$ 700,000
Unallocated	Unallocated Capital	<u>\$ 787,000</u>	<u>(\$ 216,600)</u>	<u>\$ 570,400</u>
<b>TOTAL APPROPRIATIONS</b>		<b>\$ 1,300,000</b>	<b>(\$ 29,600)</b>	<b>\$1,270,400</b>

and be it further

RESOLVED, that the current estimated total cost increase of \$1,579,400 due to the addition of the Construction/Construction Inspection phases of the Project, is hereby appropriated from Fund 420, Funds Center 123 as follows:

B.17008	2017 Tonawanda Rails to Trails Extension	\$1,270,400
B.15005	2015 Tonawanda Rails to Trails	<u>\$309,000</u>
		<b>\$1,579,400</b>

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 Project's Phases as described above exceed the amounts noted the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount; 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, (subject to the County of Erie Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the

advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the County's first instance funding of Project costs and permanent funding of the local share of Federal-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 ten (10) certified copies of this resolution be forwarded 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)

3. COMM. 14E-14 (2018)  
COUNTY EXECUTIVE

WHEREAS, a project for the remediation of the slide on Belscher Road (CR 419) was approved by this Honorable Body via Comm. 12E-1 (June 22, 2017) (the "Project"); and

WHEREAS, it is desired to bid, award and complete construction of the Project during the 2018 construction season; and

WHEREAS, it is anticipated that it will not be possible to complete the bid process in time for the County Legislature to authorize award before the August recess; and

WHEREAS, it is estimated that the cost of construction should not exceed \$575,000 which is available from the SAP Projects hereinafter noted; and

WHEREAS, it is estimated that the cost of construction phase engineering services should not exceed \$150,000 which is available from the SAP Projects hereinafter noted; and

WHEREAS, it is desired to award a construction contract to the lowest responsible bidder in a not to exceed amount of \$575,000; and

WHEREAS, it is desired to execute a contract with Greenman-Pedersen, Inc., the project consultant for construction phase engineering services in a not to exceed amount of \$150,000.

NOW, THEREFORE, BE IT

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

RESOLVED, the County Executive is authorized to award a construction contract to the lowest responsible bidder for the project for an amount not to exceed \$575,000 the funds for which are available from Fund 420, Funds Center 123, SAP Project B.17016 – 2017 Road Slides

Construction (\$500,000) and Fund 420, Funds Center 123, SAP Project B.16013 – 2016 Road Construction Countywide (\$75,000); and be it further

RESOLVED, that the County Executive is authorized to execute a contract with Greenman-Pedersen, Inc. for construction phase engineering services in an amount not to exceed \$150,000 which is available from Fund 420, Funds Center 123, SAP Project No. B.16013 – 2016 Road Construction Countywide; and be it further

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

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

4. COMM. 14E-15 (2018)  
COUNTY EXECUTIVE

WHEREAS, the New York State Education Department (NYSED) conducted an on-site Civil Rights Compliance Review of the Career and Technical Education programs and support services at Erie Community College (ECC), a recipient of federal funding administered through NYSED, and a Voluntary Compliance Plan (VCP) was issued as a result of the finding/violations; and

WHEREAS, the proposed accessibility upgrade work for the City Campus will contribute to compliance with the NYSED's VCP; and

WHEREAS, the existing three elevators at the Ellicott Street Building are 23 years old and have not been refurbished or modernized since installation, and have frequent breakdowns despite monthly preventive maintenance; and

WHEREAS, the County will receive 50% reimbursement from New York State for this project; and

WHEREAS, the County Executive is requesting authorization from the Legislature to enter into an Agreement with Architectural Resources P.C, to provide professional design and construction administration services for Erie Community College City Campus 2018 Various ADA upgrades and Ellicott Street Building Elevator Modernization project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with Architectural Resources P.C. to provide professional design and construction document services for the Erie Community College City Campus 2018 Various ADA upgrades and Ellicott Street Building Elevator Modernization project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from the previously approved, as adopted Erie County capital budgets as follows:

E.14006 – 2014 ECC Code Compliance Collegewide	\$ 23,917.28
E.15004 – 2015 ECC Code Compliance Collegewide	\$121,082.72

for an amount not to exceed \$145,000, including reimbursables and a design contingency; 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, Director of Finance and the Office of the Comptroller.

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

5. COMM. 14E-16 (2018)  
COUNTY EXECUTIVE

WHEREAS, 8 large culverts, identified as the 2018 Miscellaneous Culvert Group 1– BR MISC8-18 (the “Project”) have been flagged as part of Erie County’s Inspection process or noted by maintenance staff to be in serious disrepair and in need of being replaced or repaired; and

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

WHEREAS, it is anticipated that it will not be possible to complete the bid process in time for the County Legislature to authorize award before the August recess; and

WHEREAS, it is estimated that the total cost of construction should not exceed \$1,314,000 as follows: \$ 1,129,000 for construction, \$50,000 for a construction contingency, and \$135,000 for construction phase engineering services; and

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

B.16050	2016 Capital Overlay	\$443,175
B.16050	2016 Capital Overlay – Contingency	\$50,000
B.17019	2017 Repair & Rehabilitation-Large Culverts	\$750,000
B.18018	2018 Preservation of Bridges & Large Culverts	\$70,825
		<hr/>
		\$1,314,000

and

WHEREAS, it is desired to award a construction contract to the lowest responsible bidder in an amount not to exceed \$1,129,000 plus a \$50,000 construction contingency; and

WHEREAS, it is desired to execute a contract with CHA Consulting, Inc., the project consultant for construction phase engineering services in a not to exceed amount of \$135,000.

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Executive is authorized to award a construction contract to the lowest responsible bidder for the Project for an amount not to exceed \$1,129,000 plus a construction contingency in an amount not to exceed \$50,000 from funds available in Fund 420, Funds Center 123 as follows:

B.16050	2016 Capital Overlay - Construction	\$443,175
B.17019	2017 Repair & Rehabilitation-Large Culverts	<u>\$685,825</u>
	Construction Total	\$1,129,000
B.16050	2016 Capital Overlay – Contingency	\$50,000

and be it further

RESOLVED, that the County Executive is authorized to execute a contract with CHA Consulting, Inc. for construction phase engineering services in an amount not to exceed \$135,000 from funds available in Fund 420, Funds Center 123 as follows:

B.17019	2017 Repair & Rehabilitation-Large Culverts	\$64,175
B.18018	2018 Preservation of Bridges & Large Culverts	<u>\$70,825</u>
	Construction Phase Engineering Total	\$135,000

and be it further

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

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

6. COMM. 14E-17 (2018)  
COUNTY EXECUTIVE

WHEREAS, design of the measures necessary for the remediation of the damage to Erie County's transportation infrastructure resulting from Federally declared disaster DR 4204, 2014 Winter Storm "Knife", as included in FEMA Project Worksheet (PW) 371 was approved by this Honorable Body via Comm. 10E-5 (June 9, 2016) (the "Project"); and

WHEREAS, the Project, PW 371, is comprised of a structures component and a roadway component; and

WHEREAS, it is desired to bid, award, and progress construction of the structures component of the Project during the 2018 construction season; and

WHEREAS, it is anticipated that it will not be possible to complete the bid process in time for the County Legislature to authorize award before the August recess; and

WHEREAS, for reasons of efficiency the Project includes both work eligible for FEMA reimbursement and work that is not FEMA-eligible; and

WHEREAS, it is estimated that the total cost of construction should not exceed \$1,099,000 broken down as follows:

FEMA-Eligible	\$448,000
Non-FEMA-Eligible	\$651,000

and

WHEREAS, it is estimated that the cost of construction phase engineering services should not exceed \$140,000 broken down as follows:

FEMA-Eligible	\$57,100
Non-FEMA-Eligible	\$82,900

and

WHEREAS, the funds for construction are available from the following Accounts and SAP Project Numbers:

FEMA-Eligible:  
\$448,000 - Fund 251, Funds Center 123, Account 516020 – Professional Services  
Non-FEMA-Eligible:  
\$500,000 - B.16016 - 2016 Preservation of Bridges and Culverts  
\$151,000 - B.18018 - 2018 Preservation of Bridges and Large Culverts

and

WHEREAS, the funds for construction phase engineering services are available from the following Accounts and SAP Project Numbers:

FEMA-Eligible:  
\$57,100 - Fund 251, Funds Center 123, Account 516020 – Professional Services  
Non-FEMA-Eligible:  
\$82,900 - B.18018 - 2018 Preservation of Bridges and Large Culverts

and

WHEREAS, it is desired to award a construction contract to the lowest responsible bidder in a not to exceed amount of \$1,099,000; and

WHEREAS, it is desired to execute a contract with CHA Consulting, Inc., the project consultant for construction phase engineering services in a not to exceed amount of \$140,000.

NOW, THEREFORE, BE IT

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

RESOLVED, the County Executive is authorized to award a construction contract to the lowest responsible bidder for the project for an amount not to exceed \$1,099,000, the funds for which are available from Fund 251, Funds Center 123, Account 516020 – Professional Services (\$448,000), Fund 420, Funds Center 123 SAP Projects B. 16016 Preservation of Bridge and Culverts (\$500,000) and B.18018 Preservation of Bridges and Large Culverts (\$151,000) and are hereby appropriated and made available for the project; and be it further

RESOLVED, that the County Executive is authorized to execute a contract with CHA Consulting, Inc. for construction phase engineering services in an amount not to exceed \$140,000 which is available from Fund 251, Funds Center 123, Account 516020 – Professional Services (\$57,100) and from Fund 420, Funds Center 123, SAP Project B. 18018 Preservation of Bridges and Large Culverts (\$82,900) and are hereby appropriated and made available for the project; and be it further

RESOLVED, that should the funds appropriated as noted above provide sufficient funding based on actual bids received to establish a project contingency the County Executive is authorized to establish such a contingency within the limit of the appropriated funds and to execute necessary Project change orders not to exceed the funding limits herein established; and be it further

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

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

7. COMM. 14E-20 (2018)  
COUNTY EXECUTIVE

WHEREAS, the Pedestrian Safety Action Plan (PSAP) Improvements at Various Locations, PIN 5762.70 (the “Project”) is eligible for funding under the Highway Safety Improvement Program (HSIP) administered by the New York State Department of Transportation (NYSDOT) that calls for the costs of such program to be borne by 100% Federal funds; and

WHEREAS, it is necessary to enter into Inter-Municipal Agreements with the six participating municipalities (the Towns of Clarence, Hamburg, and Lancaster and the Villages of Alden, Hamburg, and Williamsville) identified for the Project improvements; and

WHEREAS, under the HSIP, the Federal cost share is limited to the amount set forth in the agreement with the NYSDOT; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment to advance the reimbursable Federal share of the costs of the Preliminary Engineering Design (Phases I-VI) phase of the Project; and



WHEREAS, the engineering design phase of the Project, PIN 5762.70, is currently estimated at \$75,000 for the Project; and

WHEREAS, the anticipated budget for this project is \$75,000 Federal revenue; and

WHEREAS, the Project Design Engineers will be selected using the Procedures for Locally Administered Federal Aid Projects (PLAFAP) guidelines and the 2016-2019 Local Design Services Agreement (LDSA) list, and the selected firm will have the necessary expertise, experience, and manpower to provide the County of Erie with engineering design services for the pedestrian safety improvements included in this project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Pedestrian Safety Action Plan (PSAP) Improvements at Various Locations, PIN 5762.70 (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 shares of the cost of the engineering design phases of the Project or portions thereof; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept the Federal revenue that is available under the Highway Safety Improvement Program (HSIP) administered by the New York State Department of Transportation (NYSDOT); and be it further

RESOLVED, that the Division of Budget and Management is authorized to set up the Federal Aid budget, per the approved Agreement with the NYSDOT, in a new capital project B.18XXX – Federal Aid PSAP Improvements, in Fund 420, Funds Center 123, as follows:

Account	Description	Budget
REVENUES		
414000	Federal Aid	<u>\$75,000</u>
TOTAL REVENUES		<u>\$75,000</u>
APPROPRIATIONS		
Capital Projects	Capital Project Exp	<u>\$75,000</u>
TOTAL APPROPRIATIONS		<u>\$75,000</u>

and be it further

RESOLVED that the County Executive be authorized to execute the Agreement with the NYSDOT, a negotiated Contract between the County of Erie and the selected Project Design Engineers for engineering design services in an amount not to exceed \$75,000, the necessary Inter-Municipal Agreements with the Towns of Clarence, Hamburg, and Lancaster and the Villages of Alden, Hamburg, and Williamsville, 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 engineering design 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, 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 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, 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.

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

8. COMM. 14E-23 (2018)  
COUNTY EXECUTIVE

WHEREAS, the Village of Williamsville has indicated its willingness to assume ownership and maintain Garrison Road after Erie County makes agreed upon improvements to the road; and

WHEREAS, the Memorandum of Understanding between the County of Erie and the Village of Williamsville is agreed to and signed off; and

WHEREAS, the Department of Public Works has completed the design and opened bids for the 2018 Overlay of Garrison Road Project, ECDPW Project No. CAP 289-18 in the Town of Amherst (Village of Williamsville), on June 21, 2018; and

WHEREAS, it is desired to award the construction contract to the lowest responsible bidder. Occhino Corp., for their offer of \$376,062.75; and

WHEREAS, it is desired to award a contract for the construction inspection and engineering services during construction of the Project to CHA Consulting in the amount not to exceed \$60,000; and

WHEREAS, it is necessary to establish a Construction Contingency of \$37,937.25 for the Project with authorization to execute related Change Orders and plan \$1,000 for miscellaneous advertising, and permits; and

WHEREAS, the estimated cost of the Project in the amount of \$475,000 is available in Fund 420, Funds Center 123, Project B.18006, 2018 Turn Back of Roads.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the construction of the 2018 Overlay of Garrison Road Project in the Towns of Amherst, and Village of Williamsville ECDPW Project No. CAP-289-18; 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 the responsible low bidder, Occhino Corp.; and be it further

RESOLVED, that the County Executive is authorized to execute a contract for construction inspection and engineering services during construction of the Project with CHA Consulting; and be it further

RESOLVED, that the total cost of the construction phase of the Project with contingency shall not exceed \$475,000 and is broken down as follows:

Construction	\$ 376,062.75
Miscellaneous advertising, permits, etc.	\$ 1,000.00
Contingency	\$ 37,937.25
Engineering services during construction	\$ 60,000.00
<hr/>	<hr/>
Total cost	\$ 475,000.00

and be it further

RESOLVED, that funding for the Project is available in Fund 420, Funds Center 123, Project B.18006, 2018 Turn Back of Roads; 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.

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

9. COMM. 14E-24 (2018)

COUNTY EXECUTIVE

WHEREAS, bids were taken on July 13, 2017, for the Goodrich Road (CR 216) Reconstruction Project; ECDPW Project No. CAP-216-17 in the Town of Clarence; and

WHEREAS, a condition of the environmental project permit issued by the U. S. Army Corps of Engineers (USACOE) is that the County purchase 0.74 wetland credits (1 credit = 1 acre) to offset project impacts to federally defined wetlands; and

WHEREAS, it is necessary to pay Ducks Unlimited-New York In-Lieu Fee programs to supplement mitigation required by State and Federal wetlands' permits for an amount of \$92,500 (0.74 credits at \$125,000/Credit) for this project.

NOW, THEREFORE, BE IT

RESOLVED, the County is hereby authorized to pay Ducks Unlimited-New York in Lieu Fee programs for the supplemental mitigation required by State and Federal wetlands permits; and be it further

RESOLVED, that the \$92,500 estimated total sum for the cost of purchasing the required 0.74 wetland credits at \$125,000/ credit is hereby appropriated in B.17002 2017 Preservation of Roads – Construction, IFL-Ducks Unlimited, Fund 420, Funds Center 123; and be it further

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

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

10. COMM. 14E-25 (2018)  
COUNTY EXECUTIVE

WHEREAS, the 2018 Capital Overlay Contract B roads: Pleasant View Drive, from Transit Road to Stony Road and Kenmore Avenue, from Elmwood Avenue to 2300 Kenmore, are all in poor condition; and

WHEREAS, the Department of Public Works will open bids for the 2018 Capital Overlay Contract B Project on July 19, 2018; and

WHEREAS, it is desired to award the construction contract to the lowest responsible bidder; and

WHEREAS, the funding is coming from the previously approved 2018 Capital Budget in Project B.18023 – 2018 Various Roads Reconstruction, Fund 420, Funds Center 123 in an amount not to exceed \$2,200,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the 2018 Capital Overlay Contract B Project for construction of Pleasant View Road in the Town of Lancaster and Kenmore Avenue in the Town of 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 the lowest responsible bidder for the 2018 Capital Overlay Contract B Project; and be it further

RESOLVED, that the total cost of the construction phase of the Project with contingency shall not exceed \$2,200,000; and be it further

RESOLVED, that funding, in the amount of \$2,200,000 be made available from Fund 420, Funds Center 123, 2018 Capital Project B.18023 – 2018 Various Roads Reconstruction, for the Project; 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 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.

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

11. COMM. 14E-26 (2018)  
COUNTY EXECUTIVE

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into an Agreement with Kideney Architects (A/E Consultant) to provide professional architecture and engineering services for the Erie Community College (ECC) STEM Building project (COMM. 2E-12 on February 12, 2015); and

WHEREAS, additional project design contingency in the amount of \$8,400 is required, of which a portion will be used for the extension of the A/E consultant's construction administration services and unanticipated additional design services as necessary to assist the County to close out the project; and

WHEREAS, any A/E design contingency funds that remain unspent will be returned to the ECC STEM Building project contingency fund; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to Kideney Architects for the ECC STEM Building project to increase the project design contingency.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to Kideney Architects for the ECC STEM Building project to increase the project design contingency by \$8,400, from \$136,600 to a total amount not to exceed \$145,000; and be it further

RESOLVED, that the Comptroller's Office is hereby authorized to make payments for the above from the previously approved, as adopted Erie County Project E.12002 – 2012 ECC – New Academic Building, Funds Center 122, Fund 480; 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, and the Office of the Comptroller, and one copy to Erie Community College of the Chief Administrative and Financial Officer.

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

12. COMM. 14E-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 appropriation 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 Project by making a commitment to advance 80% of the reimbursable Federal share and the 15% Marchiselli share and payment of the 5% local share of the costs of the design engineering (Design phases I-VI); and

WHEREAS, the design phases I-VI of the Project, PIN 5761.76, are currently estimated at \$400,000 and of the \$400,000 there is 80% federal funding in the amount of \$320,000 and 15% New York State (NYS) Marchiselli funding in the amount of \$60,000 leaving Erie County responsible for the 5% local share of \$20,000; and

WHEREAS, the 5% local share for the Project is available in the approved 2018 Capital Budget, Project B.18007–Federal Aid Projects Design – Maple Road (CR 192). PIN 5761.76, Funds Center 123, Fund 420; and

WHEREAS, the County of Erie desires to enter into an engineering services agreement with the most qualified consultant selected using the Federal Aid - Local Design Services Agreement (LDSA) process and is asking for preapproval as the selection process will be complete when the Legislature is on summer hiatus.

**NOW, THEREFORE, BE IT**

RESOLVED, that the Erie County Legislature hereby previously authorized participation in the Federal Aid project for the resurfacing of Maple Road (CR-192) from Hopkins Road to Rt. 78, PIN 5761.76 in Comm. 10E-27 (2018); and be it further

RESOLVED, that the County Executive be authorized to in enter into an engineering services agreement with the most qualified firm selected via the Federal Aid - Local Design Services Agreement (LDSA) process; 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 Engineering Design (Scoping & Design I-VI) phase of the Project or portions thereof in the amount of \$400,000; and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in B.18007 – 2018 Federal Aid Projects Design – Maple Rd. (CR 192), PIN 5761.76, Funds Center 123, Fund 420, per the NYSDOT agreement, as follows:

REVENUES		CURRENT BUDGET	INCREASE/ (DECREASE)	REVISED BUDGET
Account	Description			
405160	NYS Marchiselli	\$ 0	\$ 60,000	\$ 60,000
414000	Federal Aid	\$ 484,800	\$(60,000)	\$ 424,800
445070	Prem on Obligation	\$ 0	\$ 0	\$ 0
475000	Gen Oblig Bond Proc	<u>\$ 121,200</u>	<u>\$ 0</u>	<u>\$ 121,200</u>
<b>TOTAL REVENUES</b>		<u>\$ 606,000</u>	<u>\$ 0</u>	<u>\$ 606,000</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	<u>\$ 606,000</u>	<u>\$ 0</u>	<u>\$ 606,000</u>
<b>TOTAL APPROPRIATIONS</b>		<u>\$ 606,000</u>	<u>\$ 0</u>	<u>\$ 606,000</u>

and be it further

RESOLVED, that the \$400,000 estimated total sum of the Design phases I - VI of the Project is hereby appropriated from B.18007 – 2018 Federal Aid Projects Design- Maple Road (CR 192), PIN 5761.76 and made available to cover the cost of participation in the Design phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project’s design phases I-VI exceeds the \$400,000 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 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 on behalf of the County of Erie, with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the Municipality’s first instance funding of

Project costs and permanent funding of the local share of Federal Aid- and State Aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

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

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Department of Public Works, 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, the Office of the County Attorney, and the Office of the Comptroller.

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

13. COMM. 14E-28 (2018)  
COUNTY EXECUTIVE

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

WHEREAS, the County of Erie desires to enter into a single engineering services agreement with the most qualified consultant for all three projects, given this to be the most economical way to proceed as each of these are short tracks of roadway; and

WHEREAS, the federal process using the - Local Design Services Agreement (LDSA) process will be used to select this consultant; and

WHEREAS this selection process will not be completed until after the Legislature's summer hiatus begins, the Department of Public Works is asking for the preapproval of said consultant selection by the selection committee; and

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

B.18052	Federal Aid Projects Design – Abbott Road (CR4) PIN 5761.74	
	Federal Aid	\$160,000
	NYS Marchiselli Funds	\$ 30,000
	Local Share	\$ 10,000
		<hr/>
		\$200,000
B.18053	Federal Aid Projects Design – McKinley Parkway (CR 204) PIN 5761.75	
	Federal Aid	\$160,000
	NYS Marchiselli Funds	\$ 30,000
	Local Share	\$ 10,000
		<hr/>
		\$200,000
B.18054	Federal Aid Projects Design – Armor Duells	



Road (CR 44) PIN 5762.25	
Federal Aid	\$288,000
NYS Funds	\$ 72,000
Local Share	\$ 0
	<u>\$360,000</u>

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to in enter into a single engineering services agreement with the most qualified firm; 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 Engineering Design phases I-VI of the Project; and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to accept the Federal and Marchiselli Aid and adjust the budget in Project B.18052 2018 Federal Aid Projects Design – Abbott Road PIN 5761.74, Funds Center 123, Fund 420, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
<b>REVENUES</b>				
405160	Marchiselli Aid	\$ 0	\$ 30,000	\$ 30,000
414000	Federal Aid	\$ 161,600	(\$ 1,600)	\$ 160,000
486000	Interfund Rev Subsidy	\$ 40,400	\$ 0	\$ 40,400
<b>TOTAL REVENUES</b>		<u>\$ 202,000</u>	<u>\$ 28,400</u>	<u>\$ 230,400</u>
<b>APPROPRIATIONS</b>				
<b>CAPITAL PROJECTS</b>	Capital Project Expense	\$ 40,400	\$ 159,600	\$ 200,000
<b>UNALLOCATED</b>	Unallocated Capital	<u>\$ 161,600</u>	<u>(\$ 131,200)</u>	<u>\$ 30,400</u>
<b>TOTAL APPROPRIATIONS</b>		<u>\$ 202,000</u>	<u>\$ 28,400</u>	<u>\$ 230,400</u>

and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to accept the Federal and Marchiselli Aid and adjust the budget in Project B.18053 2018 Federal Aid Projects Design – McKinley Parkway PIN 5761.75, Funds Center 123, Fund 420, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
<b>REVENUES</b>				
405160	Marchiselli Aid	\$ 0	\$ 30,000	\$ 30,000
414000	Federal Aid	\$ 161,600	(\$ 1,600)	\$ 160,000
486000	Interfund Rev Subsidy	\$ 40,400	\$ 0	\$ 40,400
<b>TOTAL REVENUES</b>		<u>\$ 202,000</u>	<u>\$ 28,400</u>	<u>\$ 230,400</u>
<b>APPROPRIATIONS</b>				
<b>CAPITAL PROJECTS</b>	Capital Project Expense	\$ 40,400	\$ 159,600	\$ 200,000

UNALLOCATED	Unallocated Capital	<u>\$,161,600</u>	<u>(\$131,200)</u>	<u>\$ 30,400</u>
TOTAL APPROPRIATIONS		<u>\$ 202,000</u>	<u>\$ 28,400</u>	<u>\$ 230,400</u>

and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to accept the Federal and New York State Aid and adjust the budget in Project B.18054 2018 Federal Aid Projects Design – Armor Duells Road PIN 5761.25, Fund Center 123, Fund 420, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
<b>REVENUES</b>				
409010	State Aid-Other	\$ 0	\$ 72,000	\$ 72,000
414000	Federal Aid	\$ 297,600	(\$ 9,600)	\$ 288,000
486000	Interfund Rev Subsidy	<u>\$ 74,400</u>	<u>\$ 0</u>	<u>\$ 74,400</u>
TOTAL REVENUES		<u>\$ 372,000</u>	<u>\$ 62,400</u>	<u>\$ 434,400</u>
<b>APPROPRIATIONS</b>				
CAPITAL PROJECTS	Capital Project Expense	\$ 74,400	\$ 285,600	\$ 360,000
UNALLOCATED	Unallocated Capital	<u>\$,297,600</u>	<u>(\$223,200)</u>	<u>\$ 74,400</u>
TOTAL APPROPRIATIONS		<u>\$ 372,000</u>	<u>\$ 62,400</u>	<u>\$ 434,400</u>

and be it further

RESOLVED, that the estimated total sum of \$760,000 for the Design phases I - VI of the Project, is hereby appropriated from B.18052 at \$200,000, B.18053 at \$200,000 and B.18054 at \$360,000; and be it further

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

RESOLVED, that the County Executive be authorized to in enter into a single engineering services agreement with the most qualified firm; 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 identified in the State/Local Agreement; and providing for the administration of the Project and the Municipality’s first instance funding of Project costs and permanent funding of the local share of Federal Aid- and State Aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

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

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

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

14. COMM. 14E-31 (2018)  
COUNTY EXECUTIVE

WHEREAS, the interior finishes of the remaining six toilet rooms continues to be outdated, dark and unappealing for the building occupants, and the inefficient plumbing fixtures negatively impact overall building water usage; and

WHEREAS, the phase 2 toilet room renovations project involves updating the interior finishes and replacement of plumbing fixtures to the remaining six toilet rooms, similar to the phase 1 work completed in 2017 which updated four toilet rooms; and

WHEREAS, the County of Erie received bids for the Buffalo Niagara Convention Center – 2018 – Phase 2 Toilet Room Renovations project on June 29, 2018; and

WHEREAS, the lowest responsible bidder for the Buffalo Niagara Convention Center – 2018 – Phase 2 Toilet Room Renovations project is Nichter Construction, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Buffalo Niagara Convention Center – 2018 – Phase 2 Toilet Room Renovations project for an amount not to exceed, as follows:

<u>General Construction Work</u>		
Nichter Construction Inc.	Base Bid:	\$ 297,000
	Add Alternate No. 1:	\$ 117,000
Total Award of Construction Contract:		\$ 414,000

and be it further

RESOLVED, that the sum of \$66,000 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency fund; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the construction contingency fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the approved, as amended 2016 and 2017 capital budgets, Fund 410, Funds Center 122, follows:

A.16003	2016 Buffalo Niagara Convention Center Rehabilitation	\$ 19,475.51
A.17003	2017 Buffalo Niagara Convention Center Rehabilitation	\$ 460,524.49
Total Payment not to Exceed		\$ 480,000.00

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, and the Office of the Comptroller, and one copy to the Buffalo Niagara Convention Center c/o Paul Murphy and Financial Officer.

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

15. COMM. 14E-32 (2018)  
COUNTY EXECUTIVE

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has ordered the County to perform contaminated soil remediation at the Clarence Highway Facility; and

WHEREAS, the underground unleaded fuel tank has already been removed due to leaks contained within the interstitial space, and the 25 year old underground diesel fuel tank will be removed during the soil excavation because it is within the contaminated soil excavation area; and

WHEREAS, the Erie County Department of Public Works received bids for the Erie County Clarence Highway Facility – 2018 Soil Remediation and Fuel Tank Replacements project (herein the "Project") on May 30, 2018; and

WHEREAS, the lowest responsible bidder for the Project is LaValley Brothers Construction Inc.; and

WHEREAS, the Erie County Department of Public Works is recommending award of the contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Project for an amount not to exceed as follows:

General Construction Work:

LaValley Brothers Construction Inc.	Base Bid:	\$ 548,400
Total Award of Construction Contract:		\$ 548,400

and be it further

RESOLVED, that the sum of \$51,600 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the SAP project accounts in Funds Center 122, Fund 410, as follows:

A.17009 – 2017 Preservation of County Highway Facilities (Countywide)	\$283,283.03
A.18013 – 2018 Preservation of County Highway Facilities (Countywide)	\$316,716.97
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For a Total Amount Not to Exceed:	\$600,000.00

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, and the Office of the Comptroller.

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

16. COMM. 14E-33 (2018)  
COUNTY EXECUTIVE

WHEREAS, the Bridge Painting and Repairs (3 bridges) PIN 5762.02, (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 a 20% local share; and

WHEREAS, the County of Erie desires to advance the Construction phase of the Project by making a commitment to advance the 80% reimbursable Federal share and payment of the 20% non-Federal share of the costs of the project; and

WHEREAS, to facilitate the Construction and Construction Inspection Phases for the Project, it will be necessary for the County to execute an Agreement with the New York State Department of Transportation (NYSDOT) in the total amount of \$1,100,000 of which \$220,000 is the required local share, for the construction and construction inspection phase of the Project; and

WHEREAS, the Department of Public Works would like to successfully implement the Project in a timely manner, it will be necessary for the County Executive to enter into an agreement with the NYSDOT, execute the construction contract with the responsible low bidder, enter an into a construction phase engineering services agreement with CHA Consultants, and establish a construction contingency, for a total Project cost not to exceed the maximum project allowance of \$1,155,000.

NOW, THEREFORE, BE IT

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

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an Agreement with the New York State Dept. of Transportation (NYSDOT) for this Federal Aid 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 Federal and non-Federal shares of the cost of Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, the County Executive is hereby authorized to accept the 80% Federal share of the \$1,100,000 Locally Administered NYSDOT Agreement and adjust the projects budgets, as necessary; and be it further

RESOLVED, that the estimated total sum of \$1,155,000 for the construction, construction inspection phase, and contingency for the Project is hereby appropriated and made available to cover the cost of participation in the Project, from Fund 420, Funds Center 123, as follows:

B.15009 - 2015 Federal Aid Bridge Projects Construction – \$675,000  
Federal Aid – \$540,000  
Local Share – \$135,000

B.16010 – Federal Aid Bridge Projects Preservation Construction – \$480,000:  
Federal Aid – \$340,000  
Local Share – \$85,000  
Contingency – \$55,000

and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal, and non-Federal shares of the costs of the Project's construction and construction inspection phases exceeds the amount appropriated, \$1,155,000 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT; 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 NYSDOT in connection with the advancement or approval of the Project 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 the County Executive of the County of Erie is hereby authorized to execute agreements with the lowest responsible bidder for construction and a contract for construction phase engineering services agreement with CHA Consultants; 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 NYSDOT; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) 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.

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

17. COMM. 14E-34 (2018)  
COUNTY EXECUTIVE

WHEREAS, the replacement of Cedar St. Bridge over Ledge Creek, BIN 3326580, PIN 5761.78, (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 replacement of the Cedar St. Bridge over Ledge Creek, BIN 3326580, PIN 5761.78 is a Federal Aid project in which participation was previously authorized in Comm. 8E-6(2017) on May 11, 2017; and

WHEREAS, the County of Erie desires to advance the Project into the final design phases through a Supplemental Agreement with New York State Department of Transportation (NYSDOT) that will increase the original project in the amount of \$100,000 with the local share being \$20,000; and

WHEREAS, the County is required to pay the 20% Local share for the increase in Project costs, in the amount of \$20,000, which is available from Project B.16009 – Federal Aid Bridge Projects Preservation Design, Fund 420, Funds Center 123; and

WHEREAS, the County would like to amend the existing design contract with TY Lin Inc., the design engineers for this Project, to include the final design services for the Project, in an amount not to exceed \$100,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a Supplemental Agreement with the New York State Department of Transportation (NYSDOT) for the Cedar St. over Ledge Creek, BIN 3326580, PIN 5761.78 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 final design engineering (Design V & VI) and the right-of-way acquisition, phases of the Project or portions thereof in the amount of \$100,000; and be it further

RESOLVED, that the 20% required Local share of \$20,000 be made available in the previously approved 2016 Capital Budget, in B.16009 – 2016 Federal Aid Bridge Projects Preservation Design, Fund 420, Funds Center 123; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept the 80% reimbursement of \$80,000 in Federal Aid from the Supplemental Agreement with the NYSDOT; and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in B.16009, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
<b>REVENUES</b>				
414000	Federal Aid	\$ 0	\$ 80,000	\$ 80,000
475000	Gen Oblig Bond Proc	<u>\$ 150,000</u>	<u>\$ 0</u>	<u>\$ 150,000</u>
<b>TOTAL REVENUES</b>		<u>\$ 150,000</u>	<u>\$ 80,000</u>	<u>\$ 230,000</u>
<b>APPROPRIATIONS</b>				
<b>CAPITAL PROJECTS</b>	Capital Project Expense	<u>\$ 150,000</u>	<u>\$ 80,000</u>	<u>\$ 230,000</u>
<b>TOTAL APPROPRIATIONS</b>		<u>\$ 150,000</u>	<u>\$ 80,000</u>	<u>\$ 230,000</u>

and be it further

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

RESOLVED, that 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 Marchiselli Aid on behalf of the County of Erie, with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid- and State Aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the necessary Amendment to the existing design contract with TY Lin Inc., the design engineers for this Project, to



include the final design services for the Project, in an amount not to exceed \$100,000; 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 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.

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

18. COMM. 14E-35 (2018)  
COUNTY EXECUTIVE

WHEREAS, the replacement of Pontiac Road Bridge over Big Sister Creek, BIN 3327820, PIN 5761.77, (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 replacement of the Pontiac Road Bridge over Big Sister Creek, BIN 3327820, PIN 5761.77 is a Federal Aid project in which participation was previously authorized in Comm. 8E-5 on May 11, 2017; and

WHEREAS, the County of Erie would like to advance the Project's Supplemental Agreement with the NYSDOT by making a commitment to advance the 80% reimbursable Federal share and 20% payment of the non-Federal share of the costs of the Final Engineering (Design V & VI) and Right of Way acquisition phases of the Project; and

WHEREAS, the N YSDOT Supplemental Agreement is an increase of \$200,000 over the County's original Project Agreement with the NYSDOT; and

WHEREAS, the County is required to pay the estimated Local share for the increase in Project costs, in the amount of \$40,000, which is available from Project B.16009 – Federal Aid Bridge Projects Preservation Design, Fund 420, Funds Center 123; and

WHEREAS, the County would like to amend the existing design contract with Foit- Albert Associates, the design engineers for this Project, to include the final design services for the Project, in an amount not to exceed \$200,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a Supplemental Agreement with the New York State Department of Transportation (NYSDOT) for the Pontiac Road Bridge over Big Sister Creek, BIN 3327820, PIN 5761.77 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 final design engineering (Design V & VI) and the right-of-way acquisition, phases of the Project, or portions thereof, in the amount not to exceed \$200,000; and be it further

RESOLVED, that the 20% required Local share of \$40,000 be made available in the previously approved 2016 Capital Budget, in B.16009 – 2016 Federal Aid Bridge Projects Preservation Design, Fund 420, Funds Center 123; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept the 80% reimbursement of \$160,000 in Federal Aid from the Supplemental Agreement with the NYSDOT; and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in B.16009, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
<b>REVENUES</b>				
414000	Federal Aid	\$ 0	\$ 160,000	\$ 160,000
475000	Gen Oblig Bond Proc	<u>\$ 150,000</u>	<u>\$ 0</u>	<u>\$ 150,000</u>
<b>TOTAL REVENUES</b>		<u>\$ 150,000</u>	<u>\$ 160,000</u>	<u>\$ 310,000</u>
<b>APPROPRIATIONS</b>				
<b>CAPITAL PROJECTS</b>	Capital Project Expense	<u>\$ 150,000</u>	<u>\$ 160,000</u>	<u>\$ 310,000</u>
<b>TOTAL APPROPRIATIONS</b>		<u>\$ 150,000</u>	<u>\$ 160,000</u>	<u>\$ 310,000</u>

and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's design phases V-VI, and right of way acquisition phases exceeds the amount appropriated, \$200,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the 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 Marchiselli Aid on behalf of the County of Erie, with the NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the Municipality's first instance funding of Project costs and

permanent funding of the local share of Federal Aid- and State Aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the necessary Amendment to the existing design contract with Foit-Albert Associates, the design engineers for this Project, to include the final design services for the Project, in an amount not to exceed \$200,000; 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 NYSDOT; 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.

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

19. COMM. 14E-36 (2018)  
COUNTY EXECUTIVE

WHEREAS, the County of Erie is interested in the fostering of business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the sound reuse of urban brownfields for productive use, be it industrial, commercial, or recreational; and

WHEREAS, the former Bethlehem Steel site in the City of Lackawanna is now owned by Tecumseh Redevelopment Inc., and that Tecumseh Redevelopment Inc., the City of Lackawanna and the County of Erie entered into a Memorandum of Understanding (MOU) on April 12, 2005 to work cooperatively toward the goal of the redevelopment of this underutilized site; and

WHEREAS, there is a need for construction services for the Dona Street extension to be performed by a contractor specializing in such services; and

WHEREAS, after a public bidding process, the lowest responsible bidder will be selected as having the necessary expertise, experience, and manpower to provide the County of Erie with construction services for the above noted Dona Street extension project.

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Executive be authorized to execute a negotiated Contract between the County of Erie and the lowest responsible bidder for construction services in an amount not to exceed \$2,100,000 and establish a Project Contingency in an amount not to exceed \$500,000 and execute any necessary Change Orders; and be it further

RESOLVED, that the funding for this project is available from the previously approved 2017 and 2018 Capital Budgets, using up funds in the following order:

Fund 410, Funds Center 162:

1) A.17016	2017 Bethlehem Steel Redevelopment	\$424,668.29
2) A.18022	2018 Bethlehem Steel Redevelopment	\$1,400,000.00

Fund 420, Funds Center 123:

3) B.17050	2017 Capital Overlay	\$775,331.71
Total not to exceed		\$2,600,000.00

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, Division of Highways, and also one copy each to the Department of Environment and Planning, Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

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

20. COMM. 14E-37 (2018)  
COUNTY EXECUTIVE

WHEREAS, a Project for the Replacement of Hillcroft Road Bridge over Eighteen Mile Creek, Town of Boston, Erie County, NYS PIN 5761.69, BIN 3327840 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the appropriation of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the Hillcroft Road Bridge over Eighteen Mile Creek, BIN 3327840, needs to be replaced due to structural deficiencies; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment to advance 80% of the reimbursable Federal share and payment of the 20% Non-Federal share of the costs of the design engineering (Scoping & Design phases I-VI); and

WHEREAS, the design phases I - VI of the Project, PIN 5761.69, is currently estimated at \$400,000 and the 20% local share for the Project, in the amount of \$80,000, is available in Fund 420, Funds Center 123, SAP Project B.16015 – 2016 Bridge and Culvert Design – 5761.69 Hillcroft Design; and

WHEREAS, engineering design services are required for this project, the Department of Public Works shall issue a Request for Proposals (RFP) for this project using the Federal Aid - Local Design Services Agreement (LDSA) process; and

WHEREAS, the County of Erie desires to enter into an engineering services agreement with the most qualified consultant selected.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes participation in the Federal Aid project for the replacement of Hillcroft Drive Bridge over Eighteen Mile Creek, BIN 3327840, PIN 5761.69; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an agreement with New York State Department of Transportation (NYSDOT) for the project; and be it further

RESOLVED, that the County Executive be authorized to in enter into an engineering services agreement with the most qualified firm; 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 Engineering Design (Scoping & Design I-VI) phase of the Project or portions thereof in the amount of \$400,000; and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to accept the 80% Federal aid reimbursement of \$320,000 and adjust the budget in the previously approved 2016 Federal Aid project: B.16015 – Preservation of Bridges and Culverts, Design, Funds Center 123, Fund 420 for the anticipated Federal Aid as follows:

Account	Description	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
REVENUE				
414000	Federal Aid	\$ 0.00	\$ 320,000.00	\$ 320,000.00
445070	Prem on Obligation	\$ 54,268.00	\$ 0.00	\$ 54,268.95
475000	Gen Oblig Bond Proc	\$ 345,731.05	\$ 0.00	\$ 345,731.05
TOTAL REVENUES		<u>\$ 400,000.00</u>	<u>\$320,000.00</u>	<u>\$ 720,000.00</u>
APPROPRIATIONS				
CAPITAL	Capital Project Exp			
PROJECTS		<u>\$ 400,000.00</u>	<u>\$ 320,000.00</u>	<u>\$ 720,000.00</u>
TOTAL APPROPRIATIONS		<u>\$ 400,000.00</u>	<u>\$ 320,000.00</u>	<u>\$ 720,000.00</u>

and be it further

RESOLVED, that the estimated total sum of \$400,000 for the Design phases I - VI of the Project, is hereby appropriated from B.16015 – Preservation of Bridges and Culverts Design and made available to cover the cost of participation in the Design phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's design phases I-VI exceeds the amount appropriated, \$400,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

RESOLVED, that the County Executive be authorized to enter into an engineering services agreement with the most qualified firm; 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 NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid- and State Aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

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

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the NYSDOT; 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.  
(5-0) Chair Savage not present for vote.

21. COMM. 14E-38 (2018)  
COUNTY EXECUTIVE

WHEREAS, the Safety Improvements at the Intersection of Genesee Road (CR 49/409), Route 240 (CR 27/198), and Sibley Road (CR 432), Town of Concord, PIN 5760.99 (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-5 dated May 12, 2016 and Communication 8E-4 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 5760.99, are currently estimated at \$1,113,888 and the County is required to pay the Local Share for the Project; and

WHEREAS, capital project B.18008 – 2018 Federal Aid Projects Intersection Construction – Genesee Road, Route 240, and Sibley Road (PIN 5760.99), Fund 420, Funds Center 123 was previously approved in the 2018 Adopted Capital Budget and was approved in the 2018 Consolidated Bond Resolution, Line 22, on 5/10/18; and

WHEREAS, the anticipated budget for this project is \$720,000 Federal revenue, \$60,000 NYS Marchiselli revenue, and \$333,888 in bonds for the Local Share representing the balance of the \$1,113,888 project; and

WHEREAS, the firm of Clark Patterson Lee, 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 Genesee Road (CR 49/409), Route 240 (CR 27/198), and Sibley Road (CR 432) intersection; and

WHEREAS, the Contractor will be 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 Genesee Road (CR 49/409), Route 240 (CR 27/198), and Sibley Road (CR 432), Town of Concord, PIN 5760.99 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 is hereby authorized to accept Marchiselli and Federal Aid per the approved Supplemental Agreement No. 2 with the NYSDOT, for the Genesee Road, Route 240, and Sibley Road (PIN 5760.99) and adjust the capital project budget in B.18008 – 2018 Federal Aid Projects Intersection Construction, in Fund 420, Funds Center 123, as follows:

Account	Description	Current Budget	Increase/ (Decrease)	Revised Budget
<b>REVENUES</b>				
405160	Marchiselli Aid	\$28,500	\$60,000	\$88,500
414000	Federal Aid	\$1,165,800	(\$60,000)	\$1,105,800
475000	Gen Oblig Bond Proceeds	<u>\$633,888</u>	\$0	<u>\$633,888</u>
<b>TOTAL REVENUES</b>		<u>\$1,828,188</u>	<u>(\$0)</u>	<u>\$1,828,188</u>
<b>APPROPRIATIONS</b>				
<b>CAPITAL PROJECTS</b>	Capital Project Exp	\$1,004,388	\$780,000	\$1,784,388
<b>UNALLOCATED</b>		<u>\$823,800</u>	<u>(\$780,000)</u>	<u>\$43,800</u>
<b>TOTAL APPROPRIATIONS</b>		<u>\$1,828,188</u>	<u>(\$0)</u>	<u>\$1,828,188</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 Clark Patterson Lee for construction inspection services in an amount not to exceed \$146,777.92; and be it further

RESOLVED, that the County Executive be authorized to execute a negotiated Contract between the County of Erie and the lowest responsible bidder for construction services in an amount not to exceed \$790,000 and establish a Project Contingency in an amount not to exceed \$177,110.08 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 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.

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

22. COMM. 14E-46 (2018)  
COUNTY EXECUTIVE

AS AMENDED



WHEREAS, energy efficient modifications and various improvements to the Exhibit Hall will allow the Buffalo Niagara Convention Center (BNCC) to maintain its competitiveness as a destination, provide energy savings and preserve the building for a longer useful life; and

WHEREAS, based on the BNCC's calendar of events at the Exhibit Hall, the window of time for completion of the referenced project is extremely tight; they have requested that the improvement work be completed during the nearest available dates from December 15, 2018 through December 27, 2018; and

WHEREAS, the Department of Public Works plans to receive bids for the project during the month of August 2018, while the Legislature is on summer recess; and

WHEREAS, in order to meet the tight window for the completion of the project, authorization is needed to award a contract to the lowest responsible bidder in an amount not to exceed \$450,000, with an additional allowance of \$50,000 for a project contingency.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the lowest responsible bidder for the energy efficient modifications and various improvements to the Exhibit Hall in an amount not to exceed \$450,000; and be it further

RESOLVED, that the sum of \$50,000 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the construction contingency fund; and be it further

RESOLVED, that change order reductions will result in these savings being returned to the construction contingency fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the approved, as amended 2017 capital budget, Fund 410, Funds Center 122 as follows:

A.17003    2017 Buffalo Niagara Convention Center Rehabilitation    \$ 500,000

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, and the Office of the Comptroller, and copies to the Buffalo Niagara Convention Center to both Paul Murphy and their Financial Officer.

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

**PATRICK B. BURKE  
CHAIR**

**LEGISLATOR RESOLUTIONS**

Item 28 – MS. BASKIN presented the following resolution and moved for immediate consideration. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 156

RE: New York State Mortgage  
Assistance Program  
(INTRO. 15-1)

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

WHEREAS, this Honorable Body has expressed concern regarding the issue of owner-occupied properties facing foreclosure in Erie County; and

WHEREAS, this Legislature in a bipartisan resolution last year recognized that the problem of vacant and abandoned properties in Erie County was exacerbated by unpaid taxes; and

WHEREAS, the New York State Mortgage Assistance Program, (MAP) funded by settlements between the NYS Attorney General and various banks, provides residential homeowners who are living in their homes up to forty-thousand dollars in thirty-year no-interest loans to prevent foreclosures on their residences; and

WHEREAS, the forty-thousand dollars assistance amount is likely to increase in the near future; and

WHEREAS, the MAP program will reimburse the County for unpaid taxes and interest if doing so will keep a residential, owner-occupied property out of foreclosure; and

WHEREAS, applicants for the MAP program must be pre-screened by a recognized legal services organization or housing counseling agency; and

WHEREAS, the application process takes into consideration the ability of the applicant to afford the property and future expenses, including taxes, as a condition of eligibility; and

WHEREAS, several local legal services organizations and housing counseling agencies such as the Western New York Law Center, Belmont Housing Resources for WNY, the Center for Elder Law and Justice, the Legal Aid Bureau, and Buffalo Urban League, are authorized to pre-screen MAP applicants for eligibility; and

WHEREAS, applicants must wait several months following pre-screening to complete the MAP process; and

WHEREAS, the Erie County tax foreclosure auction is scheduled to be held in September 2018; and

WHEREAS, it is the goal of this Legislature to keep residents in their homes whenever possible.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its intention that:

- (1) Erie County will accept an affidavit from local legal services organizations and housing counseling agencies such as the Western New York Law Center, Belmont Housing Resources for WNY, the Center for Elder Law and Justice, the Legal Aid Bureau, and Buffalo Urban League indicating that an applicant has been pre-screened and is, to the best of the affiant's knowledge, eligible for New York State Mortgage Assistance Program assistance from any of these legal services organizations or housing counseling agencies who are authorized to pre-screen applicants for the MAP program as a prima facie indication that the applicant will be found eligible for MAP assistance for the entire amount of unpaid taxes and interest if the affidavit so indicates; and
- (2) The County will enter into a payment agreement with such resident removing the property from the County's tax foreclosure auction, with no down payment required, as long as such payment agreements indicate that if MAP assistance for any reason is not forthcoming and the homeowner defaults on the payment agreement, the property may be placed back into the next scheduled County tax foreclosure auction; and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to the County Executive, Director of Real Property Tax Services, County Attorney, and the Western New York Law Center, Belmont Housing Resources for WNY, the Center for Elder Law and Justice, the Legal Aid Bureau, and Buffalo Urban League.

Advocate Statement of NYS MAP Application Status

\_\_\_\_\_, an attorney or certified housing counselor attests to the

following:

1. I am the attorney or housing counselor for \_\_\_\_\_ owner of the property located at \_\_\_\_\_.
2. New York State Mortgage Assistance Program (NYS MAP) is a program funded by settlements between the NYS Attorney General and various banks that can loan up to \$40,000, which is likely to increase in the near future, for homeowners who are facing

foreclosure of their primary residence. The loans are 0% interest with no payments due until maturity of the loan or sale of the property.

3. NYS MAP funding can be used to pay County tax arrears.
4. NYS MAP funding is contingent upon program eligibility, availability of funds, and meeting NYS MAP underwriting guidelines.
5. \_\_\_\_\_ applied for NYS MAP on \_\_\_\_\_.
6. To the best of my knowledge, based on available NYS MAP program guidelines and information I have been given regarding \_\_\_\_\_'s income, finances, and property, \_\_\_\_\_ meets the basic qualifications to proceed with a NYS MAP loan application.
7. Final determination of NYS MAP eligibility is dependent upon NYS MAP's review of the application and decision.

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

\_\_\_\_\_  
Advocate's Signature  
Phone:  
Address:

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

CARRIED UNANIMOUSLY.

Delete the First Resolve Clause in its Entirety and Replace with the Following:

RESOLVED, that the Erie County Legislature expresses its intention that:

- (1) Erie County shall accept an affidavit from the following local legal services organizations and housing counseling agencies, the Western New York Law Center, Belmont Housing Resources for WNY, the Center for Elder Law and Justice, the Legal Aid Bureau, and Buffalo Urban League indicating that an applicant has been pre-screened and is, to the best of the affiant's knowledge, based on the official MAP application guidelines, eligible for New York State Mortgage Assistance Program assistance from any of these legal services organizations or housing counseling agencies who are authorized to pre-screen applicants for the MAP program as a prima facie indication that the applicant will

be found eligible for MAP assistance for the entire amount of unpaid taxes and interest if the affidavit so indicates; and

(2) The County will enter into a payment agreement with such resident removing the property from the County's tax foreclosure auction, with no down payment required, as long as such payment agreements indicate that if MAP assistance for any reason is not forthcoming and the homeowner defaults on the payment agreement, the property may be placed back into the next scheduled County tax foreclosure auction; and

(3) This resolution shall be valid for the year of 2018.

and be it further

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 157

RE: Re-Appropriation of 2018 Public  
Benefit Funding  
(INTRO. 15-2)

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

WHEREAS, the Town of Tonawanda was erroneously awarded \$500 in county funding that was intended to be awarded to the City of Tonawanda for the benefit of the City of Tonawanda Senior Center; and

WHEREAS, in order for the funding to be awarded to the City of Tonawanda Senior Center it must first be redirected to the City of Tonawanda; and

WHEREAS, it is the intent of this honorable body to transfer such 2018 funding to the appropriate organization serving the intended residents of Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer \$500 of the available 2018 funding from the Town of Tonawanda in Fund Center #1333010, Account #518500, to the City of Tonawanda, in Fund Center #1333010, Account #518500 for the benefit of their Senior Center; and be it further

RESOLVED, that if funds are not expended or encumbered by the City of Tonawanda 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.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 158

RE: Transfer of Surplus Property to  
Access of WNY  
(INTRO. 15-3)

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

MS. BASKIN moved to amend the resolution. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Insert the Following:

WHEREAS, Access of WNY recently requested a transfer of property from the County's surplus warehouse and has identified surplus items that would be of tremendous use to them; and

WHEREAS, these items no longer serve a purpose for the County of Erie and representatives of the Department of Purchase have indicated that the request is proper therefore the items identified below could be transferred to Access of WNY.

NOW, THEREFORE, BE IT

RESOLVED, that ownership of the following item is hereby transferred from the County of Erie to the Access of WNY:

Asset #	Description
FM00515	5 drawer black lateral file cabinet

FM00516	5 drawer letter file cabinet
FM00517	Mail Sorter box
FM00520	wooden bench
FM00521	wooden bench
FM00522	4 drawer gray lateral file cabinet
FM00523	Long wood folding table
FM00524	quality assurance control board
FM00525	6 drawer yellow lateral file cabinet
FM00526-545	20 black stackable chairs

and be it further

RESOLVED, that these items are to be used for a purpose related to the operations of Access of WNY and should not be transferred to any other entity without prior consent of the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Purchase, Access of WNY, and any party deemed necessary and proper.

MS. BASKIN moved to approve the resolution as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 159

RE: Appointments to the Citizens  
Salary Review Commission  
(INTRO. 15-4)

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

WHEREAS, Article 22-A of the Erie County Charter establishes the Citizens Salary Review Commission (“Commission”), whose mission is to “review the salaries of all elected officials of the County of Erie, except for the District Attorney, and report its recommendations to the County Executive and the County Legislature”; and

WHEREAS, the Commission shall consist of nine members and it shall be representative of taxpayer, civic, labor, business, professional, financial and minority groups in the County of Erie; and

WHEREAS, five members of the Commission shall be appointed by the County Executive, two members shall be appointed by a majority vote of the members of the political party whose membership of the County Legislature constitutes a majority of the Legislature, one member of the

Commission shall be appointed by a majority vote of the members of the political party whose membership of the County Legislature constitutes a minority vote of the Legislature, and one member of the commission shall be appointed by the County Comptroller; and

WHEREAS, via Comm. 11E-14, the Erie County Executive has impaneled the Commission for 2018 and appointed his five members and there is a need for the Legislature and County Comptroller to appoint their members to the Commission.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby appoint the following persons as members of the Erie County Citizens Salary Review Commission as appointees of the Majority Caucus:

Michael Lukasik  
69 Kenton Road  
Kenmore, NY 14217

Tiffany R. Perry, Esq.  
51 Crestwood Avenue, Upper  
Buffalo, NY 14216

and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to the County Executive, County Attorney, and Commissioner of Personnel.

Item 32 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH 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. LOUGHRAN, MS. MILLER-WILLIAMS and CHAIR SAVAGE.  
NOES: MR. BURKE. (AYES: 10; NOES: 1)

CARRIED.

RESOLUTION NO. 160

RE: Appointment of E. Thomas Jones  
as Commissioner of the ECWA,  
to Fill Vacancy  
(INTRO. 15-5)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS LORIGO, MILLS, HARDWICK & RATH**

WHEREAS, Commissioner Simmeth resigned prior to the expiration of his term; and

WHEREAS, pursuant to §1053 of New York State's Public Authorities Law this honorable body is tasked with appointing Commissioners to the Erie County Water Authority for the remainder of unexpired terms; and



WHEREAS, requirements for the appointment as commissioner are that no more than two commissioners have the same political affiliation; and

WHEREAS, following a public hearing wherein prospective commissioners were interviewed by this body, it is determined that E. Thomas Jones was the most qualified candidate; and

WHEREAS, it is the responsibility of the Erie County Legislature to appoint a new Commissioner to the Erie County Water Authority.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby appoints E. Thomas Jones, of 10 Cape May, East Amherst, New York 14051, as a Commissioner of the Erie County Water Authority, effectively immediately, for the remainder of the unexpired term, which expires on April 27, 2020; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Water Authority board of commissioners, the Erie County Executive, the County Attorney and any other party deemed necessary and proper.

Item 33 – MR. LORIGO presented the following resolution and moved for immediate consideration. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 161

RE: Opposition to Raising the Age  
for Service of Alcohol  
(INTRO. 15-6)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS LORIGO & MILLS**

WHEREAS, a new law has been proposed with bipartisan support in New York State to clarify the rules surrounding alcoholic beverage tastings. The legislation is an amendment to the New York State Tax code and primarily offers sales tax exemptions and limitations as to volume for samples offered to an individual in a calendar day; and

WHEREAS, it is a finding of this honorable body that tastings are an important event for any new alcoholic beverage, and therefore beverage manufacturer, as they have to compete in an already saturated and established market and that additional regulations offering sales tax exemptions and clarifying what constitutes a tasting is welcome in this market; and

WHEREAS, the law would also prohibit anyone under the age of 21 from serving alcoholic samples or handling open containers of alcohol, which is up from the current age to serve alcohol of 18; and

WHEREAS, it is not clear from the legislation as to whether this age prohibition is restricted to tastings or whether it applies to any level of service involving open containers of alcohol, the latter of which has substantial consequences to the entire restaurant industry, not just the businesses solely involved in the manufacture and sale of alcoholic beverages; and

WHEREAS, many residents between the ages of 18 and 21 rely on employment in the service industry. Jobs at restaurants and bars that serve alcohol provide income in the form of wages and tips and offer flexible hours for youth including many of our area's college students; and

WHEREAS, this law unjustly eliminates many opportunities for employment for these residents and further limits the freedom of bars and restaurants to hire them; and

WHEREAS, local breweries have reached out to members of this body with concerns about the impact of this law and are looking to have the age restriction portion of this law is reconsidered.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that this honorable hereby opposes subsection II(G) contained in A11203's amendment to the New York State Tax Law, which would increase the age to serve or otherwise handle alcoholic beverages to 21 years of age; and be it further

**RESOLVED**, that this honorable body hereby asks Governor Cuomo to return this bill to the New York State Legislature for further revisions to eliminate the age restriction; and be it further

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

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

**CARRIED UNANIMOUSLY.**

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

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS LORIGO, MILLS, SAVAGE, BASKIN, MILLER-WILLIAMS,  
HARDWICK, LOUGHRAN, RATH, BURKE, BRUSO & DIXON**

WHEREAS, an amendment to the New York State Tax code has been proposed, with bipartisan support, to clarify the rules surrounding alcoholic beverage tastings. The legislation primarily offers sales tax exemptions and set standards as to volume for samples offered to an individual in a calendar day; and

WHEREAS, it is a finding of this honorable body that tastings are an important event for any new alcoholic beverage and beverage manufacturer, as they have to compete in an already saturated and established market. Therefore, additional regulations offering sales tax exemptions and clarifying what constitutes a tasting is welcome in this market; and

WHEREAS, the law, as currently written, sets standards for tasting sizes and volumes in an effort to enable tracking for tax exemption purposes. However, the proposed legislation limits the

total number of samples an individual may consume. While that defines the number of tastings that are tax exempt, it might also create liability for anyone looking to try more than the prescribed number of tastings, which is presumably not the intent; and

WHEREAS, the law would also prohibit anyone under the age of 21 from serving alcoholic samples or handling open containers of alcohol, which is up from the current age to serve alcohol of 18; and

WHEREAS, it is not clear from the legislation as to whether this age prohibition is restricted to tastings, or whether it applies to any level of service involving open containers of alcohol. The latter has substantial consequences to the entire restaurant industry, not just the businesses solely involved in the manufacture and sale of alcoholic beverages; and

WHEREAS, if the law is intended to only prohibit 18-21 year olds from working in a tasting room, it does so with no rational justification and would require that bars, with attached breweries, hire two sets of staff for each the restaurant and tastings portions; and

WHEREAS, many residents between the ages of 18 and 21 rely on employment in the service industry. Jobs at restaurants and bars that serve alcohol provide income and offer flexible hours for youth including many of our area's college students. Further; and

WHEREAS, this law unjustly eliminates many opportunities for employment for these residents and further limits the freedom of breweries, bars, and restaurants to hire them; and

WHEREAS, local breweries have reached out to members of this body with concerns about the impact of this law and are looking to have the age restriction portion of this law is removed entirely.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable hereby opposes subsection II(G) contained in A11203's amendment to the New York State Tax Law, which would increase the age to serve or otherwise handle alcoholic beverages to 21 years of age; and be it further

RESOLVED, that this honorable body hereby asks Governor Cuomo return this bill to the New York State Legislature for further revisions to eliminate the age restriction and clarify the reasoning for designated sample sizes and the limit to number of consumable samples; and be it further

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

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 34 – MS. BASKIN moved to discharge the GOVERNMENT AFFAIRS COMMITTEE of further consideration of INTRO. 4-5 (2018). MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 162

RE: Supporting Bills S6027A and A9611  
Amending NYS Transportation Law to  
Increase Accessible Busing Service Area  
for Disabled Passengers  
(INTRO. 4-5, 2018)

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

WHEREAS, as reported by the U.S. Census Bureau in 2010, nearly 1 in 5 Americans live with a disability, equaling about 57 million people and approximately 19 percent of the country's population; and

WHEREAS, providing accommodations for those who are disabled is a promise upheld by the Americans with Disabilities Act of 1990 (ADA) and one in accordance with upholding the worth and dignity of each citizen by providing them the means to live a fully integrated and productive life; and

WHEREAS, the ADA's intent was to protect those who are disabled from being discriminated for purposes of employment, in the delivery of goods and services, and to require employers to create accessibility requirements and accommodations to employees and patrons who are disabled; and

WHEREAS, the landmark civil rights law was first introduced by Democratic Senator Tom Harkin, and passed both Houses of Congress with bipartisan support before being signed into law by Republican President George H.W. Bush in 1990; and

WHEREAS, most recently, a twofold bill has been introduced in the New York State Assembly and Senate that would increase the service area for accessible busing to one and a half miles from any bus line of the transportation authority and require that no less than sixty-five percent of buses in the regularly operated fleet are accessible; and

WHEREAS, to meet the sixty-five percent requirement, all buses leased, purchased, or brought into service would be required to provide access to transportation disabled citizens until this threshold is met. The sole exception to this requirement would be buses put into service to relieve temporary, unplanned shortages of buses in service; and

WHEREAS, it is imperative that our country's disabled citizens are empowered members of our community, and with the unified voice of the Erie County Legislature, the people of Erie County can make its support for this important issue known to State lawmakers and bring forth the momentum and movement needed to bring it to the Floor for passage; and

WHEREAS, recognizing the necessity of achieving this goal, this Honorable Body hereby goes on record to voice its support for both bills in the State Legislature, and urge the continuation of the tradition of bipartisanship in issues regarding the rights of disabled persons.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body does hereby support amending New York State Transportation Law to increase the service area for paratransit transportation, and for buses to expand their accommodations for those who are disabled; and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Andrew Cuomo, the Western New York Delegation of the State Legislature, Executive Director of the Niagara Frontier Transportation Authority Kimberley Minkel, and any other party deemed necessary and proper.

MR. LORIGO moved to amend the resolution by adding Et Al Sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 35 – MR. LOUGHRAN moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of INTRO. 14-1 (2018). MR. LORIGO 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.

Item 36 – MS. BASKIN moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of INTRO. 14-2 (2018). MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 163

RE: Excluding Veteran Disability  
Compensation from the Income  
Calculation for an Erie County Senior  
Citizen Property Tax Exemption  
(INTRO. 14-2, 2018)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS SAVAGE, BASKIN, BURKE & BRUSO**

WHEREAS, New York State Real Property Tax Law (RPTL) Section 467 allows local municipalities to offer a senior property tax exemption based on income; and

WHEREAS, state law was amended in 1997 to allow municipalities to “opt out” of including certain income when calculating and providing for said property tax exemptions on seniors; and

WHEREAS, veteran disability compensation is provided by the US Department of Veterans Affairs to former military service members who have a chronic condition that is connected to their service and such payments are intended to compensate them for a decreased quality of life due to their service connected disability; and

WHEREAS, veterans who receive veteran disability compensation are not issued a W-2 or 1099 for such payments; and

WHEREAS, the US Department of Veterans Affairs, Internal Revenue Service, and New York State Department of Taxation and Finance do not consider veteran disability compensation as income; and

WHEREAS, under state law, if allowed by local option, property that (1) is owned by persons 65 years of age or older, or by certain other persons whose income does not exceed the maximum established by local option, (2) is used exclusively for residential purposes, and (3) has been owned by at least one of its owners for a minimum of 12 consecutive months prior to application for exemption or for a period of time considered to be the equivalent of 12 consecutive months is partially exempt from general municipal taxes; and

WHEREAS, on July 7, 1970, the Erie County Legislature approved Item 16, a resolution opting into state legislation creating a property tax exemption for Erie County tax purposes for the Senior Citizen Real Property Tax Exemption; and

WHEREAS, that action did not contemplate, nor provide for an exemption or opt-out for those seniors who are veterans who receive disability compensation as defined in Title 38 of the United States Code; and

WHEREAS, the Erie County Department of Real Property Tax Services has identified 356 properties in Erie County that have a disabled veteran exemption (either Alternative or Cold War) and a senior exemption for county tax purposes; and

WHEREAS, these disabled veterans who are senior citizens could lose their senior property tax exemption without action to address this compensation issue and to exclude disabled veteran payments as income when assessors calculate the senior citizen exemption; and

WHEREAS, this resolution is intended to address that issue and to allow for veterans who receive veteran disability compensation to not have that income included in the calculation for an Erie County senior citizen property tax exemption; and

WHEREAS, periodically since July 1970, the maximum income level exemption has been reviewed and updated by the Erie County Legislature; and

WHEREAS, because the Senior Citizen Real Property Tax Exemption has not been reviewed or revised since 2004, it is necessary to also review and revise the County's exemption threshold based on maximum income eligibility for senior citizens.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, pursuant to Section 467 of the Real Property Tax Law, as amended, does hereby declare and find that for the purposes of such senior citizen property tax exemption, any such senior citizen who is a service-connected disabled veteran and receives disability compensation from the US Department of Veterans Affairs as defined in Title 38 of the United States Code, shall not have said payments/compensation included in the calculation by any assessor for the purposes of the exemption from the County of Erie real property taxes as initiated and approved by this Honorable Body in Item 16 on July 7, 1970; and be it further

RESOLVED, that the Erie County Legislature, pursuant to Section 467 of the Real Property Tax Law, as amended, is interested in participating in the local option to increase the maximum income eligibility for senior citizens to receive a real property tax exemption; and be it further

RESOLVED, upon public hearing, the maximum allowable income levels for the Senior Citizen Real Property Tax Exemption for the County property tax purposes are hereby revised to the following levels:

<b>Percentage of Exemption (%)</b>	<b>Minimum Income</b>	<b>Maximum Income</b>
50	\$0.00	\$27,000.00
45	\$27,000.01	\$27,999.99
40	\$28,000.00	\$28,999.99
35	\$29,000.00	\$29,999.99
30	\$30,000.00	\$30,899.99
25	\$30,900.00	\$31,799.99
20	\$31,800.00	\$32,699.99
15	\$32,700.00	\$33,599.99
10	\$33,600.00	\$34,499.99
5	\$34,500.00	\$35,399.99

and be it further

RESOLVED, that the Erie County Legislature hereby applies aforesaid exemption schedule to all taxable status dates for the 2019 assessment rolls in Erie County, applying to such tentative assessment rolls prepared on taxable status dates occurring on or after December 1, 2018; and be it further

RESOLVED, that a public hearing concerning these partial exemption from taxation and ad valorem levies was held to consider public input; and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Mark Poloncarz, Budget Director Robert Keating, Director of Real Property Tax Services Joseph Maciejewski, County Attorney Michael Siragusa, Senior Services Commissioner Timothy Hogues, Veteran Service Officer David Shenk, and to the Assessors of each city and town in Erie County.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 37 – MS. BASKIN moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of INTRO. 14-5 (2018). MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 164

RE: Support for Breast Milk and Babies  
(INTRO. 14-5, 2018)

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

WHEREAS, between May 21 and 26, 2018, the World Health Organization held their 71st World Health Assembly, which is attended by delegates from all WHO member states and serves as that organization's primary decision-making body; and

WHEREAS, according to media reports, recently, US officials at the World Health Assembly meeting in Geneva opposed a non-binding resolution that called on governments to "protect, promote, and support breastfeeding" and language that called on policymakers to restrict the promotion of unhealthy food products; and

WHEREAS, the US delegation met with resistance from the other delegations which supported the natural ability of mothers to breastfeed or pump and feed their babies with their natural breast milk; and

WHEREAS, facing international resistance, the US delegation threatened Ecuador, the country that intended to introduce the breastfeeding measure, with punitive trade and aid measures to try and compel Ecuador to support the US changes; and

WHEREAS, in 1981, following controversy over Nestlé's aggressive marketing of infant formula, the World Health Assembly adopted the "International Code of Marketing of Breast-milk



Substitutes” aimed at limiting the inappropriate marketing or promotion of breast milk substitutes, which health officials fear are an inadequate replacement for breast milk and can serve to encourage mothers to stop breastfeeding; and

WHEREAS, the WHO believes, backed by a fairly broad scientific consensus, that infants fed exclusively on breast milk for the first six months of their life face improved health outcomes, as does the American Academy of Pediatrics; and

WHEREAS, critics of the breast milk substitute industry contend that those companies use aggressive and potentially illegal marketing tactics that encourage mothers to abandon breastfeeding in favor of commercial products; and

WHEREAS, health policy advocates believed it was possible or likely that the US actions were motivated by the Trump administration bowing to the food industry and infant-formula manufacturers which seek to sell more formula or dairy milk, with Lucy Sullivan, the director of 1,000 Days, an advocacy group that works on nutrition for mothers and children, saying “What this battle in Geneva showed us is that we have a U.S. government that is strongly aligned with the interests of the infant-formula industry and dairy industry, and are willing to play hardball”; and

WHEREAS, at a stakeholder listening session held weeks prior to the Geneva session, the US delegation and US Department of Health and Human Services officials heard from food industry representatives such as Nestle which argued against breast milk and for alternatives; and

WHEREAS, this incident caps a decades-long battle by infant-formula makers to promote themselves as essentially on par with breast milk; and

WHEREAS, ironically, given US tensions with Russia, the Russian delegation ultimately introduced the breastfeeding resolution which passed overwhelmingly.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for women and babies and the natural process of breastfeeding and breast milk, as “breast is best”, and notes that ultimately, women should decide on their own, based on unbiased medical guidance, how to feed and nurture their babies, whether using breast milk or formula if breastfeeding is not medically viable or best for the child; and be it further

RESOLVED, that this Honorable Body expresses its concern and opposition to the US delegation to the World Health Assembly’s actions which seem designed to support industry and business concerns, instead of women and children; and be it further

RESOLVED, that certified copies of this resolution be transmitted to President Donald Trump, Secretary of Health and Human Services Alexander Azar, Secretary of State Michael Pompeo and to the World Health Organization and World Health Assembly.

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

CARRIED UNANIMOUSLY.

Item 38 – MS. BASKIN moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 14E-42 (2018). MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 165

RE: 2018 RAN Resolution  
(COMM. 14E-42, 2018)

RESOLUTION DELEGATING TO THE COUNTY COMPTROLLER THE POWERS TO AUTHORIZE THE ISSUANCE OF \$100,000,000 REVENUE ANTICIPATION NOTES OF THE COUNTY OF ERIE, NEW YORK, OR SO MUCH THEREOF AS MAY BE NECESSARY, IN ANTICIPATION OF THE RECEIPT OF CERTAIN REVENUES FOR THE FISCAL YEAR ENDING DECEMBER 31, 2018, AND TO PRESCRIBE THE TERMS, FORM AND CONTENTS, AND PROVIDE FOR THE SALE AND CREDIT ENHANCEMENT OF SUCH NOTES.

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

Section 1. 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 “Law”), the power to authorize the issuance of Revenue Anticipation Notes (herein called “Notes”) of the County of Erie, in the State of New York (the “County” and “State”, respectively), in the aggregate principal amount of not to exceed \$100,000,000, and any notes in renewal thereof, is hereby delegated to the County Comptroller, as chief fiscal officer of the County.

Section 2. The Notes shall be issued in anticipation of the collection or receipt of revenues due to the County in the 2018 fiscal year from (i) State Social Services aid, (ii) State aid for Health Department programs, and (iii) State aid for Mental Health programs, (iv) Social Services aid from the United States government; and (v) the collection or receipt of revenues due and payable to the County in the 2018 fiscal year from sales and compensating use taxes; the proceeds of such Notes shall be used only for the purposes of paying the current expenses of the County for said fiscal year payable from the revenues in anticipation of which they are issued.

Section 3. The Notes shall contain the recital of validity prescribed by Section 52.00 of the Law and shall be general obligations of the County, and the faith and credit of the County shall be pledged to the punctual payment of the principal of and interest on the Notes and, unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget of the County and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. Subject to the provisions of this resolution and the Law, and pursuant to Sections 50.00, 56.00, 60.00, and 168.00 of the Law, inclusive, the powers to prescribe the terms, form and contents, and all other powers or duties pertaining or incidental to the sale and issuance of the Notes authorized pursuant hereto, or any renewals thereof, including the power to determine the respective amounts of Notes to be issued in anticipation of said respective revenues specified in Section 2

hereof, and the power to enter into agreements for credit enhancement for the Notes, are hereby delegated to the Comptroller, as chief fiscal officer of the County.

Section 5. This resolution shall take effect immediately.

MS. BASKIN moved to approve the resolution. 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.

Item 39 – MS. BASKIN moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 14E-45 (2018). MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 166

RE: Placeholder - Fleet Services –  
Authorization to Enter into Contract  
with Enterprise Fleet Management  
(COMM. 14E-45, 2018)

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

CARRIED UNANIMOUSLY.

Insert the Following:

WHEREAS, the County of Erie has hundreds of vehicles in its inventory ranging greatly in size, frequency of usage, type and purpose; and

WHEREAS, it is the responsibility and charge of every department within County government to constantly pursue methods that reduce costs while providing safe reliable services to our constituents and customers, both internal and external; and

WHEREAS, after much deliberation and assessment of our current Fleet Management program it is the desire of the Department of Public Works to adjust from the ownership model to an open-ended lease model of vehicle acquisition moving forward; and

WHEREAS, the 2019 Budget will reflect the necessary changes across the multiple impacted departments via this new Fleet Management program. However for the remainder of 2018 budget transfers will be required to enable the expected savings the program provides Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a lease and management agreement with Enterprise Fleet Management, Inc.; and be it further

RESOLVED, that a portion of the funding source for 2018 lease payments towards the new fleet inventory will be provided from revenue generated through the partial liquidation of our current vehicle inventory which is estimated to bring in \$3,152,927 over 5 years and \$1,902,927 in the first full year for the general fleet and \$553,500 over 4 years with at \$124,500 in the first full year for the vehicles in the Sheriff's department; and be it further

RESOLVED, that the Division of Budget and Management is authorized to make any necessary adjustments from the existing budget in Equipment, Repairs and Maintenance and any other vehicle-related accounts of the effected departments as well as utilizing any excess proceeds in Sale of Excess materials revenue account to cover the potential new cost for the remainder of 2018 which is not to exceed \$300,000; and it be 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, and the Office of the Comptroller.

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

CARRIED UNANIMOUSLY.

### **SUSPENSION OF THE RULES**

Item 40 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 15-7 from SAVAGE Re: Appointment of a Member of the Board of Trustees of the Olmsted Parks Conservancy.

RESOLUTION NO. 167

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

WHEREAS, the Buffalo Olmsted Parks Conservancy, a 501(c) 3 not-for-profit, independent, community organization promotes, preserves, restores, enhances and ensures maintenance of Olmsted Parks and Parkways in Buffalo to guarantee Olmsted park experiences for current and future generations; and

WHEREAS, the by-laws of the Buffalo Olmsted Parks Conservancy, Section 3.21 “Appointed Trustees,” states that among its membership one Olmsted trustee shall be appointed by the Erie County Legislature, and “shall have all the attributes and responsibilities of Board membership;” and

WHEREAS, that due to the resignation of Legislator Peter Savage as a member of the board of trustees of the Buffalo Olmsted Parks Conservancy, the Legislature’s appointment to the Olmsted Board is vacant, and in order to ensure a continuity of representation, legislative action by this Honorable Body to fill this vacancy is necessary.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby appoint Gina Davis of 63 East Parade Avenue, Buffalo, NY 14211 to serve as the Erie County Legislature representative to the Buffalo Olmsted Parks Conservancy Board of Trustees effective immediately; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Ms. Davis, the County Executive, the Mayor of the City of Buffalo, the Commissioners of Parks for both the City of Buffalo and County of Erie, and to the Executive Director of the Buffalo Olmsted Parks Conservancy (84 Parkside Ave., Buffalo NY 14214).

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM LEGISLATOR BASKIN**

Item 41 – (COMM. 15E-1) Letter to Legislature Regarding the Death of India Cummings

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 42 – MS. BASKIN presented the following resolution and moved for immediate consideration and approval. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 168

RE: ECSD No. 3 - Contract Close Out - CIR  
Electrical Construction Corp.  
(COMM. 15E-2)

WHEREAS, pursuant to Legislative Comm. 9E-6 (2015), CIR Electrical Construction Corp. was awarded Contract 54 STP-D, Electrical, for work associated with the “Sludge Incinerator Emissions Upgrades” at the Southtowns Advanced Wastewater Treatment Facility; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 54 STP-D, Electrical, in the final contract amount of \$152,070.00 which includes Change Order No. 2 (final), a decrease of \$2,130.00 and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 54 STP-D, Electrical, between the County of Erie and CIR Electrical Construction Corp. (400 Ingham Avenue, Buffalo, New York 14218) is accepted in the final contract amount of \$152,070 which includes Change Order No. 2 (final), a decrease of \$2,130 and is allocated in Erie County Sewer District No. 3 Project C.14301; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 54 STP-D, Electrical, to CIR Electrical Construction Corp. for a total contract amount of \$152,070; and be it further

RESOLVED, that the Clerk of the Legislature be directed to 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.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 169

RE: ECSD No. 3 - Contract Close Out –  
South Buffalo Electric, Inc.  
(COMM. 15E-3)

WHEREAS, pursuant to Legislative Comm. 11E-9 (2014), South Buffalo Electric, Inc. was awarded Contract 37STP-D, Electrical, for work associated with the “Southtowns AWTF Influent Submersible Pump Station and ORF Improvements Project” at the Southtowns Advanced Wastewater Treatment Facility; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 37STP-D, Electrical, in the final contract amount of \$1,713,843.06

which includes Change Order No. 2 (final), a decrease of \$38,656.94 and recommends approval for final payment; and

WHEREAS, the New York State Department of Labor (NYSDOL) has instituted cross withholding provisions for this project and hence final payments to South Buffalo Electric, Inc. are to be held until labor issues on other projects in the State are resolved.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 37STP-D, Electrical, between the County of Erie and South Buffalo Electric, Inc. (1250 Broadway, Buffalo, New York 14212) is accepted in the final contract amount of \$1,713,843.06 which includes Change Order No. 2 (final), a decrease of \$38,656.94 and is allocated in Erie County Sewer District No. 3 Project C.00012; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 37STP-D, Electrical, to South Buffalo Electric, Inc. or their bonding company Aegis Security Insurance for a total contract amount of \$1,713,843.06 contingent on release of cross withholding provisions by the NYSDOL; and be it further

RESOLVED, that the Clerk of the Legislature be directed to 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.

Item 44 – (COMM. 15E-4) ECMC - Medical Examiners Building - 2018 Roof Recoating

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 45 – (COMM. 15E-5) ECSD Nos. 4 & 5 - Partial Closures of Capital Reserve Funds

Item 46 – (COMM. 15E-6) ECSD No. 5 - Increase & Improvement of Facilities

Item 47 – (COMM. 15E-7) ECSD Nos. 1-6 & 8 - Section 271 Resolutions

Item 48 – (COMM. 15E-8) ECSD Nos. 1, 4, & 5 - Construction Inspection Term Contract Agreement

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

Item 49 – (COMM. 15E-9) Buffalo & Erie County Botanical Gardens - 2016 State & Municipal Facilities Program - Acceptance of Funds

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR DIXON

Item 50 – (COMM. 15E-10) Letter to SUNY Erie President Regarding Information Hot Line with Lemire LLC

Item 51 – (COMM. 15E-11) Letter to Chair Savage Regarding Press Release from Lemire Group

The above two items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 52 – MS. BASKIN presented the following resolution and moved for immediate consideration. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 170

RE: CSEA Local 815 Erie County Unit Job  
Upgrades - ECDMH  
(COMM. 15E-12)

WHEREAS, the Department of Mental Health, in consultation with the Departments of Personnel and Labor Relations, hereby requests approval to upgrade certain CSEA Local 815 positions within the County of Erie; and

WHEREAS, the Department of Mental Health's Forensic division risks losing existing staff and not being able to attract new talented employees as positional openings become available if the positions are not adjusted; and

WHEREAS, due to the inability of Erie County and CSEA to come to a collective bargaining agreement for seven years, the salaries of certain titles within the Department of Mental Health's Forensic Division have fallen below the salaries of similar workers in NYS or local community agency counterparts, and functioning at only seventy-five percent (75%) of full staffing due to constant turnover; and

WHEREAS, not adequately addressing this situation leaves Erie County vulnerable to liability, should an incident take place where a member of the vulnerable mental health population is not treated within the required timeframes; and

WHEREAS, Erie County is out of compliance with the 2011 Stipulated Order of Dismissal between Erie County and the United States Department of Justice, thus placing the County at risk of penalties should the issue become the subject of an enforcement action in the United States District Court.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves upgrading the following positions upon approval and certification of this resolution as follows:



Title	Current Job Group	Recommended Job Group
FMH Community Discharge Planner	8	9
FMH Specialist I – Adult	10	11

and be it further

RESOLVED, that subsequent salary increases for employees in these positions follow the salary scale schedules and other relevant provisions contained in the Collective Bargaining Agreement by and between the County of Erie and the CSEA Local 815; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any and all required budgetary adjustments in the 2018 Budget to properly fund the increased costs associated with the job group increases, and the Commissioner of Personnel is authorized to make any necessary personnel adjustments to implement the increases; and be it further

RESOLVED, that all payroll and personnel adjustments provided for in this resolution shall take effect as soon as practicable; and be it further

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

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

CARRIED UNANIMOUSLY.

Delete the First (1<sup>st</sup>) Resolve Clause and Replace with the Following:

RESOLVED, that the Erie County Legislature approves upgrading the following positions upon approval and certification of this resolution as follows:

<u>Title</u>	<u>Number of positions</u>	<u>Current Job Group</u>	<u>Recommended Job Group</u>
FMH Community Discharge Planner	2	8	9
FMH Specialist I – Adult	3	10	11
FMH Specialist I (55A)	1	10	11
FMH Specialist I – Adult (RPT)	8	10	11
Total	<u>14</u>		

and be it further

Add the Following as a New Third (3<sup>rd</sup>) Resolve Clause:

RESOLVED, that authorization is provided to increase the 2018 Budget of Mental Health as follows:

Department of Mental Health  
Funds Center 12420

Revenue		BUDGET
406810	State Aid-Forensic Mental Health Svcs	\$24,588
Appropriations		
500000	Full Time -Salaries	\$ 9,410
500020	Regular PT-Wages	<u>15,178</u>
	Total	\$24,588

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

CARRIED UNANIMOUSLY.

FROM THE COMPTROLLER

Item 53 – (COMM. 15E-13) Letter to Commissioner of Central Police Services Concerning Fentanyl Exposure at EC Lab

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR LORIGO

Item 54 – (COMM. 15E-14) Letter to Public Safety Committee Chair Regarding Upcoming Committee Discussion

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 55 – MS. BASKIN presented the following resolution and moved for immediate consideration and approval. MR. BURSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 171

RE: Establish Senior SNAP Enrollment  
2018-2019 Grant Funding  
(COMM. 15E-15)

WHEREAS, the National Council on Aging’s (NCOA) Senior SNAP Enrollment Initiative is a national program that supports efforts by community-based organizations and agencies to assist older adults (i.e. age 60 and over) in applying for and enrolling in the Supplemental Nutrition Assistance Program (SNAP); and

WHEREAS, the Erie County Department of Senior Services, in conjunction with the following eight partner agencies: Healthy Community Alliance, Inc.; Jericho Road Ministries, Inc. d/b/a Jericho Road Community Health Center (Jericho Road); Town of Amherst by and through the Amherst Center for Senior Services; Catholic Charities of Buffalo, NY; Town of Cheektowaga; Hispanos Unidos de Buffalo, Inc.; Schiller Park Community Services, Inc.; and Hearts and Hands Faith in Action, Inc. had submitted a competitive grant application to NCOA for Senior SNAP Enrollment Initiative Grant funding to increase current SNAP outreach and enrollment assistance to people ages 60 and older with focus in rural and refugee communities in Western New York; and

WHEREAS, NCOA has recently awarded the Department of Senior Services \$50,000 of Senior SNAP Enrollment Initiative grant funds for the period July 15, 2018 to April 30, 2020; and

WHEREAS, the grant is 100% funded and does not require a local share; and

WHEREAS, the Department desires to contract, at a cost not to exceed \$5,000 per subcontractor, with the eight partners listed above to implement the Senior SNAP Enrollment Initiative program in their communities.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive be and is hereby authorized to enter into a contract with The National Council on Aging (NCOA) to accept the \$50,000 of Senior SNAP Enrollment Initiative funding for the period July 15, 2018 to April 30, 2020; and be it further

RESOLVED, the County Executive be and is hereby authorized to contract with the Healthy Community Alliance, Inc.; Jericho Road Ministries, Inc. d/b/a Jericho Road Community Health Center (Jericho Road), Town of Amherst by and through the Amherst Center for Senior Services; Catholic Charities of Buffalo, NY; Town of Cheektowaga; Hispanos Unidos de Buffalo, Inc.; Schiller Park Community Services, Inc.; and Hearts and Hands Faith in Action, Inc. at a cost not to exceed \$5,000 per subcontractor; and be it further

RESOLVED, the County Executive be and is hereby authorized to enter into contracts and amendments with the NCOA, and the eight partners to effectuate adjusted funding levels; and be it further

RESOLVED, that the budget for the 163SRSNAP1820 grant, be established as follows:

REVENUES		BUDGET
	Account Description	
417060	Other Income Senior Srvcs	<u>\$50,000</u>
	TOTAL REVENUE	<u>\$50,000</u>

APPROPRIATIONS		BUDGET
Account	Description	
516020	Professional Svcs & Fees	\$5,000
517632	Healthy Comm Alliance	5,000
517672	Jericho Road	5,000
517540	Catholic Charities	5,000
517633	Heart & Hands Faith	5,000
517641	Hispanics United of Buffalo	5,000
517785	Schiller Park	5,000
517829	Town of Amherst Senior Ctr	5,000
916390	ID Senior Services Grant	10,000
TOTAL APPROPRIATIONS		<u>\$50,000</u>

and be it further

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

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

Item 56 – (COMM. 15E-16) Contract with The Service Collaborative of WNY, Inc.

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 57 – (COMM. 15E-17) BENLIC Pre-Emptive Bid Powers - Agreement with EC

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE SHERIFF

Item 58 – (COMM. 15E-18) Seized Assets Fund Transfer

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 59– (COMM. 15D-1) Mid-Year Budget Hearing Data

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 60 – (COMM. 15D-2) County Attorney Opinion - Concerning Operational Control of ECWA

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE ASSIGNED COUNSEL PROGRAM**

Item 61 – (COMM. 15M-1) Financial Report for the Period 1/1/18 - 6/30/18

Item 62 – (COMM. 15M-2) Quarterly Report for the 2nd Quarter of 2018

The above two items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE NYS DEC**

Item 63 – (COMM. 15M-3) Public Notice Fact Sheet - 441 Elmwood Ave., Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**ANNOUNCEMENTS**

Item 64 – The Clerk of Legislature announced that the next session of the Legislature will be held on Thursday, September 6, 2018, at 2:00 p.m., in the Chambers of the Legislature.

Item 65 – Chair Savage announced that on Friday, August 3, 2018, at 9:00 a.m., the Citizens Budget Review Commission will meet in the Legislative Conference Room. The meeting is open to the public.

**MEMORIAL RESOLUTIONS**

Item 66 – Legislator Burke requested that when the Legislature adjourns, it do so in memory of Labor Leader Flo Tripi.

Item 67 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Chester J. Krupczyk, Jr.

Item 68 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Hans J. Mobius, Edward F. Heim, William S. Bradley and Catherine Winfield Butsch.

Item 69 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Catherine Butsch.

Item 70 – Chair Savage requested that when the Legislature adjourns, it do so in memory of Lorraine M. Moffa, Rosalie Pfeiffer and Nadine Williams.

**ADJOURNMENT**

Item 71 - At this time, there being no further business to transact, CHAIR SAVAGE announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, September 6, 2018 at 2:00 p.m. Eastern Standard Time. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

CHAIR SAVAGE declared the Legislature adjourned until Thursday, September 6, 2018 at 2:00 p.m. Eastern Standard Time.

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