

**ERIE COUNTY LEGISLATURE
MEETING NO. 17
SEPTEMBER 20, 2018**

The Legislature was called to order by Chair Savage.

All members present.

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

The Pledge of Allegiance was led by Chair Savage.

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 16 from 2018. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. MILLER-WILLIAMS presented a proclamation Celebrating the Glorious 110th Birthday of Mamie Kirkland, an Inspiring Beacon of Hope, Resilience and Longevity.

Item 6 – MR. LORIGO, MS. DIXON, MR. HARDWICK, MR. MILLS & MR. RATH presented a proclamation Proclaiming the Month of September 2018 as "Hunger Action Month" in Erie County.

Item 7 – MR. LORIGO presented a proclamation Honoring 42 North Brewing Company for winning the Showcase Award at the Greater East Aurora Chamber of Commerce's 73rd Annual Business Recognition Awards Ceremony.

Item 8 – MR. LORIGO presented a proclamation Honoring Toy Town Car Show/Moose Club #370 for winning the Happening Award at the Greater East Aurora Chamber of Commerce's 73rd Annual Business Recognition Awards Ceremony.

Item 9 – MR. LORIGO presented a proclamation Honoring Bar-Bill Tavern for winning the Journey Award at the Greater East Aurora Chamber of Commerce's 73rd Annual Business Recognition Awards Ceremony.

Item 10 – MR. LORIGO presented a proclamation Honoring Brenda Deak of Tops East Aurora for winning the Excellence in Service Award at the Greater East Aurora Chamber of Commerce’s 73rd Annual Business Recognition Awards Ceremony.

Item 11 – MR. LORIGO presented a proclamation Honoring Daniel Brunson for winning the Visionary Award at the Greater East Aurora Chamber of Commerce’s 73rd Annual Business Recognition Awards Ceremony.

Item 12 – MR. LORIGO presented a proclamation Honoring It Takes A Community for winning the Civic Award at the Greater East Aurora Chamber of Commerce’s 73rd Annual Business Recognition Awards Ceremony.

Item 13 – MR. LORIGO presented a proclamation Honoring the East Aurora Advertiser for winning the 2018 Hall of Fame Inductee: Legend Award at the Greater East Aurora Chamber of Commerce’s 73rd Annual Business Recognition Awards Ceremony.

Item 14 – MR. LORIGO presented a proclamation Honoring Kathy Sitrek for winning the Educator of the Year Award at the Greater East Aurora Chamber of Commerce’s 73rd Annual Business Recognition Awards Ceremony.

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

CARRIED UNANIMOUSLY.

MS. BASKIN moved to amend the above ten items by including one for Legislator Rath, one for the entire Legislature, and by including Et Al Sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MS. BASKIN moved for approval of the above twelve items as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 15 – CHAIR SAVAGE directed that Local Law No. 1 (Print #2) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 16 – CHAIR SAVAGE directed that Local Law No. 4 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 17 – CHAIR SAVAGE directed that Local Law No. 8 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 18 – CHAIR SAVAGE directed that Local Law No. 12 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 19 – CHAIR SAVAGE directed that Local Law No. 14 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 20 – CHAIR SAVAGE directed that Local Law No. 15 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 21 – CHAIR SAVAGE directed that Local Law No. 16 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 22 – CHAIR SAVAGE directed that Local Law No. 17 (Print #1) 2017 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

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

GRANTED.

Item 24 – CHAIR SAVAGE directed that Local Law No. 23 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 25 – CHAIR SAVAGE directed that Local Law No. 2 (Print #1) 2018 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 26 – CHAIR SAVAGE directed that Local Law No. 3 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 27 – CHAIR SAVAGE directed that Local Law No. 6 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 28 – CHAIR SAVAGE directed that Local Law No. 7 (Print #1) 2018 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 29 – CHAIR SAVAGE directed that Local Law No. 8 (Print #1) 2018 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 30 – CHAIR SAVAGE directed that Local Law No. 9 (Print #1) 2018 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 178

September 13, 2018	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT.
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7E-31 (2018)
LORIGO: “Letter to Public Works Commissioner Concerning Road Conditions”
(Chair’s ruling)
 - b. COMM. 13D-5 (2018)

SECOND ASSISTANT COUNTY ATTORNEY: “Letter to Legislator Lorigo Regarding FOIL Requests”
(Chair’s ruling)

- c. COMM. 16M-4 (2018)
NFTA: “17A & Capital Expenditure Reports for First Quarter of Fiscal Year”
(Chair’s ruling)
- d. COMM. 16M-7 (2018)
NFTA: “Letter to Chair of Legislature Concerning Buffalo BOE Contract for 2018-19 School Year”
(Chair’s ruling)
- e. COMM. 16M-13 (2018)
FAIR APPORTIONMENT OF INFRASTRUCTURE REVENUE: “Chair’s Message & Update on FAIR Committee”
(Chair’s ruling)

2. INTRO. 7-6 (2018)
LORIGO, MILLS & HARDWICK
WHEREAS, cellphone towers are a necessity as they provide a means for communication between and among residents, first responders, and other emergency service providers; and

WHEREAS, despite being a necessity, they are often found to be unattractive, as a result local governments have put limitations on the construction and placement of new cell towers based on their own individual preference; and

WHEREAS, locally the Town of Amherst and the Town of Tonawanda already have restrictions in place limiting or prohibiting the construction of new cell towers; and

WHEREAS, Governor Cuomo has introduced a new proposal that would eliminate local authority over the location of “small cells,” which are cell towers that can be placed over existing telephone poles that add several feet in height and weigh in at roughly 400 pounds; and

WHEREAS, Governor Cuomo’s proposal would entirely remove local control over the construction and placement of these cells in favor of a single statewide plan; and

WHEREAS, localities often have aesthetic concerns, and do not want these eyesores in the open to detract from the landscape and neighborhoods, as they add both height and size to the top of telephone poles, in addition to public safety concerns; and

WHEREAS, this proposal has already been opposed by the Association of Towns and the New York Conference of Mayors in a recent letter, which was co-signed by Mayor Brown favoring the continuation of local control over the placement of small cells; and

WHEREAS, it is the determination of this honorable body that residents are in the best position to determine whether they wish to allow the construction of additional cell phone towers in

their neighborhoods, and local governments are in the best position to be responsive to the concerns of those residents; and

WHEREAS, it is also the finding of this body that if slow cell service and poor reception become an issue for residents of a particular city or town where a local restriction is in effect, residents living there can petition local representatives for changes to the local zoning ordinances or use their vote to effectuate local change.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body supports the continued ability of local governments to control the placement and regulations of cell towers and further opposes the Governor's proposal for a statewide permitting process; and be it further

RESOLVED, that certified copies of this Resolution be sent to the Western New York delegation to the New York State Legislature, Governor Andrew Cuomo's office, and any other party deemed necessary and proper.

(6-0)

3. COMM. 15E-9 (2018)
COUNTY EXECUTIVE

WHEREAS, the County of Erie owns the Buffalo and Erie County Botanical Gardens structure and is responsible for capital improvements that are needed periodically; and

WHEREAS, the County of Erie is interested in the fostering of tourism and the improvement of this historic structure; and

WHEREAS, the Erie County Department of Public Works applied for and was awarded a \$125,000 Dormitory Authority of the State of New York (DASNY) State and Municipal Facilities Program (SAM) grant to aid in the restoration and improvements of portions of the Botanical Gardens; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into a contract to accept the \$125,000 in grant funding for the capital improvements at the Botanical Gardens; and

WHEREAS, the required \$175,000 Erie County match is available in the approved, as amended 2017 Capital Budget, Project A.17002 – 2017 Botanical Gardens Rehabilitation, Fund 410, Funds Center 122.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to execute any and all agreements to enter into a contract with the Dormitory Authority of the State of New York (DASNY) State and Municipal Facilities Program (SAM) grant program to accept \$125,000 in grant funding for the restoration and improvements of portions of the Buffalo and Erie County Botanical Gardens; and be it further

RESOLVED, that the required \$175,000 Erie County match be made available in the approved, as amended 2017 Capital Budget, Project A.17002 – 2017 Botanical Gardens Rehabilitation, Fund 410, Funds Center 122, GL Account 559000 – County Share Grants; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management to establish funding in Grant Fund 281, Funds Center 1222010, as follows:

Erie County Department of Public Works
Dormitory Authority of the State of New York (DASNY)
State and Municipal Facilities Program (SAM) Grant
Project ID 9160
May 22, 2018 – May 21, 2021
122SAMBOTGARD1821

REVENUE	Budget
GL 409000 – State Aid	\$125,000
GL 479000 – County Share Contribution	<u>\$175,000</u>
TOTAL REVENUE	\$300,000
APPROPRIATIONS	
GL 516020 – Professional Services	<u>\$300,000</u>
TOTAL APPROPRIATIONS	\$300,000

and be it further

RESOLVED, that all expenditures meet the requirements of the SAM grant guidelines and 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 County funding requirements; 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 Botanical Gardens c/o Dave Swarts and Financial Officer.

(6-0)

4. COMM. 16E-15 (2018)
COUNTY EXECUTIVE

WHEREAS, the existing fiber-reinforced insulated translucent sandwich panel day lighting system at the Ellicott Street Building is 39 years old and faces severe exterior facesheet fiberbloom and delaminations due to its age and exposure to the sun and weather resulting in water infiltration to the recently installed flat roof system; and

WHEREAS, the fiberglass gelcoat of the existing day lighting system is severely discolored, reducing the natural light levels within the building's atrium; 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 Cannon Design to provide professional design and construction administration services for the Erie Community College City Campus 2017 Ellicott Street Building Skylight Reconstruction and Roof Repairs project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with Cannon Design for an amount not to exceed \$330,000, including reimbursables and a design contingency, to provide professional design and construction document services for the Erie Community College City Campus 2017 Ellicott Street Building Skylight Reconstruction and Roof Repairs 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 budget E.15003 – 2015 ECC Roof Replacement and Waterproofing, Fund 480, Funds Center 122; 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.

(6-0)

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

WHEREAS, the Erie Community College STEM Building must be constructed to Leadership in Energy and Environmental Design (LEED) Silver certification; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into an agreement with a New York State Energy Research and Development Authority (NYSERDA) qualified Technical Assistant for engineering services related to the New Construction Program incentives (COMM. 18E-4 (2015); and

WHEREAS, the Erie County Department of Public Works applied for and was awarded an \$81,408 NYSERDA Commercial New Construction Program grant to implement selected electric energy efficiency improvements in the Erie Community College STEM Building project; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into a contract to accept the \$81,408 incentive award.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to execute any and all agreements to enter into a contract with the New York State Energy Research and Development Authority (NYSERDA) Commercial New Construction Program grant program to accept an \$81,408 incentive award to implement selected electric energy efficiency improvements in the Erie Community College STEM Building; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management and the Comptroller's Office to accept the incentive award and allocate such receipt into E.12002 – 2012 ECC New Academic Building, Fund 480, Funds Center 122; and be it further

RESOLVED, that all expenditures meet the requirements of the NYSERDA grant guidelines and 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 County funding requirements; 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 Financial Officer.
(6-0)

PATRICK B. BURKE
CHAIR

Item 32 – MR. BRUSO presented the following report and moved for immediate consideration and approval. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 179

September 13, 2018	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 11
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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. 7E-4 (2018)
BRUSO: "Letter to Acting Commissioner, NYS Dept. of Civil Services, Concerning Civil Service Examinations for CPS Titles"

(Chair's ruling)

- b. COMM. 11E-8 (2018)
RATH & DIXON: "Letter to Commissioner of Mental Health Concerning Review of Current Procedures for Suicide Prevention"
(Chair's ruling)
- c. COMM. 13D-4 (2018)
DEPARTMENT OF MENTAL HEALTH: "Memorandum to Legislators Rath & Dixon Regarding Suicide Data & Suicide Prevention in EC"
(Chair's ruling)
- d. COMM. 16D-1 (2018)
SPECIAL ASSISTANT TO THE COMMISSIONER OF SOCIAL SERVICES: "CPS Statistical Report - July 2018"
(Chair's ruling)
- e. COMM. 16M-9 (2018)
EC BOARD OF HEALTH: "Minutes of Meeting Held on May 1, 2018"
(Chair's ruling)

2. COMM. 15E-16 (2018)
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services Health Insurance Information, Counseling and Assistance Program (HIICAP) provides unbiased information and counseling to senior citizens or their family members on a range of health insurance issues including, Medicare, Medicaid, private health insurance, managed care, supplemental policies and long-term care insurance; and

WHEREAS, in a effort to expand HIICAP services, in an economical manner, the Department of Senior Services had submitted a competitive application to The Service Collaborative of Western New York, Inc. (TSC) for the stationing of an Economic Development Corp (EDC) member in HIICAP, for the October 1, 2018 to September 30, 2019 TSC fiscal year; and

WHEREAS, TSC has accepted the application for HIICAP to be a partner agency host site for a full time EDC member, who under supervision of a HIICAP employee will assist in providing health insurance information and counseling to clients; and

WHEREAS, TSC provides EDC members with a bi-weekly living allowance, health insurance, federal loan forbearance, child care subsidies (for members who qualify) and an educational award; and

WHEREAS, as a host site the Department of Senior Services is required to pay TSC an \$8,500 cash match to secure the services of the full time EDC member; and

WHEREAS, budgetary appropriations are available in the Community Services for the Elderly (163CSE1819) grant's Professional Services Contracts and Fees account (#516020) to cover the \$8,500 cash match.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into a contract with The Service Collaborative of Western New York, Inc. (TSC), not to exceed \$8,500 for the Department's HIICAP program to operate as a host site and secure the services of a full time EDC member for the October 1, 2018 to September 30, 2019 period; and be it further

RESOLVED, that budgetary appropriations in the 163CSE1819 grant's Professional Services Contracts and Fees account be utilized to fund the contract; and be it further

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

(6-0)

3. COMM. 16E-28 (2018)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services Youth Services Division has previously contracted with F-Bites to provide their Vocational Training in Excellence Culinary program; and

WHEREAS, these classes foster listening, cooperation and engagement of youth in a learning process designed to enhance social/emotional skills; and

WHEREAS, the Youth Services Division wishes to continue providing this program to the residents at Youth Detention for the remainder of 2018; and

WHEREAS, the Youth Services Division has available balances within their current budget to contract with the F-Bites to provide Vocational Training in Excellence program to the residents of the Secure Youth Detention facility.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to amend and continue the current contract in 2018 for an additional \$7,500 for F-Bites to provide their comprehensive Vocational Training in Excellence programs to the residents of the Secure Detention facility, funding being available in account 516041, youth facility programming, of the Youth Services Division; and be it further

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

(6-0)

4. COMM. 16E-29 (2018)
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services 2018 adopted County grant budget includes, for the period of April 1, 2018 to March 31, 2109, State funding amounts of \$420,981 for the NY Connects Expansion and Enhancement grant (163ECON1819), \$59,238 for the NY Connects grant (163Connects1819), and \$1,540,799 for the Community Services for the Elderly grant (163CSE1819); and

WHEREAS, New York State's 2018-19 adopted budget included State funding increases of \$157,872 and \$73,036 respectively for the 163ECON1819 and 163CSE1819 grants and entirely eliminated State funding for the 163Connects1819 grant; and

WHEREAS, no additional County share is required to draw down either the 163ECON1819 State funding increase as the grant is 100% State funded, or the 163CSE1819 grant funding increase as the State Legislature waived the 25% local share matching requirement; and

WHEREAS, to deal with the changes in State funding, as well as increases in grant payroll costs resulting from the recent white collar union pay raises, the Department of Senior Services proposes transferring two positions as of April 1, 2018, between grants. Senior Case Manager position (#8170) from the 163III-E2018 grant to the 163ECON1819 grant and Case Manager position (#873) from the 163Connects grant to the 163CSE1819 grant; and

WHEREAS, the 163ECON1819, 163CSE1819, 163Connects1819 and III-E2018 grant budgets now need to be amended to reflect these changes.

NOW, THEREFORE, BE IT

RESOLVED, that effective April 1, 2018, as reflected on B100 #10671 Case Manager position (#873) be transferred from the 163Connects1819 grant to the 163CSE1819 grant; and be it further

RESOLVED, that effective April 1, 2018, as reflected on B100 #10671 Senior Case Manager position (#8170) be transferred from the 163III-E2018 grant to the 163ECON1819 grant; and be it further

RESOLVED, that the 163Connects1819 grant be removed from the County's 2018 adopted budget do to the elimination of the grant's State funding; and be it further

RESOLVED, that the 163ECON1819 grant budget be amended as follows:

		INITIAL BUDGET	CHANGE	AMENDED BUDGET
REVENUES				
Account	Description			
409000	State Aid Revenues	\$420,981	157,872	\$578,853
APPROPRIATIONS				
500000	Full Time Salaries	\$227,792	65,858	\$293,650
502000	Fringe Benefits	188,498	37,733	226,231

505000	Office Supplies	500	(200)	300
510000	Local Mileage	1,043	(443)	600
510100	Out of Area Travel	2,000	2,018	4,018
510200	Training and Education	-0-	4,500	4,500
516020	Professional Svcs Contracts & Fees	-0-	18,000	18,000
530000	Other Expenses	-0-	500	500
561410	Lab & Tech Equipment	-0-	690	690
916390	ID Senior Svcs Grant Svcs	(13,550)	27,442	13,892
980000	ID DISS Services	14,698	<u>1,774</u>	16,472
	TOTAL CHANGE		<u>\$157,872</u>	

and be it further

RESOLVED, that the 163CSE1819 grant budget be amended as follows:

		INITIAL		AMENDED
		BUDGET	CHANGE	BUDGET
REVENUES				
Account	Description			
409000	State Aid Revenues	\$1,540,799	73,036	\$1,613,835
 APPROPRIATIONS				
500000	Full Time Salaries	\$474,786	66,967	\$541,753
502000	Fringe Benefits	327,226	37,125	364,351
510200	Training & Education	1,500	2,420	3,920
516020	Professional Svcs Contracts & Fees	94,046	(20,631)	73,415
916390	ID Senior Services Grants	(35,893)	<u>(12,845)</u>	(48,738)
	TOTAL CHANGE		<u>\$73,036</u>	

and be it further

RESOLVED, that the 163III-E2018 grant budget be amended as follows:

		INITIAL		AMENDED
		BUDGET	CHANGE	BUDGET
APPROPRIATIONS				
Account	Description			
500000	Full Time Salaries	\$202,237	(26,650)	\$175,587
502000	Fringe Benefits	158,843	(28,707)	130,136
505000	Office Supplies	750	(250)	500
510000	Local Mileage	2,075	(1,000)	1,075
510100	Out Of Area Travel	2,500	(700)	1,800
516020	Professional Svcs Contracts & Fees	52,000	(2,600)	49,400
530000	Other	2,174	500	2,674
916390	ID Senior Services Grants	(78,497)	<u>59,407</u>	(19,090)
	TOTAL CHANGE		<u>\$0</u>	

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to grantor awards; and be it further

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

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

(6-0)

JOHN BRUSO
CHAIR

Item 33 – MR. BRUSO presented the following report, moved to separate item Number 4, and approve the balance of the report. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 180

September 13, 2018	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR BURKE.
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 7-2 (2018)
LOUGHRAN: "A Resolution to Hold a Public Referendum on the Dissolution of the ECWA" (Chair's ruling)
 - b. COMM. 11E-4 (2018)
LORIGO & LOUGHRAN: "Letter to Legislator Brusio Regarding ECWA"
(Chair's ruling)
 - c. COMM. 13E-1 (2018)
SAVAGE: "Letter to Legislator Brusio Regarding Interviews for Position of Commissioner of the Erie County Water Authority"
(Chair's ruling)

- d. COMM. 13E-2 (2018)
SAVAGE: “Letter to Majority Leader Regarding Position of Commissioner of the Erie County Water Authority”
(Chair’s ruling)
- e. COMM. 13E-3 (2018)
SAVAGE: “Letter to Legislator Lorigo Regarding Position of Commissioner of the Erie County Water Authority”
(Chair’s ruling)
- f. COMM. 13E-4 (2018)
SAVAGE: “Letter to Conservative Party Member Regarding Position of Commissioner of the Erie County Water Authority”
(Chair’s ruling)
- g. COMM. 13E-5 (2018)
SAVAGE: “Letter to Independence Party Member Regarding Position of Commissioner of the Erie County Water Authority”
(Chair’s ruling)
- h. COMM. 13E-6 (2018)
SAVAGE: “Letter to Clerk of Legislature Regarding Letters of Interest and Resumes for Position of Commissioner of the Erie County Water Authority”
(Chair’s ruling)
- i. COMM. 13E-7 (2018)
SAVAGE: “Letter to Clerk of Legislature Regarding Public Notice for Position of Commissioner of the Erie County Water Authority”
(Chair’s ruling)
- j. COMM. 13E-23 (2018)
LOUGHRAN: “Letter to County Attorney Concerning ECWA”
(Chair’s ruling)
- k. COMM. 13E-32 (2018)
BRUSO: “Letter to ECWA Chair - Invitation to Appear Before EC Legislature Energy & Environment Committee”
(Chair’s ruling)
- l. COMM. 13D-1 (2018)
CLERK OF LEGISLATURE: “Public Notice - Letters of Interest and Resumes for Position of Commissioner of the Erie County Water Authority”
(Chair’s ruling)
- m. COMM. 13M-3 (2018)
LATREND A PERRY: “Letter of Interest for Commissioner of the Erie County

- Water Authority”
(Chair’s ruling)
- n. COMM. 13M-6 (2018)
NYS AUTHORITIES BUDGET OFFICE: “Operational Review of ECWA - June 8, 2018”
(Chair’s ruling)
- o. COMM. 14M-3 (2018)
RONALD J. PILOZZI: “Letter of Interest for Commissioner of the Erie County Water Authority”
(Chair’s ruling)
- p. COMM. 14M-4 (2018)
DALE KEPNER: “Letter of Interest for Commissioner of the Erie County Water Authority”
(Chair’s ruling)
- q. COMM. 14M-5 (2018)
E. THOMAS JONES, ESQ.: “Letter of Interest for Commissioner of the Erie County Water Authority”
(Chair’s ruling)
- r. COMM. 14M-6 (2018)
ALAN K. GETTER: “Letter of Interest for Commissioner of the Erie County Water Authority”
(Chair’s ruling)
- s. COMM. 15E-7 (2018)
COUNTY EXECUTIVE: “ECSD Nos. 1-6 & 8 - Section 271 Resolutions”
(Chair’s ruling)
- t. COMM. 15E-8 (2018)
COUNTY EXECUTIVE: “ECSD Nos. 1, 4, & 5 - Construction Inspection Term Contract Agreement”
(Chair’s ruling)
- u. COMM. 15M-3 (2018)
NYS DEC: “Public Notice Fact Sheet - 441 Elmwood Ave., Buffalo”
(Chair’s ruling)
- v. COMM. 16E-25 (2018)
COUNTY EXECUTIVE: “ECSD Nos. 1, 4, & 5 - Construction Inspection Agreement”
(Chair’s ruling)
- w. COMM. 16M-3 (2018)
NYS DEC: “Public Notice Fact Sheet - Tecumseh Phase III-9”
(Chair’s ruling)

- x. COMM. 16M-6 (2018)
NYS AGRICULTURE & MARKETS: “Notice to Initiate Agricultural District Review”
(Chair’s ruling)
- y. COMM. 16M-8 (2018)
NYS DEC: “Public Notice Fact Sheet - 188 West Utica St.”
(Chair’s ruling)
- z. COMM. 16M-11 (2018)
SECRETARY, ECWA: “Minutes of the Governance Committee Meeting held on August 16, 2018”
(Chair’s ruling)

2. COMM. 15E-5 (2018)
COUNTY EXECUTIVE

WHEREAS, new developments in the Erie County Sewer Districts (ECSDs) are required to comply with the “Rules and Regulations for Erie County Sewer Districts” and must demonstrate there is sufficient capacity to advance their projects; and

WHEREAS, some projects have contributed monies towards construction work in the ECSDs to meet these requirements; and

WHEREAS, various payments totaling \$137,499.83 have been received between 2/19/2009 and 2/8/2017 toward the Aurora North Pumping Station Elimination Project in ECSD No. 4; and

WHEREAS, those payments were deposited into ECSD No. 4 Capital Reserve Project C.00034; and

WHEREAS, ECSD No. 4 has completed construction of the Aurora North Pumping Station Elimination Project; and

WHEREAS, funding for the Aurora North Pumping Station Elimination Project has previously been authorized from ECSD No. 4, Capital Project C.00072; and

WHEREAS, various payments totaling \$60,000.00 have been received between 4/10/2014 and 6/12/2018 to perform infiltration/inflow (I/I) remedial work in ECSD No. 5; and

WHEREAS, those payments were deposited into ECSD No. 5 Capital Reserve Project C.00005; and

WHEREAS, ECSD No. 5 has completed collection system renewal and I/I remediation through cured-in-place pipe lining construction projects; and

WHEREAS, funding for the cured-in-place pipe lining has previously been authorized from ECSD No. 5, Funds Center 181, Fund 220, Account 516020 – Professional Services Contracts & Fees.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the partial closure of \$137,499.83 from ECSD No. 4 Capital Reserve Project C.00034; and be it further

RESOLVED, that authorization is hereby provided for the Division of Budget and Management to process a residual equity transfer of up to \$137,499.83 from ECSD No. 4 Capital Reserve Project C.00034, Funds Center 181, Fund 430, GL 570000 – Inter-fund Transfer-Subsidy to Capital Project C.00072, Funds Center 181, Fund 430, GL 486000 – Inter-fund Revenue Subsidy; and be it further

RESOLVED, that authorization is hereby provided for the partial closure of \$60,000 from ECSD No. 5 Capital Reserve Project C.00005; and be it further

RESOLVED, that authorization is hereby provided for the Division of Budget and Management to process a residual equity transfer of up to \$60,000 from ECSD No. 5 Capital Reserve Project C.00005, Funds Center 181, Fund 430, GL 570000 – Inter-fund Transfer-Subsidy to ECSD No. 5, Funds Center 1811050, Fund 220, Account 486010 – Residual Equity Transfer-In; and be it further

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

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this Resolution to the County Executive, the County Comptroller, and the Director of Budget and Management; and two (2) certified copies to Joseph L. Fiegl, P.E. Department of Environment and Planning, Division of Sewerage Management.

(5-0)

3. COMM. 15E-6 (2018)
COUNTY EXECUTIVE

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 5 of the County of Erie, New York, has heretofore been established; and

WHEREAS, the Board of Managers of Erie County Sewer District No. 5 has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of Erie County Sewer District No. 5 on April 9, 2018 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District, consisting of improvements to the sanitary sewers, manholes, and other collection system assets, improvements to the Transit Valley and Bryant and Stratton Pumping Stations, and preparation of a capacity analysis to evaluate current flows and future service

requirements; all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$1,000,000, to be apportioned in accordance with applicable flat charges and charges based on units, assessed value and footage specified in the District's benefit assessment formula and rates, as such formulas currently exist and as amended from time to time; and

WHEREAS, pursuant to Section 268 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the expenditure of funds for said increase and improvement because the \$10.87 cost thereof to the Typical Property (as defined in the County Law) does not exceed the applicable threshold for Average Estimated Cost for County Districts on similar types of expenditures, which was computed by the State Comptroller to be \$11.00 for calendar year 2018; and

WHEREAS, said County Legislature duly adopted Resolution No. 115 on May 24, 2018, calling a meeting of the County Legislature for the purpose of holding a public hearing on said increase and improvement of facilities in accordance with said report and estimate of cost; and

WHEREAS, such Resolution authorized and directed the Clerk of said County Legislature to publish the notice of public hearing and file a certified copy of such notice with the office of the State Comptroller; and

WHEREAS, said public hearing was duly held at the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on June 26, 2018, at 6:00 P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published and filed in the manner provided by law and proof thereof was submitted to said County Legislature; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to proceed with the expenditure for the increase and improvement of the facilities of Erie County Sewer District No. 5, all as more fully described in the preambles hereof, and such increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$1,000,000.

Section 2. The cost of the aforesaid increase and improvement of the facilities of the District is to be apportioned in accordance with applicable flat charges and charges based on units, assessed value and footage specified in the District's benefit assessment formula and rates, as such formulas currently exist and as amended from time to time.

Section 3. This resolution shall take effect immediately.

(5-0)

4. COMM. 16E-17 (2018)
COUNTY EXECUTIVE

WHEREAS, the Erie County Soil and Water Conservation District has New York State Department of Environmental Conservation (NYSDEC) grant funding to form and implement the Lake Erie Watershed Protection Alliance (LEWPA), a three-county collaborative effort to improve Lake Erie water quality; and

WHEREAS, the Erie County Soil and Water Conservation District has a need for the services of a LEWPA Coordinator; and

WHEREAS, the LEWPA Coordinator has taken on increasing responsibilities to achieve LEWPA's mission of making improvements to water quality along the Lake Erie shoreline in New York State, as well as the associated watershed; and

WHEREAS, the Erie County Soil and Water Conservation District, which funds the current LEWPA Coordinator position as an Environmental Compliance Specialist (JG-9) has approved an upgrade to a Senior Environmental Compliance Specialist (JG-12); and

WHEREAS, this promotion to a Senior Environmental Compliance Specialist (JG-12) will not impact the county budget as it will be paid for through a current New York State Department of Environmental Conservation grant the entitled "Lake Erie Watershed Protection Alliance Project" (162LEWPA1718).

NOW, THEREFORE, BE IT

RESOLVED, that the following position, for which sufficient funding from a New York State Department of Environmental Conservation grant funding through Erie County Soil & Water Conservation for personal services and fringe benefits exists, will be created in the above grant:

Senior Environmental Compliance Specialist (JG-12) position
B-100 No. 10681
Budgeted Annual Salary: \$68,962

and be it further

RESOLVED, that the following position be deleted from the above grant budget:

Environmental Compliance Specialist (JG-9)
B-100 No. 000 000 9432
Budgeted Annual Salary: \$54,300

and be it further

RESOLVED, that Ms. Panasiewicz will be provisionally promoted to the position of Senior Environmental Compliance Specialist (JG-12); and be it further

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

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.

(5-0)

5. COMM. 16E-20 (2018)
COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation and Forestry wishes to apply to the New York State Department of Environmental Conservation for a grant under the "Trees for Tribes" Grant Program for Replanting New York's Riparian Areas. The project will be located at Erie County-owned Isle View Park, located at 796 Niagara Street, Tonawanda, New York; and

WHEREAS, as a requirement of this grant application, Erie County Department of Parks and Recreation must obtain "approval/endorsement of the governing body of the municipality in which the project will be located".

NOW, THEREFORE, BE IT

RESOLVED, that that the Erie County Legislature hereby does approve and endorse the application by the Department of Parks, Recreation and Forestry for a grant under the "Trees for Tribes" Grant Program for Replanting New York's Riparian Areas for a project known as the Isle View Tree Planting Project and located within Erie County; and be it further

RESOLVED, that certified copies of this resolution shall be provided for the County Executive; the County Attorney; and Daniel J. Rizzo, Commissioner of Parks Recreation and Forestry.

(5-0)

6. COMM. 16E-21 (2018)
COUNTY EXECUTIVE AS AMENDED

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 lead and manage many initiatives that protect and preserve our natural water resources; and

WHEREAS, DEP is committed to coordinate, oversee, and support work towards the delisting of the Buffalo River as a Great Lakes Area of Concern (AOC); and

WHEREAS, the United States Environmental Protection Agency (USEPA) Great Lakes Restoration Initiative provides grant assistance to municipalities to implement projects to improve the quality of the Great Lakes; and

WHEREAS, DEP provides technical assistance regarding the management of the Buffalo River Remedial Action Plan (RAP); and

WHEREAS, Buffalo Niagara Waterkeeper through their past experience successfully managing and coordinating the Buffalo River RAP and previous Wildlife Survey was identified in the USEPA approved work plan as a Sub-Awardee to Erie County to provide these professional services; and

WHEREAS, additional professional services will be utilized for competitive bidding of invasive species management and maintenance; and

WHEREAS, Erie County DEP will receive a yearly administrative fee to oversee and administer the USEPA GLRI grant funding for the Wildlife Survey.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept a grant up to \$200,000 for the purpose of establishing an “Erie County US EPA Great Lakes Restoration Initiative (GLRI) Grant for 3-Year Wildlife Survey 10/1/18 through 9/30/21” project; and be it further

RESOLVED, that the grant budget and project period for the “Erie County US EPA Great Lakes Restoration Initiative (GLRI) Grant for 3-Year Wildlife Survey 10/1/18 through 9/30/21” project is hereby created in the Department of Environment and Planning, Business Area 162, as follows:

US EPA Great Lakes Restoration Initiative (GLRI) Grant for
3-Year Wildlife Survey 10/1/18 through 9/30/21
SAP Grant Account #162GLR1WS1821

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
409000	Federal Aid Revenue	(\$200,000)
TOTAL REVENUE		(\$200,000)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
516020	Professional Services	\$200,000
TOTAL APPROPRIATIONS:		\$200,000

and be it further

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

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

(5-0)

JOHN BRUSO
CHAIR

MR. BRUSO moved to approve item Number 4. MR. BURKE seconded. MR. LORIGO voted in the negative.

CARRIED. (10-1)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 181

September 13, 2018	PUBLIC SAFETY COMMITTEE REPORT NO. 11
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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. 9E-9 (2018)
SHERIFF: “Award of Contract - Food Administration Services for Jail Management Facilities”
(Chair’s ruling)
 - b. COMM. 15E-13 (2018)
COMPTROLLER: “Letter to Commissioner of Central Police Services Concerning Fentanyl Exposure at EC Lab”
(Chair’s ruling)
 - c. COMM. 15E-18 (2018)
SHERIFF: “Seized Assets Fund Transfer”
(Chair’s ruling)
 - d. COMM. 16D-3 (2018)
COMMISSIONER OF CENTRAL POLICE SERVICES: “Letter to Chair of Public Safety Committee Regarding Forensic Laboratory”

(Chair's ruling)

2. COMM. 16E-4 (2018)
SHERIFF

WHEREAS, the US Department of Homeland Security through the NYS Division of Homeland Security and Emergency Services has awarded \$100,000.00 to the Erie County Sheriff's Office in funding specifically allocated to agencies with established SWAT Teams; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contract and accept \$100,000.00 in federal resources to provide funds for specialized training and equipment to protect the residents of Erie County and the State of New York from terrorist attacks; and

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

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

WHEREAS, the NYSDHSES approved training and vendors for this grant are as follows: D-co, Leaders and Training LLC, PO box 376, Rockwood Maine 04478: Tactical Operations in a Cold Weather environment Training; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the New York State Division of Homeland Security to accept grant funding in the amount of \$100,000.00 for FY17 for the Erie County Sheriff's Office; and be it further

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

Erie County Sheriff's Office
FY 2017 Tactical Team Targeted Grant
July 26, 2018 to August 31, 2020

<u>REVENUE</u>	<u>Increase</u>
Account 414000 – Federal Revenue	<u>\$ 100,000.00</u>
TOTAL REVENUE	<u>\$ 100,000.00</u>

<u>APPROPRIATIONS</u>	<u>Increase</u>
Account 561410 – Lab & Technical Equipment	<u>\$ 75,000.00</u>
Account 510200 – Training and Education	<u>\$ 25,000.00</u>

and be it further

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

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

(6-0)

3. COMM. 16E-8 (2018)
SHERIFF

WHEREAS, the Erie County Sheriff's Office seeks authorization to transfer seized asset funds for a new trailer to collect and transport unwanted prescription and over the counter drugs, a new mobile data terminal, mounting brackets, and mobile printer; and

WHEREAS, as the number of Sheriff, County, and local municipality prescription drug kiosks increases so does the number of disposal trips; and

WHEREAS, the Prescription Drug Unit utilizes a Special Services trailer to transport the collection barrels but the unit needs to empty the snowmobiles or ATVs to use the trailer; and

WHEREAS, the Sheriff's Office will also use the trailer to transport replacement car seats for the numerous car seat inspection events held throughout the year; and

WHEREAS, a new trailer would streamline the collection and transportation process as well for car seat inspection events; and

WHEREAS, the Deputy needs a laptop to process prescription drug reports and it will allow the Deputy, who also serves as the Sheriff's alcohol compliance Deputy, to complete police reports, issue tickets and summonses in the field; and

WHEREAS, as of July 24, 2018, the Seized Asset Forfeiture Account balance is \$275,252.36; 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 \$9,700.00 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	
<u>REVENUE</u>	<u>DECREASE</u>
421550	Forfeiture Crime Proceeds
	<u>\$9,700.00</u>
<u>APPROPRIATION</u>	<u>INCREASE</u>
561440	Motor Vehicles
	\$4,500.00
561410	Lab & Tech
	\$5,200.00
	Total Revenue
	<u>\$9,700.00</u>

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)

4. COMM. 16E-14 (2018)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Erie County Department of Homeland Security & Emergency Services is responsible for providing public safety through comprehensive emergency management planning, preparedness, training, response and coordination of emergency services resources in Erie County during actual or potential disaster events; and

WHEREAS, the US Department of Homeland Security, Federal Emergency Management Agency with administration of the funds through New York State Office of Department of Homeland Security & Emergency Services has agreed to provide funding in the amount of \$172,000.00 in federal assistance to continue the implementation of a program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Department of Homeland Security & Emergency Services requires legislative approval to accept the funds and to establish a grant budget in Fund 281; and

WHEREAS, no County funds will be necessary for Erie County to accept these funds to serve individuals residing in Erie County; and

WHEREAS, this is a regional grant and Erie County is required to assist the Erie County Hazmat team, Niagara County Hazmat team and the Buffalo Fire Hazmat team; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contact and accept \$172,000.00 in federal resources to provide funding for the purchase of necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept US Department of Homeland Security, Federal Emergency Management Agency with administration of the funds through New York State Office of Department of Homeland Security & Emergency Services to receive \$172,000.00 in grant funding for the Department of Homeland Security & Emergency Services; and be it further

RESOLVED, that this grant, under the Department of Homeland Security & Emergency Services, will meet the goals and objectives; and be it further

RESOLVED, these funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations; and be it further

RESOLVED, these funds will be utilized to assist the Erie County Hazmat Team, Niagara County Hazmat Team and the Buffalo Fire Hazmat Team; and be it further

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

Erie County Department of Homeland Security & Emergency Services
Grant Fund 281, Fund Center 1670030
August 1, 2018 – August 31, 2020
HS167HAZMAT1720

Revenue	Increase
Account 414000 - Federal Revenue	\$172,000.00
Appropriation	Increase
Account 561410 – Equipment (Lab & Tech)	\$124,500.00
Account 510100 – Travel	11,500.00
Account 516030 – Maintenance	21,000.00
Account 505200 – Clothing Supplies	15,000.00

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to county share amounts; 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 Department of Personnel, the Department of Homeland Security & Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.
(6-0)

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

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

WHEREAS, the County risks losing existing and not being able to attract new talented employees as positional openings became available if the positions are not adjusted; and

WHEREAS, Erie County medical dispatchers often begin their careers and receive training from Erie County but then move to other higher paying municipalities; and

WHEREAS, Medical Emergency Radio System Coordinators perform a critical role in protecting public health and safety.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves the reallocation of the MERS Coordinator job title from a Job Group 7 to a Job Group 8 effective September 29, 2018; and be it further

RESOLVED, that the Senior MERS Coordinator job title be reallocated from a Job Group 8 to a Job Group 9 also effective September 29, 2018; 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 funding to implement these reallocations currently exists in E-911 Fund, Emergency Services Division's 2018 Budget as a result of existing vacancy savings and lesser than anticipated fringe benefits costs; 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 certified copies of this resolution be forwarded to the Erie County Executive, Erie County Comptroller, Department of Budget and Management, Department of Labor Relations, Department of Personnel and the Erie County Fiscal Stability Authority.
(6-0)

6. COMM. 16E-23 (2018)
COUNTY EXECUTIVE

WHEREAS, the City of Buffalo has been awarded funding under the Justice Assistance Grant program through the U.S. Department of Justice; and

WHEREAS, the Buffalo Police Department seeks the assistance of Central Police Services to provide law enforcement software enhancements for its projects.

NOW, THEREFORE, BE IT

RESOLVED, that the authorization is hereby provided for the County Executive to accept grant funding from the City of Buffalo in the amount of \$5,500; and be it further

RESOLVED, that the authorization is hereby provided to establish the grants in the budget of the Department of Central Police Services as follows:

Grant Fund – SAP #165CPSJAG1721
Central Police Services
10/1/2017 – 9/30/2021

<u>Revenue</u>	<u>Increase</u>
414000 Federal Aid	\$5,500
<u>Appropriation</u>	<u>Increase</u>
516020 Professional Services Contracts	\$5,500
Total Appropriation	\$5,500

and be it further

RESOLVED, that the authorization is hereby provided to contract with Globalquest Solutions Inc., a local WBE/New York State contract vendor in the amount of \$5,500 to provide the professional technical staff for these projects; and be it further

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

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the Office of the Comptroller, and the Department of Central Police Services, attention: Brian Speers.
(6-0)

7. COMM. 16E-24 (2018)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Homeland Security & Emergency Services is responsible for providing public safety through comprehensive emergency management planning, preparedness, training, response and coordination of emergency services resources in Erie County during actual or potential disaster events; and

WHEREAS, the US Department of Homeland Security, Federal Emergency Management Agency with administration of the funds through New York State Office of Department of Homeland Security & Emergency Services has agreed to provide funding in the amount of \$150,000 in Federal assistance to continue the implementation of a program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Department of Homeland Security & Emergency Services requires legislative approval to accept the funds and to establish a grant budget in Fund 281; and

WHEREAS, no County funds will be necessary for Erie County to accept these funds to serve individuals residing in Erie County; and

WHEREAS, this is a regional grant and Erie County will purchase the necessary equipment and training for the seven (7) local Fire Departments (Gowanda Fire Company, Orchard Park Fire Company, Hillcrest Fire Company, West Falls Fire Company, East Aurora Fire Department, Eden Fire Department, West Seneca Fire District), the Erie County Sheriff's Office, the Niagara Frontier Search & Rescue Team and the Western New York ALERT Swift Water Rescue Team; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contact and accept \$150,000 in Federal resources to provide funding the purchase of necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept US Department of Homeland Security, Federal Emergency Management Agency with administration of the funds through New York State Office of Department of Homeland Security & Emergency Services to receive \$150,000 in grant funding for the Department of Homeland Security & Emergency Services; and be it further

RESOLVED, that this grant, under the Department of Homeland Security & Emergency Services, will meet the goals and objectives; and be it further

RESOLVED, these funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations; and be it further

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

Erie County Department of Homeland Security & Emergency Services
Grant Fund 281, Fund Center 1670030
August 1, 2018 – August 31, 2020
HS167TECHRESCUE1720

Revenue	Increase
Account 414000 - Federal Revenue	\$150,000
Appropriation	Increase
Account 561410 – Equipment (Lab & Tech)	\$106,500
Account 516020 – Professional Contracts & Fees	13,500
Account 505200 – Clothing Supplies	30,000

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to county share amounts; 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 Department of Personnel, the Department of Homeland Security & Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.

(6-0)

8. COMM. 16E-26 (2018)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Homeland Security & Emergency Services is responsible for providing public safety through comprehensive emergency management planning, preparedness, training, response and coordination of emergency services resources in Erie County during actual or potential disaster events; and

WHEREAS, the US Department of Homeland Security, Federal Emergency Management Agency with administration of the funds through New York State Office of Department of Homeland Security & Emergency Services has agreed to provide funding in the amount of \$1,407,426 in Federal assistance to continue the implementation of a program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Department of Homeland Security & Emergency Services requires legislative approval to accept the funds and to establish a grant budget in Fund 281; and

WHEREAS, no County funds will be necessary for Erie County to accept these funds to serve individuals residing in Erie County; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contact and accept \$1,407,426 in Federal resources to provide funding for

personnel and the purchase of necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept US Department of Homeland Security, Federal Emergency Management Agency with administration of the funds through New York State Office of Department of Homeland Security & Emergency Services to receive \$1,407,426 in grant funding for the Department of Homeland Security & Emergency Services; and be it further

RESOLVED, that authorization is hereby provided to transfer currently budgeted positions with existing Department of Homeland Security & Emergency Services Homeland Security grants to SHSP Fiscal Year 2018 as required to maintain public safety services to Erie County residents; and be it further

RESOLVED, that this grant, under the Department of Homeland Security & Emergency Services, will meet the goals and objectives; and be it further

RESOLVED, these funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations; and be it further

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

Erie County Department of Homeland Security & Emergency Services
Grant Fund 281, Fund Center 1670030
September 1, 2018 – August 31, 2021
HS167SHSP1821

Revenue	Increase
Account 414000 - Federal Revenue	\$1,407,426
Appropriation	Increase
Account 500000 – Full Time - Salaries	\$332,985
Account 500010 – Part Time – Wages	\$25,000
Account 502000 – Fringe Benefits	\$237,402
Account 505200 – Clothing Supplies	\$4,000
Account 505800 – Medical & Health Supplies	\$12,000
Account 510100 – Out of Area Travel	\$10,000
Account 510200 – Training & Education	\$6,000
Account 515000 – Utilities	\$130,000
Account 516020 – Professional Services Contracts	\$3,250
Account 516030 – Maintenance Contracts	\$454,789
Account 561410 – Lab & Technical Equipment	\$112,000
Account 561440 – Motor Vehicles	\$45,000
Account 912400 – ID Mental Health Services	\$35,000

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to county share amounts; 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 Department of Personnel, the Department of Homeland Security & Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.

(6-0)

9. COMM. 16E-27 (2018)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Homeland Security & Emergency Services is responsible for providing public safety through comprehensive emergency management planning, preparedness, training, response and coordination of emergency services resources in Erie County during actual or potential disaster events; and

WHEREAS, the US Department of Homeland Security, Federal Emergency Management Agency with administration of the funds through New York State Office of Department of Homeland Security & Emergency Services has agreed to provide funding in the amount of \$50,000 in Federal assistance to continue the implementation of a program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Department of Homeland Security & Emergency Services requires legislative approval to accept the funds and to establish a grant budget in Fund 281; and

WHEREAS, no County funds will be necessary for Erie County to accept these funds to serve individuals residing in Erie County; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contact and accept \$50,000 in Federal resources to provide funding for the purchase of necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept US Department of Homeland Security, Federal Emergency Management Agency with administration of the funds through New York State Office of Department of Homeland Security & Emergency Services to receive \$50,000 in grant funding for the Department of Homeland Security & Emergency Services; and be it further

RESOLVED, that this grant, under the Department of Homeland Security & Emergency Services, will meet the goals and objectives; and be it further

RESOLVED, these funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations; and be it further

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

Erie County Department of Homeland Security & Emergency Services
Grant Fund 281, Fund Center 1670030
August 1, 2018 – August 31, 2020
HS167CIGP1720

Revenue	Increase
Account 414000 - Federal Revenue	\$50,000
Appropriation	Increase
Account 561410 – Equipment (Lab & Tech)	\$50,000

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to county share amounts; 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 Department of Personnel, the Department of Homeland Security & Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.

(6-0)

10. COMM. 16E-31 (2018)
SHERIFF

WHEREAS, the Erie County Sheriff's Office SWAT and Bomb Team are highly trained tactical groups and have, through extensive training work together in a tactical response unit; and

WHEREAS, in an effort to maintain the units status as highly trained and effective tactical response units, the specialized training offered by Global Assets will allow both the SWAT and Bomb Units to be trained and prepared for multiple scenarios; and

WHEREAS, the funds used for this training originate from the NYSDHSES grant which this Honorable Body accepted by passing COMM. 1E-18 (2017); and

WHEREAS, Global Assets is a recognized and approved vendor by the NYSDHSES for specialized training in Stress ReFlex Indicators & Behavioral Pattern Indicators (SRI-BPI) Course; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office and the County Executive are hereby authorized to enter into an agreement with Global Assets for specialized training in the amount of \$24,950 and utilized accepted FY2016 NYSDHSES grant funding; and be it further

RESOLVED, that all payments will be paid from budget G/L account 510200 – Training and Education; and be it further

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

RESOLVED, that the Clerk of the Legislature send certified copies the County Executive Office, the Division of Budget and Management, the County Attorney, the Office of the Comptroller, and the Office of the Sheriff for implementation.
(6-0)

**APRIL N.M. BASKIN
CHAIR**

Item 35 – MS. MILLER-WILLIAMS presented the following report, moved to separate item Number 5, and approve the balance of the report. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 182

September 13, 2018	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 14
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR BURKE.
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 16D-2 (2018)
DIRECTOR OF BUDGET & MANAGEMENT: "Budget Monitoring Report for Period Ending June 2018"
(Chair's Ruling)
 - b. COMM. 16D-5 (2018)
DIRECTOR OF BUDGET & MANAGEMENT: "Budget Monitoring Report for Period Ending July 2018"
(Chair's Ruling)

c. COMM. 16M-1 (2018)
 NYS DEPARTMENT OF TAXATION & FINANCE: “List of Certified State Equalization Rates”
 (Chair’s Ruling)

d. COMM. 16M-10 (2018)
 PUBLIC ACCOUNTABILITY INITIATIVE: “Report on NYS Property Tax Exemption Program 485-a”
 (Chair’s Ruling)

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

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

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 218076 through 218082, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR	2018	Petition No.	218,083.00	
	ASSESSOR	Cancel	\$1,714.80	
S-B-L	67.16-4-4	21 Hardt Ln	142289 AMHERST	
	Acct. No. 112		\$0.00	County
	Acct. No. 132		\$1,714.80	Town/SpecialDist/School
<u>Charge To :</u>		142289 AMHERST		\$1,714.80
Relevy School	\$1,714.80	142201 AMHERST CENTRAL		

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

FISCAL YEAR	2018	Petition No.	218,084.00	
	ASSESSOR	Cancel	\$362.84	
S-B-L	555.00-12-2.1	Special Franchise	144489 EVANS	
	Acct. No. 112		\$0.00	County
	Acct. No. 132		\$362.84	Town/SpecialDist/School
<u>Charge To :</u>		144489 EVANS		\$362.84

Relevy School \$362.84144401 LAKE SHORE CENTRAL

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

FISCAL YEAR 2018 Petition No. 218,085.00

ASSESSOR Refund \$118.00
S-B-L 180.15-2-15 Old Lakeshore Rd 144889 HAMBURG

Acct. No. 112 \$0.00 County
Acct. No. 132 \$118.00 Town/SpecialDist/School
Charge To : 144889 HAMBURG \$118.00

RPTL 550(2): Incorrect special district charge
Rufund to be issued to John Duengfelder Sr.

FISCAL YEAR 2018 Petition No. 218,086.00

ASSESSOR Cancel \$4,039.42
S-B-L 83.00-5-17.111 5992 Genesee St 145289 LANCASTER

Acct. No. 112 \$1,974.16 County
Acct. No. 132 \$2,065.26 Town/SpecialDist/School
Charge To : 145289 LANCASTER \$2,065.26

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

FISCAL YEAR 2018 Petition No. 218,087.00

ASSESSOR Cancel \$1,861.97
S-B-L 104.83-3-18 5522 Broadway St 145203 LANCASTER

Acct. No. 112 \$1,081.29 County
Acct. No. 132 \$780.68 Town/SpecialDist/School
Charge To : 145203 LANCASTER \$780.68

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

FISCAL YEAR 2018 Petition No. 218,088.00

ASSESSOR Cancel \$104.60
S-B-L 652.089-0000-631 Outside Plant 145289 LANCASTER

Acct. No. 112 \$0.00 County

Acct. No. 132 \$104.60 Town/SpecialDist/School
Charge To : 145289 LANCASTER \$104.60
Relevy School \$104.60 142001 ALDEN CENTRAL

RPTL 550(2): Failed to apply final telecommunication ceiling values from the state.
New tax bill to be issued.

FISCAL YEAR 2018 Petition No. 218,089.00

ASSESSOR Cancel \$91.86
S-B-L 652.089-0000-631 Outside Plant 145289 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$91.86 Town/SpecialDist/School
Charge To : 145289 LANCASTER \$91.86
Relevy School \$91.86143201 CLARENCE CENTRAL

RPTL 550(2): Failed to apply final telecommunication ceiling values from the state.
New tax bill to be issued.

FISCAL YEAR 2018 Petition No. 218,090.00

ASSESSOR Cancel \$478.24
S-B-L Multiple Multiple 145289 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$478.24 Town/SpecialDist/School
Charge To : 145289 LANCASTER \$478.24
Relevy School \$478.24143007 DEPEW UNION-CHEEK

RPTL 550(2): Failed to apply final telecommunication ceiling values from the state.
New tax bill to be issued.

FISCAL YEAR 2018 Petition No. 218,091.00

ASSESSOR Cancel \$20.91
S-B-L 652.089-0000-631 Outside Plant 145289 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$20.91 Town/SpecialDist/School
Charge To : 145289 LANCASTER \$20.91
Relevy School \$20.91 144201 IROQUOIS

CENTRAL

RPTL 550(2): Failed to apply telecommunication ceiling values from state.
New tax bill to be issued.

FISCAL YEAR	2018	Petition No.	218,092.00
	ASSESSOR	Cancel	\$4,420.45
S-B-L	Multiple	Multiple	145289 LANCASTER
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$4,420.45 Town/SpecialDist/School
<u>Charge To :</u>	145289 LANCASTER		\$4,420.45
Relevy School	\$4,420.45	145201 LANCASTER CENTRAL	

RPTL 550(2): Failed to apply final telecommunication ceiling values from state.
New tax bill to be issued.

FISCAL YEAR	2018	Petition No.	218,093.00
	ASSESSOR	Cancel	\$24.16
S-B-L	47.48-1-41.1	Mill St	145601 AKRON
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$24.16 Town/SpecialDist/School
<u>Charge To :</u>	145601 AKRON		\$24.16
Relevy School	\$24.16	145601 AKRON CENTRAL	

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

and be it further

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

3. COMM. 15E-17 (2018)
COUNTY EXECUTIVE

WHEREAS, it is the mission of BENLIC to confront and alleviate the problems distressed properties cause to communities by supporting municipal and regional revitalization efforts and strategically acquiring, improving, assembling, and selling distressed, vacant, abandoned, and/or tax-delinquent properties; and

WHEREAS, section 1616(i) of the New York Not-for-Profit Corporation Law provides that New York Land banks, including BENLIC, may tender a pre-emptive bid at In Rem tax sales in an amount equal to the total amount of all municipal claims and liens which were the basis for the

judgment and in the event of such tender by BENLIC, the property shall be deemed sold to BENLIC regardless of any bids by any other third parties; and

WHEREAS, the bid of BENLIC shall be paid as to its form, substance, and timing according to such agreement as is mutually acceptable to the plaintiff and the land bank wherein the obligation of BENLIC to perform in accordance with such agreement shall be deemed to be in full satisfaction of the municipal claim which was the basis for the judgment; and

WHEREAS, it is anticipated that BENLIC will exercise its pre-emptive bid powers at the upcoming County In Rem 166 tax sale; and

WHEREAS, agreements between the County and the BENLIC are necessary to outline the obligations of BENLIC and the expected repayment, if any, of the County taxes which were the basis for the judgment.

NOW, THEREFORE, BE IT

RESOLVED, that the County, through its Director of Real Property Tax Services, is hereby authorized to enter into agreements with the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) which outline the obligations of BENLIC and the expected repayment, if any, of the County taxes which were the basis for the judgment consistent with the Property Tax and Maintenance/Foreclosure Cost Recapture Policy for In Rem 166 to be held on September 26, 2018; and be it further

RESOLVED, that to the extent that such agreement results in the repayment of county taxes in the amount less than the amount of County taxes which were the basis for the judgment, pursuant to Section 12-1.0 of the Erie County Tax Act the Director of Real Property Tax Services is hereby authorized to cancel such past due real property taxes; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Erie County Comptroller, County Attorney, Director of Real Property Tax Services and the Buffalo Erie Niagara Land Improvement Corporation.

(5-0)

4. COMM. 16E-18 (2018)
COUNTY EXECUTIVE

WHEREAS, the Niagara Square Apartments Project consists of 166-units of affordable housing in the City of Buffalo located at 270 Niagara Street; and

WHEREAS, the project consists of demolition and new construction of 166 units of affordable housing; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Niagara Square Apartments LLC, Niagara Square Apartments HDFC to operate the housing project it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Niagara Square Apartments LLC, Niagara Square Apartments HDFC, the City of Buffalo, and any other organizations necessary to conclude this PILOT Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto; 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 Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.

SCHEDULE A
Niagara Square Apartments PILOT

Year	Total	City	County
1	67,952.75	50,964.56	16,988.19
2	69,991.33	52,493.50	17,497.83
3	72,091.07	54,068.30	18,022.77
4	74,253.80	55,690.35	18,563.45
5	76,481.42	57,361.06	19,120.35
6	78,775.86	59,081.90	19,693.97
7	81,139.14	60,854.35	20,284.78
8	83,573.31	62,679.98	20,893.33
9	86,080.51	64,560.38	21,520.13
10	88,662.93	66,497.19	22,165.73
11	91,322.81	68,492.11	22,830.70
12	94,062.50	70,546.87	23,515.62
13	96,884.37	72,663.28	24,221.09
14	99,790.90	74,843.18	24,947.73
15	102,784.63	77,088.47	25,696.16

(5-0)

5. COMM. 16E-34 (2018)
COUNTY EXECUTIVE

WHEREAS, the Jefferson Avenue Apartments Project consists of 89 residential units in the City of Buffalo located at 1140 and 1166 Jefferson Avenue; and

WHEREAS, the project consists of demolition and new construction of 89 residential units with 79 units (88.8%) designated as affordable units and are available to households earning up to 60% of the Area Median Income; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Jefferson Avenue Apartments L.P. and Jefferson Avenue Housing Development Fund Company, Inc. to operate the housing project it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Jefferson Avenue Apartments L.P., Jefferson Avenue Housing Development Fund Company, Inc., the City of Buffalo, and any other organizations necessary to conclude this PILOT Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto; 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 Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.

SCHEDULE A
Jefferson Avenue Apartments PILOT

Year	Total	City	County
1	33,690.00	25,267.50	8,422.50
2	34,700.70	26,025.53	8,675.18
3	35,741.72	26,806.29	8,935.43
4	36,813.97	27,610.48	9,203.49
5	37,918.39	28,438.79	9,479.60
6	39,055.94	29,291.96	9,763.99
7	40,227.62	30,170.72	10,056.91
8	41,434.45	31,075.84	10,358.61
9	42,677.48	32,008.11	10,669.37

10	43,957.81	32,968.36	10,989.45
11	45,276.54	33,957.41	11,319.14
12	46,634.84	34,976.13	11,658.71
13	48,033.88	36,025.41	12,008.47
14	49,474.90	37,106.18	12,368.73
15	50,959.15	38,219.36	12,739.79

(4-0-1) Chair Savage abstained.

**BARBARA MILLER-WILLIAMS
CHAIR**

MS. MILLER-WILLIAMS moved to approve item Number 5. MR. BRUSO seconded.
CHAIR SAVAGE abstained.

CARRIED. (10-0-1)

LEGISLATOR RESOLUTIONS

Item 36 – CHAIR SAVAGE directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 17-1 from BASKIN. Calling on the County Clerk to Establish Evening or Weekend Hours at the Buffalo Auto Bureau.

Item 37 – MS. BASKIN presented the following resolution and moved for immediate consideration. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 183

RE: Designation of Tourism Agency
for 2018-2019
(INTRO. 17-2)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR MILLER-WILLIAMS**

WHEREAS, the development, expansion and promotion of tourist travel to Erie County are of great benefit to the citizens of Erie County; and

WHEREAS, tourism spending in Erie County is reflected in bed and sales tax collections, as well as spurring a positive economic impact on amateur and professional sporting events, shopping, arts and culture and the hospitality industry; and

WHEREAS, this positive impact helps hold down property taxes and spurs economic growth and job creation; and

WHEREAS, in 1977, the New York State Legislature enacted the New York State Tourism Promotion Act to enable counties in the state to draw down funds to support their marketing and advertising campaigns; and

WHEREAS, the Tourism Promotion Act authorizes the state's Department of Economic Development to operate a program of matching state funds for non-profit tourism promotion agencies designated by county legislative bodies as agencies that are authorized to apply for and receive grants for recognized media advertising programs; and

WHEREAS, Visit Buffalo Niagara (VBN) – formerly known as the Buffalo Niagara Convention and Visitors Bureau – has done a commendable job bringing together a diverse array of non-profit organizations, attractions, retail businesses and members of the hospitality industry to work collaboratively for the benefit of our entire region.

NOW, THEREFORE, BE IT

RESOLVED, that Visit Buffalo Niagara (VBN), having served as Erie County's tourism promotion agency since 1974, is hereby re-designated as such for 2018-2019; and be it further

RESOLVED, that this Honorable Body does hereby request that Visit Buffalo Niagara submit the appropriate application to the New York State Department of Economic Development for state matching funds to assist VBN to finance its tourism marketing, media relations and advertising campaigns as set outlined in the New York State tourism Promotion Act; and be it further

RESOLVED, that officials of Visit Buffalo Niagara are hereby requested to appear at a future meeting of the Legislature's Community Enrichment Committee to discuss the status of the aforementioned state matching fund grants and other matters relating to the promotion of tourist visitation in Erie County and the Buffalo Niagara Region; and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of the New York State Department of Economic Development, 30 South Pearl St., Albany, NY 12245; Patrick Kaler and Karen Fashana of Visit Buffalo Niagara, 403 Main St., Suite 630, Buffalo, NY 14203; the tourism committees of both the New York State Assembly and Senate; County Executive Mark C. Poloncarz; Thomas R. Hersey Jr., Commissioner of the Department of Environment & Planning, and all other deemed necessary and proper.

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 38 – CHAIR SAVAGE directed that the following resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO. 17-3 from BASKIN. Establishing Early Intervention Educational Services and Blood Lead Testing for Children Impacted by Lead Poisoning.

Item 39 – CHAIR SAVAGE directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

MR. LORIGO challenged the ruling of the chair. MR. LOUGHRAN seconded.

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

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

FAILED.

INTRO. 17-4 from LOUGHRAN & LORIGO. Third Resolution Terminating Appointment of Erie County Water Authority Commissioner Jerome Schad.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 40 – MS. BASKIN moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 16E-35 (2018). MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 184

RE: Authorization to Accept Unified Court System Reimbursement for Court Cleaning & Minor Repair (COMM. 16E-35, 2018)

WHEREAS, the Unified Court System (UCS) has entered into a new five-year contract agreement with municipalities to establish the terms and conditions for cleaning and minor repair of court-occupied space, pursuant to Chapter 686, Laws of 1996, beginning in the State Fiscal Year 2018-2019 (April 1, 2018-March 31, 2019) through State Fiscal Year 2022-2023 (April 1, 2022-March 31, 2023); and

WHEREAS, the UCS seeks authorization to enter into an agreement with Erie County to provide reimbursements to the County for expenses incurred for cleaning and minor repairs of court-occupied space up to 100% of the State approved budget throughout the new five-year contract period, with annual renewal letters provided with updated budgets; and

WHEREAS, Legislative authorization is required for the Erie County Department of Public Works to accept reimbursements from the UCS for cleaning and minor repairs of court-occupied space.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Department of Public Works is hereby authorized to enter into an agreement to accept reimbursements from the Unified Court System (UCS) for up to 100% of the State approved budget for cleaning and minor repairs of court-occupied space, pursuant to Chapter 686, laws of 1996 for the new five-year contract period beginning April 1, 2018-March 31, 2019 through April 1, 2022-March 31, 2023, with annual renewal letters provided with updated budgets; and be it further

RESOLVED, that the Division of Budget and Management and Department of Public Works are hereby authorized to record reimbursement revenue into the Revenue GL Account 405170 – State Aid-Court Facility Incentive Aid, Funds Center 1222060, Fund 110; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the Department of Public Works; and the Erie County Comptroller.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 41 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 17M-3 from CJ BROWN ENERGY, PC Re: Letter to Chair Savage Concerning the Energize NY Benefit Financing Program

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 42 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 17M-4 from SOLAR LIBERTY Re: Letter to Legislator Miller-Williams Concerning the Energize NY Benefit Financing Program

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 43 – (COMM. 17E-1) 2018 Sales Tax Update

Item 44 – (COMM. 17E-2) 2018 Revenue Anticipation Note & 2018 Bond Sale Notification

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

FROM LEGISLATOR BASKIN

Item 45 – (COMM. 17E-3) Response to NYS Commission of Correction Letter Dated August 21, 2018

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER

Item 46 – (COMM. 17E-4) A Report on Shift Differential Payments to EC Employees

Item 47 – (COMM. 17E-5) Follow Up Audit of the Special Investigations Division - January 1, 2017 - June 30, 2017

Item 48 – (COMM. 17E-6) EC NYSDOT Single Audit Report for the Year Ended December 31, 2017

Item 49 – (COMM. 17E-7) EC Federal Financial Assistance Audit Report for the Year Ended December 31, 2017

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

FROM LEGISLATOR LOUGHRAN

Item 50 – (COMM. 17E-8) Letter to Chair of Energy & Environment Committee Regarding Attendance of the Commissioners of the ECWA at the Next Scheduled Meeting

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR MILLS

Item 51 – (COMM. 17E-9) Letter to Commissioner of Health Department Regarding EC Septic System Inspection Policy

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE SHERIFF

Item 52 – (COMM. 17E-10) Grievance and Personnel Adjustments

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 53 – (COMM. 17E-11) Buffalo & EC Botanical Gardens - Houses 1, 4, 7, 10, 11 & 12 Renovations

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 54 – MS. BASKIN presented the following resolution and moved for immediate consideration and approval. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 185

RE: PILOT Agreement for the Buffalo Forge
on Broadway Apartments, City of
Buffalo - Affordable Housing
Development
(COMM. 17E-12)

WHEREAS, the Forge Project consists of 158-units of affordable housing project in the City of Buffalo located at 490 Broadway (“the Project”); and

WHEREAS, the project consists of development of a mixed-income multi-family property;
and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for SAA KC Buffalo Forge, LLC and Lower West Side Homes II Housing Development Fund Corporation to operate the housing project it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that if the City of Buffalo Common Council has approved the Project at its meeting of September 18, 2018 the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with SAA KC Buffalo Forge, LLC, Lower West Side Homes II Housing Development Fund Company, the City of Buffalo, and any other organizations necessary to conclude this PILOT Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto; 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 Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.

SCHEDULE A
The Forge on Broadway Apartments Project PILOT

Schedule A				
The Forge on Broadway				
Year	Total	City	County	
1	75,180.95	56,385.71	18,795.24	
2	77,436.38	58,077.28	19,359.09	
3	79,759.47	59,819.60	19,939.87	
4	82,152.25	61,614.19	20,538.06	
5	84,616.82	63,462.62	21,154.21	
6	87,155.33	65,366.49	21,788.83	
7	89,769.99	67,327.49	22,442.50	
8	92,463.09	69,347.31	23,115.77	
9	95,236.98	71,427.73	23,809.24	
10	98,094.09	73,570.57	24,523.52	
11	101,036.91	75,777.68	25,259.23	
12	104,068.02	78,051.01	26,017.00	
13	107,190.06	80,392.54	26,797.51	
14	110,405.76	82,804.32	27,601.44	
15	113,717.93	85,288.45	28,429.48	

Item 55 – (COMM. 17E-13) Authorization to Utilize Referee Trust Funds to Fund Foreclosure Costs

Received and referred to the FINANCE & MANAGEMENT COMMITTEE

Item 56 – (COMM. 17E-14) USEPA Great Lakes Restoration Initiative Grant: EC Buffalo River RAP Project Management

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 57 – (COMM. 17E-15) Transfer of Funds - Operating Budget

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 58 – (COMM. 17E-16) ECSD No. 4 - Sale of Property, 36 Michael Lane, Lancaster, NY

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 59 – MS. BASKIN presented the following resolution and moved for immediate consideration and approval. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 186

RE: Amendment to the National Grid
Licensing Agreement - Two Mile Creek
Greenway Trail
(COMM. 17E-17)

WHEREAS, in 1999 Erie County entered into a licensing agreement with Niagara Mohawk Power Corporation d/b/a “National Grid” for usage of National Grid’s property located along Two Mile Creek Road in the City of Tonawanda and Town of Tonawanda to construct a multi-use trail known as the Two Mile Creek Greenway Trail; and

WHEREAS, pursuant to the 1999 licensing agreement, in the event National Grid required usage of their property the County would be responsible for relocating the Two Mile Creek Greenway; and

WHEREAS, National Grid desires to construct a new electrical substation on the location of a section of the existing Two Mile Creek Greenway Trail to service increased electrical needs in North Youngman Commerce Park and Riverview Solar Technology Park; and

WHEREAS, National Grid has notified the County of the need to relocate the Two Mile Creek Trail; and

WHEREAS, the Two Mile Creek Greenway Trail is a key connection between the population centers of the Town and City of Tonawanda and the waterfront trail network known as the Shoreline Trail; and

WHEREAS, the County desires to maintain the Two Mile Creek Greenway Trail connection; and

WHEREAS, the County and National Grid have agreed upon the location of the interim detour and eventual new location of the Two Mile Creek Greenway Trail; and

WHEREAS, the Two Mile Creek Greenway Trail closure and relocation has been approved by the Erie County Lands Advisory Review Committee; and

WHEREAS, an amendment to the 1999 licensing agreement is necessary to reflect the locations of the temporary detour and eventual new location of the Two Mile Creek Greenway Trail.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature authorizes the County Executive to amend and execute the first amendment to the September 9, 1999 licensing agreement between National Grid and the County of Erie; 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; County Attorney and the Commissioner of Parks, Recreation and Forestry.

Item 60 – (COMM. 17E-18) Right-of-Way Acquisition for Trevett Road Bridge Over Eighteen Mile Creek

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 61 – (COMM. 17E-19) Appointment to the Commission on the Status of Women

Received and referred to the MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE SPECIAL ASSISTANT
TO THE COMMISSIONER OF SOCIAL SERVICES

Item 62– (COMM. 17D-1) CPS Statistical Report - August 2018

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 63 – (COMM. 17D-2) Amicus Curiae Brief for the County of Erie - United States of America v. Tonawanda Coke Corporation

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMMISSIONERS
OF MENTAL HEALTH & HEALTH

Item 64 – (COMM. 17D-3) Update on 2017 Opioid Epidemic Funding

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 65 – (COMM. 17M-1) Agenda for Board of Trustees Meeting to be Held 9/20/18, and Minutes of Meeting Held 7/19/18

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM CARI'YANA McCUTCHEON

Item 66 – (COMM. 17M-2) Letter Concerning EC Holding Center

Received and referred to the PUBLIC SAFETY COMMITTEE.

ANNOUNCEMENTS

Item 67 – Clerk of Legislature announced that the schedule for committee meetings to be held on Thursday, September 27, 2018, has been distributed. Also, it was announced that a public hearing will be held in the Chambers of the Legislature on Thursday, September 27, 2018, at 6:00 p.m., in the matter of the application of the Buffalo City Cemetery, Inc. for consent to take land for cemetery purposes in the County of Erie.

MEMORIAL RESOLUTIONS

Item 68 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Martin L. Quinn, III and Robert C. Muzzio.

Item 69 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Linda K. Wadsworth.

Item 70 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of William T. O’Connell, Joyce Dengler and Buffalo Police Lieutenant Brian Strobele.

Item 71 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Dennis J. Weiss.

Item 72 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Donald A. Joseph and Rev. Ronald R. Keaton.

ADJOURNMENT

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

MR. LORIGO moved that the Legislature adjourn until Thursday, October 4, 2018 at 2:00 p.m. Eastern Standard Time. MR. BURSO seconded.

CARRIED UNANIMOUSLY.

CHAIR SAVAGE declared the Legislature adjourned until Thursday, October 4, 2018 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE