

**ERIE COUNTY LEGISLATURE
MEETING NO. 18
OCTOBER 4, 2018**

The Legislature was called to order by Chair Savage.

All members present.

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

The Pledge of Allegiance was led by Mr. Lorigo.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MS. BASKIN moved for the approval of the minutes for Meeting Number 17 from 2018. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. RATH, MR. HARDWICK, MR. LORIGO, MS. DIXON & MR. MILLS presented a proclamation Recognizing October as National Bullying Prevention Month in Erie County.

MS. BASKIN moved for consideration of the above item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MS. BASKIN moved to amend the above item by including Et Al Sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MS. BASKIN moved for approval of the above item as amended. MR. BRUSIO seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 6 – CHAIR SAVAGE directed that Local Law No. 1 (Print #2) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 7 – CHAIR SAVAGE directed that Local Law No. 4 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

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

GRANTED.

Item 9 – CHAIR SAVAGE directed that Local Law No. 12 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 10 – CHAIR SAVAGE directed that Local Law No. 14 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 11 – CHAIR SAVAGE directed that Local Law No. 15 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 12 – CHAIR SAVAGE directed that Local Law No. 16 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 13 – CHAIR SAVAGE directed that Local Law No. 17 (Print #1) 2017 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 14 – CHAIR SAVAGE directed that Local Law No. 20 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 15 – CHAIR SAVAGE directed that Local Law No. 23 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 16 – CHAIR SAVAGE directed that Local Law No. 2 (Print #1) 2018 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 17 – CHAIR SAVAGE directed that Local Law No. 3 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 – CHAIR SAVAGE directed that Local Law No. 6 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 – CHAIR SAVAGE directed that Local Law No. 7 (Print #1) 2018 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 20 – CHAIR SAVAGE directed that Local Law No. 8 (Print #1) 2018 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 21 – 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 22 – MS. MILLER-WILLIAMS presented the following report and moved for immediate consideration and approval. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 187

September 27, 2018

FINANCE & MANAGEMENT
COMMITTEE

REPORT NO. 15

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. 15D-1 (2018)
DIRECTOR OF BUDGET & MANAGEMENT: “Mid-Year Budget Hearing Data”
(Chair’s Ruling)
 - b. COMM. 16E-2 (2018)
COMPTROLLER: “Interim Financial Report for the Six Month Period Ending June 30, 2018”
(Chair’s Ruling)
 - c. COMM. 17E-1 (2018)
COMPTROLLER: “2018 Sales Tax Update”
(Chair’s Ruling)
 - d. COMM. 17E-2 (2018)
COMPTROLLER: “2018 Revenue Anticipation Note & 2018 Bond Sale Notification”
(Chair’s Ruling)
 - e. COMM. 17E-4 (2018)
COMPTROLLER: “A Report on Shift Differential Payments to EC Employees”
(Chair’s Ruling)
 - f. COMM. 17E-5 (2018)
COMPTROLLER: “Follow Up Audit of the Special Investigations Division - January 1, 2017 - June 30, 2017”
(Chair’s Ruling)
 - g. COMM. 17E-6 (2018)
COMPTROLLER: “EC NYSDOT Single Audit Report for the Year Ended December 31, 2017”
(Chair’s Ruling)
 - h. COMM. 17E-7 (2018)
COMPTROLLER: “EC Federal Financial Assistance Audit Report for the Year Ended December 31, 2017”
(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 218094 through 218100, 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.	218,094.00
	ASSESSOR	Cancel	\$509.00
S-B-L	108.19-2-1	1611 Emerson St 142001 ALDEN	
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$509.00 Town/SpecialDist/School
<u>Charge To :</u>	142001 ALDEN		\$509.00
	Relevy School		\$509.00 142001 ALDEN CENTRAL

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

FISCAL YEAR	2018	Petition No.	218,095.00
	ASSESSOR	Cancel	\$961.56
S-B-L	69.13-2-20	259 N Ellicott St 142201 WILLIAMSVILLE	
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$961.56 Town/SpecialDist/School
<u>Charge To :</u>	142201 WILLIAMSVILLE		\$961.56
	Relevy School		\$961.56 142203 WILLIAMSVILLE

CENT

RPTL550(2): Failed to apply exemption
New tax bill to be issued.

FISCAL YEAR	2018	Petition No.	218,096.00
	ASSESSOR	Cancel	\$721.20
S-B-L	80.09-12-30	36 Harwood Dr 142289 AMHERST	
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$721.20 Town/SpecialDist/School

Charge To : 142289 AMHERST \$721.20
Relevy School \$721.20 142201 AMHERST

CENTRAL

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

FISCAL YEAR 2018 Petition No. 218,097.00

ASSESSOR Cancel \$587.93
S-B-L 68.09-2-23 114 Campus W 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$587.93 Town/SpecialDist/School
Charge To : 142289 AMHERST \$587.93
Relevy School \$587.93 142201 AMHERST

CENTRAL

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

FISCAL YEAR 2018 Petition No. 218,098.00

ASSESSOR Cancel \$1,032.00
S-B-L 92.15-1-17 258 Lou Ann Dr 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,032.00 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$1,032.00
Relevy School \$1,032.00 145201 LANCASTER

CENTRAL

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

FISCAL YEAR 2018 Petition No. 218,099.00

ASSESSOR Cancel \$77.78
S-B-L 104.34-3-12 27 Edward St 145289 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$77.78 Town/SpecialDist/School
Charge To : 145289 LANCASTER \$77.78
Relevy School \$77.78 145201 LANCASTER

CENTRAL

RPTL 550(2): Duplicate parcel

New tax bill to be issued.

FISCAL YEAR 2018 Petition No. 218,100.00

 ASSESSOR Cancel \$1,268.77
S-B-L 106.00-2-35./A 859 Ransom Rd 145289 LANCASTER

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,268.77	Town/SpecialDist/School
<u>Charge To :</u>	145289 LANCASTER		\$1,268.77
	Relevy School	\$1,268.77	142001 ALDEN CENTRAL

RPTL 550(2): Duplicate parcel
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. 16E-11 (2018)
COMPTROLLER AS AMENDED

WHEREAS, the Erie County Charter requires that the Comptroller conduct audits of county operations in accordance with standards published by the Comptroller General of the United States; and

WHEREAS, the Comptroller General of the United States requires that all municipalities conducting audits under GAO standards have an external quality review at least once every three years; and

WHEREAS, the Comptroller prepared and published a request for proposals to local Certified Public Accounting firms; and

WHEREAS, the Comptroller received two replies which were reviewed and scored by a committee of civil service accountants; and

WHEREAS, the RFP committee selected The Bonadio Group as the most qualified firm to perform the external quality review.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the firm The Bonadio Group for a quality assurance/external quality review of the Comptroller's Division of Audit and Control at an expected cost of \$9200.00; and be it further

RESOLVED, that the Comptroller is authorized to appropriate funds for this contract from the Comptrollers account #516020 for Professional Services, Contracts and Fees; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, County Comptroller and County Attorney.

(5-0)

4. COMM. 17E-13 (2018)
COUNTY EXECUTIVE

WHEREAS, beginning in 2012 Erie County again began conducting an annual In Rem proceeding to foreclose on delinquent properties in order to recover past due taxes; and

WHEREAS, since 2012 the annual In Rem proceedings have been extremely successful - resulting in the collection of over \$75.2 million in revenue from payment of delinquent taxes; and

WHEREAS, in addition to generating revenue that would otherwise not be collected by the County, the In Rem auction returns properties to the active tax roll; and

WHEREAS, the cost to undertake the In Rem proceeding is approximately 7% of the revenue, thus equaling a return on investment of approximately 93%; and

WHEREAS, pursuant to the Erie County Tax Act §11-12.0 as amended in 2009, an "In Rem Fee" of \$500 is levied upon each property subject to the In Rem proceeding. According to the New York State Legislature, the purpose of the "In Rem Fee" is to defray the reasonable attorney's fees incurred in connection with the In Rem proceeding; and

WHEREAS, the "In Rem Fee" is collected when taxes are paid after the action is commenced or at the closing of a property sold at the foreclosure auction. The In Rem Fees are deposited into a separate Trust account; and

WHEREAS, pursuant to the Erie County Tax Act, this Honorable Body authorizes commencement of the In Rem Proceedings on an annual basis; and

WHEREAS, the In Rem Proceedings are undertaken pursuant to a validly executed contract for legal services which provides that, upon the completion of various stages of the In Rem proceeding, payment for services is due and owing; and

WHEREAS, the funds in the "In Rem Fee" Trust account should be applied towards legal fees incurred in connection with In Rem proceedings; and

WHEREAS, on February 15, 2018 this Honorable Body adopted Comm. 3E-8 which directed that the County undertake to prosecute In Rem No. 166 in accordance with the In Rem provisions of the Erie County Tax Act; and

WHEREAS, pursuant to the authority granted by the Honorable Body, In Rem 166 has been undertaken pursuant to a validly executed contract for legal services which provides that, upon the completion of various stages of the In Rem proceeding, payment for services is due and owing; and

WHEREAS, there is currently due and owing \$80,674.23 in legal fees and there is currently over \$ 142,000 in the “In Rem Fee” Trust account which can be used to provide a funding source to pay for those legal fees.

NOW, THEREFORE, BE IT

RESOLVED, that the funds in the In Rem Fee Trust account be used as a funding source to pay the \$80,674.23 currently due and owing in legal fees; and be it further

RESOLVED, that the funds in the In Rem Fee Trust account be used as a funding source to pay future legal fees incurred in connection with duly authorized In Rem proceedings; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to make all necessary transfers and adjustments to effectuate use of the “In Rem Fee” Trust funds as a funding source to pay legal fees incurred in association with duly authorized In Rem proceedings.

(5-0)

**BARBARA MILLER-WILLIAMS
CHAIR**

Item 23 – MS. BASKIN presented the following report and moved for immediate consideration and approval. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 188

September 27, 2018	PUBLIC SAFETY COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 8-2 (2018)
LORIGO, RATH, & MILLS: “Opposition to the Use of Executive Order to Grant Parolees Voting Rights”
(Chair’s ruling)
 - b. COMM. 15E-1 (2018)
BASKIN: “Letter to Legislature Regarding the Death of India Cummings”
(Chair’s ruling)

- c. COMM. 15E-14 (2018)
LORIGO: “Letter to Public Safety Committee Chair Regarding Upcoming Committee Discussion”
(Chair’s ruling)
- d. INTRO. 16-2 (2018)
BASKIN: “Opposing the Use of Restraint Devices on Non-Violent Children in Family Court”
(Chair’s ruling)
- e. COMM. 16E-5 (2018)
BASKIN: “Letter Regarding Use of Leg Cuffs on Secure Youth Detainees in the Family Court Building”
(Chair’s ruling)
- f. COMM. 16E-10 (2018)
BASKIN: “Letter to District Attorney Concerning the Investigation of the Death of India Cummings & Public Safety Initiatives”
(Chair’s ruling)
- g. COMM. 16M-17 (2018)
SENATOR KENNEDY: “Letter to Commissioner, NYS Commission of Correction, Concerning FOIL Request”
(Chair’s ruling)

APRIL N.M. BASKIN
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 189

September 27, 2018	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT.

- 1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 14E-10 (2018)
LORIGO: “Letter to Legislator Brusco Regarding County's Efforts to Combat the Opioid Crisis”
(Chair’s ruling)

- b. COMM. 14E-11 (2018)
LORIGO: “Letter to Commissioner of Health Requesting an Update on the Department’s Effort to Combat the Opioid Crisis”
(Chair’s ruling)
- c. COMM. 14E-12 (2018)
LORIGO: “Letter to Commissioner of Mental Health Requesting an Update on the Department’s Effort to Combat the Opioid Crisis”
(Chair’s ruling)

**JOHN BRUSO
CHAIR**

Item 25 – MR. BURKE presented the following report and moved for immediate consideration and approval. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 190

September 27, 2018	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 13
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ALL MEMBERS PRESENT.

- 1. COMM. 17E-15 (2018)
COUNTY EXECUTIVE
WHEREAS, the Department of Public Works intends to purchase a forklift for use within the Sign Shop; and

WHEREAS, in order to effectuate this purchase, it is necessary to transfer funds to the appropriate budget line; and

WHEREAS, funding for the needed transfers is available in Funds Center 1232060, Fund 210, Account 506400, Highway Supplies, in the 2018 operating budget.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget transfers are authorized in the 2018 Sign Shop Operating Budget – in Fund 210, Funds Center 1232060:

ACCOUNT	DESCRIPTION	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
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506400	Highway Supplies	\$ 371,396.80	(\$ 37,000.00)	\$ 334,396.80
561430	Highway Equipment - Assets	\$ 45,000.00	\$ 37,000.00	\$ 82,000.00
EXPENSES		\$ 416,396.80	\$ 0.00	\$ 416,396.80

and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; Office of the County Executive; the Division of Budget and Management; and the Office of the Comptroller.
(5-0)

**PATRICK B. BURKE
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 191

September 27, 2018	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 13
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ALL MEMBERS PRESENT.

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

WHEREAS, the Erie County Department of Environment and Planning (DEP) has played a crucial role in water quality issues throughout the region for decades and continues to 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 Erie County Natural Habitat Parks; and

WHEREAS, the USEPA approached DEP to apply for the USEPA's Great Lakes Restoration Initiative funding for continuing local coordination of the Buffalo River Remedial Action Plan (RAP) and implementing and protecting habitat restoration projects; and

WHEREAS, Buffalo Niagara Waterkeeper through their past experience successfully managing and coordinating the Buffalo River RAP 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, the USEPA awarded Erie County a Great Lakes Restoration Initiative of \$552,590 to complete a one-year Erie County Buffalo River RAP Project Management Project, the second year of a two-year grant commitment; and

WHEREAS, a 23.26% local match is required and will be provided by Erie County DEP staff in-kind; and

WHEREAS, the addition of this Buffalo River AOC RAP Coordination initiative necessitates the execution of a contract with the USEPA and Buffalo Niagara Waterkeeper; the adoption of a grant budget; the continuation of a Senior Environmental Compliance Specialist (JG-12) position General Maintenance Crew – Parks (JG-3) position under SAP 162BUFRIVERRAP1819.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$552,590 from the United States Environmental Protection Agency (USEPA) for the purpose of establishing a one-year Erie County Buffalo River Remedial Action Plan (RAP) Project Management grant, the second year of a two-year grant commitment; and be it further

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to contract with Buffalo Niagara Waterkeeper for a sub-award not to exceed \$150,000 from the USEPA for the purpose of managing the Buffalo River RAP, coordinating the Remedial Action Committee and Area of Concern (AOC) delisting documents; and be it further

RESOLVED, that the grant budget and project period for the USEPA Great Lakes Restoration Initiative grant is hereby created in the Department of Environment and Planning, Business Area 162, as follows:

Erie County Buffalo River RAP Project Management
SAP Grant Account #162BUFRIVERRAP1819
October 1, 2018 – September 30, 2019

REVENUE

<u>Account</u>	<u>Description</u>	<u>Amount</u>
414000	Federal Aid Revenue	<u>\$552,500</u>
TOTAL REVENUE		\$552,590

APPROPRIATIONS

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Full Time Salaries	\$ 75,600
502000	Fringe Benefits	\$ 56,700
510100	Out of Area Travel	\$ 2,200
505000	Office Supplies	\$ 1,000
510200	Meetings & Trainings	\$ 1,500
506200	Maintenance & Repair	\$ 2,000
516020	Professional Services	\$340,590
916400	ID Parks Services	<u>\$ 73,000</u>
TOTAL APPROPRIATIONS		\$552,590

and be it further

RESOLVED, that the following position will be funded within the Buffalo River RAP Project Management grant 162BUFRIVERRAP1819, Business Area 162, Fund 281:

Senior Environmental Compliance Specialist (JG-12)
B-100 # 9515, Budgeted Annual Salary: \$75,600

and be it further

RESOLVED, that the following position, which will be 100% reimbursed via ID billing under this grant 162BUFRIVERRAP1819, in the Department of Parks, Recreation and Forestry, Business Area 164, Fund 110 for the duration of the grant commitment:

Park Maintenance Worker II - Group 5
B-100 #9821, Budgeted Annual Salary: \$42,977

and be it further

RESOLVED, that the 2018 Operating Budget for the Department of Parks, Recreation and Forestry be adjusted as follows:

2018 Budget
Funds Center 16410, Fund 110

APPROPRIATIONS

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Full Time Salaries	\$15,000
502000	Fringe Benefits	\$9,334
916400	ID Parks Services	<u>(\$24,334)</u>
TOTAL APPROPRIATIONS		\$0

and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments for 2018 and 2019 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; Daniel Rizzo, Commissioner of Parks and Recreation; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.

(5-0)

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

WHEREAS, the real property at 36 Michael Anthony Lane in the Town of Lancaster was purchased by the County of Erie to facilitate construction of the Aurora North Pumping Station Elimination Sanitary Sewer Project; and

WHEREAS, all construction related to this project has been completed and all associated contracts have been closed out; and

WHEREAS, the real property at 36 Michael Anthony Lane is no longer necessary for public use; and

WHEREAS, the Erie County Lands Advisory Review Committee deemed the real property at 36 Michael Anthony Lane as surplus to allow for sale (ARC-17-9) at its October 26, 2017 meeting.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie be authorized to sell the real property at 36 Michael Anthony Lane in the Town of Lancaster to the highest responsible bidder after public advertisement through the Division of Purchase or its contracted auction vendor; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute a contract of sale to the highest bidder, and any documents necessary to close the sale transaction, for the real property at 36 Michael Anthony Lane in the Town of Lancaster, subject to approval as to form by the County Attorney; and be it further

RESOLVED, that the Comptroller is authorized and directed to return any and all proceeds, after payment of applicable closing and associated costs, to Erie County Sewer District No. 4 Capital Project C.00072 for the sale of the property at 36 Michael Anthony Lane in the Town of Lancaster; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Director of Budget, Management and Finance, the Erie County Comptroller, and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(5-0)

JOHN BRUSO
CHAIR

LEGISLATOR RESOLUTIONS

Item 27 – CHAIR SAVAGE directed that the following resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO. 18-1 from BRUSO. Expressing Alarm & Concern About the Dangers of "Juuling" & Electronic Cigarettes Used by Young People & Students.

Item 28 – CHAIR SAVAGE directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 18-2 from LORIGO, RATH, MILLS & DIXON. A Resolution Amending the Erie County Legislature's Rules of Order.

Item 29 – CHAIR SAVAGE directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

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

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

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

FAILED.

INTRO. 18-3 from LOUGHRAN & LORIGO. Fourth Resolution Terminating Appointment of Erie County Water Authority Commissioner Jerome Schad.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 192

RE: Resolution Approving the Transfer of Gethsemane Cemetery from the Sisters of St. Francis of the Neumann Communities to The Buffalo City Cemetery, Inc. (INTRO. 18-4)

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

WHEREAS, The Buffalo City Cemetery, Inc. d/b/a the 'Forest Lawn Group' ("Forest Lawn") has agreed to acquire the Gethsemane Cemetery (the "Cemetery") located off of Reist Street in the Town of Amherst, County of Erie, State of New York, consisting of approximately 5.75 acres and designated as SBL #68.04-1-15.111 from the Sisters of St. Francis of the Neumann Communities ("SOSF") pursuant to a written agreement between Forest Lawn and SOSF (referred to as the "Transaction"); and

WHEREAS, in connection with the Transaction, Forest Lawn has requested the County Legislature's consent as required by Not-For-Profit Corporation Law Section 1506(c); and

WHEREAS, pursuant to Section 1506(c), notice of the application for consent has been published, once a week, for six weeks, in two newspapers published in the county as the Legislature has designated; and

WHEREAS, SOSF requested that Forest Lawn take over the Cemetery because of the ongoing maintenance needs and burdens associated therewith; and

WHEREAS, Forest Lawn is ready and equipped to assume the maintenance responsibilities at the Cemetery and will also be able to expand the availability of burial plots at the Cemetery to persons beyond the members of the SOSF community; and

WHEREAS, the transfer of the Cemetery to Forest Lawn will be beneficial to the public health and welfare of the residents of Erie County, New York; and

WHEREAS, the County Legislature wishes to approve the transfer of the Cemetery.

NOW, THEREFORE, BE IT

RESOLVED by the Erie County Legislature that the transfer of the Cemetery and Transaction are hereby approved; and be it further

RESOLVED, that the County Executive is further authorized to take any and all additional actions necessary to execute any required documents in connection with the matters contemplated above; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive; Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Public Works; the Erie County Attorney; the Erie County Comptroller; and the New York State Cemetery Board.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 31 – MS. BASKIN moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 17E-11 (2018). MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 193

RE: Buffalo & EC Botanical Gardens –
Houses 1, 4, 7, 10, 11 & 12 Renovations
(COMM. 17E-11, 2018)

WHEREAS, additional scope items are identified for the restoration and repairs to Houses 1, 4, 7, 10, 11 & 12 to preserve their existence and function; and

WHEREAS, the Legislature has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Foit Albert Associates to provide professional design and construction administration services for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12 project (COMM. 21E-11 (2017)); and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to Foit Albert Associates to provide additional design and construction document services for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12 project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to Foit Albert Associates to provide additional design and construction document services for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12 project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the previously approved, as adopted Erie County 2014 Capital Budget, Project A.14024 – 2014 Buffalo and Erie County Botanical Gardens Master Plan Implementation, Fund 410, Funds Center 122, for an amount not to exceed \$21,545, including hazardous material allowance; 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 Buffalo and Erie County Botanical Gardens c/o Dave Swarts.

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

CARRIED UNANIMOUSLY.

Delete Comm. 17E-11 (2018) in its Entirety and Replace with the Following:

WHEREAS, additional scope items are identified for the restoration and repairs to Houses 1, 4, 7, 10, 11 & 12 to preserve their existence and function; and

WHEREAS, the Legislature has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Foit Albert Associates to provide professional design and construction administration services for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12 project (COMM. 21E-11 (2017)); and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to Foit Albert Associates to provide additional design and construction document services for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12 project; and

WHEREAS, Demolition of the closed Growing Range 8C will remove a potential liability for the County, will be commensurate with the Botanical Gardens Master Plan Implementation, and expand the existing interior courtyard to serve as a new assembly space at the facility. Demolition of this non-historic portion of the complex has been reviewed and approved by the State Historic Preservation Office (SHPO).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to Foit Albert Associates to provide additional design and construction document services for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12 project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the previously approved, as adopted Erie County 2014 Capital Budget, Project A.14024 – 2014 Buffalo and Erie County Botanical Gardens Master Plan Implementation, Fund 410, Funds Center 122, for an amount not to exceed \$21,545, including hazardous material allowance; and be it further

RESOLVED, that demolition of the closed Growing Range 8C will take place as a part of this project; 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 Buffalo and Erie County Botanical Gardens c/o Dave Swarts.

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

CARRIED UNANIMOUSLY.

Item 32 – MS. BASKIN moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 17E-18 (2018). MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 194

RE: Right-of-Way Acquisition for Trevett Road Bridge Over Eighteen Mile Creek (COMM. 17E-18, 2018)

WHEREAS, in order to facilitate the construction of the replacement of Trevett Road Bridge over Eighteen Mile Creek, BIN 3328560/BR 420-02 (the "Project"), in the Town of Boston Project it will be necessary for the County to acquire the Right-of-Way (ROW) by easement and/or fee, such parcels as may become necessary for construction, including a parcel, herein referred to as the "Subject Property," that is a portion of real property in the vicinity of the Project as follows:

<u>PORTIONS OF TAX MAP SBL NUMBER</u>	<u>TOWNSHIP</u>
SBL 258.00-3-23.2	Boston

and

WHEREAS, the acquisition of the portion of the Subject Property is to be de minimis in nature so the public interest will not be prejudiced by the construction of the Project; and

WHEREAS, should one or more owners of the Subject Property refuse to convey such portion of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Property by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the acquisition of the ROW required to construct the Project; and be it further

RESOLVED, that the County of Erie is authorized to acquire the necessary real property interests from the aforementioned Subject Property for the purpose of constructing the Project; and be it further

RESOLVED, that the County of Erie is authorized to enter into all necessary contracts and agreements for the acquisition of the required ROW to construct the Project; and be it further

RESOLVED, that funding is available in the previously approved 2017 Capital Project B.17079, 2017 Trevett Road CR420, Fund 420, Funds Center 123, in an amount not to exceed \$20,000 for all costs of ROW acquisitions; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including Greenman-Pedersen, Inc., are hereby authorized to establish the amounts which he believes to represent just compensation for the real property interests to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including Greenman-Pedersen, Inc., are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Property for the purpose of acquiring the necessary real property interest in portions of their respective parcels of real property by easement and/or fee, which acquisition is necessary for construction of the Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including Greenman-Pedersen, Inc., are authorized to act on behalf of the County of Erie in connection with the acquisition of the required ROW from the owners of the Subject Property; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring easement and/or fee interests in the necessary ROW; and be it further

RESOLVED, should one or more owners of the Subject Property refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, including Urban Engineers of New York, Inc., the County is authorized to commence eminent domain procedures; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller, and the County Attorney's Office.

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

CARRIED UNANIMOUSLY.

Delete Comm. 17E-18 (2018) in its Entirety and Replace with the Following:

WHEREAS, in order to facilitate the construction of the replacement of Trevett Road Bridge over Eighteen Mile Creek, BIN 3328560/BR 420-02 (the "Project"), in the Town of Boston Project it will be necessary for the County to acquire the Right-of-Way (ROW) by easement and/or fee, such parcels as may become necessary for construction, including a parcel, herein referred to as the "Subject Property," that is a portion of real property in the vicinity of the Project as follows:

<u>PORTIONS OF TAX MAP SBL NUMBER</u>	<u>TOWNSHIP</u>
SBL 258.00-3-23.2	Boston

and

WHEREAS, the acquisition of the portion of the Subject Property is to be de minimis in nature so the public interest will not be prejudiced by the construction of the Project; and

WHEREAS, should one or more owners of the Subject Property refuse to convey such portion of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Property by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the acquisition of the ROW required to construct the Project; and be it further

RESOLVED, that the County of Erie is authorized to acquire the necessary real property interests from the aforementioned Subject Property for the purpose of constructing the Project; and be it further

RESOLVED, that the County of Erie is authorized to enter into all necessary contracts and agreements for the acquisition of the required ROW to construct the Project; and be it further

RESOLVED, that funding is available in the previously approved 2017 Capital Project B.17079, 2017 Trevett Road CR420, Fund 420, Funds Center 123, in an amount not to exceed \$10,000 for all costs of ROW acquisitions; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including Greenman-Pedersen, Inc., are hereby authorized to establish the amounts which he believes to represent just compensation for the real property interests to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including Greenman-Pedersen, Inc., are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Property for the purpose of acquiring the necessary real property interest in portions of their respective parcels of real property by easement and/or fee, which acquisition is necessary for construction of the Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including Greenman-Pedersen, Inc., are authorized to act on behalf of the County of Erie in connection with the acquisition of the required ROW from the owners of the Subject Property; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring easement and/or fee interests in the necessary ROW; and be it further

RESOLVED, should one or more owners of the Subject Property refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, including Urban Engineers of New York, Inc., the County is authorized to commence eminent domain procedures; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller, and the County Attorney's Office.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

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

GRANTED.

COMM. 18E-17 from the COUNTY EXECUTIVE Re: Authorization to Enter into Contract with Trillium Health, Inc.

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

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

GRANTED.

COMM. 18E-18 from the COUNTY EXECUTIVE Re: Locally Administered Federal Aid Bridge Preservation Project - Bridge Painting & Repairs

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

GRANTED.

COMM. 18E-19 from the COUNTY EXECUTIVE Re: Agreement with NYSDOT & Award of Construction Locally Administered Federal Aid Project - Deck Sealing Various Bridges

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

GRANTED.

COMM. 18E-20 from LORIGO Re: Letter to Chair Savage Concerning Cultural Contract Process

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 37 – (COMM. 18E-1) HVS Consultants - Convention Center Study

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR DIXON

Item 38 – (COMM. 18E-2) Letter to Chair of Health & Human Services Committee Regarding Baker Victory Services

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER

Item 39 – (COMM. 18E-3) Certificate of Determination Relative to the RAN

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR DIXON

Item 40 – (COMM. 18E-4) Letter to Chair of Legislature Requesting Public Hearing for LL Intro. 2-1 (2018) - Amendment to the Social Host Law

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 41 – (COMM. 18E-5) Appointments to the Erie County Council on the Disabled Advisory Board

Item 42 – (COMM. 18E-6) Appointment to Erie County Board of Ethics

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

Item 43 – (COMM. 18E-7) Casey Rd. Pedestrian & Bicycle Safety Improvement Project

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 44 – (COMM. 18E-8) ECSD Nos. 2, 3, 4, 5 & 6 - Closure of Completed Capital Projects

Item 45 – (COMM. 18E-9) ECSD No. 5 - Increase & Improvement of Facilities (2018)

Item 46 – (COMM. 18E-10) ECSD Nos. 2 & 3 - 2018 Budget Transfer

Item 47 – (COMM. 18E-11) ECSD No. 8 - Engineer Term Contract Agreement

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

Item 48 – (COMM. 18E-12) Authorization to Accept Funds & Contract of the Central Police Services

Item 49 – (COMM. 18E-13) NYS Division of Criminal Justice Services - Statewide Automated Biometric Identification System Agreement

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

Item 50 – (COMM. 18E-14) Notice of Public Hearing - ECSD - 2018 Assessment Rolls (2019 Levy)

Item 51 – (COMM. 18E-15) ECSD Nos. 3 & 5 - Debt Service Account Transfers

Item 52 – (COMM. 18E-16) ECSD Nos. 1, 2, 3, 4, 5 & 6 - Debt Service Accounts Closeout

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COMMISSIONER OF THE
EC DEPARTMENT OF HEALTH

Item 53– (COMM. 18D-1) Response to Legislator Mills Regarding EC Septic System Inspection Policy

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPUTY COMPTROLLER - AUDIT

Item 54 – (COMM. 18D-2) Letter to DISS Regarding Audit of Contract Payments for Period 1/1/18 - 8/31/18

Item 55 – (COMM. 18D-3) Letter to Commissioner of Personnel Regarding Audit of Contract Payments for Period 1/1/18 - 8/31/18

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

FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING

Item 56 – (COMM. 18D-4) SEQR - Solicitation for Lead Agency Status - Unlisted Action

Item 57 – (COMM. 18D-5) SEQR - Negative Declaration Notice of Determination of Non-Significance

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

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

None.

ANNOUNCEMENTS

Item 58 – Clerk of Legislature announced that the schedule for committee meetings to be held on Thursday, October 11, 2018, has been distributed.

Item 59 – Chair Savage spoke concerning advance notice for discussions in legislative committees of items not on the agenda, in order to give legislators notice and to help with the flow of committee agenda items.

Item 60 – Legislator Lorigo requested a discussion concerning INTRO. 18-3, during a meeting of the Government Affairs Committee.

MEMORIAL RESOLUTIONS

Item 61 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Salvator J. Caci and Michael T. “Sully” Sullivan, III.

Item 62 – Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of Maggie I. Springs and Elaine T. Blyden.

Item 63 – Legislator Baskin requested that when the Legislature adjourns, it do so in memory of Arthur Clark.

Item 64 – Legislator Brusco requested that when the Legislature adjourns, it do so in memory of James R. “Jr.” Von Hendy.

Item 65 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Taras Hanypsiak.

Item 66 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Angeline M. Scinta.

Item 67 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Kathleen D. Cannon and Marianne Christensen.

ADJOURNMENT

Item 68 - 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 18 at 2:00 p.m. Eastern Standard Time. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

CHAIR SAVAGE declared the Legislature adjourned until Thursday, October 18, 2018 at 2:00 p.m. Eastern Standard Time.

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