

**ERIE COUNTY LEGISLATURE
MEETING NO. 21
NOVEMBER 15, 2018**

The Legislature was called to order by Chair Savage.

All members present.

An Invocation was held, led by Ms. Miller-Williams, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Mills.

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 20 from 2018. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. LORIGO presented a proclamation Recognizing Gary Schutrum as Erie County Legislature Citizen of the Month for November 2018.

Item 6 – MR. HARDWICK presented a proclamation Honoring Michael Rogers in His Retirement from the City of Tonawanda Police Department.

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

CARRIED UNANIMOUSLY.

MS. BASKIN moved to amend the above two items by adding one for MR. BURKE, and by including Et Al Sponsorship. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 7 – CHAIR SAVAGE directed that Local Law No. 1 (Print #2) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 8 – CHAIR SAVAGE directed that Local Law No. 4 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 9 – CHAIR SAVAGE directed that Local Law No. 8 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 10 – CHAIR SAVAGE directed that Local Law No. 12 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 11 – CHAIR SAVAGE directed that Local Law No. 14 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

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

GRANTED.

Item 13 – CHAIR SAVAGE directed that Local Law No. 16 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 14 – CHAIR SAVAGE directed that Local Law No. 17 (Print #1) 2017 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

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

GRANTED.

Item 16 – CHAIR SAVAGE directed that Local Law No. 23 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 17 – CHAIR SAVAGE directed that Local Law No. 2 (Print #1) 2018 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 18 – CHAIR SAVAGE directed that Local Law No. 3 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 – CHAIR SAVAGE directed that Local Law No. 6 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 20 – CHAIR SAVAGE directed that Local Law No. 7 (Print #1) 2018 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 21 – CHAIR SAVAGE directed that Local Law No. 8 (Print #1) 2018 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 22 – 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 23 – MR. BRUSO presented the following report and moved for immediate consideration and approval. MS. BASKIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 216

November 8, 2018	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 15
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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. 18E-2 (2018)
DIXON: "Letter to Chair of Health & Human Services Committee Regarding Baker Victory Services"
(Chair's ruling)
 - b. COMM. 18E-4 (2018)
DIXON: "Letter to Chair of Legislature Requesting Public Hearing for LL Intro. 2-1 (2018) - Amendment to the Social Host Law"
(Chair's ruling)
 - c. COMM. 19D-3 (2018)
DEPARTMENT OF SENIOR SERVICES: "Public Comment Invitation - 2019 Programs & Services for Older Adults in Erie County"
(Chair's ruling)
 - d. COMM. 20E-3 (2018)
DIXON: "Letter to Chair of Legislature Requesting Public Hearing on Amendment to Social Host Law"
(Chair's ruling)

2. COMM. 20E-8 (2018)
COUNTY EXECUTIVE
WHEREAS, United States Department of Agriculture, Food and Nutrition Service (USDA-FNS) has awarded \$12,097,336 in Supplemental Nutrition Assistance Program (SNAP) High Performance Bonus Award funds to the OTDA for Best Payment Accuracy and Most Improved Payment Accuracy during federal fiscal year (FFY) 2015; and

WHEREAS, OTDA is awarding \$899,264 of its High Performance Bonus Award funds to the Erie County Department of Social Services; and

WHEREAS, this will be used for technology improvements to the Division, including interview scheduling software, enhancements to the SNAP call center and supervisory case review software.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2018 Adopted Budget:

Department of Social Services, Fund 110, Department 120

ACCOUNT	DESCRIPTION	INCREASE
561410	Lab & Technical Equipment	<u>\$899,264</u>
	Total Expenditures	<u>\$899,264</u>
409010	State Aid Other	\$449,632
414010	Federal Aid Other	<u>449,632</u>
	Total Revenues	<u>\$899,264</u>

and be it further

RESOLVED, the authorization is hereby provided to reappropriate all funds from this Award not spent in 2018 into the 2019 Erie County fiscal year as needed to fully utilize all funding; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Commissioner of Social Services, the Erie County Comptroller, and the Director of the Division of Budget and Management.

(6-0)

3. COMM. 20E-9 (2018)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has declared opioid addiction a public health crisis; and

WHEREAS, for every fatal opioid overdose there are dozens of overdoses where the victim is revived with naloxone; and

WHEREAS, the hours and days after a non-fatal overdose are often when the individual with opioid use disorder is most open to beginning a path to recovery; and

WHEREAS, Erie County has begun a pilot program to follow up after non-fatal overdoses; and

WHEREAS, Erie County Emergency Departments have begun a pilot program to provide addictions treatment services directly in the Emergency Department; and

WHEREAS, the U.S. Department of Health and Human Services has decided to fund an expanded version of these programs in the eight counties of Western New York; and

WHEREAS, this program will allow the Erie County Department of Health to support local first responder outreach to individuals with opioid use disorder to address the challenge of repeat overdoses; and

WHEREAS, the University at Buffalo Medical School Emergency Physicians Group, Catholic Health Services, and University at Buffalo Family Medicine Primary Care Research Institute, Crisis Services, and the Harm Reduction Coalition are United States HHS approved subcontractors for this grant; and

WHEREAS, this grant in the amount of \$400,000.00 per year requires no local funding.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Health is authorized to receive a grant award from the U.S. Department of Health and Human Services in the amount of \$400,000 to be budgeted as follows:

Erie County Department of Health
Naloxone Expansion with Local First Responders and Emergency Department-initiated Care
Coordination for People Who Use Opioids Grant
127NEEDCC1819
9/30/18 -9/29/19

SAP	REVENUE	BUDGET
414000	Federal Aid	<u>\$400,000</u>
	TOTAL	<u>\$400,000</u>
SAP	EXPENSES	BUDGET
500000	Full Time – Salaries	\$ 83,417
502000	Fringe Benefits	47,548
505000	Office Supplies	6,969
516020	Professional Svcs Contracts & Fees	<u>\$262,066</u>
	TOTAL	<u>\$400,000</u>

and be it further

RESOLVED, that the Erie County Legislature authorizes the creation of one Project Coordinator – SUD, Job Group 11 Step 1, annual salary \$52,252 (B100 #10802) in the CSEA bargaining unit; and be it further

RESOLVED, that the Erie County Legislature authorized the creation of one Peer Navigator – SUD, Job Group 3 Step 1, annual salary \$31,165 (B100 #10803) in the CSEA bargaining unit; 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 authorized personnel levels; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department

of Personnel, the Department of Law and to Dr. Gale R. Burstein, Commissioner, in the Erie County Department of Health, 9th Floor, Rath Building.
(6-0)

4. COMM. 20E-10 (2018)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has declared opioid addiction a public health crisis; and

WHEREAS, the Erie County Department Opioid Epidemic Task Force is constantly looking for additional data and information to guide the task force's efforts; and

WHEREAS, across the United States Opioid Overdose and Opioid Mortality Review Boards have been successfully established to provide information and guidance to policy makers, public health officials, treatment providers and law enforcement about specific circumstances of opioid overdoses; and

WHEREAS, the Erie County Department of Health is well situated to leverage community relationships and proprietary data, including ODMAP and Medical Examiner's data, to support an Opioid Overdose Review Board; and

WHEREAS, the University at Buffalo Family Medicine Primary Care Research Institute, is the United States HHS approved subcontractors for this grant; and

WHEREAS, this grant is in the amount of \$333,000 per year and requires no local funding.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Health is authorized to receive a grant award from the United States Department Justice in the amount of \$333,333 to be budgeted as follows:

Erie County Department of Health
Erie County New York Opioid Overdose Review Board Grant
127OMRB1819
9/30/18 - 9/29/19

SAP	REVENUE	BUDGET
414000	Federal Aid	\$333,333
	TOTAL	<u>\$333,333</u>

SAP	EXPENSE	BUDGET
500000	Full Time - Salaries	\$119,808
502000	Fringe Benefits	68,291
505000	Office Supplies	7,942
510000	Local Mileage Reimbursement	1,500
510100	Out of Area Travel	6,000

516020	Professional Svcs Contracts & Fees	<u>\$129,459</u>
	TOTAL	<u>\$333,333</u>

and be it further

RESOLVED, that the Erie County Legislature authorizes the creation of one Registered Nurse, Job Group 8 Step 3, annual salary \$56,247 (B100#10822) in the NYSNA bargaining unit; and be it further

RESOLVED, that the Erie County Legislature authorizes the creation of one Data Entry Operator, Job Group 4 Step 1, annual salary \$32,396 (B100#10823) in the CSEA bargaining unit; and be it further

RESOLVED, that the Erie County Legislature authorizes the creation of one Peer Navigator - SUD, Job Group 3 Step 1, annual salary \$31,165 (B100#10824) in the CSEA bargaining unit; 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 authorized personnel levels; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Personnel, the Department of Law and to Dr. Gale R. Burstein, Commissioner, in the Erie County Department of Health, 9th Floor, Rath Building.
(6-0)

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

WHEREAS, the Veterans Health Care Act of 1992 created Section 340B of the Public Health Service Act, which classifies certain health care clinics (including the Erie County Department of Health) as eligible to purchase outpatient prescription drugs for their patients at favorable discounts from drug manufacturers who enter into Pharmaceutical Pricing Agreements with the U.S. Department of Health and Human Services; and

WHEREAS, Evergreen Health is duly licensed as a pharmacy in the State of New York; and

WHEREAS, the Erie County Department of Health and Evergreen Health mutually acknowledge that their intention in entering this agreement is solely to facilitate the Department of Health's participation in the 340B drug purchasing program, without having to establish and operate its own pharmacy; and

WHEREAS, the purpose of this resolution is to authorize the County Executive to enter into a contract with Evergreen Health beginning November 15, 2018.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with Evergreen Health; and be it further

RESOLVED, that the length of this contract shall be two (2) years, beginning on November 15, 2018 and expiring on November 14, 2020; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law and to Dr. Gale R. Burstein, Commissioner in the Erie County Health Department, 9th Floor, Rath Building.

(6-0)

6. COMM. 20E-19 (2018)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health provided documentation to meet the NYSDOH measure of data analyzed and public health conclusions drawn; and

WHEREAS, Erie County Department of Health provided documentation to meet the NYSDOH measure of Health promotion strategies to mitigate preventable health conditions; and

WHEREAS, the Erie County Department of Health provided documentation to meet the NYSDOH measure of efforts to specifically address factors that contribute to specific populations' higher health risks and poorer health outcomes; and

WHEREAS, the Erie County Department of Health provided documentation to meet the NYSDOH measure of engagement with the community about policies and/or strategies that will promote the public's health; and

WHEREAS, the Erie County Department of Health provided documentation to meet the NYSDOH measure of engagement with governing entities advisory boards, and elected officials about policies and/or strategies that will promote the public's health; and

WHEREAS, the Erie County Department of Health provided documentation to meet the NYSDOH measure of process to develop strategies to improve access to health care services; and

WHEREAS, the Erie County Department of Health had maintained high standards of chronic disease reporting measures during the 2017 performance period; and

WHEREAS, the New York State Department of Health wishes to award the Erie County Department of Health a Performance Incentive of \$65,500.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the acceptance of the Performance Incentive award of \$65,500 in the 2018 Budget as follows:

ERIE COUNTY DEPARTMENT OF HEALTH

HEALTH DIVISION
FUND 110
FUND CENTER 12700

SAP	REVENUE	AMOUNT
405540	State Aid – Art VI/Public Hlth Work	<u>\$65,500</u>
	TOTAL	<u>\$65,500</u>

SAP	EXPENSES	AMOUNT
505000	Office Supplies	\$ 960
505800	Medical & Health Supplies	46,505
510000	Local Mileage Reimbursement	1,500
510200	Training and Education	600
516020	Professional Svcs Contracts & Fees	1,087
530000	Other Expenses	10,477
561410	Lab & Technical Equipment	591
561420	Office Eqmt, Furniture & Fixtures	<u>\$ 3,780</u>
	TOTAL	<u>\$65,500</u>

and be further

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

(6-0)

7. COMM. 20E-20 (2018)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, the purpose of this resolution is to authorize the Erie County Department of health to enter into contract with LEWAC Associates of WNY Inc. for the provision of professional educational event planning and promotional services for the period October 1, 2018 through September 30, 2023; and

WHEREAS, the provision of event planning services is based upon assigned rates from multiple grant funding sources for the Cancer Services Program of Erie County; and

WHEREAS, the funds to cover the costs of this contract are available through the professional services accounts in several grants including Cancer Services, Susan G. Komen, and Breast & Cervical Cancer Early Detection Program.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with LEWAC Associates of WNY Inc. for the provision of professional educational event planning and promotional services in the amount of \$1,500 for the period October 1, 2018 through September 30, 2023; and be it further

RESOLVED, that funds to cover the costs of this contract are available through the professional services accounts of the following grants and their future grant years: 127BREASTCERV1819, 127KOMEN1819 and 127PARTPREV1819; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law and to Dr. Gale R. Burstein, Commissioner, in the Erie County Department of Health, 9th Floor, Rath Building.
(6-0)

8. COMM. 20E-21 (2018)
COUNTY EXECUTIVE

WHEREAS, the Probation Department and the Sheriff's Office jointly seek to engage University Psychiatric Practice dba UBMD Psychiatry for the purpose of conducting psychological evaluations for individuals being considered for hire as Probation Officers, Deputy Sheriff Officers and Correctional Officers; and

WHEREAS, the civil service job posting for Probation Officer Trainee now includes as a special requirement the successful completion of a psychological evaluation: applicants will be subject to an extensive pre-employment background investigation and psychological evaluation; and

WHEREAS, the Probation Department will henceforth require every new Probation Officer to have successfully completed a psychological Evaluation prior to hire; and

WHEREAS, the Erie County Sheriff's Office in its responsibility to provide quality public safety services to the community also considers psychological evaluation results when hiring sworn Officers; and

WHEREAS, both the Probation Department and Sheriff's Office agree that using the same standards, methodologies, and evaluative instruments for both departments is in the best interest of the county; and

WHEREAS, University Psychiatric Practice dba UBMD Psychiatry has experience performing psychological evaluations for law enforcement using standards, methodologies and evaluative instruments that are preferred by both departments.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive and Sheriff's Office is hereby authorized to enter into contracts with University Psychiatric Practice dba UBMD Psychiatry 462 Grider Street, 11th Floor, Buffalo, NY 14215-3098 for the purpose of conducting psychological evaluations on new hire Probation Officers and sworn Officers; and be it further

RESOLVED, that the Erie County Legislature hereby waives the procedures, as impractical, provided for in Section 19.08 of the Erie County Administrative Code for purposes of securing the services of University Psychiatric Practice dba UBMD Psychiatry to be retained to provide

psychological evaluation services associated with the hiring of new Probation Officers and sworn Officers; and be it further

RESOLVED, that budgetary appropriations in the respective departments Professional Services and Fees account #516020 be utilized; and be it further

RESOLVED, that certified copies of this resolution be sent to the: County Executive's Office, Division of Budget and Management, County Comptroller, County Attorney, Personnel Department, Sheriff's Office, Purchasing and the Probation Department.
(6-0)

9. COMM. 20E-23 (2018)
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services continually looks to enhance services for older adults in Erie County and for ways to fund such services; and

WHEREAS, the Administration on Aging (AoA), part of the Department of Health and Human Services Administration for Community Living (ACL) recently ran a nationwide competition to select proposals, for Innovations in Nutrition program pilot grant funding, for improvements, expansions, and/or modernizations of senior nutrition programs; and

WHEREAS, the Department, in conjunction with the Albany County Department for the Aging, submitted an application to the ACL for funding of a pilot program to provide eligible participants with senior congregate meals in select locally owned and operated dining establishments in order to reach underserved older adult populations in both counties and to streamline and computerize the meal count process in their existing congregate dining programs; and

WHEREAS, the ACL recently notified the Department of Senior Services that, as one of the four applicants selected nationwide, it was awarded \$500,000 of Innovation in Nutrition Program Federal grant monies for the period September 1, 2018 through August 31, 2020; and

WHEREAS, to comply with grantor requirements, the Department of Senior Services is the recognized recipient of the total grant, with the Albany County Department for Aging being a subcontractor, is budgeted to receive one half of the Federal grant monies; and

WHEREAS, the grant requires a 25% local share match which is to be split evenly, with Erie County's portion being \$83,334 spread out among the Department's 2018, 2019 and 2020 annual County budgets; and

WHEREAS, matching funds are available in the Department's current 2018 annual budget to cover the projected local share needed in 2018, and matching funds will be included in the Department's 2019 and 2020 annual County budgets; and

WHEREAS, the Department wishes to introduce new dining options to Older Adults by providing restaurant dining options at locally owned and operated dining establishments through this pilot program; and

WHEREAS, dining programs are an effective way to reduce social isolation and prevent early use of higher cost health services; and

WHEREAS the Department sought initial restaurant partners in regions that are currently underserved due to lack of a current dining site and/or population demographics; and

WHEREAS, the Department's application for grant funding had identified the West Side Bazaar at 25 Grant St. Buffalo, 14213, as a potential facility in which to launch the restaurant dining program through the various food vendors operating there, who while serving the general public can also reach an ethnically diverse neighborhood senior population under represented at the Department's existing congregate dining sites; and

WHEREAS, the participating vendors at the West Side Bazaar are as follows:

Nine&Night - dba Nine + Night Thai Bistro
Abyssinia Ethiopian Cuisine
Exotic Japanese Foods - dba M Asian Halal Foods
Thang's Family Restaurant - dba Thang's Family Japanese Ramen
007 Chinese Food
Kiosko Latino
Rakhapura Mutee and Sushi
Wa Wa Asian Snacks

and

WHEREAS, the Department of Senior Services, through the County's Division of Purchase's web site, social media, and notices published in the legislatively approved newspapers, issued an invitation for locally owned and operated restaurants to submit letters of interest to participate in the program; and

WHEREAS, the Department of Senior Services will continue to post an invitation for restaurants to participate and add restaurants based on funding availability; and

WHEREAS, the Department of Senior Services aims to have flexibility in the program to obtain a best mix of providers and service to Erie County residents with a focus on underserved older adult populations; and

WHEREAS, the grant funding will also allow the Department of Senior Services to begin replacing the existing congregate dining program's paper based process for tracking clients and meal counts at dining sites, with electronic scanners, client key tags, and computerized uploading of data to the NY State Office for the Aging's PeerPlace system.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive be and is hereby authorized to enter into a contract with the Administration on Aging, part of the Department of Health and Human Services Administration for Community Living, to accept \$500,000 of Innovations in Nutrition grant funding, for the period September 1, 2018 through August 31, 2020; and be it further

RESOLVED, the County Executive be and is hereby authorized to contract with the Office for the Aging of Albany County, NY, as a subcontractor of the Department of Senior Services and pay them up to one half of the federal grant monies, upon the Department's receipt and approval of the appropriate subcontractor expenditure reports, with the Office for the Aging of Albany County, NY being responsible for providing the required local match for the federal grant funds they receive; and be it further

RESOLVED, that Erie County's share of the grant's required 25% local match be, in 2018, funded out of the Department's general fund, Administration & Support cost center (#1631010), County Share - Grants account (#559000). With County share funding for the grant in subsequent years to be included in the Department's annual budget requests for 2019 and 2020; and be it further

RESOLVED, to the extent applicable, the Erie County Legislature hereby waives the procedures, as impractical, provided for in Section 19.08 of the Erie County Administrative Code for purposes of securing the services of locally owned and operated dining establishments to provide on-site congregate meals for eligible seniors participating in the Department's restaurant meal program; and be it further

RESOLVED, that the County is authorized to contract, for the provision of on-site congregate meals for eligible seniors, during the period January 1, 2019 to August 31, 2020, with the West Side Bazaar and the food vendors that operate there, including:

Nine&Night - dba Nine + Night Thai Bistro
Abyssinia Ethiopian Cuisine
Exotic Japanese Foods - dba M Asian Halal Foods
Thang's Family Restaurant - dba Thang's Family Japanese Ramen
007 Chinese Food
Kiosko Latino
Rakhapura Mutee and Sushi
Wa Wa Asian Snacks

and be it further

RESOLVED, the County is authorized to enter into agreements with new restaurant partners qualified by the Department of Senior Services to meet geographic and/or demographic service demand as the program evolves; and be it further

RESOLVED, that the Department is authorized to utilize grant funds to purchase of scanners, key tags, other equipment and supplies; and be it further

RESOLVED, that the budget for the Innovations in Nutrition 2018 - 2020 grant, (163INNU1820), be established as follows:

REVENUES		INITIAL BUDGET
Account	Description	
414000	Federal Aid	\$500,000
417000	Contributions-Participants	24,261

466320	Subcontractor Match	83,333
479000	County Share Grants	<u>83,334</u>
	TOTAL REVENUE	<u>\$690,928</u>

APPROPRIATIONS		INITIAL BUDGET
Account	Description	
505000	Office Supplies	\$3,650
505400	Food & Kitchen Supplies	350
510000	Local Mileage Reimbursement	750
510100	Out of Area Travel	4,250
516020	Professional Services & Fees	334,833
516027	Meal Preparation	291,134
530000	Other Expenses	2,000
561410	Lab & Tech Equipment	9,700
916390	ID Senior Services Grant	40,761
980000	ID DISS Services	<u>3,500</u>
	TOTAL APPROPRIATIONS	<u>\$690,928</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the budget as required to comply with the grantor approved 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, Purchasing and the Department of Senior Services.

(6-0)

JOHN BRUSO
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 217

November 8, 2018	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 18
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ALL MEMBERS PRESENT.
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

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

a. COMM. 20D-1 (2018)
DEPUTY COMPTROLLER – AUDIT: “Letter to Commissioner of Central Police Services Regarding Audit of Contract Payments”
(Chair’s ruling)

2. COMM. 20E-1 (2018)
SHERIFF

WHEREAS, Although the current Tactical Flight Officer (TFO) is certified and experienced to fly missions for the Erie County Sheriff’s Office, the agency needs two pilots for certain missions and a second pilot for times when the TFO is unavailable; and

WHEREAS, it is vital to the operation of Air-1 and for public safety that the Sheriff’s Office purchase a life insurance policy which will allow retired Captain Kevin Caffery to operate Air-1 as a second pilot; and

WHEREAS, this term of the policy ends on June 30, 2019; and

WHEREAS, the Sheriff’s Office has included this item in the proposed 2019 budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the reallocation of funds from transfer \$ 7,870.00 from Account # 530000 - Other Expenses account to Account # 555050 - Insurance Premiums; and be it further

RESOLVED, that Budget and Management Division is hereby authorized to transfer an amount not to exceed \$ 7,870.00:

ERIE COUNTY SHERIFF’S OFFICE

<u>ACCOUNT #</u>		<u>DECREASE</u>
530000	Other Expenses	\$ 7,870.00
<u>ACCOUNT #</u>		<u>INCREASE</u>
555050	Insurance Premium	\$ 7,870.00

and be it further

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

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

RESOLVED, that certified copies of the approved resolution are sent to the Division of Budget and Management, the Erie County Comptroller’s Office, and the Chief of Administration of

the Sheriff office for implementation.

(6-0)

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

WHEREAS, the Department of Social Services is requesting authorization to renew a lease at 290 Main Street with the Swan Group Limited Partnership for the purpose of housing multiple Social Services programs at that site; and

WHEREAS, the lease renewal is for space on six floors at 290 Main Street totaling 43,137 square feet at an annual base rental amount of \$14.44 per square foot for an annual base rental amount of \$622,896; and

WHEREAS, in addition to the base rent, the County is responsible for a percentage of the expenses for electric and increases in the operating expenses and real estate taxes over the 2014 base year.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive is authorized to execute the lease and the lease renewal for 290 Main Street at the rental terms herein presented; and be it further

RESOLVED, section 19.08 of the County Code requirement for a Request for Proposals is waived as the cost of moving is prohibitive due to the extensive cabling and systems installations in place at the current location; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Commissioner of Social Services, the Erie County Comptroller, and the Director of the Division of Budget and Management.

(6-0)

4. COMM. 20E-15 (2018)
COUNTY EXECUTIVE

WHEREAS, pursuant to Section 7-6.0 of the Erie County Tax Act, as well as specific direction of resolutions adopted by the Erie County Legislature in each of the past fifty -eight (58) years, the County of Erie, each November, bids for and purchases every available Tax Certificate upon real estate for which current year real property taxes then remain unpaid; and

WHEREAS, the collection of delinquent real property taxes under this procedure has been satisfactory, potentially leading, absent redemption, to the commencement of an *in rem* tax foreclosure action against the affected properties by the County; and

WHEREAS, it is recommended that your Honorable Body direct the Director of Real Property Tax Services to bid and purchase for the County of Erie, its bid being preferred over all other offers, every 2018 Tax Certificate upon real estate for which current year real property taxes remain unpaid as of November 23, 2018, the scheduled tax sale date for 2018 Tax Certificates.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Article VII of the Erie County Tax Act, the Director of Real Property Tax Services be, and hereby is, authorized to bid for and purchase, on behalf of the County of Erie, all Tax Certificates upon real estate in Erie County for which 2018 real property taxes have not been paid; and be it further

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

5. COMM. 20E-24 (2018)
COUNTY CLERK

WHEREAS, the County Clerk is responsible for recording, filing and maintaining a central repository of legal documents and records affecting property titles, including land and real estate transactions in its Registrar Division; and

WHEREAS, the County Clerk executed an original purchase and maintenance agreement with NewVision Systems Corporation (“NewVision”) in 2004 for document management and workflow to record, archive and retrieve official records maintained by the County Clerk. Upon the expiration of the original agreement, in 2008 Erie County executed a Software Maintenance Agreement, (“Agreement”), the term of which is five years. The Clerk has extended the Agreement once and the current extension expires on December 31, 2018; and

WHEREAS, the agreement has been reviewed and it has been determined that it continues to meet the needs of the County Clerk’s Office; and

WHEREAS, the working relationship with the vendor has proven to be positive in response time, attention to the County’s needs, and technological support; and

WHEREAS, the County Clerk’s Office will benefit from continued uninterrupted support and service in addition to establishing the cost of the contract for a five-year period.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into a 2nd extension of the NewVision Systems Corporation Maintenance Agreement for a five-year period; and be it further

RESOLVED, that the funding for the cost of the 2019 maintenance agreement is included in the 2019 Budget as submitted; and be it further

RESOLVED, that funding for subsequent years 2020-2023 will be included as part of the annual budget process; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, County Attorney, Erie County Comptroller, Erie County Clerk and the Director of Budget and Management

and other parties deemed appropriate and that the County Executive shall execute the Agreement extending the terms of the Software Maintenance Agreement between NewVision Systems Corporation and the County of Erie.
(6-0)

**BARBARA MILLER-WILLIAMS
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 218

November 8, 2018	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 16
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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. LL INTRO. 8-1 (2017)
BURKE: “Honeybee Protection Act”
(Chair’s Ruling)
 - b. INTRO. 5-6 (2018)
LORIGO, RATH, MILLS, DIXON & HARDWICK: “Opposition to the Imposition of a Statewide Mandatory Ban on the Use of Free Plastic Shopping Bags”
(Chair’s Ruling)
 - c. COMM. 13E-9 (2018)
BURKE: “Letter to Comptroller Requesting Analysis of the Feasibility of Merging the ECWA into EC Government”
(Chair’s Ruling)
 - d. COMM. 13E-33 (2018)
BURKE: “Letter to NYS Comptroller Concerning ECWA”
(Chair’s Ruling)
 - e. COMM. 20E-14 (2018)
COUNTY EXECUTIVE: “ECSD Nos. 3 & 8 Construction Inspection Contract Agreement”
(Chair’s Ruling)
 - f. COMM. 20D-3 (2018)

DEPARTMENT OF ENVIRONMENT & PLANNING: “SEQR - Solicitation for Lead Agency Status - Unlisted Action”
(Chair’s Ruling)

- g. COMM. 20M-2 (2018)
EC AGRICULTURAL & FARMLAND PROTECTION BOARD: “EC Agricultural Districts, Inclusion of Viable Agricultural Land - 2018 Report”
(Chair’s Ruling)
- h. COMM. 20M-4 (2018)
NYSDEC: “Public Comment Invitation - Brownfield Cleanup Program - 1585 Hertel Ave. Site” (Chair’s Ruling)
- i. COMM. 20M-5 (2018)
NYSDEC: “Public Comment Invitation - Brownfield Cleanup Program - 166 Chandler St. Site” (Chair’s Ruling)
- j. COMM. 20M-6 (2018)
NYSDEC: “Public Comment Invitation - Brownfield Cleanup Program - 1550 Harlem Rd. Site”
(Chair’s Ruling)

JOHN BRUSO
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 219

November 8, 2018	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 16
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ALL MEMBERS PRESENT.
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

- 1. COMM. 20E-5 (2018)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Parks, Recreation and Forestry has contracted with an outside vendor for a number of years to operate the concession area at Chestnut Ridge Park; and

WHEREAS, the concessionaire has provided food and refreshments for park patrons to enjoy throughout the winter season; and

WHEREAS, Grateful Grind Coffee, LLC of Hamburg, NY provided the proposal with the highest evaluation score, as well as a revenue benefit to the County of Erie.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Executive is authorized to enter into an agreement with Grateful Grind Coffee, LLC for operation of the concession stand at Chestnut Ridge Park; and be it further

RESOLVED, the Erie County Parks Department will receive \$10,785 in revenue annually from Grateful Grind Coffee, LLC for the length of the contract; and be it further

RESOLVED, that certified copies of this Resolution be sent to the Erie County Executive, the Commissioner of Parks, Recreation and Forestry and the Erie County Department of Law.
(6-0)

2. COMM. 20E-6 (2018)
COUNTY EXECUTIVE

WHEREAS, the existing 29 year old roof system at Erie Community College North Campus Bell Sports Center shows signs of severe deterioration that is evident with significant entrapped insulation, roof gashes, and extensive standing water; and

WHEREAS, the Legislature has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Bell & Spina Architects Planners P.C. to provide professional design and construction administration services for Erie Community College North Campus 2017 Spring Student Center Roof Replacement project (COMM. 20E-10 (2017)); and

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

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to Bell & Spina Architects Planners P.C. to provide design and construction document services for the Erie Community College North Campus 2018 Bell Sports Center Roof Repairs, Recoating, and Roof Replacement project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to Bell & Spina Architects Planners P.C. to provide design and construction document services for the Erie Community College North Campus 2018 Bell Sports Center Roof Repairs, Re-coating, and Roof Replacement project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project E.16002 – 2016 ECC Roof Replacement and Waterproofing Collegewide, Fund 480, Funds Center 122, in an amount not to exceed \$53,000, including reimbursables and a design contingency, and is 50% reimbursable from New York State; and be it further

RESOLVED, that the fee for construction administration is currently excluded and will be negotiated after bids are received, with the amount dependent on whether construction can be phased together with that of the Spring Student Center; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller, and one copy to Erie Community College of the Chief Administrative and Financial Officer.

(6-0)

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

WHEREAS, a Project for the Replacement of Hillcroft Road Bridge over Eighteen Mile Creek, Town of Boston, Erie County, NYS PIN 5761.69, BIN 3327840 (the "Project") was authorized by your honorable body via Communication 14E-37 (2018); and

WHEREAS, the Project is eligible for funding under Title 23 U.S. Code, as amended, that calls for the appropriation of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie has previously agreed to completely fund the 20% non-Federal share for the Project, in the amount of \$80,000; and

WHEREAS, the New York State Department of Transportation (NYSDOT), has indicated that State funds are available for the full 20% non-Federal share for this Project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes acceptance of the New York State Department of Transportation (NYSDOT) funding for the 20% non-Federal portion of the Project Design Costs, in the amount of \$80,000; and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to accept the 20% non-Federal aid reimbursement of \$80,000 and increase the project budget in Fund 420, Funds Center 123, Project B.16015 – 2016 Preservation of Bridges and Culverts Design, Engineering, and Construction Inspection; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie, with the NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid- and State Aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

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

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the NYSDOT; and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.
(5-0) Legislator Rath not present for vote.

4. COMM. 20E-17 (2018)
COUNTY EXECUTIVE

WHEREAS, the Tonawanda Rails to Trails Project PIN 5761.02 (“Project”) is eligible for funding under the Federal Transportation Alternatives Program administered by the New York State Department of Transportation (NYSDOT); and

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

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

WHEREAS, to advance the construction phase of the Project, Erie County is required to execute utility work agreements with involved utilities National Grid, Charter, Verizon and AT&T; and

WHEREAS, the Charter, Verizon and AT&T utility work agreements involve work to be done at the utilities’ expense; and

WHEREAS, the work required by National Grid is partly at the utility’s expense and partly at the Project’s expense; and

WHEREAS, the expense to the Project is not anticipated to exceed \$30,000 which is available from Funds Center 123, Fund 420, Project B.15005 – Tonawanda Rails to Trail Utility Work Agreements; and

WHEREAS, execution of a supplemental agreement with the NYSDOT for the construction phase of the Project has been previously approved by your Honorable Body under Comm. 14E-13 (July 26, 2018).

NOW, THEREFORE, BE IT

RESOLVED, that \$30,000 is hereby appropriated from Funds Center 123, Fund 420, Project B.15005 – Tonawanda Rails to Trail Utility Work Agreements, and made available to cover the cost of participation in the necessary reimbursable Utility Work Agreement with National Grid; and be it further

RESOLVED, that the County Executive of the County of Erie, is hereby authorized to execute all necessary Agreements and certifications on behalf of the County of Erie, (subject to the County of Erie Attorney's approval as to form and content), in connection with Utility Work Agreements with National Grid, Charter, Verizon, and AT&T; and be it further

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

(5-0) Legislator Rath not present for vote.

PATRICK B. BURKE
CHAIR

LEGISLATOR RESOLUTIONS

Item 27 – MS. BASKIN presented the following resolution and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 220

RE: Authorization for Special Charge
of Downtown Pedestrian/Transit
Mall District
(INTRO. 21-1)

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

WHEREAS, the Erie County Legislature approved Local Law No. 8-1984, establishing a downtown pedestrian/transit mall special district; and

WHEREAS, the Erie County Legislature approved on December 19, 1985, a resolution authorizing the County Executive to enter into agreement with Downtown Buffalo Management Corporation, now known as Buffalo Place Inc., designating Buffalo Place Inc. as the not-for-profit corporation with which Erie County shall contract for the performance of mall special district services, for which annual contracts were executed in 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018; and

WHEREAS, the said Local Law requires that the mall corporation present an annual budget to the Legislature regarding the amount to be raised by mall district special charges; and

WHEREAS, pursuant to the said Local Law, Buffalo Place Inc. held a public hearing, on due notice to property owners within the district, regarding the proposed 2019 annual budget on October 30, 2018; and

WHEREAS, on October 30, 2013 the Board of Directors of Buffalo Place Inc. approved a resolution approving a payment in lieu of service charges for the HSBC Atrium Building and have included the same as part of its proposed 2019 budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby determine that the total amount to be raised by mall district service charges in 2019 shall be the sum of \$1,710,000 as contained in the attached budget which shall be a part of this Resolution, which amount does not exceed 80% of the service charges that could be assessed or levied against properties in the district; and be it further

RESOLVED, that the County of Erie be and hereby is authorized to enter into agreement with Buffalo Place Inc., the not-for-profit corporation described in Section 9 of Erie County Local Law No. 8-1984, providing for the performance by Buffalo Place Inc. of the mall special services set forth in Section 8 of said Local Law; the payment to Buffalo Place Inc. of the proceeds of the mall special district charges, less administrative costs, to be used by Buffalo Place Inc. in providing mall special district services; and such other terms and conditions as to the County Attorney appear necessary or appropriate for the implementation of Erie County Local Law No. 8-1984 and Chapter 673 of the Laws of 1982; and be it further

RESOLVED, that the Buffalo Place Inc. revenues, in addition to the special charges assessed as above set forth, include for the year 2019, \$18,000 in payment in lieu of service charges for KeyBank Center (1 Seymour H. Knox III Plaza, Buffalo, NY) and \$34,675 for HSBC Atrium Building (95 Washington Street, Buffalo, NY) totaling \$52,675 as set forth in said budget; and be it further

RESOLVED, that the Erie County Commissioner of Finance shall, not later than November 15, 2018, cause to be established a Mall District Special Charge Roll apportioning the amount herein above determined to be raised by mall district special charges and payment in lieu of special charges for 2019 in conformance with the formula set forth in Section 7 of Erie County Local Law N. 8-1984 using the latest available final general or special assessment roll prepared by The City of Buffalo; and be it further

RESOLVED, that certified copies of this resolution in its final form be forwarded to the Erie County Executive, the Mayor of the City of Buffalo, the Chairman and the Executive Director of Buffalo Place Inc., and the Erie County Commissioner of Budget and Management.

Item 28 – CHAIR SAVAGE directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO. 21-2 from BRUSO. Agricultural District Designations.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 221

RE: Re-Appropriation of 2018 Public
Benefit Funding
(INTRO. 21-3)

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

WHEREAS, in Intro. 20-2 (2018), this Honorable Body approved the re-appropriation of \$2,500 in 2018 public benefit funding from the Westside Baseball Little League in Fund Center #1332010 to the Paul Robeson Theatre; and

WHEREAS, the Paul Robeson Theatre is a component of the African American Cultural Center, Inc., and the Theatre has no separate legal, financial or Internal Revenue Service status and therefore, cannot by itself sign and execute a contract with the County to receive the funding; and

WHEREAS, in order to appropriate the funding, there is a need to amend the resolution to designate the funding to the legal entity which administers the Paul Robeson Theatre, the African American Cultural Center.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer \$2,500 of the available 2018 funding re-appropriated in Intro, 20-2 (2018) from the Paul Robeson Theatre to the African American Cultural Center for the benefit of the Theatre; and be it further

RESOLVED, that the Director of the Division of Budget and Management is authorized to make any adjustments necessary to effectuate the intent of this resolution or any other changes identified by the Office of the Erie County Comptroller; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Executive, the Erie County Comptroller, the Director of Budget and Management, and any other party deemed necessary and proper.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 30 – MS. BASKIN moved to discharge the GOVERNMENT AFFAIRS COMMITTEE of further consideration of INTRO. 7-3 (2018). MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 222

RE: Calling for Voting Transit-Dependent
Members on the NFTA Board of
Commissioners
(INTRO. 7-3, 2018)

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

WHEREAS, the majority of Niagara Frontier Transportation Authority (NFTA) riders/users are low-income residents known as ‘Captive Riders’ who live in areas where there is limited NFTA service; and

WHEREAS, for many years, patrons who use NFTA buses have expressed concern with limited or poor service, infrequent buses, schedule problems, and a lack of accessibility for users to get from their homes to locations where people work and employers are desperately seeking employees, resulting in a lack of job opportunities in certain communities and in some cases, employers to withdraw from the local market; and

WHEREAS, in order to best address the needs of the NFTA’s riders, input from a ‘Captive Rider’ voting representative on the Board of Commissioners would provide valuable opportunities for transit-dependent users to have a seat at the table and to help educate NFTA management and commissioners on the needs of their patrons; and

WHEREAS, in addition to the lack of rider input on the Board of Commissioners, there is also a lack of participation and transparency at NFTA public hearings and board meetings that hinders input from the public as well and blocks riders and the public from having a voice to share their concerns and ask questions to NFTA management and the Board of Commissioners; and

WHEREAS, to help address the ‘Captive Rider’ issue and a lack of a transit voice on the voting membership of the NFTA Board of Commissioners, Senate Bill S.5106 has been introduced in the New York State Senate by Senator Timothy Kennedy to add two voting members to the NFTA Board of Commissioners who are transit-dependent and para-transit-dependent.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support the concept of adding a ‘Captive Rider’ voting member to the NFTA Board of Commissioners who has shown an extreme commitment to community service and is a resident of an Erie County community lacking quality NFTA services; and be it further

RESOLVED, that this Honorable Body expresses support for S.5106 and the intention behind adding two voting members to the NFTA Board of Commissioners to represent the transit community and para-transit community who use NFTA bus services; and be it further

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

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

CARRIED UNANIMOUSLY.

Item 31 – MS. BASKIN moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 17E-10 (2018). MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 223

RE: Grievance and Personnel Adjustments
(COMM. 17E-10, 2018)

WHEREAS, the Erie County Sheriff's Police Benevolent Association (ECSOPBA) filed a grievance to designate a Deputy Sheriff - Criminal as Detective Deputy permanently; and

WHEREAS, a settlement was reached between the members of the ECSOPBA and the Erie County Sheriff's Office which will permanently designate one Deputy Sheriff to the rank of Detective; and

WHEREAS, the settlement stipulates the designee receive the appropriate appointment date for the time the Deputies when they began functioning in the role of Detective Deputy; and

WHEREAS, back pay is not required, therefore, additional County funds are not needed for this settlement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Sheriff's Office and the Personnel Department to adjust one Deputy Sheriff-Criminal Job Group 8 to Detective Deputy Job Group 9; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Erie County Comptroller's Office, the Personnel Department, and the Chief of Administration of the Sheriff's Office for implementation.

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

CARRIED UNANIMOUSLY.

Item 32 – MS. BASKIN moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 20E-18 (2018). MR. BRUSO seconded. MR. LORIGO voted in the negative.

CARRIED. (10-1)

RESOLUTION NO. 224

RE: Senior Information Security Analyst –
Variable Minimum
(COMM. 20E-18, 2018)

WHEREAS, the Erie County Division of Information and Support Services secures the data for all Erie County systems; and

WHEREAS, the need for expert data security skills is critical for the function of the Division of Information and Support Services; and

WHEREAS, the Division of Information and Support Services is requesting authorization to fill the vacant title of Senior Information Security Analyst at a variable minimum; and

WHEREAS, funding for these changes is already available in the 2018 enacted budget with a net 2018 savings to the County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the hiring of one Senior Information Security Analyst, Job Group 15, at a variable minimum hiring level of Step 5 (2018 annual salary \$90,430); and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive, the Office of the Comptroller, the Department of Personnel, the Division of Budget and Management, and to Chief Information Officer, Michael Breeden in the Erie County Division of Information and Support Services.

MS. BASKIN moved approve the resolution. MR. BRUSO seconded. MR. LORIGO and MR. RATH voted in the negative.

CARRIED. (9-2)

Item 33 – MS. BASKIN moved to discharge the GOVERNMENT AFFAIRS COMMITTEE of further consideration of INTRO. 19-5 (2018). MR. BURKE seconded. MR. LORIGO and MR. RATH voted in the negative.

CARRIED. (9-2)

RE: Fairness & Safety for Wendt
Corporation Employees
(INTRO. 19-5, 2018)

**A RESOLUTION SUBMITTED BY
LEGISLATORS BURKE, BRUSO & SAVAGE**

WHEREAS, the Wendt Corporation on Walden Avenue in Cheektowaga is a scrap metal recycling facility that manufactures shredders and recycling equipment for junkyards and scape metal facilities; and

WHEREAS, on June 9, 2017, fabrication workers at Wendt overwhelmingly won their worker rights election with the National Labor Relations Board and chose to affiliate and be represented by the Ironworkers International union (Ironworkers International Local 576); and

WHEREAS, more than one year later, the Wendt Corporation refuses to acknowledge the union's concerns about health and safety issues at Wendt and negotiate a fair contract for the employees; and

WHEREAS, the workers are seeking Dignity and Respect and want to have strong health and safety language and protection enshrined in their union contract with Wendt; and

WHEREAS, in April 2018, the Buffalo News reported that Wendt Corporation president and owner Thomas Wendt, Jr. purchased a home in East Amherst for \$1.5 million; and

WHEREAS, in September 2018, union leaders presented a report titled, "Wendt Corporation, Don't Shred Your Workers' Rights! A report on workers at Wendt Corporation" which noted major safety deficiencies at the facility; and

WHEREAS, the 24-page report was authored by the Western New York Worker's Rights Board, sponsored by the Buffalo Coalition for Economic Justice, and it documents how and why the union organized, employee testimonies about workplace conditions, recommendations from the union, and union accusations of delay tactics used by Wendt concerning contract negotiations; and

WHEREAS, the report is a corollary to the WNYCOSH "Risky Business Report," released in July 2018, in which WYNCOSH conducted a walkthrough assessment of the Wendt facility, coupled with safety reports from OSHA and found that of the 31 areas inspected during that walkthrough, 17 had "Major Hazards" and four areas were identified as having "Fatal Hazards"; and

WHEREAS, according to the Cheektowaga Chronicle, ten years ago the company faced \$169,500 in fines from the U.S. Department of Labor's Occupational Safety and Health Administration for failing to fully correct hazards cited during a prior OSHA inspection and recently, two people in separate incidents on the same day required medical attention from Forks firefighters according to Cheektowaga Police records; and

WHEREAS, the National Labor Relations Board held a hearing in September 2018 concerning the union's concerns and allegations about Wendt's treatment of its employees; and

WHEREAS, the workers held an informational picket in February 2018, claiming the company has been "dragging its feet" in negotiating a union contract, held another picket on October 17, 2018 and will hold another on October 24, 2018.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its strong support for the Ironworkers 576 members at the Wendt Corporation and urges the company to offer a fair and equitable contract with appropriate health and safety provisions for employees; and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to Thomas Wendt, Jr. of the Wendt Corporation, Iron Workers District Council President James Mahoney, James Wagner of the Ironworkers International Union, and National Labor Relations Board Regional Director Paul J. Murphy.

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

MS. MILLER-WILLIAMS moved to amend the resolution. MR. LOUGHRAN seconded.

MR. RATH moved to send the resolution to the GOVERNMENT AFFAIRS COMMITTEE for further consideration. MR. LORIGO seconded.

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

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

CARRIED.

SUSPENSION OF THE RULES

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

GRANTED.

COMM. 21E-15 from LORIGO Re: Letter to Chair of Legislature Concerning 2019 Budget - Additional Member of Finance & Management/Budget Committee

Received, filed and printed.

November 13, 2018

Hon. Peter J. Savage
Erie County Legislature, Chairman
92 Franklin Street – 4th Floor
Buffalo, New York 14202

Dear Chair Savage,

Please accept Legislator Lynne Dixon as the 2018 Minority Caucus appointee to the Erie County Finance/Management & Budget Committee.

I appreciate your attention in this matter.

Sincerely,

Joseph C. Lorigo
Erie County Legislature

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

GRANTED.

COMM. 21E-16 from MILLS Re: Letter to Commissioner of Health Concerning ECDOH Website

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

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

GRANTED.

COMM. 21D-4 from EC CHIEF INFORMATION OFFICER Re: Letter Concerning (COMM. 20E-18) Senior Information Security Analyst - Variable Minimum

Received and filed.

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

GRANTED.

COMM. 21D-5 from COMMISSIONER OF DEPARTMENT OF HOMELAND SECURITY & EMERGENCY SERVICES Re: Budget Committee Follow-Up on Security Staff Transfer

Received and referred to the FINANCE & MANAGEMENT/BUDGET COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 38 – (COMM. 21E-1) Interim Financial Report of the County of Erie for the Third Quarter of 2018

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR RATH

Item 39 – (COMM. 21E-2) Letter to County Executive Concerning Tonawanda Creek Rd. Construction Public Meeting

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATORS LORIGO & LOUGHRAN

Item 40 – (COMM. 21E-3) Letter of Chair of Economic Development Committee Concerning Future of Buffalo Niagara Convention Center

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR LORIGO

Item 41 – (COMM. 21E-4) Letter to Chair of Legislature Regarding 2019 Legislative Session Schedule

Item 42 – (COMM. 21E-5) Letter to Chair of Government Affairs Committee Concerning Appointment to the Board of Ethics

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

FROM THE SHERIFF

Item 43 – (COMM. 21E-6) Accelerant Detection K9 Retirement and Acceptance of New Canine

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 44 – MS. BASKIN presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 225

RE: NYS Office of Mental Health –
Workforce COLA Funding
(COMM. 21E-7)

WHEREAS, the New York State Office of Mental Health (OMH) provides a 3.25% annual Workforce COLA to cover annual increases in salary and salary-related fringe benefit expenses; and

WHEREAS, the Erie County Department of Mental Health provides OMH funding for payroll costs of two case manager positions in the Erie County Department of Senior Services Community Services Coordinator program; and

WHEREAS, these case managers are COLA eligible position title codes pursuant to applicable provisions of the new York State Mental Hygiene Law; and

WHEREAS, in order to receive said funding, the State requires that the governing board of the County approve a resolution ensuring how the Workforce COLA funding will be allocated.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature agrees to accept the New York State Office of Mental Health COLA of 3.25%, as applied to salary and fringe expenditures, for those Department of Senior Services employees determined by the New York State Office of Mental Health to be eligible to receive the funding; and be it further

RESOLVED, that this funding will be distributed solely to those eligible employees at the appropriate rate as applied to actual salary and salary-related fringe expenditures incurred during the award period; and be it further

RESOLVED, that the funding received for any Workforce COLA will be used solely to support salary and salary-related fringe benefit expenses for eligible direct care staff professionals; and be it further

RESOLVED, that this action is conducted pursuant to Subdivision 3-e of Section 1 of Part C of Chapter 57 of the Laws of 2006, as amended by L. 2017, Chapter 57, Part Q, Section 2 (paragraph (i)) and the applicable standards issued by New York State; and be it further

RESOLVED, that this Resolution take effect immediately; and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to the: Erie County Executive, Commissioner of Personnel, Director of Budget and Management, County Comptroller, County Attorney, Commissioner of Mental Health and Commissioner of Senior Services.

Item 45 – (COMM. 21E-8) PILOT Agreement - Elim Townhomes Project in the City of Buffalo - Affordable Housing Development

Item 46 – (COMM. 21E-9) BridgeNY Project Agreement with NYSDOT, Award of Construction Contract - Quaker St. Bridge Replacement

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

Item 47 – (COMM. 21E-10) Amendment to COMM. 19E-22 (2016) for Interoperable Communications Consulting Services

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 48 – (COMM. 21E-11) Buffalo River Area of Concern Habitat Restoration - 61 Smith St. Contract Amendment

Item 49 – (COMM. 21E-12) ECSD No. 3 - Assistance with Air Permit Requirements, Engineering Term Agreement

Item 50 – (COMM. 21E-13) ECSD No. 6 - Disinfection Systems Upgrades/Improvements, Engineering Agreement

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

FROM THE SHERIFF

Item 51 – (COMM. 21E-14) Reallocation from DCH 2018 Budget to Purchase/Repair Medical & Office Equipment, Medical Supply Transport Vehicles & ECMC Invoices

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE FIRST ASSISTANT COUNTY ATTORNEY

Item 52– (COMM. 21D-1) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMMISSIONER OF
ENVIRONMENT & PLANNING

Item 53 – (COMM. 21D-2) SEQR Review - Repair and/or Reconstruction of Ellicott Creek Park Shelters

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE DIRECTOR OF
BUDGET & MANAGEMENT

Item 54 – (COMM. 21D-3) BMR for Period Ending September 2018

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYS DEC

Item 55 – (COMM. 21M-1) Invitation for Public Comment on Proposed Plan to Address Contamination at Brownfield Site on Elmwood Ave., Buffalo

Item 56 – (COMM. 21M-2) Fact Sheet Regarding Brownfield Cleanup Program Application & Draft Remedial Investigation Work Plan for the 3100 Clinton St. Site, in West Seneca

Item 57 – (COMM. 21M-3) Invitation for Public Comment on Brownfield Cleanup Program Application & Draft Investigation Plan for Site on Clinton St., West Seneca

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

FROM THE ECIDA

Item 58 – (COMM. 21M-4) 2019 Budgets for the ECIDA, RDC & ILDC

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM BUFFALO PLACE INC.

Item 59 – (COMM. 21M-5) Buffalo Place 2019 Budget Documents

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BUFFALO & EC
PUBLIC LIBRARY BOARD OF TRUSTEES

Item 60 – (COMM. 21M-6) Proposed Agenda for Meeting to be Held November 15, 2018

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NFTA

Item 61 – (COMM. 21M-7) Minutes of NFTA Board Meeting Held on October 25, 2018

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ANNOUNCEMENTS

Item 62 – Clerk of Legislature announced two upcoming public hearings. The first, concerning the tentative 2019 Erie County budget, will be held on Monday, November 19, 2018, at 6:00 p.m., in the Chambers of the Legislature. The second public hearing, concerning proposed Local Law Intro. 7-1 (2018), will be held on Thursday, November 29, 2018, at 6:00 p.m., also in the Chambers of the Legislature. The clerk also announced that the committee schedule for meetings to be held on Thursday, November 29, 2018 has been distributed.

Item 63 – Chair Savage announced that the Finance & Management/Budget Committee will reconvene on Thursday, November 19, 2018, at 1:00 p.m., to finalize their work on the tentative 2019 Erie County budget.

Item 64 – Legislator Mills announced that on Thursday, December 6, 2018, he will present his Citizen of the Month for 2018, and his designee will be attending the 13th Annual Holiday Luncheon here at the Legislature, offered by Mr. Mills each year since he became a legislator in 2006.

MEMORIAL RESOLUTIONS

Item 65 – Legislator Brusco requested that when the Legislature adjourns, it do so in memory of Thomas Cybulski.

Item 66 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Michael C. LoVullo.

Item 67 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Albert Dalke, Betty Quinzio, Harvey Collignon, Frederick Roth and Diane Krause.

Item 68 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Donald E. Will.

Item 69 – Chair Savage requested that when the Legislature adjourns, it do so in memory of John F. Humann.

ADJOURNMENT

Item 70 - At this time, there being no further business to transact, CHAIR SAVAGE announced that the Chair would entertain a Motion to Adjourn.

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

CARRIED UNANIMOUSLY.

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

ROBERT M. GRABER
CLERK OF THE LEGISLATURE