

**ERIE COUNTY LEGISLATURE
MEETING NO. 5
MARCH 1, 2018**

The Legislature was called to order by Chair Savage.

All members present.

An Invocation was held, led by Chair Savage, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Brusio.

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 4 from 2018. MR. BRUSIO seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. MILLER-WILLIAMS presented a proclamation Commemorating March 2018 as Women's History Month.

Item 6 – MS. MILLER-WILLIAMS presented a proclamation Joining Alpha Kappa Alpha's Xi Epsilon Omega Chapter in Celebration of Founders' Day.

Item 7 – MS. MILLER-WILLIAMS presented a proclamation Honoring Ms. Agnes Bain and the African American Cultural Center at Alpha Kappa Alpha's Xi Epsilon Omega Chapter's Founders' Day.

Item 8 – MS. MILLER-WILLIAMS presented a proclamation Honoring City of Buffalo Mayor Byron W. Brown at Alpha Kappa Alpha's Xi Epsilon Omega Chapter's Founders' Day.

Item 9 – MS. MILLER-WILLIAMS presented a proclamation Celebrating alongside Roland Martin and Canisius College for the 50th Anniversary of the Afro-American Society.

Item 10 – MS. MILLER-WILLIAMS presented a proclamation Welcoming Renowned Journalist Roland Martin in Celebration of the Canisius Afro-American Society's 50th Anniversary.

Item 11 – MS. DIXON presented a proclamation Acknowledging Alex Mark Weinsheimer Upon Obtaining the Rank of Eagle Scout.

Item 12 – MR. RATH presented a proclamation Recognizing the Clarence Toastmasters Club for Being Named the Clarence Chamber of Commerce's 2018 Organization of the Year.

Item 13 – MR. RATH presented a proclamation Recognizing E. Peter Forrestel II for his Contributions to Clarence and for Being Named the Clarence Chamber of Commerce's 2018 Citizen of the Year.

Item 14 – MR. MILLS presented a proclamation Honoring Town of Boston Supervisor Jason Keding for his Efficient and Effective Leadership.

Item 15 – MS. MILLER-WILLIAMS, MS. BASKIN & MS. DIXON presented a proclamation Commemorating and Celebrating March 2018 as Women's History Month.

Item 16 – MR. RATH presented a proclamation Recognizing Monkey See, Monkey Do ... Children's Bookstore for their Contributions to the Town of Clarence and for Being Named the Clarence Chamber of Commerce's 2018 Small Business of the Year.

Item 17 – MS. DIXON presented a proclamation Acknowledging Kyle Mark Weinsheimer Upon Obtaining the Rank of Eagle Scout.

Item 18 – MR. RATH presented a proclamation Recognizing Picone Construction Corporation for their Achievements and for Being Named the Clarence Chamber of Commerce's 2018 Large Business of the Year.

Item 19 – MR. RATH presented a proclamation Acknowledging Robert W. Lenz for his Contributions to the Clarence Community and for Being Named the Clarence Chamber of Commerce's 2018 Lifetime Achiever.

MS. BASKIN moved for consideration of the above fifteen items. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 20 – CHAIR SAVAGE directed that Local Law No. 1 (Print #2) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 21 – CHAIR SAVAGE directed that Local Law No. 4 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 22 – CHAIR SAVAGE directed that Local Law No. 6 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 23 – CHAIR SAVAGE directed that Local Law No. 8 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 24 – CHAIR SAVAGE directed that Local Law No. 12 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 25 – CHAIR SAVAGE directed that Local Law No. 14 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 26 – CHAIR SAVAGE directed that Local Law No. 15 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 27 – CHAIR SAVAGE directed that Local Law No. 16 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 28 – CHAIR SAVAGE directed that Local Law No. 17 (Print #1) 2017 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 29 – CHAIR SAVAGE directed that Local Law No. 20 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 30 – CHAIR SAVAGE directed that Local Law No. 21 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 31 – CHAIR SAVAGE directed that Local Law No. 22 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 32 – CHAIR SAVAGE directed that Local Law No. 23 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 33 – CHAIR SAVAGE directed that Local Law No. 1 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 34 – MS. BASKIN moved to take Local Law No. 1 (Print #2) 2017 off the table. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

BE IT ENACTED BY
THE LEGISLATURE OF THE
COUNTY OF ERIE AS FOLLOWS

LOCAL LAW INTRO No. 1-2 (2018)

LOCAL LAW No. _____ (2018)

A Local Law repealing the Erie County Code of Ethics established by local law number ten of nineteen hundred eighty-nine as amended by Erie County local law number four of nineteen hundred ninety-four and Erie County local law number four of two thousand and fifteen, and establishing a new Erie County Code of Ethics.

ERIE COUNTY CODE OF ETHICS

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13. Compilation and distribution of code
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15. Effective date

Section 1. Short title.
This local law may be cited as the Erie County Code of Ethics.

Section 2. Purpose and scope.

This code is enacted pursuant to article eighteen of the General Municipal Law in recognition of the policy of the state of New York and the County of Erie to maintain the highest standards of integrity in public service. It is the intent of this code to establish reporting standards at least as high as those established in chapter eight hundred thirteen of the laws of New York of nineteen hundred eighty-seven as well as the New York State Public Integrity Reform Act of 2011. It is the intent of the legislature to exercise all authority granted under subdivision three of section eight hundred twelve of the General Municipal Law. This code shall be in addition to all other restrictions, standards and provisions pertaining to the conduct of county officers and employees.

Section 3. Definitions.
As used in this code:

- a. The term “candidate for elected office” shall mean a person who seeks to be designated, nominated or elected to the office of county executive, county legislator, district attorney, county clerk, sheriff, or county comptroller and who has (1) taken the action necessary to qualify himself for nomination for election or election or (2) received contributions or made expenditures with a view toward bringing about his nomination for election or election.
- b. The terms “constituted committee” and “political committee” as used in subdivision (h) of this section shall have the same meanings as in section 14-100 of the election law.
- c. The term “elected official” shall mean the county executive, a member of the county legislature, the district attorney, the sheriff, the county comptroller and the county clerk.
- d. Except as otherwise provided in this code, the term “employee” shall mean any person who receives a salary or wage from the County of Erie, whether as an elected officer or employee.
- e. The term “interest” means a direct or indirect pecuniary or material benefit accruing to a covered individual or his relative, as defined in this section.
- f. The term “ministerial matter” shall have the same meaning as ascribed to such term by subdivision one of the section seventy-three of the Public Officers Law.
- g. For purposes of subdivision b of section eight of this local law, the term “officer or employee” shall mean the head or heads of any department, division, special district or other administrative unit of county government and their deputies and assistants, and their appointees and designees to any board of any organization or entity, not including advisory boards, or administrative unit of county government; and such others who hold policy making positions as annually determined by the appointing

authority and set forth in a written instrument which shall be filed with the Erie County Board of Ethics during the month of February. Said designation of those officers or employees as policy making may be challenged by the designated officers or employees upon filing a written petition in opposition to such designation within thirty days from the filing of such designation with the Erie County Board of Ethics. The aforementioned Board of Ethics shall upon receipt of a petition in opposition promptly make a determination as to the petition's merits upon a majority vote of a quorum of the board, and shall notify all interested parties within ten days of its decision. The term "officer or employee" shall also mean those individuals defined here who shall serve or have served at any time, regardless of duration, during the calendar year for which disclosure is sought regardless of whether they are affiliated with the county at the time the request for disclosure is made.

h. The term "political party official" shall mean: (i) any chairman of a county committee elected pursuant to section 2-112 of the election law, or his or her successor in office, who received compensation of expenses, or both, from constituted committee or political committee funds, or both, during the reporting period aggregating thirty thousand dollars or more; (ii) any person designated by the rules of a county committee as the "county leader" or "chairman of the executive committee", or by whatever other title designated, who pursuant to the rules of a county committee or in actual practice, possesses or performs any or all of the following duties or roles, provided that such person received compensation or expenses, or both, from constituted committee or political committee funds, or both, during the reporting period aggregating thirty thousand dollars or more:

- (1) The principal political, executive and administrative officer of the county committee;
- (2) The power of general management over the affairs of the county committee;
- (3) The power to exercise the powers of the chairman of the county committee as provided for in the rules of the county committee;
- (4) The power to preside at all meetings of the county executive committee, if such committee is created by the rules of the county committee or if such committee exists de facto, or any other committee or subcommittee vested by such rules with, or having de facto, the power of general management over the affairs of the county committee at times when the county committee is not in actual session;
- (5) The power to call a meeting of the county committee or of any committee or subcommittee vested with the rights, powers, duties or privileges of the county committee pursuant to the rules of the county committee, for the purpose of filling an office at a special election in accordance with section 6-114 of the Election Law; for the purpose of filling a vacancy in accordance with section 6-116 of Election Law; or for purpose of filling a vacancy or vacancies in the county committee which exist by reason of an increase in the number of election districts within the county occasioned by a change of the boundaries of one or more election districts, taking effect after the election of its member, or for the purpose of determining the districts that the elected members shall represent until the next election at which such members of such committee are elected; provided, however, that in no event shall such power encompass the power of a chairperson of an assembly district committee or other district committee smaller than a county and created by the rules of a county committee, to call a meeting of such district committee for such purpose;
- (6) The power to direct the expenditure of funds by the county committee;

(7) The power to procure from one or more bank accounts of the county committee the necessary funds to defray the expenses of the county committee.

i. The term "relative" shall mean such individual's spouse, child, stepchild, stepparent, or any other person who is a direct descendant of the grandparents of the reporting individual or of the reporting individual's spouse.

j. The term "services" shall mean the provision of work for a third party of any kind, including for a paying client, and shall include, without limitation, the provision of work related to accounting, agency, architecture, auditing, broker, computer, consulting, financial and investment planner, engineering, legal, lobbying, marketing, medical of any kind or nature, public relations, and real estate sales, but shall not include the provision of such work on a pro bono or volunteer basis where no remuneration is received for the work performed.

k. The term "spouse" shall mean the husband or wife of the reporting individual unless living separate and apart from the reporting individual pursuant to: (i) a judicial order, decree or judgment; or (ii) a legally binding separation agreement.

l. The term "unemancipated child" shall mean any son, daughter, stepson or stepdaughter who is under the age eighteen, unmarried and living in the household of the reporting individual.

Section 4. Financial disclosure.

Every elected official, employee, and each political party official subject to the reporting provisions of this section, shall, on or before the fifteenth day of May in each year, file with the Erie County Board of Ethics an annual statement of financial disclosure containing the information and in the form set forth in section seven of this local law. Such information shall relate to the calendar year immediately preceding the year of filing. Such disclosure shall be filed regardless of whether such individual is employed, a member of a board or commission, or otherwise affiliated with county at the time the request for disclosure is made.

a. A person who is required to file a disclosure statement and who timely filed with the internal revenue service an application for automatic extension of time in which to file an individual income tax return of the immediately preceding calendar or fiscal year shall be required to file such a financial disclosure statement on or before May fifteenth, but may, without subject to any civil penalty for on account of deficient statement, indicate with respect thereto is lacking but will be supplied in a supplementary statement of financial disclosure which shall be filed on or before the seventh day after the expiration of the period of such automatic extension of time in which to file such individual income tax return, provided that failure to file or timely file such supplementary statement of financial disclosure or the filing of an incomplete or deficient supplementary statement of financial disclosure shall be subject to the notice and penalty provisions of this section respecting annual statements of financial disclosure as if such supplementary statement were an annual statement.

b. A person who is required to file an annual financial disclosure statement with the New York State Joint Commission on Public Ethics, and who is granted additional time within which to file such a statement due to justifiable cause or undue hardship, in accordance with required rules and regulations on the subject adopted pursuant to applicable statutes, shall file such statement within the additional time granted.

c. (i) As used in this section, the terms "party", "committee" (when used in conjunction with the term "party"), "designation", "primary", "primary election", "nomination", "independent nomination", "ballot", and "uncontested office" shall have the same meanings as those contained in section 1-104 of the election law.

(ii) Candidates for elected office who filed designating petitions for nomination at a primary election shall file such statement within seven days after the last day allowed by law for the filing of designating petitions naming them as candidates for the next succeeding primary elections.

(iii) Candidates for independent nomination for elected office who have not been designated by a party to receive a nomination shall file such statement within seven days after the last day allowed by law for filing of independent nominating petitions naming them as candidates for elected office in the next succeeding general or special election.

(iv) Candidates for elected office who receive the nomination of a party for a special election or who receive the nomination of the party other than at a primary election, whether or not for an uncontested office, shall file such statement within seven days after the date of the meeting of the party committee at which they are nominated.

d. Such statements shall be filed with the Erie County Board of Ethics as established by section five of this local law.

e. The Erie County Board of Ethics shall obtain from the Erie County Board of Elections, lists of all candidates for elected office, and from such lists shall determine and publish lists of those candidates who have not, within ten days after the required filing date for filing such statement, filed the statement required by this section.

f. Political party officials and any person required to file such statement who commences employment after May fifteenth of any year shall file such statement within thirty days after commencing employment or of taking the position of a political party official.

g. A person who is subject to the filing requirements of both subdivision two of section seventy-three-a of the Public Officers Law and of this section may satisfy the requirements of this section by filing a copy of the statement filed pursuant to section seventy-three-a with the Erie County Board of Ethics on or before the filing deadline provided in such section seventy-three-a, notwithstanding the filing deadline otherwise imposed by this section.

h. For purposes of compliance with subdivision (g) of section eight hundred twelve of the General Municipal Law, any such filings for Erie County shall be made with the Erie County Board of Ethics.

i. An elected official who is simultaneously a candidate for elected office shall satisfy the filing deadline requirements of this section by complying only with the deadline applicable to one who holds such elected office.

j. A candidate whose name will appear on both a party designating petition and on independent nominating petition for the same office or who will be listed on the election ballot for the same office more than once shall satisfy the filing deadline requirements of this section by complying with the earliest applicable deadline only.

Section 5. Disclosure of interest in county business.

a. Any elected official, officer or employee or political party official, as defined in this local law, who has, or later acquires an interest, direct or indirect, in any actual or proposed contract with the county, shall publicly disclose the nature and extent of such interest in writing to the clerk of the county legislature and County Attorney's Office as soon as he has knowledge of such actual or prospective interest. Such written disclosure shall be time stamped by the clerk and received as an official record of the legislature of such body.

b. When a member of the Erie County legislature must take official action on a matter in which he has a substantial personal economic interest distinct from that of the general community or a substantial class of general community or his constituents, he should consider divesting himself of the interest, if he can do so without undue hardship. His decision in that regard shall be conclusive. Regardless of whether he divests himself of such interest, he shall disclose it in a concise written statement to the clerk of the

legislature, who shall time stamp and receive such statement as an official record of the legislature, and County Attorney's Office, provided that divestment of such an interest need not be reported if more than one year has passed since such divestment. If he does not divest himself of that interest, he must abstain from participation in such action.

c. Annually by or on the fifteenth day of May, all elected county officials shall submit to the clerk of the legislature a list of all family members employed by any government organization in any capacity. For the purposes of this section family members shall be defined as members of one's immediate family, parents, siblings, first cousins, aunts, uncles, nieces, nephews, and in-laws that would otherwise fall into one of the stated categories were they related by blood.

d. Any meeting, employment, contractual obligation, or consulting work done by any elected official within Erie County, with or on behalf of any lobbyist group, legal organization, or individuals registered with the State of New York as a lobbyist shall be disclosed. For the purposes of this section "meeting" shall be deemed to mean any public or private presentations made by the registered lobbyist for the benefit of education of the elected official. "Employment, contractual obligation, or consulting work" shall include any obligation that results in any payment to the elected official. The obligation to disclose shall be the responsibility of the registered individual lobbyist, group, or legal organization and all information disclosed shall be provided to the Erie County Board of Ethics as described herein.

Section 6. Prohibited activities.

No elected official, county officer or employee shall:

a. directly or indirectly, solicit any gift, or accept or receive any gift having more than a nominal value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form under circumstances under which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part. For the purposes of this subsection, the term "gift" shall not include

(i) complimentary attendance, including food and beverage, at bona fide charitable events;

(ii) complimentary attendance, including food and beverage, offered by the sponsor of a widely attended event. The term "widely attended event" shall mean an event: (A) which at least twenty-five individuals other than members, officers, or employees from the governmental entity in which the public official serves attend or were, in good faith, invited to attend, and (B) which is related to the attendee's duties or responsibilities or which allows the public official to perform a ceremonial function appropriate to his or her position. For the purposes of this exclusion, a public official's duties or responsibilities shall include but not be limited to either (1) attending an event or a meeting at which a speaker or attendee addresses an issue of public interest or concern as a significant activity at such event or meeting; or (2) for elected public officials, or their staff attending with or on behalf of such elected officials, attending an event or a meeting at which more than one-half of the attendees, or persons invited in good faith to attend, are residents of the county, district or jurisdiction from which the elected public official was elected. This clause is not intended to include professional sporting events;

(iii) awards, plaques, memorabilia, honorary jerseys or other sports related clothing, and other ceremonial items which are publicly presented, or intended to be publicly presented, in recognition of public service, provided that the item or items are of the type customarily bestowed at such or similar ceremonies and are otherwise reasonable under the circumstances, and further provided that the functionality of such items shall not determine whether such items are permitted under this paragraph;

- (iv) an honorary degree bestowed upon a public official by a public or private college or university;
 - (v) promotional items having no substantial resale value such as pens, mugs, calendars, hats, and t-shirts which bear an organization's name, logo, or message in a manner which promotes the organization's cause;
 - (vi) goods and services, or discounts for goods and services, offered to the general public or a segment of the general public defined on a basis other than status as a public official and offered on the same terms and conditions as the goods or services are offered to the general public or segment thereof;
 - (vii) gifts from a family member, member of the same household, or person with a personal relationship with the public official, including invitations to attend personal or family social events, when the circumstances establish that it is the family, household, or personal relationship that is the primary motivating factor; in determining motivation, the following factors shall be among those considered: (A) the history and nature of the relationship between the donor and the recipient, including whether or not items have previously been exchanged; (B) whether the item was purchased by the donor and not by a third party and given to the donor as a conduit to provide it to the elected official, county officer, or employee; and (C) whether or not the donor at the same time gave similar items to other public officials; the transfer shall not be considered to be motivated by a family, household, or personal relationship if the donor seeks to charge or deduct the value of such item as a business expense or seeks reimbursement from a client;
 - (viii) contributions reportable under article fourteen of the Election Law, including contributions made in violation of that article of the election law;
 - (ix) travel reimbursement or payment for transportation, meals and accommodations for an attendee, panelist or speaker at an informational event or informational meeting when such reimbursement or payment is made by a governmental entity or by an in-state accredited public or private institution of higher education that hosts the event on its campus, provided, however, that the public official may only accept lodging from an institution of higher education: (A) at a location on or within close proximity to the host campus; and (B) for the night preceding and the nights of the days on which the attendee, panelist or speaker actually attends the event or meeting;
 - (x) provision of local transportation to inspect or tour facilities, operations or property located in Erie County, provided, however, that such inspection or tour is related to the individual's official duties or responsibilities and that payment or reimbursement for expenses for lodging or travel expenses to and from the locality where such facilities, operations or property are located shall be considered to be gifts unless otherwise permitted under this subdivision;
 - (xi) meals or refreshments when participating in a professional or educational program and the meals or refreshments are provided to all participants;
 - (xii) meals or refreshments when participating in a meeting related to county government activities and which are provided by another elected official or Erie County administrative unit or department; and
 - (xiii) food or beverage valued at fifteen dollars or less;
- b. disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests;
 - c. receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any county agency of which is he an officer, member or employee or of any county agency over which he exercises administrative discretion or to which he has the power to appoint any member, officer or employee; or
 - d. receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of the county, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter provided that this

paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered, provided however, that this section shall not be applicable to any county officer or employee who does not receive compensation by reason of his county position, not to any matter before a county agency which does not possess substantial discretion in the matter, not to any judicial proceeding in any county court or other court;

e. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the County of Erie in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration. In light of the legislative involvement in all levels of county government this prohibition on appearances shall apply for a period of (1) year after their termination of service.

f. He shall not act as an attorney, nor be retained as an expert, rendering professional services in any legal action brought against the County of Erie arising out of personal injury or property damage or any lawful benefit authorized by law, while he is an elected official, officer or employee of the County of Erie. Nothing in this Code of Ethics shall be deemed to bar or prevent the timely filing by a present or former county officer or employee of any claim, account, demand, or suit against the County of Erie or any agency thereof on behalf of himself or any member of his family arising out of personal injury or property damage or for any lawful benefit authorized or permitted by law.

g. Utilize any county equipment, materials, supplies or property for personal gain or benefit, with the exception of incidental use.

h. Be a director, officer or trustee of any organization which receives from or through the annual county budget funds that constitute ten percent or more of that organization's annual operating expenses, except where appointment to such position is specifically authorized by the Erie County Charter, Administrative Code or other applicable county or state law.

i. No elected official, officer, employee or relative as defined in section 3 sub h of this local law acting in an individual, or business capacity in which the individual is a sole proprietor, general partner or stockholder in a closely held corporation in which he holds fifty percent or more of the stock of said corporation shall (1) sell any goods or provide services having a value in excess of \$100.00 to any agency of the county or to contract for or provide such services for or to any private entity when a power to contract, appoint or retain on behalf of such private entity is exercised directly or indirectly, by an agency of the county or of an officer or employee thereof, unless such goods or services are sold or provided pursuant to an award or contract let after public notice and upon competitive bidding.

j. In addition to any penalty contained in any provision of law, any person who shall knowingly and intentionally violate this section may be fired, suspended or removed from office or employment in the manner provided by law.

Section 7. Non prohibited activities.

Nothing contained in this section shall be construed as prohibiting an elected official, officer or employee from:

a. participating in public discussions or advocating any position in any manner in an official or in another capacity without compensation, including but not limited to acting as a public advocate whether or not on behalf of constituents.

b. appearing, unless otherwise prohibited, before all designated courts of law or agencies of the county in a representative capacity if such appearance before such agency is incident to a ministerial matter or with a matter not involved in the normal function or scope of duties of his office or position.

c. appearing before an agency of the county in a representative capacity on behalf of an employee organization in any manner where such appearance is authorized by an employee organization. This proscription does not apply to elected officials.

d. representing or filing any action against an agency of the county, or officer or employee thereof, in which the subject matter involves the normal functions or is within the scope of duties of his office or position.

Section 8. Disclosure.

a. Every employee of the County of Erie, other than those person required to make annual financial disclosures under subdivision b of this section, shall file, within ten days of taking office, or within ten days of appointment to a position of employment with Erie County, and annually on the fifteenth day of May in every year, the following disclosure statement:

COUNTY OF ERIE
EMPLOYEE DISCLOSURE FORM

File this form with your department head. Every section must be filled out. If you have no employment or interest to disclose, write "NOT APPLICABLE" in the first line of that section.

NAME: _____
POSITION: _____
DEPARTMENT: _____
WORK: ADDRESS: _____
HOME ADDRESS: _____
WORK TELEPHONE: _____ HOME TELEPHONE: _____

1. State every employment for pay which you hold, whether full time or part time, other than your employment with the County of Erie:

EMPLOYER: _____
ADDRESS: _____
TELEPHONE: _____
YOUR POSITION: _____
YOUR USUAL WORK HOURS: _____

2. State the name of any firm or partnership of which you are a member:

BUSINESS NAME: _____
ADDRESS: _____
TELEPHONE: _____
NATURE OF BUSINESS: _____
USUAL HOURS OF WORK: _____

3. State any self employment or business of which you own or operate personally:

BUSINESS NAME: _____
ADDRESS: _____

TELEPHONE: _____
NATURE OF BUSINESS: _____
USUAL HOURS OF WORK: _____

4. State the Name of corporation in which you, your spouse or your minor children hold five per cent or more of the stock::

CORPORATE NAME: _____
ADDRESS: _____
TELEPHONE: _____
NATURE OF BUSINESS: _____
YOUR POSITION WITH CORPORATION: _____

I file this statement pursuant to Section 8 of the Erie County Code of Ethics. Any false statement or failure to provide required information shall be punishable under the laws prohibiting filing of a false statement.

Date: _____
Signature _____

Such disclosure form shall be filed with the Erie County Department of Personnel, and shall be held in the permanent personnel record of the employee or officer. Such record shall be made available to the Erie County Board of Ethics at any time, upon request of the board.

b. The following form of financial disclosure shall be filed annually by every elected official; officer or employee; political party official; and candidate for elected office, as those terms are defined in section three of this local law, and such disclosure shall be filed regardless of whether such individual is employed, a member of a board or commission, or otherwise affiliated with the county at the time the request for disclosure is made; however, the Erie County Board of Ethics shall annually review the form and may, in their sole discretion, modify the same as they deem necessary:

ANNUAL STATEMENT OF FINANCIAL DISCLSoure
County of Erie
For Calendar Year _____

1. Name - _____
2. (a) Title of Position - _____
(b) Department, Agency or other Governmental Entity – _____
(c) Address of Present Office - _____
(d) Office Telephone Number - _____
3. (a) Marital Status - _____. If married, please give spouse's full name including maiden name where applicable. _____
(b) List the names of all unemancipated children

Answer each of the following questions completely, with respect to calendar year _____, unless another period or date is otherwise specified. If additional space is needed, attach additional pages.

Whenever a "value" or "amount" is required to be reported herein, such value or amount shall be reported as being within one of the following categories: Category A - under \$20,000; Category B - \$20,000 to under \$50,000, Category C - \$50,000 to under \$100,000; Category D - \$100,000 to under \$250,000; Category E - \$250,000 to under \$500,000; and Category F - \$500,000 or over. A reporting individual shall indicate the category by letter only.

For the purpose of this of this statement, anywhere the term "local agency" shall appear such term shall mean a local agency, as defined in section eight hundred ten of the General Municipal Law of the political subdivision for which this financial statement disclosure statement has been filed.

4. (a) List any office, trusteeship, directorship, partnership, or position of any nature including honorary positions, if known, and excluding membership positions, whether compensated or not, held by the reporting individual with any firm, corporation, association, partnership, or other organization other than the County of Erie. If said entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matter before, any state or local agency, list the name of the agency.

<u>Position</u>	<u>Organization</u>	<u>State or Local Agency</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(b) List any office, trusteeship, directorship, partnership, or position of any nature including honorary positions, if known, and excluding membership positions, whether compensated or not, held by the spouse or unemancipated child of the reporting individual, with any firm, corporation, association, partnership, or other organization other than the State of New York. If said entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matter before, any state or local agency, list the name of the agency.

<u>Position</u>	<u>Organization</u>	<u>State or Local Agency</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. (a) List the name, address and description of any occupation, employment, trade, business profession engaged in by the reporting individual. If such activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of such agency.

<u>Position</u>	<u>Name and Address of Organization</u>	<u>Description</u>	<u>State or Local Agency</u>

(b) If the spouse or unemancipated child of the reporting individual was engaged in any occupation, employment, trade, business or profession which activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name, address and description of such occupation, employment, trade, business or profession and the name of such agency.

<u>Position</u>	<u>Name and Address of Organization</u>	<u>Description</u>	<u>State or Local Agency</u>

6. List any interest, in excess of \$1,000, excluding bonds and notes, held by the reporting individual, such individual's spouse or unemancipated child, or partnership of which any such person is a member, or corporation, ten per centum or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency and include the name of the entity which holds such interest and the relationship of the reporting individual or such individual's spouse or such child to such entity and the interest in such contract. Do not list any interest in any such contract on which final payment has been made and all obligations under the contract except guarantees and warranties have been performed, provided, however, that such an interest must be listed if there has been an ongoing dispute during the calendar year for which this statement is filed with respect to any such guarantees or warranties. Do not list any interest in a contract made or executed by a state agency after public notice and pursuant to a process for competitive bidding or a process for competitive request for proposals.

<u>Self, Spouse Or Child</u>	<u>Entity Which Held Interest in Contract</u>	<u>Relationship to Entity & Interest In Contract</u>	<u>Contracting State or Local Agency</u>	<u>Category of Value of Contract</u>

7. List any position the reporting individual held as an officer of any political party or political organization, as a member of any political party committee, or as a political party town or zone leader. The term "party" shall have the same meaning as "party" in the election law. The term "political" organization" means any party or independent body as defined in the election law or any organization that is affiliated with or a subsidiary of a party of independent body.

8. List each source of gifts, excluding campaign contributions, in excess of \$1,000 received by the reporting individual or such individual's spouse or unemancipated child from the same donor excluding gifts from a relative. Include the name and address of the donor. The term "gifts" does not include reimbursement which term is defined in item 10. Indicate the value and nature of each such gift.

<u>Self, Spouse Or Child</u>	<u>Name of Donor</u>	<u>Address</u>	<u>Nature of Gift</u>	<u>Category of Value of Gift</u>
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9. Identify and briefly describe the source of any reimbursements for expenditures, excluding campaign expenditures in connection with official duties reimbursed by the political subdivision for which this statement has been filed, in excess of \$1,000 from each such source. For purpose of this item, the term "reimbursements" shall mean any travel-related expenses provided by nongovernmental sources and for activities related to the reporting individual's official duties such as, speaking engagements, conferences, or fact finding event. The term "reimbursements" does not include gifts reported under item 9.

<u>Source</u>	<u>Description</u>
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10. List the identity and value of each interest in a trust, estate or other beneficial interest, including retirement plans other than retirement plans of the State of New York or the City of New York and deferred

compensation plans established in accordance with the United States internal revenue code, in which the reporting individual held a beneficial interest in excess of \$1,000 at any time during the preceding year. Do not report interests in a trust, estate or other beneficial interest established by, or the estate of, a relative

11. (a) Describe the terms of, and the parties to, any contract, promise, or other agreement between the reporting individual and any person, firm or corporation with respect to the employment of such individual after leaving office or position, including than a leave of absence.

(b) Describe the parties to and the terms of any agreement providing for continuation of payments or benefits to the reporting individual in excess of \$1,000 from a prior employer other than the political subdivision for which this statement is filed. (This includes interests in or contributions to a pension fund, profit-sharing plan, or life or health insurance; buy-out agreements; severance payments, etc.)

12. List below the nature and amount of any income in excess of \$1,000 from each source for the taxable year last occurring prior to the date of filing. Nature of includes, but is not limited to, salary for government employment, income from other compensated employment whether public or private, directorships and other fiduciary positions, contractual arrangements, teaching income, partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property. Income from a business or profession and real estate rents shall be reported with the source identified by the building address in the case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

<u>Self/Spouse</u>	<u>Source</u>	<u>Nature</u>	<u>Category of Amount</u>
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13. List the sources of any deferred income in excess of \$1,000 from each source to be paid to the reporting individual following the close of the calendar year for which this disclosure statement is filed, other than deferred compensation reported in item 11 hereinabove. Deferred income derived from the practice of a profession shall be in the aggregate and shall identify as the source, the name of the firm, corporation, partnership or association through which the income was derived, but shall not identify individual clients.

<u>Source</u>	<u>Category of amount</u>
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14. List each assignment of income in excess of \$1,000 and each transfer other than to a relative during the reporting period for which this statement is filed for less than fair consideration of an interest in a trust, estate or other beneficial interest, securities or real property, by the reporting individual, in excess of \$1,000 which would otherwise be required to be reported herein and is not or has not been so reported.

<u>Item Assigned or Transferred</u>	<u>Assigned or Transferred to</u>	<u>Category of Value</u>
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15. List below the type and market value of securities held by the reporting individual or such individual's spouse from each issuing entity in excess of \$1,000 at the close of the taxable year last occurring prior to the date of filing, including the name of the issuing entity exclusive of securities held by the reporting individual issued by a professional corporation. Whenever an interest in securities exists through a beneficial interest in a trust, the securities held in such trust shall be listed only if the reporting individual has knowledge thereof except where the reporting individual or the reporting individual's spouse has transferred assets to such trust for his or her benefit in which event such securities shall be listed unless they are not ascertainable by the reporting individual because the trustee is under an obligation or has been instructed in writing not to disclose the contents of the trust of the reporting individual. Securities of which the reporting individual or the reporting individual's spouse is the owner of record but in which such individual or the reporting individual's spouse has no beneficial interest shall not be listed. Indicate percentage of ownership if the reporting person or the reporting person's spouse holds more than five percent of the stock of a corporation in which the stock is publicly traded or more than ten percent of the stock if a corporation in which the stock is not publicly traded. Also list securities owned for investment purposes by a corporation more than fifty percent of the stock of which is owned or controlled by the reporting individual or individual's spouse. For the purpose of this item the term "securities" shall mean

bonds, mortgages, notes, obligations, warrants and stock of any class, investment interests in limited or general partnerships and certificates of deposits and such other evidences of indebtedness and certificates of interest as are usually referred to as securities. The market value for such securities shall be reported only if reasonably ascertainable and shall not be reported if the security is an interest in a general partnership that was listed in item 8 (a) or if security is corporate stock, not publicly traded, in a trade or business of a reporting individual or reporting individual's spouse.

<u>Self/ Spouse</u>	<u>Issuing Entity</u>	<u>Type of Security</u>	<u>Category of Market Value Value as of the close of the taxable year last occurring prior to the filing of this statement</u>	<u>Percentage of Corporate stock owned or controlled</u>

16. List below the location, size, general nature, acquisition date, market value and percentage of ownership of any real property in which any vested or contingent interest in excess of \$1,000 is held by the reporting individual or reporting individual's spouse. Also list real property owned for investment purposes by a corporation more than fifty percent of the stock of which is owned or controlled by the reporting individual or such individual's spouse. Do not list any real property which is the primary or secondary personal residence of the reporting individual or the reporting individual's spouse, except where there is a co-owner who is other than a relative.

<u>Self/ Spouse Other Party</u>	<u>Location</u>	<u>Size</u>	<u>General Nature</u>	<u>Acquisition Date</u>	<u>Category of Market Value</u>	<u>Percentage of Ownership</u>

17. List below all notes and accounts receivable, other than from goods or services sold, held by the reporting individual at the close of the taxable year last occurring prior to the date of the filing and other debts owed to such individual at the close of the taxable year last occurring prior to the date of filing, in excess of \$1,000, including the name of the debtor, type of obligation, date due and nature of the collateral securing payment of each, if any, excluding securities reported in item 16 hereinabove. Debts, notes and accounts receivable owed to the individual by a relative shall not be reported.

<u>Name of Debtor</u>	<u>Type of Obligation Date Due & nature of Collateral, if any</u>	<u>Category of Amount</u>

association. Within seven days of any then currently elected official being hired in a position of employment by any private entity, organization or individual, in whatever form, the elected official must disclose the hiring to the Erie County Board of Ethics and Erie County Attorney's Office. The Erie County Board of Ethics shall, within thirty days of receiving notice of such disclosure, review the details of the compensation and the services or products rendered for such compensation and determine that there is no prohibition in this Code of Ethics for the receipt of said compensation or for rendering such services. Such review by the Erie County Board of Ethics, to the extent allowable by law, shall be made public. This provision shall apply to any elected official who is hired as a member of a professional association, including, without limitation, to a partnership, trusteeship, corporation, firm or agency of any nature and receives compensation from a private entity, organization or individual, directly or indirectly. Nothing in this section shall be construed to require disclosure of individual clients or client lists by attorneys or professionals in private practice unless services rendered to those clients deal directly with county government or agencies as previously described.

Section 9. Penalties.

a. Any individual, required to file a disclosure statement pursuant to section 8(a) or 8(b), who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly and willfully with intent to deceive makes a false statement or gives information which such individual knows or should have known to be false on such statement of financial disclosure filed pursuant to this section, shall be assessed a civil penalty in an amount not to exceed twenty thousand dollars. Assessment of a civil penalty hereunder shall be made by the Erie County Board of Ethics. A civil penalty for false filing may only be imposed hereunder in the event a category of "value" or "amount" reported hereunder is knowingly understated or in the event the individual filer should have known the reported number was understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for failure to file or false filing of such statement, except that the appointing authority may impose disciplinary action as otherwise provided by law. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty days of imposition and becoming final shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the Erie County Board of Ethics, pursuant to article seventy-eight of the civil practice law and rules.

b. For a violation of any section of this local law other than as described in sub-section 9 (a), the Board of Ethics may, in lieu of a civil penalty, refer a violation to the district attorney and upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor.

c. The Erie County Board of Ethics shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. Such rules shall provide for due process procedural mechanisms substantially similar to those set forth in article three of the state administrative procedure act but such mechanisms need not be identical in terms or scope.

Section 10. Erie County Board of Ethics.

a. The Erie County Board of Ethics, heretofore created by resolution of the Erie County Legislature adopted the twenty-ninth day of December nineteen hundred seventy, and continued in existence by Erie County local law number seven of nineteen hundred seventy-three, and continued in existence by Erie County local law number ten of nineteen hundred eighty-nine, is continued in existence subject to the provisions of this section.

b. The Erie County Board of Ethics shall consist of eight members, five of which shall be full voting members appointed by the county executive subject to confirmation by the county legislature who shall serve five-year terms of office, one such term expiring each year, and three of which shall be non-voting ex-officio members appointed for the terms as described in this section. In the event a vacancy occurs

prior to the expiration of a five-year term of office for any voting member, such vacancy shall be filled for the balance of such term in the same manner as members are appointed to full terms. No more than three voting members of the same political party shall serve on the board at any time. No member shall be an elected official, a political party officer, a member of a political party committee or have substantial business interests with the County of Erie. The ex-officio members shall be appointed as follows: one appointed by the Chairman of the Erie County Legislature, one appointed by the Legislature's Majority Leader, and one appointed by the Legislature's Minority Leader, each who shall serve a two-year term of office. All members shall reside in Erie County. All members shall serve without compensation, except that any member who is a county officer or employee shall be entitled to his or her usual compensation when attending upon the business of the board.

c. The voting members shall elect a chairperson, a vice chairperson and secretary from among themselves.

d. The Erie County Board of Ethics shall be the repository for completed annual statement of financial disclosure required by this local law.

e. The Erie County Board of Ethics shall have all the powers and duties ascribed to a Board of Ethics by article eighteen of the General Municipal Law.

f. Any county officer or employee may make written request to the board to render an advisory opinion as to any question concerning the application of the Erie County Code of Ethics or article eighteen of the General Municipal Law to his own affairs, or if he be the head of a county department, administrative unit, or other agency of the county, the affairs of any of his subordinates. The Erie County Board of Ethics shall disclose its opinion only to the person who has requested it or in relation to those affairs the opinion has been requested. To the extent that it can do so without disclosing the identity of the person who has requested the opinion or in relation to those whose affairs the opinion has been requested, and subject to such omissions as may be appropriate to protect personal privacy, the Erie County Board of Ethics shall make its opinions a matter of public record.

g. The Erie County Board of Ethics may adopt and amend such rules of procedure as are appropriate.

h. The Erie County Attorney's Office shall act as counsel to the Erie County Board of Ethics and shall have the power to hire outside counsel to assist the Board of Ethics in its matters if, in its sole discretion, it believes retention of outside counsel is necessary for whatever reason.

i. The members comprising the Erie County Board of Ethics in effect as of the date this Local Law takes effect shall remain in effect and the terms of office for those members shall continue pursuant to their original dates of appointment.

Section 11. Duty to report.

Every county officer or employee shall report to the Erie County Board of Ethics, district attorney and county attorney any action which may reasonably be interpreted as an improper attempt to influence him in the conduct of his office.

Section 12. Validity of claims.

Nothing in this Code of Ethics shall be deemed to bar or prevent the timely filing by a current or former county officer or employee of any claim, account, demand, or suit against the County of Erie or any agency or officer thereof on behalf of himself or any member of his family arising out of personal injury, property damage, or any lawful right of benefit authorized or permitted by law.

Section 13. Compilation and distribution of this code.

The county executive shall cause a copy of this code to be compiled with article eighteen of the General Municipal Law and such other material as he shall deem relevant and shall cause a copy of such compilation to be distributed to every officer and employee of the county within thirty days after the effective date of this local law or as soon thereafter as may be practicable. Every officer and employee elected or appointed thereafter shall be furnished a copy of such compilation within ten days after entering upon the duties of his office of employment.

Section 14. Laws repealed.

Erie County local law number ten of nineteen hundred eighty-nine as amended by Erie County local law number four of nineteen hundred ninety-four and Erie County local law number four of two thousand and fifteen, constituting the Erie County Code of Ethics, is hereby repealed.

Section 15. Effective date.

The local law shall be effective immediately.

SPONSORS: Joseph C. Lorigo and Thomas A. Loughran

MS. BASKIN moved to approve Local Law No. 1 (Print #2) 2018. MR. LORIGO seconded.

CHAIR SAVAGE directed that a roll-call be taken.

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

CARRIED UNANIMOUSLY.

COMMITTEE REPORTS

Item 35 – MS. MILLER-WILLIAMS presented the following report and moved for immediate consideration and approval. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 55

February 22, 2018	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.

1. 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 218032 through 218052, 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. 218,032.00

ASSESSOR Cancel \$488.46
S-B-L 96.00-6-39.12 Walden Ave 142089 ALDEN

Acct. No. 112 \$206.58 County
Acct. No. 132 \$281.88 Town/SpecialDist/School
Charge To : 142089 ALDEN \$281.88

RPTL 550(2): Duplicate parcel
New tax bill to be issued.

FISCAL YEAR 2018 Petition No. 218,033.00

ASSESSOR Cancel \$23,473.19
S-B-L 96.00-3-10.4 11900 Walden Ave 142089 ALDEN

Acct. No. 112 \$0.00 County
Acct. No. 132 \$23,473.19 Town/SpecialDist/School
Charge To : 142089 ALDEN \$23,473.19

RPTL 550(2): Omitted tax applied in error
New tax bill to be issued.

FISCAL YEAR 2017 Petition No. 218,034.00

ASSESSOR Refund\$100.75
S-B-L 57.13-5-1./11 135 Lord Byron Ln 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$100.75 Town/SpecialDist/School
Charge To : 142289 AMHERST \$100.75
Relevy School \$100.75 142203 WILLIAMSVILLE CENT

RPTL 550(2): Failed to apply exemption
Refund check to be issued to Celia Gartler.

FISCAL YEAR 2018 Petition No. 218,035.00

ASSESSOR Cancel \$286.86
S-B-L 57.13-5-1/11 135 Lord Byron Ln 142289 AMHERST

Acct. No. 112 \$171.48 County
Acct. No. 132 \$115.38 Town/SpecialDist/School
Charge To : 142289 AMHERST \$115.38

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

FISCAL YEAR 2018 Petition No. 218,036.00

ASSESSOR Cancel \$309.37
S-B-L 92.13-4-12 869 Dick Rd 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$309.37 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$309.37

RPTL 550(2): Incorrect special district charge
New tax bill to be issued.

FISCAL YEAR 2017 Petition No. 218,037.00

ASSESSOR Refund\$309.37
S-B-L 92.13-4-12 869 Dick Rd 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$309.37 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$309.37

RPTL 550(2): Incorrect special district charge
Refund to be issued to Eileen Steltermann.

FISCAL YEAR 2016 Petition No. 218,038.00

ASSESSOR Refund\$309.37
S-B-L 92.13-4-12 869 Dick Rd 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$309.37 Town/SpecialDist/School

Charge To : 143089 CHEEKTOWAGA \$309.37

RPTL 550 (2): Incorrect special district
Refund to be issued to Eileen Stltermann.

FISCAL YEAR 2018 Petition No. 218,039.00

ASSESSOR Cancel \$986.61
S-B-L 114.08-7-7 569 Rowley Rd 143003 DEPEW

Acct. No. 112 \$0.00 County
Acct. No. 132 \$986.61 Town/SpecialDist/School
Charge To : 143003 DEPEW \$986.61

RPTL 550(2): Incorrect special district charge
New tax bill to be issued.

FISCAL YEAR 2018 Petition No. 218,040.00

ASSESSOR Cancel \$534.29
S-B-L 81.03-3-8.1 319 Aero Dr 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$534.29 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$534.29

RPTL 550(2): Incorrect special district charge.
New tax bill to be issued.

FISCAL YEAR 2018 Petition No. 218,041.00

OWNER Cancel \$1,000.00
S-B-L 142.70-3-19.1 245 Warsaw 140900 LACKAWANNA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,000.00 Town/SpecialDist/School
9002 Premium Assessment \$1,000.00
Charge To : 140900 LACKAWANNA \$0.00

RPTL 550(2): Incorrect special district charge.
New tax bill to be issued.

FISCAL YEAR 2018 Petition No. 218,042.00

OWNER Cancel \$28,051.40
S-B-L 151.06-1-2 3370 South Park Av 140900 LACKAWANNA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$28,051.40 Town/SpecialDist/School
9992 ECSD#6 SAN SEWER \$28,051.40
Charge To : 140900 LACKAWANNA \$0.00

RPTL 550(2): Incorrect special district charge.
New tax bill to be issued.

FISCAL YEAR 2018 Petition No. 218,043.00

OWNER Refund \$690.00
S-B-L 196.09-2-30 7 Buffalo St 144803 HAMBURG

Acct. No. 112 \$0.00 County
Acct. No. 132 \$690.00 Town/SpecialDist/School
48607 ECSD3 Flat Usage Fee \$690.00
Charge To : 144803 HAMBURG \$0.00

RPTL 550(2): Incorrect sewer units
Refund to be issued to One Buffalo Street, Inc.

FISCAL YEAR 2017 Petition No. 218,044.00

OWNER Cancel \$1,200.00
S-B-L 142.70-3-19.1 245 Warsaw 140900 LACKAWANNA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,200.00 Town/SpecialDist/School
9002 Premium Assessment \$1,200.00
Charge To : 140900 LACKAWANNA \$0.00

RPTL 550(2): Incorrect special district charge
New tax bill to be issued.

FISCAL YEAR 2018 Petition No. 218,045.00

ASSESSOR Cancel \$604.26
S-B-L 94.15-2-9 67 Tranquility Trl 145289 LANCASTER

Acct. No. 112 \$243.97 County
Acct. No. 132 \$360.29 Town/SpecialDist/School
99998 police fund \$63.55
Charge To : 145289 LANCASTER \$296.74

RPTL 550(2): Failed to reduce assessment
New tax bill to be issued.

FISCAL YEAR 2017 Petition No. 218,046.00

ASSESSOR Refund\$4,358.78
S-B-L 127.00-4-1.11 00 William St 145289 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$4,358.78 Town/SpecialDist/School
Charge To : 145289 LANCASTER \$4,358.78
Relevy School \$4,358.78 145201 LANCASTER CENTRAL

RPTL 550(2): Duplicate parcel
Refund to be issued to Fiarway Hills Development LLC

FISCAL YEAR 2018 Petition No. 218,047.00

ASSESSOR Cancel \$3,460.13
S-B-L 127.00-4-1.11 00 William St 145289 LANCASTER

Acct. No. 112 \$1,422.87 County
Acct. No. 132 \$2,037.26 Town/SpecialDist/School
99998 police fund \$370.61
Charge To : 145289 LANCASTER \$1,666.65

RPTL 550(2): Duplicate parcel
New tax bill to be issued.

FISCAL YEAR 2018 Petition No. 218,048.00

ASSESSOR Cancel \$855.84
S-B-L 185.04-1-11.1 5682 Cole Rd 146089 ORCHARD PARK

Acct. No. 112 \$442.94 County
Acct. No. 132 \$412.90 Town/SpecialDist/School
99998 police fund \$157.01
Charge To : 146089 ORCHARD PARK \$255.89

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

FISCAL YEAR 2017 Petition No. 218,049.00

ASSESSOR Cancel \$1,566.13
S-B-L 185.04-1-11.1 5682 Cole Rd 146089 ORCHARD PARK

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,566.13 Town/SpecialDist/School
Charge To : 146089 ORCHARD PARK \$1,566.13

Relevy School \$1,566.13

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

FISCAL YEAR 2018 Petition No. 218,050.00

OWNER Cancel \$64,747.43
S-B-L 111.39-7-1.1 140 Genesee 140200 BUFFALO

Acct. No. 112 \$0.00 County
Acct. No. 132 \$64,747.43 Town/SpecialDist/School
2005 ERIE COUNTY EXEMPTION REMOVAL \$64,747.43
Charge To : 140200 BUFFALO \$0.00

RPTL 550(2): RPTL 520 does not apply
New tax bill to be issued.

FISCAL YEAR 2018 Petition No. 218,051.00

ASSESSOR Cancel \$2,225.98
S-B-L 193.04-2-31 2089 Lakeview Rd 144889 HAMBURG

Acct. No. 112 \$0.00 County
Acct. No. 132 \$2,225.98 Town/SpecialDist/School
Charge To : 144889 HAMBURG \$2,225.98
Relevy School \$2,225.98 144804 FRONTIER CENTRAL

RPTL 550(2): Unpaid school relevied in error
New tax bill to be issued.

FISCAL YEAR 2018 Petition No. 218,052.00

ASSESSOR Cancel \$2,696.49
S-B-L 183.18-7-25 37 Sandra Pl 144803 HAMBURG

Acct. No. 112 \$0.00 County
Acct. No. 132 \$2,696.49 Town/SpecialDist/School
Charge To : 144803 HAMBURG \$2,696.49
Relevy School \$2,696.49 144801 HAMBURG CENTRAL

RPTL 550(2): Unpaid school relevied in error
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.
(4-0)

BARBARA MILLER-WILLIAMS
CHAIR

Item 36 – MR. BRUSO presented the following report and moved for immediate consideration and approval. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 56

February 22, 2018	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 3-4 (2017)
BURKE, GRANT & MILLER-WILLIAMS: “Ensuring Healthcare for All New Yorkers Through the New York Health Act”
(Chair’s ruling)
 - b. COMM. 16M-12 (2017)
EMPLOYEES, CHILD PROTECTION: “Letter to the Legislature Regarding Request to Review Employee Proposal for Reallocation of Child Protective Services Series”
(Chair’s ruling)
 - c. COMM. 18M-4 (2017)
EMPLOYEES, CHILD PROTECTION: “Letter to Chair Mills Regarding Follow-Up to Child Protective Services Issues”
(Chair’s ruling)
2. COMM. 4E-13 (2018)
COUNTY EXECUTIVE
WHEREAS, the Department of Social Services has previously contracted with Diona (US) Inc. to develop a custom solution that integrates mobile and desktop components which will allow Child Protective Services (CPS) staff to develop, create, access and update case files; and

WHEREAS, Diona (US) Inc. has completed its work on the development of the application and the Department of Social Services is in the process of deploying the software; and

WHEREAS, the Department of Social Services and Division of Information and Support Services are still in the process of learning how to enhance and support the software so it can provide first tier support in the future; and

WHEREAS, full-time support coverage is desired for basic computer issues, solving technical problems and investigating elevated issues; and

WHEREAS, because Diona (US) Inc. has developed the software and customized it for the Department of Social Services, it is deemed best to maintain their services and expertise as a contract vendor; and

WHEREAS, the DSS and DISS has negotiated an agreement for Diona (US) Inc. to provide two months of onsite and offsite technical support for \$55,000 for the launch of the software, and ten months of offsite support for \$23,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with Diona (US) Inc. to provide two months of onsite and offsite support for \$55,000, and ten months of offsite support for \$23,000; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments to Diona (US) Inc. from SAP Project A.17029 for an amount not to exceed \$55,000; and be it further

RESOLVED, that the funding for the ten months of offsite support is available in account 516020, professional services, of the Department of Social Services (Fund Center 120); and be it further

RESOLVED, the County Administrative Code requirement in section 19.08 Request for Proposals (RFP) is hereby waived as Diona is the sole source provider of this service; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Division of Budget and Management, the Office of the Comptroller, the Department of Social Services, and the Division of Youth Services.
(5-0)

3. COMM. 4E-19 (2018)
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services continually seeks to improve the operation of its senior transportation program and had identified a need to improve the efficiency of ride scheduling and usage of current vehicles; and

WHEREAS, the Department of Senior Services therefore issued an RFP in November 2017, to select a vendor to provide transportation dispatching software and staff training; and

WHEREAS, Buffalo Intelligent Technology Systems (BITS), an experienced, local agency with a strong background in transportation scheduling, was selected through the RFP process; and

WHEREAS, the Department of Senior Services now desires to contract with BITS to implement their product solution, at a cost not to exceed \$16,000 annually, for the initial contract period March 1, 2018 to December 31, 2018, with the option for the county to extend the agreement beyond its initial term for up to three additional one year periods; and

WHEREAS, appropriations to pay for the initial contract period of, March 1, 2018 through December 31, 2018, are available in the Department's IIIB-2018 grant's Professional Services Contracts and Fees account (acct# 516020); and

WHEREAS, funds to pay for subsequent years of the contract would be subject to annual appropriations to be included in the Department's county budgets as approved by the County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to contract with BITS, at a cost not to exceed \$16,000 annually, to implement their computerized scheduling and dispatching software for the Department's senior transportation program, during the initial contract period March 1, 2018 to December 31, 2018, with the option for the county to extend the agreement beyond its initial term for up to three additional one year periods; and be it further

RESOLVED, that available appropriations in the Department's III-B 2018, grant's Professional Services Contracts and Fees accounts (acct# 516020) be utilized to pay for the initial contract period of March 1, 2018 to December 31, 2018; and be it further

RESOLVED, that funds to pay for subsequent years of the contract would be subject to annual appropriations to be included in the Department's county budgets as approved by the County Legislature; and be it further

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

(5-0)

JOHN BRUSO
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 57

February 22, 2018	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.

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

a. COMM. 4D-4 (2018)
CLERK OF LEGISLATURE: “New York State Department of Environment Conservation Documents Received”
(Chair’s ruling)

2. COMM. 4E-12 (2018)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) has received a grant from the New York State Department of Environmental Conservation (NYSDEC) to develop a food composting operation at the Erie County Correctional Facility (ECCF); and

WHEREAS, Erie County is creating a Climate Action & Sustainability Plan which targets reduction of greenhouse gas emissions (GHG) generated by County government operations; and

WHEREAS, a representative from Erie County Sheriff’s Office (ECSO) member on Erie County’s Green Team identified opportunities related to food waste and GHG reduction through composting; and

WHEREAS, food waste makes up approximately 40% of the average waste stream; and

WHEREAS, composting food waste will reduce GHG emissions and create a beneficial resource that can be used as a soil amendment; and

WHEREAS, NYSDEC identified the following sub-awardees in the approved work plan, People United for Sustainable Housing (PUSH) Buffalo, Sustainable Resources Group, Inc. (SRG), and Natural Upcycling to provide technical assistance for design, construction, set up and training regarding the composting site at the ECCF; and

WHEREAS, ECSO will have a critical role in overseeing inmate and compost operation management as was identified in the NYSDEC approved work; and

WHEREAS, the NYSDEC awarded Erie County \$694,390 in a three-year grant to design, construct, and operate the compost area, as well as train ECCF staff and inmates; and

WHEREAS, the addition of this initiative necessitates the execution of contracts with the NYSDEC and three sub-awardees; the adoption of a grant budget; the creation of a Senior Environmental Compliance Specialist (JG-12) position and the creation of a Corrections Officer (JG-12) position.

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 \$694,390 from the NYSDEC to design, construct, and operate a food composting site at the ECCF; 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 sub-awardees PUSH Buffalo, SRG, Inc., and Natural Upcycling in amounts not to exceed a total of \$75,000 for the purpose of providing technical assistance for the project; and be it further

RESOLVED, that the grant budget and project period for the Climate Smart Communities Grant for Food Compost Facility at Erie County Correctional Facility is hereby created in the Department of Environment and Planning, Funds Center 16200, Fund 281.

Erie County Food Waste Composting at EC Correctional Facility
SAP Grant Account #162ECFWCAEF1821
January 1, 2018 – March 31, 2021

NYSDEC REVENUE

<u>Account</u>	<u>Description</u>	<u>Amount</u>
409000	State Aid Revenue	\$694,390
479000	County Share Cont.	<u>\$ 49,952</u>
TOTAL REVENUE		\$744,342

APPROPRIATIONS

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Full Time Salaries	\$152,153
502000	Fringe	\$91,292
510200	Out of Area Travel	\$2,000
510200	Training and Education	\$3,000
516020	Professional Services	\$113,555
561430	Buildings, Grounds	\$115,000
561410	Lab/Tech Equipment	\$2,040
911500	ID Sheriff Div.	<u>\$253,302</u>
TOTAL APPROPRIATIONS		\$744,342

and be it further

RESOLVED, that the following position, which is grant funded, will be created for the Climate Smart Communities Grant for Food Compost Facility at ECCF in Funds Center 16200, Fund 281 into the newly created grant 162EVFWCAEF1821:

Senior Environmental Compliance Specialist (JG-12)
B-100 # 9792 Budgeted Annual Salary: \$60,860

and be it further

RESOLVED, that the following position, which will be reimbursed via ID billing, be created in the Erie County Sheriff’s Office Funds Center 11510 Fund 110 only for the duration of the grant commitment:

Corrections Officer (JG-12)
B-100 # 9841 Budgeted Annual Salary: \$77,700

Fund 110 – 2018 Budget
Erie County Sheriff Office - Funds Center 11510

APPROPRIATIONS

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Full Time Salaries	\$77,700
502000	Fringe Benefits	\$48,951
911500	ID Sheriff Div.	<u>\$(126,651)</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 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; Sheriff Timothy Howard; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning. (3-0) Legislator Baskin not present for vote.

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

WHEREAS, the Department of Parks, Recreation & Forestry has a large investment in both Grover Cleveland Golf Course and Elma Meadows Golf Course; and

WHEREAS, both County golf courses are best operated with a full time greenskeeper; and

WHEREAS, the Department of Parks, Recreation & Forestry desires to upgrade the existing Assistant Greenskeeper position, Job Grade 7-Step 6, to a Greenskeeper position, Job Grade 10-Step 1, to reflect job equality among staff performing similar duties; and

WHEREAS, the additional projected cost for this change (\$ 1,901) will be fully offset by known turnover savings within the department.

NOW, THEREFORE, BE IT

RESOLVED, that the current Assistant Greenskeeper position, Job Grade 7, be upgraded to a Greenskeeper position, Job Grade 10; and be it further

RESOLVED, that all needed Personnel actions be undertaken by the Department of Personnel and the Division of Budget and Management; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget, Management, the Office of the Erie County Comptroller and Assistant County Attorney, Kristen Walder, of the Law Department.

(4-0)

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

WHEREAS, the Division of Sewerage Management has centralized a number of functions for the Erie County Sewer Districts (ECSDs) in the interest of efficiency and limiting duplication of efforts; and

WHEREAS, from time-to-time projects are completed by the Division of Sewerage Management that benefit all of the ECSDs; and

WHEREAS, Erie County's Sewer Fund consists of four (4) different operating budgets and a capital reserve fund for each ECSD; and

WHEREAS, the Division of Sewerage Management proposes the transfer of capital reserve funds from each ECSD into a single capital project for the purpose of funding Division-wide projects.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the partial closing of a sum of \$200,000 from the ECSD capital reserve projects as follows:

ECSD No.	Capital Project	Amount
1	C.00033	\$30,000
2	C.00008	\$18,000
3	C.00007	\$70,000

4	C.00034	\$54,000
5	C.00005	\$12,000
6	C.00006	\$ 8,000
8	C.11801	\$ 8,000

and be it further

RESOLVED, that authorization is hereby provided for the Division of Budget and Management to process a residual equity transfer of up to \$30,000 from ECSD No. 1 capital reserve project C.00033, Funds Center 181, Fund 430, GL 570000 – Inter-fund Transfer-Subsidy to capital project C.00065, Fund Center 180, Fund 430, GL 486000 Interfund Revenue Subsidy; and be it further

RESOLVED, that authorization is hereby provided for the Division of Budget and Management to process a residual equity transfer of up to \$18,000 from ECSD No. 2 capital reserve project C.00008, Funds Center 182, Fund 430, GL 570000 – Inter-fund Transfer-Subsidy to capital project C.00065, Funds Center 180, Fund 430, GL 486000 Inter-fund Revenue Subsidy; and be it further

RESOLVED, that authorization is hereby provided for the Division of Budget and Management to process a residual equity transfer of up to \$70,000 from ECSD No. 3 capital reserve project C.00007, Funds Center 183, Fund 430, GL 570000 – Inter-fund Transfer-Subsidy to capital project C.00065, Funds Center 180, Fund 430, GL 486000 Inter-fund Revenue Subsidy; and be it further

RESOLVED, that authorization is hereby provided for the Division of Budget and Management to process a residual equity transfer of up to \$54,000 from ECSD No. 4 capital reserve project C.00034, Funds Center 181, Fund 430, GL 570000 – Inter-fund Transfer-Subsidy to capital project C.00065, Funds Center 180, Fund 430, GL 486000 Inter-fund Revenue Subsidy; and be it further

RESOLVED, that authorization is hereby provided for the Division of Budget and Management to process a residual equity transfer of up to \$12,000 from ECSD No. 5 capital reserve project C.00005, Funds Center 181, Fund 430, GL 570000 – Inter-fund Transfer-Subsidy to capital project C.00065, Funds Center 180, Fund 430, GL 486000 Inter-fund Revenue Subsidy; and be it further

RESOLVED, that authorization is hereby provided for the Division of Budget and Management to process a residual equity transfer of up to \$8,000 from ECSD No. 6 capital reserve project C.00006, Funds Center 186, Fund 430, GL 570000 – Inter-fund Transfer-Subsidy to capital project C.00065, Funds Center 180, Fund 430, GL 486000 Inter-fund Revenue Subsidy; and be it further

RESOLVED, that authorization is hereby provided for the Division of Budget and Management to process a residual equity transfer of up to \$8,000 from ECSD No. 8 capital reserve project C.11801, Funds Center 183, Fund 430, GL 570000 – Inter-fund Transfer-Subsidy to capital

project C.00065, Funds Center 180, Fund 430, GL 486000 Inter-fund Revenue Subsidy; and be it further

RESOLVED, that the revenue and appropriation budgets for capital project C.00065 be increased by \$200,000; and be it further

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

RESOLVED, that any unused funds be returned to the capital reserve project and the budget be adjusted accordingly; and be it further

RESOLVED, that the Division of Sewerage Management notify the Erie County Legislature of any instance where funds in capital account C.00065 are used for Division-wide projects; and be it further

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

(4-0)

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

WHEREAS, the County Executive has made the below appointment to the Erie County Sewer District Board of Managers pursuant to the power vested to him by Section 2204 of the County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the following appointment to the Erie County Sewer District Board of Managers is hereby confirmed:

<u>Erie County Sewer District No. 3</u>	<u>Term Expires</u>
Mr. Mark Cavalcoli 6253 Heltz Rd Lakeview, NY 14085	(Appointment) 12/31/19

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the appointee, and Joseph Fiegl, P.E. – Deputy Commissioner of the Department of Environment and Planning.

(4-0)

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

WHEREAS, pursuant to Legislative Comm. 3E-13 (2015), Contract 40RB was awarded to Concrete Applied Technologies Corp. to construct the Aurora North Pumping Station Elimination Project in Erie County Sewer District No. 4; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 40RB, in the final contract amount of \$7,630,282.91 which includes Change Order No. 1 (final), a decrease of \$203,232.09 and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 40RB between the County of Erie and Concrete Applied Technologies Corp. (1266 Town Line Road, Alden, New York 14004) is accepted in the final contract amount of \$7,630,282.91 which includes Change Order No. 1 (final), a decrease of \$203,232.09 and is allocated in Erie County Sewer District No. 4 Capital Account C.00072; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 40RB, to Concrete Applied Technologies Corp. for a total contract amount of \$7,630,282.91; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management, and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(4-0)

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

WHEREAS, Erie County Sewer District (ECSD) No. 5 will be providing sewer service to the proposed Creekwood Meadows Subdivision; and

WHEREAS, to provide sewer service this proposed subdivision, a new pumping station is required; and

WHEREAS, an analysis by the Division of Sewerage Management determined that if the new pumping station were redesigned with a deeper wet well and larger capacity, the existing ECSD No. 5 Loch Lea Pumping Station could be eliminated; and

WHEREAS, an agreement was reached with the developer where ECSD No. 5 will provide certain materials for the new pumping station and the developer will be responsible for the construction of infrastructure that will allow for the elimination of the Loch Lea Pumping Station; and

WHEREAS, a partial closing of ECSD No. 5 capital reserve project C.00005 would fund the purchase of materials without incurring long-term financing costs.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the partial closing of up to \$125,000 in ECSD No. 5 capital reserve project C.00005 to purchase materials necessary for new infrastructure to be constructed that would allow for elimination of the Loch Lea Pumping Station; and be it further

RESOLVED, that authorization is hereby provided for the Division of Budget and Management to process a residual equity transfer of up to \$125,000 from ECSD No. 5 capital reserve project C.00005, funds center 181, fund 430, GL 570000 – Interfund Transfer-Subsidy and increase the revenues and appropriations in the 2018 ECSD operating budget as follows:

ECSD No. 5, Funds Center 181, Fund 220

REVENUE	INCREASE
486010 – Residual Equity Transfer-In	<u>\$125,000</u>
TOTAL REVENUE	\$125,000
APPROPRIATIONS	INCREASE
506200 – Maintenance and Repairs Supplies	<u>\$125,000</u>
TOTAL APPROPRIATIONS	\$125,000

and be it further

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

RESOLVED, that any unused funds be returned to the capital reserve project and the operating budget be adjusted accordingly; and be it further

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

(4-0)

**JOHN BRUSO
CHAIR**

LEGISLATOR RESOLUTIONS

Item 38 – CHAIR SAVAGE directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO. 5-1 from MILLER-WILLIAMS. Reinstatement of the EC Community Corrections Advisory Board.

Item 39 – CHAIR SAVAGE directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 5-2 from BASKIN. Support for Creating an Erie County Black and Latino Advocacy Taskforce.

Item 40 – CHAIR SAVAGE directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 5-3 from BASKIN. Support for Buffalo Public School Students and their NFTA Transportation Needs.

Item 41 – CHAIR SAVAGE directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO. 5-4 from BASKIN. Bail Reform for Detainees at the Erie County Holding Center.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 58

RE: Calling on State to Restore
Funding to the Zoo, Botanical
Gardens and Aquariums Program
(INTRO. 5-5)

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

WHEREAS, the Zoo, Botanical Gardens and Aquariums (ZBGA) is a grant program used to develop educational, cultural, and recreational programming, including permanent collections; and

WHEREAS, the stated intent of the ZBGA grant program is to “provide eligible local governments and not-for-profit organizations timely and stable annual funding for operating program and support;” and

WHEREAS, the Governor proposed a \$2.5 million cut to the ZBGA program, which has historically been set at \$15 million each year; and

WHEREAS, these cuts will eliminate almost 17% of the program’s funding for area organizations including the Buffalo Zoo (\$60,000), the Botanical Gardens (\$14,000), and the Tiff Nature reserve (\$37,000); and

WHEREAS, these organizations are important elements of the community here in Erie County and are vital to the vibrancy of our society not just for the direct educational and cultural benefits they provide but also for the economic boost visitors provide the surrounding businesses; and

WHEREAS, the move to abruptly cut this program’s funding is akin to pulling the rug out from under these organizations’ feet, especially since the ZBGA program purports to provide stable funding; and

WHEREAS, cultural organizations like those named in this Resolution are what make Erie County unique and often require and rely on funding provided by governmental entities. We must continue to provide that promised support.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body supports the Buffalo Zoo, the Botanical Gardens, the Tiff Nature Reserve, and all of Erie County’s cultural institutions; and be it further

RESOLVED, that this honorable body hereby calls on Governor Cuomo and the New York State Legislature to reestablish the Zoo, Botanical Gardens, and Aquariums program to the full \$15 million; and be it further

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 43 – MS. BASKIN moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 4E-11 (2018). MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 59

RE: Senior Civil Engineer Position –
Variable Minimum
(COMM. 4E-11, 2018)

WHEREAS, the Division of Highways has a vacant Senior Civil Engineer position which has resulted in a backlog of bridge projects; and

WHEREAS, the current vacant engineering position results in fewer bridge projects being completed in the necessary time frame; and

WHEREAS, the availability of a qualified Senior Civil engineer with the necessary bridge experience locally is very competitive and as a result, a competitive salary commensurate with the responsibilities of the position and in line with community norms is necessary to recruit and hire.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the establishment of a variable minimum, Job Group 14, Step 3 hiring level for the position of Senior Civil Engineer for the Department of Public Works, Division of Highways; and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to adjust the Adopted 2018 Budget of the Division of Highways as necessary; 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 the Department of Public Works.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 44 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 5-6 from LORIGO, RATH, MILLS, DIXON & HARDWICK Re: Opposition to the Imposition of a Statewide Mandatory Ban on the Use of Free Plastic Shopping Bags

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 45 – MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 5D-4 from the ASSISTANT COUNTY ATTORNEY Re: Local Law Intro. 1-1-2018 Amendments

Received, filed and printed.

February 15, 2018

Via Email Only
Hon. Peter J. Savage, III, Chairman
Erie County Legislature
Old Erie County Hall
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Local Law Intro No. 1-1-2018 Amendments

Dear Chairman Savage:

As you are aware, Erie County Charter Section 204(2) provides that if the Legislature amends a proposed local law following a legislative public hearing, the Legislature shall not be required to have a subsequent public hearing, provided that:

- a. The amendments made to original proposed local law are:
 - I. In character with the scheme of the original proposed local law; and
 - II. The logical outgrowth of the comments given or submitted at the public hearing or comments received from the County Attorney pursuant to paragraph (3); and
- b. The proposed local law as amended neither:
 - I. Materially alters the issues involved in the original proposed local law; nor
 - II. Substantially departs from the terms or substance of the original proposed local law.

A legislative public hearing concerning Local Law Intro 1-1-2018 was duly held on February 7, 2018. Subsequent to that public hearing, certain amendments were made to Sections 4(a), 4(f), 5(c), 6(a)(ii), 8(a), 8(18)(c), and 9(a) of the proposed law. After careful review of the proposed amendments, it is our opinion that they do not alter Local Law Intro 1-1-2018 in such a way as to require a second public hearing.

Very truly yours,

GREGORY P. KAMMER
Assistant Erie County Attorney

Item 46 - MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 5E-18 from LORIGO Re: Letter to Senior Planner, Dept. of Environment & Planning, Concerning FOIL Request

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR LOUGHRAN

Item 47 – (COMM. 5E-1) Letter to Personnel Commissioner Requesting Position Audit at ECWA

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR BASKIN

Item 48 – (COMM. 5E-2) Letter to Governor Cuomo Regarding Bail Reform in NYS

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATORS RATH, DIXON, LORIGO & MILLS

Item 49 – (COMM. 5E-3) Letter to Chair Savage Concerning Legalization of Sparkling Devices

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE SHERIFF

Item 50 – (COMM. 5E-4) Accept Donation from Not-For-Profit Organization

Item 51 – (COMM. 5E-5) Accept DASNY Grant for Prescription Drug Vehicle

Item 52 – (COMM. 5E-6) 2018 Livescan Equipment Grant Program

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

FROM THE COUNTY EXECUTIVE

Item 53 – (COMM. 5E-7) Transfer of Surplus County-Owned Land Parcels

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 54 – (COMM. 5E-8) Swift Mills Rd. Bridge Replacement - Town of Newstead

Item 55 – (COMM. 5E-9) Emery Rd. Culvert Replacement - Town of Aurora

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

Item 56 – (COMM. 5E-10) Contract Extension - Age Friendly Inclusive Planning Grant

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 57 – (COMM. 5E-11) Authorization to Increase Funds for Forensic Pathologists Fees for Services

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 58 – (COMM. 5E-12) Dept. of Social Services - Division of Family Independence - Moving Out of Poverty to Employment

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 59 – (COMM. 5E-13) WNY Stormwater Coalition: Memorandum of Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 60 – (COMM. 5E-14) Dept. of Probation & Division of Budget and Management - Budgetary Adjustments

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 61 – (COMM. 5E-15) Reconstruction of Kenmore Ave. - Drainage Collection System Repairs - Town of Tonawanda

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 62 – MS. BASKIN presented the following resolution and moved for immediate consideration and approval. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 60

RE: District Attorney's Office - Asset
Forfeiture Appropriations
(COMM. 5E-16)

WHEREAS, pursuant to 21 U.S.C. § 881(e) and 19 U.S.C. § 1616 the US Department of Justice's guidelines for expenditure of seized assets allows for the transfer of monies to non-profit agencies whose missions are consistent with those of a law enforcement effort, policy, and/or initiative up to \$25,000 annually; and

WHEREAS, the Erie County District Attorney's Office has identified an organization as a valuable agency which aids law enforcement efforts and which meets the criteria necessary to receive said monies; and

WHEREAS, the source of funds for the above mentioned items will be paid from the District Attorney's asset forfeiture proceeds, and it is necessary to transfer funds from the Erie County District Attorney's Asset Forfeiture Trust Fund prior to their being expended.

NOW, THEREFORE, BE IT

RESOLVED, that \$20,000 in available balances in the Erie County District Attorney's Assets Forfeiture Trust Fund are hereby transferred to the District Attorney's Assets Forfeiture Program, Funded Program "SAFDA"; and be it further

RESOLVED, that the following appropriations are hereby authorized:

DISTRICT ATTORNEY ASSET FORFEITURE PROGRAM
BUSINESS AREA: 114 COST CENTER: 1140010
FUNDED PROGRAM /WBS ELEMENT: SAFDA

Revenue

421550 Forfeiture Crime Proceeds	\$ 20,000
Total Revenue	<u>\$ 20,000</u>

Appropriation

516010 Contract Payments – Non-Profit	\$ 20,000
Total Appropriations	<u>\$ 20,000</u>

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes a one-time direct payments of twenty thousand dollars (\$20,000) to Greater Buffalo Metropolitan Crime Stoppers, Inc to be paid from account 516010 Non-Profit Subsidy; and be it further

RESOLVED, that the Director of Budget and Finance is hereby authorized to adjust SAFDA budgets as necessary during the year in order for the District Attorney's Office to enhance its investigative, surveillance and prosecutorial efforts, as the forfeiture regulations dictate; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Comptroller and the Director of Budget and Management.

Item 63 – MS. BASKIN presented the following resolution and moved for immediate consideration and approval. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 61

RE: District Attorney's Office - Training
Services
(COMM. 5E-17)

WHEREAS, the District Attorney's Office has funds available through a grant from the New York State Office of Children and Family Services' Federal Family Violence Prevention Services Award (FFVPSA); and

WHEREAS, through a recent grant amendment a portion of the award has been specifically allocated for the purpose of providing additional trauma-informed care training to its staff; and

WHEREAS, the current grant contract expires 3/31/18 and therefore the training must be provided before April 1, 2018; and

WHEREAS, the District Attorney's Office will utilize the same trainers who were approved to provide the initial training as per COMM 5E-1 (2017).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to engage the services of Denise J. Krause, MSSW, and Susan A. Green, LCSW, to provide 6 hours of trauma-informed care training to staff of the District Attorney's Office in an amount not to exceed a total of \$1,200; and be it further

RESOLVED, that due to grant timing constraints this training for specialized services must be provided immediately and therefore, the Request for Proposal (RFP) procedure required under Section 19.08 of the Erie County Administrative Code is hereby waived; and be it further

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

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Erie County District Attorney, Erie County Division of Purchase, and the Director of Budget and Management.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DEPUTY COMPTROLLER, AUDIT

Item 64 – (COMM. 5D-1) Letter to EC Real Property Tax Services - Commencing Audit

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 65 – (COMM. 5D-2) Notice of County Executive Public Hearing for LL Intro. 5-2-2017

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DIRECTOR, REAL PROPERTY TAX SERVICES

Item 66 – (COMM. 5D-3) Explanation of Apportionment of 2018 County Tax Levy

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE SUPERVISOR, TOWN OF BOSTON

Item 67 – (COMM. 5M-1) Letter to Legislator Mills Concerning Zimmerman Rd.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM WAYNE PRUSKI

Item 68 – (COMM. 5M-2) Letter Requesting More Telecommunications Providers in WNY

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM RICHARD FORD

Item 69 – (COMM. 5M-3) Letter to Legislature Concerning Proposed National Grid Rate Hike

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ACADIA CENTER

Item 70 – (COMM. 5M-4) Testimony Concerning Proposed National Grid Rate Hike

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE REGIONAL DIRECTOR, NATIONAL GRID

Item 71 – (COMM. 5M-5) Testimony Concerning National Grid Rate Filing - Settlement Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM AARP

Item 72 – (COMM. 5M-6) Testimony Concerning Proposed National Grid Rate Hike

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM AGREE NY

Item 73 – (COMM. 5M-7) Testimony Concerning Proposed National Grid Rate Hike

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE PARTNERSHIP FOR THE PUBLIC GOOD

Item 74 – (COMM. 5M-8) Testimony Concerning Proposed National Grid Rate Hike

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NFTA

Item 75 – (COMM. 5M-9) 17A Report & Capital Expenditure Reports

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM ENTERCOM BUFFALO

Item 76 – (COMM. 5M-10) Equal Employment Opportunity - Employer List of Job Openings

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

FROM THE ECIDA

Item 77 – (COMM. 5M-11) Letter to Governor Cuomo Concerning Deferment of Business Tax Credits

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM ARTHUR GIACALONE

Item 78 – (COMM. 5M-12) Letter to Legislature Regarding Update of EC Code of Ethics

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM MARK S. CARNEY

Item 79 – (COMM. 5M-13) Letter to Chair Savage Regarding Position of ECWA Commissioner

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THOMAS E. JAEGER

Item 80 – (COMM. 5M-14) Letter to Chair Savage Regarding Position of ECWA Commissioner

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM DR. RHONDA A. RICKS

Item 81 – (COMM. 5M-15) Letter to Chair Savage Regarding Position of ECWA Commissioner

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 82 – Legislature Clerk announced a Public Hearing, scheduled for Tuesday, March 6, 2018, to be held at 6:00 p.m. in the Chambers of the Legislature for the purpose of hearing public comment concerning a proposed modification of plans for improvement of the facilities of Erie County Sewer District No. 8 in said County.

MEMORIAL RESOLUTIONS

Item 83 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Frederic Gioia, Carol Johnson Boyle, Michael Bartlett and Richard Kohzuta.

Item 84 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Alfred Caffiero.

Item 85 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Andrew Syposs, Doug Coogan, Harry Lorence, Daniel Thiebolt, Barbara Crainer and Mario Alaimo.

Item 86 – Chair Savage requested that when the Legislature adjourns, it do so in memory of John J. O’Connell and Thomas C. Aquino.

ADJOURNMENT

Item 87 - 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, March 15, 2018 at 2:00 p.m. Eastern Standard Time. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

CHAIR SAVAGE declared the Legislature adjourned until Thursday, March 15, 2018 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE