

ERIE COUNTY LEGISLATURE
MEETING NO. 8
APRIL 26, 2018

The Legislature was called to order by Chair Savage.

All members present.

An Invocation was held, led by Ms. Dixon, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Rath.

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 7 from 2018. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. HARDWICK presented a proclamation Applauding Grand Island Farms, Inc. for Receiving the 2017 Agricultural Development Award by the Grand Island Chamber of Commerce.

Item 6 – MR. HARDWICK presented a proclamation Recognizing Mary A. Stang-Cooke as the Erie County Legislature's Citizen of the Month for April, 2018.

Item 7 – MR. HARDWICK presented a proclamation Commending James R. Sharpe on Being Awarded the 2017 Lifetime Achievement Award by the Grand Island Chamber of Commerce.

Item 8 – MR. HARDWICK presented a proclamation Applauding the Grand Island Fire Company for Being Recognized as the Organization of the Year for 2017 by the Grand Island Chamber of Commerce.

Item 9 – MR. HARDWICK presented a proclamation Applauding Denise Dunbar for Being Recognized as Educator of the Year for 2017 by the Grand Island Chamber of Commerce.

Item 10 – MR. HARDWICK presented a proclamation Applauding Richard Crawford, Jr. on Being Awarded the Community Service Award for 2017 by the Grand Island Chamber of Commerce.

Item 11 – MR. HARDWICK presented a proclamation Acknowledging the Outstanding Achievement of Pink Martini Gift Shop Upon Being Named the Grand Island Chamber of Commerce's 2017 Business of the Year.

Item 12 – MR. MILLS presented a proclamation Honoring Marion Hornung on the Celebration of her 100th Birthday.

Item 13 – MR. MILLS presented a proclamation Honoring Sharon Burke for Her Service and Dedication to Orchard Park.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 14 – CHAIR SAVAGE directed that Local Law No. 1 (Print #2) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 15 – CHAIR SAVAGE directed that Local Law No. 4 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 16 – CHAIR SAVAGE directed that Local Law No. 8 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 17 – CHAIR SAVAGE directed that Local Law No. 12 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 18 – CHAIR SAVAGE directed that Local Law No. 14 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 19 – CHAIR SAVAGE directed that Local Law No. 15 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 20 – CHAIR SAVAGE directed that Local Law No. 16 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 21 – CHAIR SAVAGE directed that Local Law No. 17 (Print #1) 2017 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 22 – CHAIR SAVAGE directed that Local Law No. 20 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 23 – CHAIR SAVAGE directed that Local Law No. 21 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 24 – CHAIR SAVAGE directed that Local Law No. 22 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 25 – CHAIR SAVAGE directed that Local Law No. 23 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 26 – CHAIR SAVAGE directed that Local Law No. 2 (Print #1) 2018 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 27 – CHAIR SAVAGE directed that Local Law No. 3 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 28 – CHAIR SAVAGE directed that Local Law No. 4 (Print #1) 2018 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 29 – MS. BASKIN moved to take Local Law No. 5 (Print #1) 2018 off the table. MS. MILLER-WILLIAMS seconded. MR. LORIGO voted in the negative.

CARRIED. (10-1)

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

**LOCAL LAW INTRO No. 5-1 (2018)
LOCAL LAW No. ___ - 2018**

A LOCAL LAW in relation to fair housing in Erie County.

SECTION 1: Legislative Findings and Intention

It is the intent of the Legislature to provide for fair housing throughout the County of Erie and to prohibit discrimination of any kind in the sale, rental or leasing of housing to any person.

SECTION 2: Definitions

As used in this local law, the following words shall have the meaning indicated:

- a. Advertising: Printing, circulating, placing or publishing or causing to be placed or published any written statement, including electronic media, with respect to the availability for sale or rent of a housing accommodation or the listing of a housing accommodation with any person, business or entity which maintains a referral list of available housing.

- b. Disability: A physical, mental or medical impairment which substantially limits one (1) or more major life activities; or a record of having such an impairment; or a condition regarded by others as such an impairment.
- c. Marital Status: Single, married, divorced, separated or widowed.
- d. Source of Income: Payments from any lawful occupation or employment, as well as other payments including, but not limited to, public assistance, public assistance security agreements, supplemental security income, pensions, annuities, unemployment benefits, disability payments, government subsidies, or other housing subsidies.
- e. Sexual Orientation: A person's heterosexuality, homosexuality, bisexuality, asexuality, whether actual or perceived.
- f. Housing Accommodation: Any building, structure, or portion thereof located within the County of Erie, which is used or occupied or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more persons.
- g. Military Status: A person's participation in the military service of the United States or the military service of the state including, but not limited to, the army national guard, the air national guard, the New York naval militia, the New York guard, and such additional forces as may be created by the federal or state government as authorized by law.
- h. Gender Identity: A person's actual or perceived gender, as well as a person's gender identity, self-image, appearance, expression or behavior, whether or not that gender identity, self-image, appearance, expression or behavior is different than that traditionally associated with the person's sex at birth.
- i. Familial Status: Any person who is pregnant or has a child or is in the process of securing legal custody of any individual who has not attained the age of eighteen years; or one or more individuals who have not attained the age of eighteen years domiciled with a parent or another person having legal custody of such individual or the designee of such parent.
- j. National Origin: Ancestry.

- k. Immediate Family: A person's spouse, parents, grandparents, children, grandchildren, brothers, sisters, mother in law, father in law, brothers in law, sisters in law, daughters in law, sons in law, adopted, half and step members.
- l. Immigration and Citizenship Status: Any person's immigration or citizenship status in the United States.

SECTION 3: Unlawful Acts

It shall be unlawful for any person or entity engaged in the sale or rental of housing to do the following:

- A) Refuse to sell or rent or refuse to negotiate for the sale or rental or to deny any housing accommodation to any person because of race, color, religion, sex, age, marital status, disability, national origin, source of income, sexual orientation, gender identity, military status, familial status or immigration and citizenship status.
- B) Discriminate against any person in the terms, conditions or provision of services or in the furnishing of facilities in connection with the sale or rental of any housing accommodation because of race, color, religion, sex, age, marital status, disability, national origin, source of income, sexual orientation, gender identity, military status, familial status or immigration and citizenship status.
- C) To induce or attempt to induce any person to sell or rent any housing accommodation by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, age, marital status, disability, national origin, source of income, sexual orientation, gender identity, military status, familial status or immigration and citizenship status.
- D) For a person offering residential property for sale or rent or anyone acting on behalf of such a person to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the sale or rental of a housing accommodation or to make any record or inquiry in connection with the sale or rental of a housing accommodation which expresses, directly or indirectly, any limitation, specification or discrimination as to race, color, religion, sex, age, marital status, disability, national origin, source of income, sexual orientation, gender identity, military status, familial status or immigration and citizenship status.
- E) To incite, compel or coerce, the doing of any acts forbidden by this local law, or

to retaliate or discriminate against any person or entity because that person or entity has filed a complaint or testified in a proceeding commenced under this local law.

For purposes of this local law, discrimination shall include (i) a refusal to permit, at the expense of a disabled person, reasonable modifications of existing premises occupied or to be occupied by such a person if such modifications may be necessary to afford such person full enjoyment of the premises (except that, in the case of rental, the landlord may where it reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted), and (ii) a refusal to make reasonable accommodations in the rules, policies, practices or services when such accommodation may be necessary to afford a disabled person equal opportunity to use and enjoy a housing accommodation.

SECTION 4: Exemptions

The provisions of this local law shall apply to all housing accommodations, as well as land zoned for residential uses, within the County of Erie, except for the following:

- A) A religious institution or religious organization limiting the sale, rental or occupancy of housing accommodations which it owns or operates, to persons of the same religion or giving preference to such persons, unless membership in such religion is restricted on account of race, color, religion, sex, age, marital status, disability, national origin, source of income, sexual orientation, gender identity, military status, familial status or immigration and citizenship status.
- B) The prohibitions of this chapter against discrimination because of sex shall not apply to a residential building owned by a public body or a private institution or organization and maintained, in whole or part, for the exclusive use of one (1) sex.
- C) The rental of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or members of his immediate family reside in one of such housing accommodations and the rental has occurred without advertising.
- D) The rental of rooms in a housing accommodation if such rental is by the occupant of the housing accommodation or the owner of the housing accommodation, and the occupant/owner or members of his/her family reside in such housing accommodation.
- E) Restriction of the sale, rental or lease of a housing accommodation exclusively to persons fifty-five (55) years of age or older and their spouses with respect to age and familial status only.

SECTION 5: Enforcement

A) Filing of Complaints

The County shall receive and investigate complaints filed pursuant to this local law. The County Executive shall designate the Commissioner of the Department of Environment and Planning to perform enforcement and may designate a not-for-profit fair housing organization to either assist in conducting investigations or to complete said function for the Department of Environment and Planning.

Any person or organization, whether or not an aggrieved party, may file a complaint alleging a violation of this law. Such a complaint shall be filed within one year of the alleged act of discrimination with the Department of Environment and Planning or the County's designated entity.

The County or its designee may investigate individual instances and patterns of conduct prohibited by this local law, even without a complaint filed from any person or organization, and may initiate complaints in connection therewith.

B) Investigation

The County or its designee shall notify the accused party, in writing, within fifteen (15) days of the filing of any complaint. The County or its designee shall make a prompt investigation in connection with the complaint and within sixty (60) days after the complaint is filed, determine whether the County has jurisdiction and, if so, whether there is probable cause to believe that the person/entity named in the complaint (hereinafter referred to as the respondent), has engaged or is engaging in an unlawful discriminatory practice.

C) Conciliation

If, in the judgment of the County or its designee, a conciliation agreement would satisfactorily resolve the complaint, the County or its designee shall seek to facilitate such an agreement which may include provisions requiring the respondent to refrain from unlawful discriminatory practices and such compensation and/or affirmative relief as is agreed upon by the parties. Conciliation agreements shall not be subject to confidentiality agreements.

D) Action

If, at the conclusion of the investigation, the County or its designee makes a finding of probable cause of discriminatory practice by the respondent, and is unable to resolve the complaint via conciliation, the County or its designee shall certify and refer the matter to the Erie County Fair Housing Board.

SECTION 6: Erie County Fair Housing Board

A) There is hereby created an Erie County Fair Housing Board ("Board"). Such Board shall consist of five members who shall be appointed by the County Executive under the composition specified in Section 6 (C), with each member being subject to confirmation by

the Erie County Legislature. One of the Board members shall be designated as chairperson by the County Executive. The members and Chairperson of the Board shall serve at the pleasure of the County Executive.

- B) Three members of the Board shall constitute a quorum for the purpose of conducting business thereof. A vacancy on the Board shall not impair the right of the remaining members to exercise all the powers of the Board. Each member of the Board shall serve without compensation.

- C) Composition of the Fair Housing Board.

The voting members of the Board shall be prescribed as follows:

- One member upon a recommendation from the Buffalo Niagara Association of Realtors;
- One member upon a recommendation from the Western New York Law Center or Neighborhood Legal Services;
- One member upon a recommendation from Belmont Housing Resources for Western New York or the Rental Assistance Corporation of Buffalo;
- Erie County Commissioner of Public Advocacy;
- Erie County First Deputy Commissioner of the Department of Social Services – Family Independence.

The Board shall be staffed by the Department of Environment and Planning and its Commissioner shall serve as an ex-officio, non-voting member of the Board. The Erie County Department of Law will represent the Board and shall designate an assistant county attorney to attend all Board meetings and provide legal counsel and support.

- D) Bylaws.

The Erie County Fair Housing Board shall have the power to adopt, by a majority vote of its members, bylaws which further effectuate the purpose of this local law, prescribe attendance, quorum, officers, meeting notifications, conflicts of interest, and other administrative matters.

- E) Terms of Fair Housing Board Members.

- 1) Voting members shall be appointed to serve for a term of three (3) years except that the terms of the initial voting members, which are established by section 6(E)3 below.
- 2) No person shall serve more than two (2) consecutive three-year terms as a voting member on the Board, including the completion of a term of another voting member. Any previous member who has served such two (2) consecutive three-year terms shall not be eligible to serve again until two (2) years following the last date of the most recent of such consecutive terms served.

- 3) To establish the initial terms of members, at the inaugural meeting of the Fair Housing Board, the members shall draw lots (or have a lot drawn for them if they are unable to attend) so that one member is assigned initial terms of one (1) year, two (2) members are assigned initial terms of two (2) years, and two (2) members are assigned initial terms of three (3) years. All subsequent terms shall be for a three-year period.

F) Powers and Duties.

The Erie County Fair Housing Board shall have the following powers and duties:

- To advise the County Executive and Erie County Legislature on all matters related to fair housing within Erie County.
- To conduct hearings when a fair housing complaint is certified to the Board in accordance with Section 5(d) of this law.
- To render an annual written report to the County Executive and Erie County Legislature detailing the Board's activities and recommendations over the past year.

G) Complaints; Hearing.

Upon a finding by the County or its designee that there is probable cause to believe a discriminatory act under this local law has occurred, the Board shall convene a hearing within thirty (30) days wherein both the respondent and complainant are given the opportunity to be heard. At the conclusion of the hearing, the Board shall vote to either confirm or dismiss the complaint. In the event the Board votes to confirm the complaint, the matter shall be referred to the Erie County Attorney's Office. The County Attorney shall institute proceedings in a court of competent jurisdiction, seeking the imposition of penalties described in Section 7. If the Board votes to dismiss the complaint, the complainant may seek to pursue a private cause of action as described in Section 8.

SECTION 7: Penalties

Any person found to have violated any provision of this local law shall be subject to the following penalties:

- A fine of not more than five-thousand dollars (\$5,000) for the first violation and not more than ten thousand dollars (\$10,000) for a respondent adjudged to have committed any prior discriminatory housing practice. The County may choose to designate a portion of any recovery to further the purposes of this local law; and/or
- Revocation or suspension of any license or permit necessary for the operation of the housing accommodation in question; and/or
- Payment of all costs, expenses and disbursements incurred by the County, necessary to obtain complete compliance by the respondent with the local law; and/or

- A restraining order or a temporary or permanent injunction necessary to obtain complete compliance with this local law; and/or
- Such other relief directed by a court of appropriate jurisdiction; and/or
- In lieu of, or in addition to a civil penalty, the County Attorney may refer the matter to the Erie County District Attorney for prosecution of the underlying offense. Said conduct shall be punishable as an offense, in which the offender may be sentenced to a term of incarceration, not to exceed thirty (30) days and/or a fine not to exceed five-thousand dollars (\$5,000) for the first violation and not more than ten thousand dollars (\$10,000) for an offender adjudged to have committed any prior discriminatory housing practice, as determined by a court of competent jurisdiction.

SECTION 8: Private Cause of Action

Any person claiming to be aggrieved by an unlawful discriminatory practice as defined by this local law, may have a cause of action in any court of competent jurisdiction within one (1) year from the date of the occurrence, or when the aggrieved party became aware of the unlawful discriminatory practice, for damages and such other remedies as may be appropriate and determined by the Court. The Court may:

- Award actual damages, including but not limited to mental anguish, embarrassment and humiliation;
- Award punitive damages;
- Award reasonable attorney's fees in the case of a prevailing plaintiff; and/or
- Grant as relief it deems appropriate any permanent or temporary injunction, temporary restraining order or other order. No bond shall be required prior to the issuance of injunctive relief.

SECTION 9: Other Remedies

Nothing in this local law shall be construed to limit the rights of the complainant to pursue, at any time prior to or after the filing of a complaint, any other remedies which the complainant may have under the laws of the State of New York, the United States or any applicable jurisdiction.

SECTION 10: Education and Promotion of Fair Housing Goals

Erie County shall continue to take steps to further promote fair housing through its community development programs.

Within one hundred and twenty (120) days of the enactment of this local law, the County shall commence educational activities intended to explain the law and help to promote the County's fair housing goals. Such activities shall continue while this law remains in force.

The following requirements shall be maintained:

- Housing providers or real estate brokers located within the County selling or renting twenty (20) or more dwelling units within a calendar year shall formulate an Affirmative Fair Housing Marketing Plan. At minimum, such Affirmative Fair Housing Marketing Plan shall include: (1) a statement of non-discrimination and (2) a marketing plan designed to attract a diverse pool of applicants. The Commissioner of the Department of Environment and Planning or his/her designee may request a copy of said plan.
- Housing providers and real estate brokers located within the County selling or renting twenty (20) or more dwelling units within a calendar year shall be required to use the equal opportunity logotype or the phrase equal opportunity housing on applications and marketing materials, including electronic media, and to display in rental or real estate offices a public notice of equal opportunity housing.

SECTION 11: Construction

Nothing in this local law shall be construed to invalidate or limit any laws of the State of New York, the United States, or any other jurisdiction that grants, guarantees or protects the same rights granted, guaranteed or protected by this local law.

SECTION 12: Severability

If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate distinct, independent provision and such holding shall not affect the validity of the remaining portion thereof.

SECTION 13: Effective Date

This local law shall become effective upon its filing with the Secretary of State.

Sponsors:

April N. M. Baskin

John Brusio

Patrick Burke

Peter J. Savage, III

Thomas A. Loughran

Barbara Miller-Williams

MS. BASKIN moved to approve Local Law No. 5 (Print #1) 2018. MR. BRUSIO seconded.

MR. LORIGO moved to amend Local Law No. 5 (Print #1) 2018. MR. RATH seconded.

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

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

FAILED.

MR. LORIGO moved to amend Local Law No. 5 (Print #1) 2018. MR. RATH seconded.

MS. MILLER-WILLIAMS moved to amend the amendment.

CHAIR SAVAGE entered the Legislature into recess at 2:25 p.m.

CHAIR SAVAGE reconvened the Legislature at 2:35 p.m.

All members present.

MS. MILLER-WILLIAMS requested that her amendment be withdrawn.

GRANTED.

CHAIR SAVAGE moved the previous question and directed that a roll-call vote be taken.

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

FAILED.

MR. LORIGO moved to table Local Law No. 5 (Print #1) 2018. MR. RATH seconded.

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

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

FAILED.

CHAIR SAVAGE moved the previous question and directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. LORIGO, MR. MILLS, MS. BASKIN, MR. BRUSO, MR. BURKE, MR. LOUGHRAN, MS. MILLER-WILLIAMS and CHAIR SAVAGE. NOES: MR. HARDWICK and MR. RATH. (AYES: 9; NOES: 2)

CARRIED.

Item 30 – MS. BASKIN moved to take Local Law No. 4 (Print #2) 2018 off the table. MR. LOUGHRAN seconded. MR. HARDWICK, MR. LORIGO and MR. RATH voted in the negative.

CARRIED. (8-3)

COUNTY OF ERIE
LOCAL LAW INTRO. 4-2 (2018)
AMENDING LOCAL LAW NO. 2-2006

A LOCAL LAW in relation to a requirement for New York State Certified Worker Training Programs by contractors and subcontractors under construction contracts, as defined herein, with the County of Erie.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. Legislative Intent.

The Erie County Legislature hereby finds, declares and determines that:

- A. New York Labor Law Section 816-b specifically authorizes this Local Law.
- B. There has been a long and productive history of partnership between labor and management in the training of workers in New York State.
- C. New York State Certified Worker Training Programs are valuable educational and training tools for the local workforce by reducing reliance on out-of-area labor for construction projects.
- D. New York State Certified Worker Training Programs provide opportunities to residents in this area through training and education for skilled jobs.
- E. These skilled jobs allow us to reinvest our taxpayer dollars spent on local construction projects so that local workers and local tax dollars remain within the local community.
- F. It would be valuable to encourage labor and business/industry to participate in New York State Certified Worker Training Programs to meet the increased need for trade persons while providing residents the means to earn a better living and fostering the local and regional economies.
- G. It is valuable for local government to encourage broad participation in such New York State Certified Worker Training Programs by the residents of Erie County and to foster the equal

opportunity of men and women of all races and backgrounds to participate in order to enhance workforce development and diversification, and to prevent exclusionary practices which have historically excluded women and minorities.

H. The New York State Department of Labor sets objective standards and provides oversight for New York State Certified Worker Training Programs. These Programs are important because they require on-the-job training and classroom training, and provide objective industry standards. In effect these programs lead to a standardized, cost effective and skilled local workforce.

I. Nothing in this Local Law should be read to abrogate the duty of Erie County with respect to its MBE/WBE requirements.

Section 2. Short Title.

This Local Law shall be known as "The Erie County Workforce Development and Diversification New York State Certified Worker Training Program."

Section 3. Definitions.

A. "New York State Certified Worker Training Program" shall mean: a state registered and regulated apprenticeship program through the New York State Department of Labor that has been approved by the New York State Commissioner of Labor in accordance with Article 23 of the New York Labor Law, that includes the following standards:

(i) An organized, written plan in place that embodies the terms and conditions of employment, and the training and supervision of one or more workers;

(ii) A schedule of wages to be paid to the worker consistent with the skills required and approved by the New York State Department of Labor;

(iii) Equal opportunity and affirmative action plans;

(iv) Workforce development and diversification goals to ensure that the contractor will diligently work toward a minority workforce goal of 30% minority and female participation combined in project personnel including trades people, trainees, journeymen, apprentices, and supervisory staff; ~~and~~

(v) A minimum of ten (10%) percent of the total construction workers, trades people, trainees, journeymen, and apprentices employed at any given time on a particular project by any and all contractors or subcontractors must consist of persons participating in a New York State Certified Worker Training Program; and

(vi) In all cases, such Certified Worker Training Program (apprenticeship program) must be specific to the type and scope of work which is being performed and must have a graduation rate of at least thirty percent (30%) as determined by the New York State Department of Labor.

B. "Commissioner" shall mean the Commissioner of the Erie County Department of Public Works.

C. "Construction contract" shall mean projects with a value in excess of \$250,000 where Erie County is a direct or indirect party to the contract which includes more than an incidental amount of construction type activity intended to benefit the public, including all work which is necessary, incidental or connected with the execution of the contract which is performed by construction workers. A public entity need not be party to the construction contract. A construction contract includes: projects that Erie County funds directly, projects that Erie County funds indirectly by providing funds to a separate entity to perform the construction type activity; privately financed construction projects specifically built with the intent of leasing them to any Department of Erie County government; and construction projects built under Erie County's direction and later paid for with Erie County funds.

D. "Construction subcontract" shall mean any subcontract between a contractor who has a construction contract as defined in Section 3, subdivision C above.

E. "Contractor" or "subcontractor" shall mean a contractor or subcontractor that directly employs construction workers, as defined below, under a construction contract or construction subcontract, as defined herein, for which a New York State Certified Worker Training Program is required.

F. "Construction worker" shall mean an individual directly involved in the construction, reconstruction, improvement, rehabilitation, installation, alteration, renovation, demolition or otherwise providing for any building, facility, roads, highways, bridges, or physical structure of any kind, but does not include professional services employees or those construction workers for which a New York State Certified Worker Training Program does not exist.

Section 4. Requirements.

A. Any contractor, prior to entering into a construction contract as set forth in section 3 (C) above, or any subcontractor entering into a construction subcontract with a contractor who has a construction contract with the County of Erie is required to have in place and provide written proof of same at the time of bid a New York State Certified Worker Training Program, either internally to the contractor or subcontractor and/or through an organization servicing several contractors or subcontractors, appropriate for the type and scope of work to be performed.

B. Any contractor or subcontractor, as defined herein, shall strive to meet the minimum workforce development and diversification goals set forth in section 3(A) (iv) above. Such contractors and/or subcontractors shall provide the Commissioner or designated compliance officer with the following:

(i) A monthly workforce census and such other employment and/or payroll records necessary to verify an attempt to achieve the workforce development and diversification goals set forth in Section 3(A)(iv) above.

(ii) Access to and cooperation with the project compliance officer to review records on-site and/or at worksite premises to validate attempts to achieve the workforce development and diversification goals set forth in Section 3(A)(iv) above.

(iii) With bid submission, a statement committing to providing apprenticeship training opportunities to workers, as well as details of workforce diversification recruiting program directed at attracting candidates to fill positions to meet the minimum workforce development and diversification goals set forth in Section 3(A)(iv) above.

Section 5. Rules & Regulations.

As of the date this Local Law becomes effective, the Commissioner of the Erie County Department of Public Works shall promulgate such rules and regulations that are lawful, necessary and appropriate to implement, enforce or otherwise carry out the purposes of this Local Law, provided that the Legislature, by simple majority, has not voted to disapprove such rule or regulation within sixty (60) days from the Commissioner's written notice to the Legislature that such rule or regulation has been promulgated.

Section 6. Equal Employment Monitoring.

There shall be an Independent Monitor to report on the compliance of each County contractor and subcontractor with this Local Law's workforce development and diversification goals. The Commissioner of DPW shall develop regulations that provide for the compensation of the Independent Monitor.

The Monitor shall monitor and review every facet of construction to report what percentage of the goals that are established for minority and female participation are met or exceeded. The Monitor shall report to the Equal Employment Opportunity Office on the compliance of each contractor and subcontractor with the workforce development and diversification goals.

The Monitor shall file monthly reports with the Equal Employment Opportunity Office regarding the actual workforce development and diversification goals, including reporting all instances of non-compliance; make appropriate recommendations to the Equal Employment Opportunity Office when non-compliance is evident with supportive documentation; develop a database of the workforce of each contractor and subcontractor to provide a visual format of each contractor's workforce, both monthly and year-to-date cumulative totals on each construction contract.

Section 7. Compliance.

The Director of Erie County Division of Equal Employment shall ensure that all contractors and subcontractors entering into a construction contract as it is defined herein, maintain records which prove that each construction worker as it is defined herein, signs in and out at the beginning and end of each day, listing next to his or her name his or her craft, and status as journeyman or apprentice, if applicable.

Section 8. Penalties.

Violation of any provision of this Local Law shall constitute cause, grounds or other legal justification for termination of any contractual agreement with any contractor or subcontractor engaged in a construction contract or construction subcontract with the County, in accordance with County and state laws, rules and regulations governing the termination of such contractual agreements.

Section 9. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 10. Applicability.

This Local Law shall apply to construction contracts advertised for bids on or after the effective date with the following condition:

Apprenticeship agreements currently in place as of the effective date of this Local Law which are still in probationary status or apprenticeship agreements which were in probationary status during the period preceding the specific trade's program length as set forth in the New York State Prevailing Wage Schedule, shall be exempt from the 30% apprenticeship graduation requirement specified in Section 3 (A) (vi) for the period measured from the date the apprenticeship program is registered with the New York State Department of Labor plus the specific trade's program length plus two years.

Section 11. Effective Dates.

This Local Law shall take effect 30 days after the filing with the Secretary of State, in accordance with Section 27 of the New York State Municipal Home Rule Law.

SPONSORS: PATRICK BURKE
APRIL N.M. BASKIN
JOHN BRUSO

MS. BASKIN moved to approve Local Law No. 4 (Print #2) 2018. MR. BURKE seconded.

MR. LORIGO moved to amend Local Law No. 4 (Print #2) 2018. MR. RATH seconded.

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

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

FAILED.

MR. LORIGO moved to table Local Law No. 4 (Print #2) 2018. MR. RATH seconded.

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

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

FAILED.

CHAIR SAVAGE moved the previous question and directed that a roll-call vote be taken.

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

CARRIED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 89

April 19, 2018	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 5
----------------	-------------------------------------------------

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR HARDWICK.
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 2-4 (2017)
BURKE & GRANT: “Support for Funding Buffalo School Nurses”

- (Chair's ruling)
- b. INTRO. 6-4 (2017)
GRANT & BURKE: "Denouncing the Proposed Federal "Preserving Employee Wellness Programs Act""
(Chair's ruling)
- c. INTRO. 6-5 (2017)
GRANT: "Voicing Concern About Installation of Vehicle Tracking "Starter Interrupt" Devices"
(Chair's ruling)
- d. INTRO. 11-2 (2017)
GRANT: "Urging the NYS Legislature to Pass Bill A4836 and Provide Private Employees the Right to Review Their Personnel File"
(Chair's ruling)
- e. INTRO 12-3 (2017)
GRANT: "Opposition to Massive Federal Tax Cuts for Health Insurance Executives"
(Chair's ruling)
- f. INTRO. 19-5 (2017)
BURKE: "Amendment to the Rules of Order of the Erie County Legislature"
(Chair's ruling)
- g. LL INTRO. 22-1 (2017)
RATH: "A LL Banning Individuals from Elected or Appointed Offices Who Commit Malfeasance or Misconduct in Office Rising to the Level of a Felony Conviction"
(Chair's ruling)
- h. COMM. 2E-24 (2018)
COUNTY CLERK: "County Clerk's Office Open Item Request – Updates"
(Chair's ruling)
- i. COMM. 2E-25 (2018)
COUNTY CLERK: "County Clerk's Office Open Item Request – Resolutions"
(Chair's ruling)
- j. COMM. 5M-2 (2018)
WAYNE PRUSKI: "Letter Requesting More Telecommunications Providers in WNY"
(Chair's ruling)
- k. COMM. 7E-1 (2018)
COUNTY CLERK: "Letter to Chair Savage Concerning First 100 Days as County Clerk"
(Chair's ruling)

1. COMM. 7E-2 (2018)
COUNTY CLERK: “Identified Erie County Clerk Concentration Funds”
(Chair’s ruling)
- m. COMM. 7E-3 (2018)
COUNTY CLERK: “100 Days in Erie County Clerk’s Office”
(Chair’s ruling)

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

WHEREAS, EC Polling Sites Improvements and ADA Upgrades – 2017 Ellicott Creek Park –Friendship Center Renovations Rebid is not in compliance with the Americans with Disabilities Act (“ADA”), requires upgrades to the parking lot and building that include but are not limited to the extension of the North parking lot with site lighting and ADA signage; ADA improvements to existing building entrances, community rooms and toilet rooms; and replacement of existing ceiling grid and tile in the community rooms; and

WHEREAS, the County of Erie will be partially reimbursed in the amount of \$306,935 for the construction cost with Federal HAVA funds available to the Board of Elections (BOE) in Funds Center 150, Fund 281, Grant 150HAVASHOEBOX0214 which will be transferred to the previously approved (Comm. 16E-30, 9/21/17) Capital Project A.17075 – 2017 Ellicott Creek Park Friendship Center Renovations, in Funds Center 122, Fund 410; and

WHEREAS, the remaining funding is available in Capital Project A.17012 – 2017 Countywide Parks Improvements, Funds Center 164, Fund 110; and

WHEREAS, the County of Erie received bids for the EC Polling Sites Improvements and ADA Upgrades – 2017 Ellicott Creek Park –Friendship Center Renovations - Rebid project on February 28, 2018; and

WHEREAS, the lowest responsible bidder for the EC Polling Sites Improvements and ADA Upgrades – 2017 Ellicott Creek Park –Friendship Center Renovations - Rebid project is Nichter Construction Inc.; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the EC Polling Sites Improvements and ADA Upgrades – 2017 Ellicott Creek Park –Friendship Center Renovations – Rebid project for an amount not to exceed as follows:

General Construction Work

Nichter Construction Inc.	Base Bid:	\$ 317,000
	Add Alternate No. 3:	\$ 19,800
	Add Alternate No. 5:	\$ 15,500
<hr/>		
Total Award of Construction Contract:		\$ 352,300

and be it further

RESOLVED, that the sum of \$52,700 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Capital Projects as follows:

A.17012 – 2017 Countywide Parks Improvements	\$98,065
<hr/>	
Total Payment not to Exceed:	\$405,000

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget and Management, the Board Of Elections c/o Michael Raab, and the Office of the Comptroller.
(4-0) Legislator Miller-Williams not present for vote.

PATRICK B. BURKE
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 90

April 19, 2018	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 6
----------------	---------------------------------------------------

ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 13E-15 (2017)
MILLS: “Letter to NYS Governor Regarding Recommendation to NFTA Board of Commissioners”
(Chair’s ruling)
 - b. LL INTRO. 21-1 (2017)
GRANT, SAVAGE, LOUGHRAN, BURKE & MILLER-WILLIAMS: “County of Erie Fair Housing Law: A LL in Relation to Fair Housing in Erie County”
(Chair’s ruling)
 - c. COMM. 2E-15 (2018)
COUNTY EXECUTIVE: “Amendment to Consultant Contract for Market Analysis/Feasibility Study for New or Expanded Convention Center in Erie County”
(Chair’s ruling)
 - d. COMM. 5E-18 (2018)
LORIGO: “Letter to Senior Planner, Dept. of Environment & Planning, Concerning FOIL Request”
(Chair’s ruling)
 - e. COMM. 6D-7 (2018)
DEPUTY COMMISSIONER, DEPT. OF ENVIRONMENT & PLANNING: “Letter to Minority Leader Acknowledging Receipt of FOIL Request”
(Chair’s ruling)
 - f. COMM. 7E-29 (2018)
LORIGO: “Letter to Environment & Planning Commissioner Concerning FOIL Request”
(Chair’s ruling)
 - g. COMM. 7D-6 (2018)
DEPT. OF ENVIRONMENT & PLANNING FOIL OFFICER: “Letter to Minority Leader Concerning FOIL Request”
(Chair’s ruling)
 - h. COMM. 7M-1 (2018)
NFTA: “NFTA Board Minutes for Meeting Held 1/25/18”
(Chair’s ruling)
 - i. COMM. 7M-3 (2018)
NFTA: “Letter to Majority Leader Concerning NFTA/Buffalo School Students”
(Chair’s ruling)

- j. COMM. 7M-9 (2018)
NFTA: “NFTA Board Minutes for Meeting Held 2/22/18”
(Chair’s ruling)
- k. COMM. 7M-12 (2018)
NFTA: “NFTA Revised Annual Budget for FYE 2019”
(Chair’s ruling)
- l. COMM. 7M-13 (2018)
DAVID W. CLOY, II, PRESIDENT, DWC MECHANICAL INC.: “Written Comments
Concerning Local Law Intro. 4-1 (2018)”
(Chair’s ruling)
- m. COMM. 7M-14 (2018)
SHAWN KIMMEL, AURORA PLUMBING & EXCAVATION: “Written Comments
Concerning Local Law Intro. 4-1 (2018)”
(Chair’s ruling)

2. COMM. 6E-19 (2018)
COUNTY EXECUTIVE
WHEREAS, the Department of Public Works, Division of Highways has implemented the construction of the 2017 Overlay projects; and

WHEREAS, the County has benefited from additional construction inspection services on the overlay projects; and

WHEREAS, via Comm. 1E-9 (2018) Erie County has entered into a Memorandum of Understanding (MOU) with the Village of Williamsville to turn back ownership of Garrison Road; and

WHEREAS, a Change Order to CHA Consultant Inc. project contract is necessary to provide the extra engineering services to design those items needed by the Village of Williamsville to accept ownership of Garrison Road; and

WHEREAS, via Comm. 10E-24 of July 31, 2017 the Legislature approved CHA Consultants, Inc., as Project Engineer for the 2017 On-Call Contract; and

WHEREAS, the Department of Public Works, Division of Highways, determined that CHA Consultants, Inc. has the appropriate expertise and experience to respond in a timely manner.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute a Change Order with CHA Consultants, Inc. for the required services in the amount of \$22,000; and be it further

RESOLVED, that \$10,000 will be distributed from Fund 420, Funds Center 123, Capital Project B.16050- 2016 Capital Overlay; and be it further

RESOLVED, that \$12,000 will be distributed from Fund 420, Funds Center 123, Capital Project B. 16002- 2016 Preservation of Roads – Design; and be it further

RESOLVED, that five (5) certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller and the Division of Purchase. (5-0) Chair Savage not present for vote.

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

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

WHEREAS, in order to facilitate the Project it will be necessary for the County to acquire by fee and/or easement portions of real property in the vicinity of the Project:

<u>PORCTIONS OF TAX MAP SBL NUMBERS</u>	<u>TOWNSHIP</u>
SBL 334.00-2-5	Concord
SBL 334.00-2-6	Concord
SBL 334.00-2-27.1	Concord
SBL 334.00-2-30.11	Concord

such properties to be acquired by the County are herein referred to as the “Subject Properties”; and

WHEREAS, in order to acquire the ROW for the Project, it will be necessary for the County to establish an amount which it believes to represent just compensation for the real property interest to be acquired and to thereafter make a written offer to purchase the real property interest for the respective just compensation amount; and

WHEREAS, the acquisition of the portions of the Subject Properties is expected to be de minimis in nature so that the public interest will not be prejudiced by the reconstruction and other general improvements to the subject location on Belscher Road (CR 419); and

WHEREAS, the estimated cost of acquisition of the required ROW is estimated not to exceed \$2,000; and

WHEREAS, the required funds are available from Fund 420, Funds Center 123, SAP Project No. B.16012 – 2016 Road Slides ROW Countywide; and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portion of their real property to the County for an amount not exceeding fair market value, it will be

necessary for the County to acquire the Subject Property by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

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

RESOLVED, the County Executive is authorized to acquire for an amount not to exceed \$2,000 the necessary real property interests from the aforementioned Subject Properties for the slide remediation at the aforementioned Belscher Road site; and be it further

RESOLVED, that the amount of \$2,000 be appropriated from Fund 420, Funds Center 123, SAP Project No. B. 16012 - 2016 Road Slides ROW Countywide to cover the cost of ROW acquisition; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to establish the amounts which he believes to represent just compensation for the real properties to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring the necessary real property interest by easement and/or fee, which acquisition is necessary for the Belscher Road slide remediation project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are authorized to act on behalf of the County of Erie in connection with the acquisition of the portions of the aforementioned Subject Property; and be it further

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

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

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

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

4. COMM. 7E-22 (2018)

COUNTY EXECUTIVE

WHEREAS, a portion of Belscher Road (C.R. 419) collapsed in March of 2015 reducing that section of road to one lane travel controlled by temporary signals; and

WHEREAS, said reduction has affected the safety and mobility of the traveling public; and

WHEREAS, your Honorable Body via Comm. 12E-1 (June 22, 2017) approved contracting with Greenman-Pedersen, Inc. (GPI) for the design of the necessary remedial measures; and

WHEREAS, to complete the design phase of the project additional engineering and Right-of-Way (ROW) acquisition services are required; and

WHEREAS, the estimated cost of the additional engineering and ROW acquisition services required is \$14,000; and

WHEREAS, it is desired to execute a contract amendment with GPI for said additional engineering and Right-of-Way (ROW) acquisition services not to exceed amount of \$14,000; and

WHEREAS, the required funds are available from Fund 420, Funds Center 123, SAP Projects No. B.16011 - 2016 Road Design Countywide (\$ 9,000) and B. 16012 - 2016 Road Slides ROW Countywide (\$5,000).

NOW, THEREFORE, BE IT

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

RESOLVED, that \$9,000 from Fund 420, Funds Center 123, SAP Project No. B.16011 – 2016 Road Design Countywide and \$5,000 from SAP Project No. B.16012 – 2016 Road Slides ROW Countywide be appropriated and made available for this project; and be it further

RESOLVED, that the County Executive be authorized to execute a contract amendment for additional engineering and ROW acquisition services for the Project with Greenman-Pedersen, Inc. (GPI) in a not to exceed amount of \$14,000; and be it further

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

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

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

WHEREAS, a large portion of design has been completed by Trautman Associates for the Various County Facilities – Various Backflow Preventers & Rath Building Parking Level Sprinkler System project (herein called the “Project”); and

WHEREAS, due to inadequate funding for construction, the Project was put on hold; and

WHEREAS, due to delays caused by lack of construction funding, the 09-296-PW contract must be amended to complete the next phase of design; and

WHEREAS, Trautman Associates has the necessary expertise and manpower to provide professional design and construction services for the Project and has been previously authorized to perform professional services for this Project; and

WHEREAS, the County Executive requests authorization to enter into an Amendment with the firm of Trautman Associates for providing additional Professional Architectural/Engineering Services for the Project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Amendment with the firm of Trautman Associates for providing the above Professional Architectural/Engineering Services for the Project for an amount not to exceed \$6,500.00, including reimbursables and a design contingency; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from the following SAP project accounts:

Funds Center 122, Fund 410 – A.13006 – 2013 Countywide Mechanical, Electrical, & Plumbing Improvements	\$ 682.48
Funds Center 122, Fund 410 – A.17006 – 2017 Countywide Mechanical, Electrical, Plumbing and Miscellaneous Improvements	\$ 5,817.52
<hr/>	
For a Total Amount Not to Exceed:	\$ 6,500.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner’s Office and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

6. COMM. 7E-25 (2018)
COUNTY EXECUTIVE

WHEREAS, to improve the efficiency within the Department of Social Services, the County of Erie desires to renovate 12,000 square feet of attorney office space on the 7th floor of the Erie County Rath Building; and

WHEREAS, the Erie County Department of Public Works received bids for the Rath Building – Department of Social Services 7th Floor Renovations project on March 17, 2017; and

WHEREAS, this project is eligible for partial State and Federal reimbursement through the Department of Social Services; and

WHEREAS, since the project was delayed for almost 12 months, the lowest responsible bidder, Galbo Construction, with a bid amount of \$344,200, will no longer continue with this project; and

WHEREAS, the second lowest responsible bidder, Trason Development, with a bid amount of \$380,000 has accepted the original bid of March 17, 2017.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the second lowest responsible bidders for the Rath Building – 2017 Department of Social Services 7th Floor Renovations project as follows:

General Construction Work

Trason Development Corp

Base Bid: \$380,000

and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from SAP project account Funds Center 122, Fund 410 – Project A.16035 – Social Services Project Office Space -Renovation and Purchase of Equipment and Furnishings, for an amount not to exceed \$380,000; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner’s Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller, and the Department of Social Services.

(6-0)

7. COMM. 7E-26 (2018)
COUNTY EXECUTIVE

WHEREAS, it is desired to allocate monies to purchase Right-of-Way (ROW) necessary for the replacement of culvert 228-13 on Springville Boston Road in the Town of Concord for the “Project”; and

WHEREAS, it is desired to acquire the ROW necessary for the replacement of culvert 228-13 on Springville Boston Road in the Town of Concord for the “Project”; and

WHEREAS, to facilitate the construction of the Project it will be necessary for the County to acquire by easement and/or fee, such parcels as may become necessary for construction, including parcels that are portions of real property in the vicinity of the project as follows:

<u>PORTIONS OF TAX MAP SBL NUMBER</u>	<u>TOWNSHIP</u>
SBL 274.02-1-1.1	Concord
SBL 274.02-1-2.1	Concord
SBL 274.02-1-15	Concord
SBL 274.02-1-14	Concord

Such property necessary to be acquired by the County is herein referred to as the “Subject Properties”; and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the sum of monies not to exceed the limit of \$20,000 be made available in SAP Project B.17006 - 2017 Capital Right of Way, Fund 420, Funds Center123 for all costs of ROW acquisitions; and be it further

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

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

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

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

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including Urban Engineers of New York Inc., are hereby authorized to negotiate and offer just

compensation amounts to the owners of the Subject Properties for the purpose of acquiring the necessary real property interest in portions of their respective parcels of real property by easement and/or fee, which acquisition is necessary for construction of the Project; and be it further

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

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

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

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

(6-0)

8. COMM. 7E-36 (2018)
COUNTY EXECUTIVE

WHEREAS, bids were taken for the Bethlehem Steel Shoreline Trail – Phase I in the Cities of Lackawanna and Buffalo on March 5, 2018, and the low bidder for construction was Zoladz Construction Company, Inc. of 13600 Railroad Street, Alden, New York at a low responsible bid of \$1,302,747.77; and

WHEREAS, Erie County is desirous of extending the existing Shoreline Trail from the City of Buffalo into the City of Lackawanna; and

WHEREAS, Erie County has previously obtained necessary easements along public roadways in the Cities of Lackawanna and Buffalo; and

WHEREAS, Erie County wishes to start construction as soon as possible.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a Contract for Erie County for the Bethlehem Steel Shoreline Trail Phase I project, between the County of Erie and the lowest responsible bidder, Zoladz Construction Company for construction

work in the amount of \$1,302,747.77; and be it further

RESOLVED, that a total amount not to exceed \$932,748.00 be allocated from SAP Account No. A.13012 and a total amount not to exceed \$500,000 be allocated from SAP Account J.00516.2.39; and be it further

RESOLVED, that the County Executive be authorized to establish a project contingency and execute change orders not to exceed \$130,000 from the above identified funds; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive; the Commissioner of the Department of Environment and Planning; the Commissioner of Parks, Recreation and Forestry; the Director of the Division of Budget and Management; the Comptroller's Office; and the County Attorney.
(6-0)

9. COMM. 7E-37 (2018)
COUNTY EXECUTIVE

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

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

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

WHEREAS, the County of Erie, City of Lackawanna, Erie County Industrial Development Agency, South Buffalo Railway, and Tecumseh Redevelopment Incorporated continue to work cooperatively toward achieving the redevelopment of the former Bethlehem Steel site; and

WHEREAS, railroad tracks adjacent to Route 5 must be relocated prior to the start of redevelopment of this property and for the continuation of the Erie County Shoreline Trail; and

WHEREAS, the Erie County Industrial Development Agency has extensive experience in contracting with consultants and contractors specializing in railroad development; and

WHEREAS, the County of Erie approved Capital Project funding in 2017, to be utilized specifically for infrastructure and redevelopment on the former Bethlehem Steel site.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an amendatory contract with the Erie County Industrial Development Agency, and contracts with other state and federal agencies,

utility companies and consultants in amounts not to exceed a total of \$650,000 for the purpose of the removal, relocation and construction of rail track and related utilities and infrastructure on the former Bethlehem Steel site in the City of Lackawanna; and be it further

RESOLVED, that the County Executive is authorized to enter into agreements with Tecumseh Redevelopment, South Buffalo Railway, Gateway Trade Corporation, and Welded Tube USA to obtain necessary land, easements, operation and maintenance agreements to complete the work; and be it further

RESOLVED, that the source of these funds shall be in SAP Project A.17016; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(6-0)

10. COMM. 7E-42 (2018)
COUNTY EXECUTIVE

WHEREAS, the Hope House Project consists of 27-units of affordable housing project in the City of Buffalo located at 243 Sears Avenue; and

WHEREAS, the project site consists of substantial rehabilitation of a historically significant former Buffalo Public School. The project will include permanent supportive housing for homeless women and homeless women with children; and

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

WHEREAS, in order to make the Project economically feasible for Matt Urban Hope House LLC, Matt Urban Hope House Housing Development Fund Company, Inc. to operate the housing project it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

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

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the Director of Real Property

Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.

SCHEDULE A
Hope House Project PILOT

Year	Total	City	County
1	6,585.57	4,939.18	1,646.39
2	6,783.14	5,087.35	1,695.78
3	6,986.63	5,239.97	1,746.66
4	7,196.23	5,397.17	1,799.06
5	7,412.12	5,559.09	1,853.03
6	7,634.48	5,725.86	1,908.62
7	7,863.51	5,897.64	1,965.88
8	8,099.42	6,074.57	2,024.86
9	8,342.40	6,256.80	2,085.60
10	8,592.68	6,444.51	2,148.17
11	8,850.46	6,637.84	2,212.61
12	9,115.97	6,836.98	2,278.99
13	9,389.45	7,042.09	2,347.36
14	9,671.13	7,253.35	2,417.78
15	9,961.27	7,470.95	2,490.32

(6-0)

PATRICK B. BURKE
CHAIR

Item 33 – MS. MILLER-WILLIAMS presented the following report and moved for immediate consideration and approval. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 91

April 19, 2018	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 7
----------------	---------------------------------------------------

ALL MEMBERS PRESENT.
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 6E-22 (2018)
DIXON “Letter to County Executive Concerning Draft Policy Pursuant to INTRO. 2-6 (2018)”
(Chair’s ruling)
 - b. COMM. 6E-24 (2018)
COMPTROLLER “Request for Independent Investigation”
(Chair’s ruling)
 - c. COMM. 7E-9 (2018)
COUNTY EXECUTIVE “Letter to NYS Senate & Assembly Leaders Concerning Internet Fairness Conformity Act”
(Chair’s ruling)
 - d. COMM. 7E-32 (2018)
COMPTROLLER “Report Detailing Apportionment & Distribution of Net Collections for 4.75% Sales & Compensating Use Tax for December 2017 through February 2018”
(Chair’s ruling)
 - e. COMM. 7E-33 (2018)
COMPTROLLER “Report on Sales Tax Sharing with School Districts in Erie County and Benefits of Shared Services”
(Chair’s ruling)
 - f. COMM. 7D-1 (2018)
DEPUTY COMPTROLLER – AUDIT “Notification of Commencement of Audit of Long Distance Travel Reimbursement Policies”
(Chair’s ruling)
 - g. COMM. 7D-4 (2018)
DIRECTOR OF BUDGET & MANAGEMENT “February 2018 Budget Monitoring Report”
(Chair’s ruling)
2. COMM. 4D-1 (2018)
REAL PROPERTY TAX SERVICES AS AMENDED
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

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

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 218053 through 218075, 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.	218,053.00
	ASSESSOR	Refund	\$172.03
S-B-L	108.00-4-30.1 Main St	142089 ALDEN	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$172.03	Town/SpecialDist/School
<u>Charge To :</u>	142089 ALDEN		\$172.03

RPTL 550(2): Incorrect special district charge
Refund to be issued to Michael C & Judith E Fleming

FISCAL YEAR	2017	Petition No.	218,054.00
	ASSESSOR	Refund	\$170.97
S-B-L	108.00-4-30.1 Main St	142089 ALDEN	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$170.97	Town/SpecialDist/School
<u>Charge To :</u>	142089 ALDEN		\$170.97

RPTL 550(2): Incorrect special district charge
Refund to be issued to Michael C & Judith E Fleming

FISCAL YEAR	2018	Petition No.	218,055.00
	ASSESSOR	Refund	\$64.97
S-B-L	119.07-5-9 1283 Exchange St	142001 ALDEN	
	Acct. No. 112	\$51.91	County
	Acct. No. 132	\$13.06	Town/SpecialDist/School
<u>Charge To :</u>	142001 ALDEN		\$13.06

RPTL 550(3): Incorrect lot size
Refund to be issued to Peggy Mason.

FISCAL YEAR	2017	Petition No.	218,056.00
	ASSESSOR	Refund	\$163.03

S-B-L 119.07-5-9 1283 Exchange St 142001 ALDEN

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$163.03	Town/SpecialDist/School
<u>Charge To :</u>	142001 ALDEN		\$163.03
	Relevy School	\$163.03	142001 ALDEN CENTRAL

RPTL 550(3): Incorrect lot size
Refund to be issued to Peggy A. Mason

FISCAL YEAR 2018 Petition No. 218,057.00

ASSESSOR Refund \$376.30
S-B-L 176.00-2-19.2 246 Cook Rd 142489 AURORA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$376.30	Town/SpecialDist/School
<u>Charge To :</u>	142489 AURORA		\$376.30

RPTL 550(2): Incorrect special district charge
Refund to be issued to Mark Del Prince

FISCAL YEAR 2017 Petition No. 218,058.00

ASSESSOR Refund \$367.60
S-B-L 176.00-2-19.2 246 Cook Rd 142489 AURORA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$367.60	Town/SpecialDist/School
<u>Charge To :</u>	142489 AURORA		\$367.60

RPTL 550(2): Incorrect special district charge
Refund to be issued to Mark Del Prince

FISCAL YEAR 2016 Petition No. 218,059.00

ASSESSOR Refund \$365.88
S-B-L 176.00-2-19.2 246 Cook Rd 142489 AURORA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$365.88	Town/SpecialDist/School
<u>Charge To :</u>	142489 AURORA		\$365.88

RPTL 550(2): Incorrect special district charge
Refund to be issued to Mark Del Prince

FISCAL YEAR 2018 Petition No. 218,060.00

 ASSESSOR Refund \$495.00

S-B-L 91.16-4-19 53 Aberdeen St 143089 CHEEKTOWAGA

 Acct. No. 112 \$0.00 County

 Acct. No. 132 \$495.00 Town/SpecialDist/School

Charge To : 143089 CHEEKTOWAGA \$495.00

RPTL 550(2): Incorrect special district charge
Refund to be issued to Daniel Voit & Melinda Eaton

FISCAL YEAR 2018 Petition No. 218,061.00

 ASSESSOR Refund \$355.48

S-B-L 82.08-4-4 4241 Cameron Dr 143200 CLARENCE

 Acct. No. 112 \$248.59 County

 Acct. No. 132 \$106.89 Town/SpecialDist/School

Charge To : 143200 CLARENCE \$106.89

RPTL 550(2): Failed to apply exemption
Refund to be issued to Courtney Joseph & L'Shondra Elder Joseph

FISCAL YEAR 2017 Petition No. 218,062.00

 ASSESSOR Refund \$356.44

S-B-L 82.08-4-4 4241 Cameron Dr 143200 CLARENCE

 Acct. No. 112 \$249.89 County

 Acct. No. 132 \$106.55 Town/SpecialDist/School

Charge To : 143200 CLARENCE \$106.55

RPTL 550(2): Failed to apply exemption
Refund to be issued to Courtney Joseph & L'Shondra Elder Joseph

FISCAL YEAR 2016 Petition No. 218,063.00

 ASSESSOR Refund \$357.59

S-B-L 82.08-4-4 4241 Cameron Dr 143200 CLARENCE

 Acct. No. 112 \$250.48 County

 Acct. No. 132 \$107.11 Town/SpecialDist/School

Charge To : 143200 CLARENCE \$107.11

RPTL 550(2): Failed to apply exemption
Refund to be issued to Courtney Joseph & L'Shondra Elder Joseph

FISCAL YEAR 2018 Petition No. 218,064.00

 ASSESSOR Refund \$167.33
S-B-L 323.00-2-22.11 9283 Middle Rd 143889 CONCORD

 Acct. No. 112 \$122.38 County
 Acct. No. 132 \$44.95 Town/SpecialDist/School
Charge To : 143889 CONCORD \$44.95

RPTL 550(2): Failed to apply exemption
Refund to be issued to George W & Joyce A Dewald

FISCAL YEAR 2018 Petition No. 218,065.00

 ASSESSOR Refund \$192.00
S-B-L 237.00-1-24 2146 New Jerusale 144000 EDEN

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$192.00 Town/SpecialDist/School
Charge To : 144000 EDEN \$192.00

RPTL 550(2): Incorrect special district charge
Refund to be issued to Brian Anderson

FISCAL YEAR 2017 Petition No. 218,066.00

 ASSESSOR Refund \$177.00
S-B-L 237.00-1-24 2146 New Jerusale 144000 EDEN

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$177.00 Town/SpecialDist/School
Charge To : 144000 EDEN \$177.00

RPTL 550(2): Incorrect special district charge
Refund to be issued to Brian Anderson

FISCAL YEAR 2018 Petition No. 218,067.00

 ASSESSOR Refund \$384.00
S-B-L 239.00-1-12.21 3457 E Church St 144000 EDEN

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$384.00	Town/SpecialDist/School
<u>Charge To :</u>	144000 EDEN		\$384.00

RPTL 550(2): Incorrect special district charge
Refund to be issued to Benjamin Kerman & Sarah Baird

FISCAL YEAR 2017 Petition No. 218,068.00

 ASSESSOR Refund \$354.00
S-B-L 239.00-1-12.21 3457 E Church St 144000 EDEN

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$354.00	Town/SpecialDist/School
<u>Charge To :</u>	144000 EDEN		\$354.00

RPTL 550(2): INcorrect special district charge
Refund to be issued to Benjamin Kerman & Sarah Baird

FISCAL YEAR 2018 Petition No. 218,069.00

 ASSESSOR Refund \$37.43
S-B-L 224.00-2-5.11 8124 Winkelman R 144000 EDEN

	Acct. No. 112	\$16.28	County
	Acct. No. 132	\$21.15	Town/SpecialDist/School
<u>Charge To :</u>	144000 EDEN		\$21.15

RPTL 550(2): Incorrect assessed value
Refund to be issued to Donald E & Shirley A Winkelman

FISCAL YEAR 2017 Petition No. 218,070.00

 ASSESSOR Refund \$60.93
S-B-L 224.00-2-5.11 8124 Winkelman 144000 EDEN

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$60.93	Town/SpecialDist/School
<u>Charge To :</u>	144000 EDEN		\$60.93
	Relevy School	\$60.93	144001 EDEN CENTRAL

RPTL 550(2): Incorrect assessed value
Refund to be issued to Donald E & Shirley A

FISCAL YEAR 2017 Petition No. 218,071.00

ASSESSOR Refund \$517.22
S-B-L 170.05-8-9.1 4432 Waveland Ct 144889 HAMBURG

Acct. No. 112 \$0.00 County
Acct. No. 132 \$517.22 Town/SpecialDist/School
Charge To : 144889 HAMBURG \$517.22
Relevy School \$517.22 144804 FRONTIER

CENTRAL

RPTL 550(2): Failed to apply exemptions
Refund to be issued to Linda King

FISCAL YEAR 2017 Petition No. 218,072.00

ASSESSOR Refund \$783.92
S-B-L 248.00-1-7.1 9069 E Holland Rd 145000 HOLLAND

Acct. No. 112 \$672.55 County
Acct. No. 132 \$111.37 Town/SpecialDist/School
Charge To : 145000 HOLLAND \$111.37

RPTL 550(2): Failed to apply exemption
Refund to be issued to Richard J Probst

FISCAL YEAR 2016 Petition No. 218,073.00

ASSESSOR Refund \$343.67
S-B-L 248.00-1-7.1 9069 E Holland Rd 145000 HOLLAND

Acct. No. 112 \$0.00 County
Acct. No. 132 \$343.67 Town/SpecialDist/School
Charge To : 145000 HOLLAND \$343.67
Relevy School \$343.67 145001 HOLLAND

CENTRAL

RPTL 550(2): Failed to apply exemption
Refund to be issued to Richard J Probst

FISCAL YEAR 2018 Petition No. 218,074.00

ASSESSOR Refund \$472.31
S-B-L 129.00-7-1.11 S-81 Two Rod Rd 145400 MARILLA

Acct. No. 112 \$450.46 County

Charge To : Acct. No. 132 \$21.85 Town/SpecialDist/School
 145400 MARILLA \$21.85

RPTL 550(2): Failed to apply aged exemption
 Refund to be issued to Petronella C. Vogt

FISCAL YEAR 2017 Petition No. 218,075.00

ASSESSOR Refund \$632.00
 S-B-L 129.00-7-1.11 S-81 Two Rod Rd 145400 MARILLA

Charge To : Acct. No. 112 \$0.00 County
 Acct. No. 132 \$632.00 Town/SpecialDist/School
 145400 MARILLA \$632.00
 Relevy School \$632.00 142001 ALDEN CENTRAL

RPTL 550(2): Failed to apply Enhanced STAR exemption
 Refund to be issued to Petronella Vogt

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
 (6-0)

3. COMM. 7E-10 (2018)
 COUNTY EXECUTIVE

WHEREAS, the below grant programs are included in Book B of the 2018 Adopted Budget;
 and

WHEREAS, the 2018 Adopted Budget resolutions require legislative approval for the County Executive to enter into contracts with grantor agencies for the purpose of receiving grants awarded or budgeted for fiscal year 2018.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget and Management with respect to the availability of State, Federal or other funding sources, for the following grant programs:

Department - Grant Title	Grant Start Date	Total Appropriation
Law/County Attorney Aid to Localities-Indigent Defense	10/1/2018	184,200

<hr/>		
Law/County Attorney Total		184,200
<hr/>		
Central Police Services		
Aid to Crime Labs	7/1/2018	1,457,711
DNA Backlog Reduction Program	1/1/2018	413,808
Gun Involved Violence Elimination	7/1/2018	252,156
National Forensic Sciences Improvement Act	1/1/2018	22,762
Central Police Services Total		2,146,437
<hr/>		
District Attorney		
Aid to Prosecution	10/1/2018	1,279,096
BE-SAFE	10/1/2018	331,874
Crimes Against Revenue Program	1/1/2018	485,113
Federal Family Violence Prevention Svcs Act	4/1/2018	55,000
Gun Involved Violence Elimination	7/1/2018	792,312
Motor Vehicle Theft & Ins Fraud Prev	1/1/2018	123,619
STOP Violence Against Women	1/1/2018	112,778
Victim/Witness Assistance	10/1/2018	733,724
District Attorney Total		3,913,516
<hr/>		
Probation		
ATI Community Service Sentencing	7/1/2018	89,711
ATI Pre-Trial	7/1/2018	202,597
BE-SAFE	10/1/2018	108,529
Conditional Release Program	7/1/2018	119,348
Gun Involved Violence Elimination	7/1/2018	253,025
Intensive Supervision Program	1/1/2018	338,647
Office of Victim Services	10/1/2018	83,049
Probation Total		1,194,906
<hr/>		
Sheriff		
Gun Involved Violence Elimination	7/1/2018	235,316
Sheriff Total		235,316
<hr/>		
Senior Services		
Aging Mastery Program®	4/1/2018	5,100
Alzheimer Disease Caregiver Support Initiative	1/1/2018	176,573
Areawide Agency on Aging	1/1/2018	1,772,294
Community Services for the Elderly	4/1/2018	2,018,201
Congregate Dining Nutrition	1/1/2018	2,280,638
Congregate Services Initiative	4/1/2018	38,616
Disease Prevention & Health Promotion Services	1/1/2018	118,376
Elder Caregiver Support	1/1/2018	919,791
Expanded In-Home Services for the Elderly	4/1/2018	3,498,773
Health Insurance Info, Counseling & Assistance	4/1/2018	62,347

Home-Delivered Nutrition	1/1/2018	1,109,727
Medicare Improvements for Patients & Providers Act-ADRC	9/30/2018	39,899
New York Connects	4/1/2018	59,238
Nutrition Services Incentive Program	10/1/2018	708,918
NY Connects Expansion and Enhancement	4/1/2018	420,981
NYS Areawide Agency on Aging Transportation	4/1/2018	58,963
NYS Retired Senior Volunteer Program	4/1/2018	6,561
Retired Senior Volunteer Program	4/1/2018	168,021
Senior Aides	7/1/2018	803,169
Senior Community Services Employment	7/1/2018	279,925
Wellness in Nutrition	4/1/2018	1,388,951
Senior Services Total		15,935,062

Health

Barbells for Boobs	4/1/2018	20,000
Breast & Cervical Cancer Early Detection	6/30/2018	147,431
Expanded Partner Services	4/1/2018	105,000
Expanded Syringe Access and Disposal Project	7/1/2018	80,800
Family Planning Services	1/1/2018	390,840
HIV Partner Notification Program	10/1/2018	192,583
Immunization Action Plan	4/1/2018	300,000
Komen for the Cure of Breast Cancer CSP	4/1/2018	45,000
Opioid Overdose Prevention	9/1/2018	50,000
Partners for Prevention Clinical Services CSP	4/1/2018	69,072
Partners for Prevention Infrastructure CSP	4/1/2018	270,600
PREP & Other HIV Prevention Services	4/1/2018	200,000
Public Health Campaign STD	4/1/2018	115,741
Public Health Campaign TB	3/31/2018	370,305
STD Outreach Intervention	1/1/2018	225,000
Teen Pregnancy Prevention	7/1/2018	93,226
PH Preparedness/Response to Bioterrorism	7/1/2018	613,386
Beach Water Quality Monitoring	10/1/2018	11,250
Childhood Lead Poisoning Prevention	10/1/2018	630,199
Enhanced Drinking Water Protection	4/1/2018	162,493
Healthy Neighborhoods	4/1/2018	273,600
Lead Poisoning Primary Prevention	4/1/2018	1,158,822
Public Health Laboratory Response Network	7/1/2018	25,000
Youth Tobacco Enforcement & Prevention	4/1/2018	217,823
Highway Safety	10/1/2018	28,300
Medical Examiner Toxicology Lab Aid	7/1/2018	85,090
National Forensic Science Improvement	1/1/2018	23,275
Health Total		5,904,836

County Executive

Office of Workforce Development	1/1/2018	245,526
<hr/>		
County Executive Total		245,526
<hr/>		
Environment & Planning		
Community Development Block Grant	4/1/2018	4,115,572
<hr/>		
Environment & Planning Total		4,115,572
<hr/>		
Library		
Central Library Book Aid	1/1/2018	66,936
Central Library Development Aid	1/1/2018	290,164
Continuity of Service	1/1/2018	46,809
NYS Library System Automation	1/1/2018	71,614
Coordinated Outreach	1/1/2018	158,134
Library Svcs to County Correctional Facilities	4/1/2018	8,208
Library Svcs to State Correctional Facilities	1/1/2018	42,805
<hr/>		
Library Total		684,670
<hr/>		
Grand Total		34,560,041

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into subcontracts with community agencies funded under the above grants as indicated in Book B of the 2018 Adopted Budget; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust grant periods and items of appropriations and revenues, including contractual agency amounts, based on grantor requirements or county share adjustments, provided there are no changes to authorized personnel levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the following departments: District Attorney, Office of the Sheriff, Probation, Senior Services, Central Police Services, Library, Health Department, Office of the Comptroller, Department of Environment and Planning, County Attorney's Office and the Division of Budget and Management.
(6-0)

BARBARA MILLER-WILLIAMS
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 92

April 19, 2018	PUBLIC SAFETY COMMITTEE REPORT NO. 4
----------------	-----------------------------------------

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 14-3 (2017)
MILLER-WILLIAMS: “Strengthening Law Concerning Rape Kit Testing Backlogs, and Mandating that Rape Kits are Stored Until All Legal Options are Exhausted”
(Chair’s ruling)
 - b. INTRO. 17-1 (2017)
MILLER-WILLIAMS: “Reinstatement of the EC Community Corrections Advisory Board”
(Chair’s ruling)
 - c. COMM. 4E-22 (2018)
BASKIN: “Letter to Chair Savage Concerning NYS Commission of Correction Report on EC Holding Center and Correctional Facility”
(Chair’s ruling)
 - d. COMM. 5E-2 (2018)
BASKIN: “Letter to Governor Cuomo Regarding Bail Reform in NYS”
(Chair’s ruling)
 - e. COMM. 6M-1 (2018)
REBECCA L. TOWN, ESQ.: “Testimony Regarding Bail Reform in Erie County”
(Chair’s ruling)
 - f. COMM. 7M-8 (2018)
TOWN OF CLARENCE: “Town Board Resolution – Supporting School Safety Package Proposed Legislation Before the NYS Legislature”
(Chair’s ruling)

2. COMM. 7E-13 (2018)
COUNTY EXECUTIVE

WHEREAS, the NYS Department of Homeland Security and Emergency Services has agreed to provide funding in the amount of \$215,639 in Federal assistance to continue the implementation of a program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contact and accept \$215,639 in State resources to provide funding to

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the NYS Department of Homeland Security to receive \$215,639 in grant funding for the Department of Homeland Security & Emergency Services; and be it further

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

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

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

Erie County Department of Emergency Services
FY17-18 Public Safety Answering Point (PSAP)
Operations Grant

Revenue	Increase
Account 414000 Federal Aid	\$215,639
Appropriations	Increase
Account 916500, ID Central Police Services – E911	<u>\$215,639</u>
Total Appropriations	\$215,639

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 sent to the County Executive's Office, the Division of Budget and Management, the Department of Personnel, the Department of Homeland Security & Emergency Services c/o Melissa Calhoun, the Department of Central Police Services, Kathleen Pietka, the County Comptroller, and the County Attorney.

(5-0)

3. COMM. 7E-15 (2018)
COUNTY EXECUTIVE

WHEREAS, the Department of Homeland Security through the NYS Department of Homeland Security and Emergency Services has agreed to provide funding in federal assistance to

continue the implementation of programs to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Erie County Legislature needs to authorize the County Executive to enter into a contract for \$10,400.00 with Rescue 2 Training to conduct rope rescue training; and

WHEREAS, there is funding available in FY 15 & FY 16 Technical Rescue & Urban Search and Rescue Grant Program to cover the costs incurred for this training; and

WHEREAS, the contract will be managed by the Erie County Department of Homeland Security & Emergency Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with Rescue 2 Training to conduct rope rescue training in the amount of \$10,400 from available funds and budget modifications for the remainder of funding to account for account 516020 grant HS167TECHRESCUE1518 & HS167TECHRESCUE1619; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Personnel, the Department of Homeland Security & Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.

(5-0)

4. COMM. 7E-17 (2018)
COUNTY EXECUTIVE

WHEREAS, the New York State Department of Environmental Conservation has identified the need to pre-position fully equipped oil spill response trailers at counties around the state; and

WHEREAS, the New York State Department of Environmental Conservation has purchased and is offering an oil spill response trailer and equipment for the first responders of Erie County through the Department of Homeland Security and Emergency Services; and

WHEREAS, the New York State Department of Environmental Conservation must enter into an agreement with Erie County for custody and use of the oil spill response trailer and equipment; and

WHEREAS, the Department of Homeland Security and Emergency Services has identified a storage location, transport vehicles and trained personnel; and

WHEREAS, the acquisition of said oil spill trailer and equipment greatly enhances the counties hazardous materials response team capabilities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the Department of Homeland Security and Emergency Services to enter into an agreement with New York State Department of Environmental Conservation; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.
(5-0)

5. COMM. 7E-51 (2018)
SHERIFF

WHEREAS, the Erie County Sheriff's Office Bomb Squad has experienced an increased incident volume over the past couple of years; and

WHEREAS, this unit has acquired new explosive detection, and disarmament equipment which requires a vehicle that can safely secure the sensitive equipment while providing easier access; and

WHEREAS, most of the Bomb Squad vehicles are close to ten years old with one vehicle approaching 300,000 miles; and

WHEREAS, the Erie County Sheriff's Bomb Squad has become a regional asset and has assisted local and federal law enforcement agencies around Western New York; and

WHEREAS, the five Erie County Sheriff K9 vehicles are in similar condition to the Bomb Squad trucks; and

WHEREAS, many of the current K9 vehicles have been re-purposed several times throughout the vehicle's lifetime and due to their age and condition are no longer safe for the canine or the handler; and

WHEREAS, the old vehicles can no longer maintain a safe climate for the dogs due to aging engines and mechanical issues; and

WHEREAS, recently, the Sheriff's Office has been awarded a NYS Department of Homeland Security grant to acquire and train a new explosives detection K9 team; and

WHEREAS, the office needs to purchase a new vehicle for the new K9 team; and

WHEREAS, many fleet and special equipment vehicles can be repaired along the roadside or at the substation, however, without a mobile fleet repair vehicle, the Sheriff's Office is required to incur towing expenses rather than performing the repair work "in the field"; and

WHEREAS, over the past two years the Sheriff's Office has spent nearly \$25,000.00 for

towing services for fleet vehicles; and

WHEREAS, the Erie County Sheriff's Office and the Division of Purchasing will determine whether trading the vehicles or sell the vehicles at auction will prove to be the most beneficial to the County of Erie; and

WHEREAS, the Seized Asset Forfeiture Account balance as of April 9, 2018, is \$ 656,201.10; and

WHEREAS, the funds transferred from the Seized Assets Forfeiture Account for Bomb Squad and K9 vehicles are an U.S. Department of Justice authorized expenditure.

NOW, THEREFORE, BE IT

RESOLVED, that up to \$ 449,817.00 in available balances in the Asset Forfeiture Trust Fund is hereby transferred to the Erie County Sheriff's Office Asset Forfeiture Funded Program; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE

Sheriff – SAFS Funded Program

REVENUE

421550 Forfeiture Crime Proceeds

DECREASE

\$ 449,817.00

APPROPRIATION

561440 Motor Vehicles
561410 Lab & Tech Equipment
506200 Maintenance & Repairs

INCREASE

\$ 402,092.00
\$ 39,900.00
\$ 7,825.00

Total Revenue \$ 449,817.00

and be it further

RESOLVED, that designated Seized Asset Fund expenditure meets the criteria established by the U.S. Department of Justice for the use of equitable shared funds; and be it further

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

RESOLVED, that the Erie County Sheriff's Office and the Division of Budget and Management are authorized to have any unused funding either remain in or returned to the Asset Forfeiture Trust Account; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make any payments necessary for the purchase of replacement Bomb Squad, K9 vehicles, and fleet maintenance; and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, Erie County Comptroller, the Division of Purchase and the Chief of Administration of the Sheriff office for implementation.
(5-0)

APRIL N.M. BASKIN
CHAIR

Item 35 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 93

April 19, 2018	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 4
----------------	---------------------------------------------------

ALL MEMBERS PRESENT.
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 4M-12 (2018)
BUFFALO & EC PUBLIC LIBRARY “Agenda for Board of Trustees Meeting to be Held 2/15/18, and Minutes of Meeting Held 1/18/18”
(Chair's Ruling)
 - b. COMM. 6M-3 (2018)
BUFFALO & ERIE COUNTY PUBLIC LIBRARY “Agenda Items for Board of Trustees Meeting to be Held on 3/15/18”
(Chair's Ruling)
 - c. COMM. 7M-26 (2018)
PRESIDENT OF SUNY ERIE “Letter to Chair Savage - Request to Address the Legislature”
(Chair's Ruling)

THOMAS A. LOUGHRAN
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 94

April 19, 2018	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 7
----------------	---------------------------------------------------

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR HARDWICK.
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 14E-12 (2017)
BURKE “Letter to NYS Department of Environmental Conservation Commissioner Regarding Proposed County Ban on Consumer Use of Neonicotinoids”
(Chair’s ruling)
 - b. INTRO. 6-2 (2018)
LOUGHRAN “Erie County Water Authority”
(Chair’s ruling)
 - c. COMM. 6D-8 (2018)
MAJORITY COUNSEL “Legal Opinion Regarding INTRO. 6-2 (2018), Erie County Water Authority”
(Chair’s ruling)
 - d. COMM. 7E-21 (2018)
COUNTY EXECUTIVE “ECSD No. 3 - Contract Close-Out - South Buffalo Electric, Inc. - Elma Pumping Station Improvements - Electrical”
(Chair’s ruling)
 - e. COMM. 7E-27 (2018)
COUNTY EXECUTIVE “ECSD Nos. 3 & 8 - Construction Inspection Term Contract Agreement”
(Chair’s ruling)
 - f. COMM. 7M-2 (2018)
NYS URBAN DEVELOPMENT CORP. “Notice of Proposed Lead Agency Designation - Proposed Buffalo Blueway Capital Project - City of Buffalo & Town of West Seneca”
(Chair’s ruling)

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

WHEREAS, several waterline breaks have occurred at the Erie County Clarence Highway Facility that required emergency repairs; and

WHEREAS, replacement is necessary to ensure downtime and emergency repair costs are greatly minimized; and

WHEREAS, the Erie County Department of Public Works received bids for the Erie County Clarence Highway Facility – Waterline Replacement project (herein the “Project”) on February 26, 2018; and

WHEREAS, the lowest responsible bidder for the Project is Ledge Creek Development, Inc.; and

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

NOW, THEREFORE, BE IT

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

Waterline Construction Work

<u>Ledge Creek Development, Inc.</u>	<u>Base Bid:</u>	<u>\$ 119,850</u>
Total Award of Construction Contract:		\$ 119,850

and be it further

RESOLVED, that the sum of \$20,000 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

RESOLVED, that the Comptroller’s Office be authorized to make payment for the above from SAP Project A.17009 – 2017 Preservation of County Highway Facilities (Countywide) for a total amount not to exceed \$139,850; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner’s Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(5-0)

3. COMM. 7E-19 (2018)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 17E-18 (2016) Contract No. 22 was awarded to Yarussi Construction, Inc. for general construction work for the Eastern Hills Pumping Station (P.S.) Upgrades project located in Erie County Sewer District No. 5; 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. 22, in the final contract amount of \$92,400.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 22 between the County of Erie and Yarussi Construction, Inc. (5650 Simmons Ave., Niagara Falls, NY 14304) is accepted in the final contract amount of \$92,400, as allocated in Erie County Sewer District No. 5 Project C.00035; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 22 to Yarussi Construction, Inc. for a total contract amount of \$92,400; 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) Chair Savage not present for vote.

4. COMM. 7E-28 (2018)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 50 at 2:00 p.m. on April 11, 2018:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 50	Kandey Company Inc. 19 Ransier Drive West Seneca, NY 14224	\$240,549.00

and

WHEREAS, the aforementioned lowest responsible bidder has been recognized in the past as a reputable contractor capable of completing this project; and

WHEREAS, the Division of Sewerage Management has determined that this project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State

Environmental Quality Review Act review under New York State Environmental Conservation Law;
and

WHEREAS, there are adequate cash reserves in Erie County Sewer District No. 6 Capital Bond Account C.00064.

NOW, THEREFORE, BE IT

RESOLVED, that the Abbott Road Inverted Siphon Replacement, Erie County Sewer District No. 6, Contract No. 50 be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 50	Kandey Company Inc. 19 Ransier Drive West Seneca, NY 14224	\$240,549.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the County Comptroller is authorized and directed to allocate \$260,000.00 from Erie County Sewer District No. 6 Capital Bond Account C.00064 for Contract No. 50; and be it further

RESOLVED, that any unused capital reserve funds will be returned to the Erie County Sewer District No. 6 Capital Bond Account C.00064 and budget for the Capital Bond Account C.00064 will 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 Director of Budget and Management, the County Comptroller, and Kristen Walder, Assistant County Attorney; and two (2) certified copies to Joseph L. Fiegl, P.E., Department of Environment and Planning, Rath Building, 10th Floor.
(4-0) Chair Savage not present for vote.

5. COMM. 7E-38 (2018)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) has played a crucial role in pollution prevention and sustainability issues throughout the region for decades; and

WHEREAS, DEP is committed to promoting pollution prevention, energy conservation, resiliency to impacts from climate change within the County; and

WHEREAS, New York State Department of Environmental Conservation (NYSDEC) has established a program called Climate Smart Communities to recognize local governments that achieve specified sustainability criteria; and

WHEREAS, in 2014 Erie County pledged to become a Climate Smart Community (COMM 12-E-5); and

WHEREAS, Erie County has been awarded \$99,771 by NYSDEC to support efforts to certify Erie County as a Climate Smart Community; and

WHEREAS, execution of the project work plan in accordance with the contractual requirements set forth by the granting agency necessitates the following grant funded staff position: Senior Environmental Compliance Specialist (JG 12); and

WHEREAS, this necessitates the execution of a contract with NYSDEC, the adoption of a grant budget, and the transfer of an existing Senior Environmental Compliance Specialist (JG-12) position within DEP, which will be 100% grant funded.

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 \$99,771 from NYSDEC for the purpose of establishing an “Erie County Climate Smart Community Certification” project; and be it further

RESOLVED, that the grant budget and project period for the “Erie County Climate Smart Community Certification” project is hereby created in the Department of Environment and Planning, Business Area 162, as follows:

Erie County Climate Action and Sustainability Plan (March 8, 2017 to March 7, 2022),
SAP Grant Account #162ECCSCC1722

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
409000	State Aid Revenue	<u>\$99,771</u>
TOTAL REVENUE		\$99,771

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Personnel Services	\$66,151

502000	Fringe Benefits	\$ 28,770
510100	Out of Area Travel	\$ 2,000
516020	Professional Services	\$ 2,350
530000	Other	<u>\$ 500</u>
TOTAL APPROPRIATIONS:		\$99,771

and be it further

RESOLVED, that the following position which is 100% grant funded will be transferred from the Erie County Climate Action and Sustainability Plan Project (SAP Grant Account 162ECCASP1517) upon consumption of the budget for that project:

Senior Environmental Compliance Specialist (JG-12)
B-100 No. 10181
Budgeted Annual Salary: \$65,000

and be it further

RESOLVED, that the following position will be eliminated once applicable funding from grants 162ECCASP1517 and 162ECCSCC1722 has been utilized; and be it further

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

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

(5-0)

6. COMM. 7E-44 (2018)
COUNTY EXECUTIVE

WHEREAS, the County recognizes the need to properly train its employees to protect their health and well-being, and to comply with applicable state and federal regulations; and

WHEREAS, Erie County's Division of Sewerage Management has applied for funds from the Western New York Council on Occupational Safety & Health through a New York State Department of Labor Hazard Abatement Board training grant.

NOW, THEREFORE, BE IT

RESOLVED, that an agreement between the County of Erie and the Western New York Council on Occupational Safety & Health to provide health and safety training to the Division of Sewerage Management and Sewer District employees is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of Environment and Planning; and be it further

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

7. COMM. 7E-46 (2018)
COUNTY EXECUTIVE

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

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

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

WHEREAS, DEP has determined that project outcomes will be best achieved by executing a no-cost extension to the contract through December 31, 2018; and

WHEREAS, this project is only for professional services and has no impact on County staffing or staff costs; and

WHEREAS, no County funds will be necessary for Erie County to extend this project; and

WHEREAS, legislative approval is required to execute a no-cost extension for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to execute the necessary agreements to extend the "Big Sister Feasibility and Design Project" for seven months (May 31, 2018 to December 31, 2018); and be it further

RESOLVED, that certified copies of this resolution shall be furnished to the Office of the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; and Peter J. Wilson, Coordinator – Pollution Prevention Program.

(5-0)

8. COMM. 7E-47 (2018)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, the State of New York, through its Department of Environmental Conservation, provides financial aid for stormwater compliance assistance projects; and

WHEREAS, the State of New York, through its Department of Environmental Conservation, granted Erie County \$181,840 to commence the WNY Stormwater Coalition (WNYSC): GIS Coordination Project; and

WHEREAS, the local match will be provided by Erie County DEP staff and the WNYSC membership in in-kind services; and

WHEREAS, execution of the project work plan in accordance with the contractual requirements set forth by the granting agency necessitates creation of the following grant funded staff position: Planner – Geographic Information Systems (JG 11).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute an agreement with the New York State Department of Environmental Conservation to accept \$181,840 in grant funding for the WNY Stormwater Coalition: GIS Coordination Project; and be it further

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute an agreement with the Research Foundation of SUNY at Buffalo State College for student interns to assist with the WNY Stormwater Coalition: GIS Coordination Project, in an amount not to exceed \$5,000 in grant resources; and be it further

RESOLVED, that the grant budget and project period for the WNY Stormwater Coalition: GIS Coordination Project is hereby created in the Department of Environment and Planning, Business Area 162, Fund 281 as follows:

WNY Stormwater Coalition: GIS Coordination Project
(Grant Period: 6/1/18 – 12/31/21), SAP Grant Account #162WNYSCGISCP1821

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
409000	State Aid Revenue	(\$181,840)
TOTAL REVENUE		(\$181,840)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
500000	Personnel Services	\$ 108,938
502000	Fringe Benefits	\$ 66,402
516020	Professional Service Contract	\$ 5,000
561410	Lab & Technical Equipment	\$ 1,500
		\$ 181,840

TOTAL APPROPRIATIONS \$181,840

and be it further

RESOLVED, that the following position which is 100% grant funded will be created:
Planner – Geographic Information Systems (JG 11): B-100 No. 10191
Budgeted Annual Salary: \$48,198

and be it further

RESOLVED, that this position will be eliminated once grant funding has been exhausted;
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 the Department of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of the Division of Environmental Compliance Services.

(5-0)

JOHN BRUSO
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 95

April 19, 2018	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 7
----------------	------------------------------------------------------

ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 20E-19 (2017)
COUNTY EXECUTIVE: “Letter to Legislator Dixon Concerning Response to Letter Regarding Child Protective Service Workers”
(Chair’s ruling)
 - b. COMM. 4E-10 (2018)
COUNTY EXECUTIVE: “Authorization to Accept Bequeathed Annuity Funds”
(Chair’s ruling)
 - c. COMM. 7E-5 (2018)
BRUSO: “Letter to Acting Commissioner, EC Dept. of Social Services, Concerning Action Plan for CPS”
(Chair’s ruling)
 - d. COMM. 7E-30 (2018)
BRUSO: “Letter to County Executive – Personnel Adjustment for Certain CPS, Children’s Services, Adult Protective SERVICES & OTHER Dept. of Social Services ‘Casework’ Titles”
(Chair’s ruling)
 - e. COMM. 7D-2 (2018)
ACTING COMMISSIONER OF SOCIAL SERVICES: “CPS Statistical Update”
(Chair’s ruling)
 - f. COMM. 7D-3 (2018)
EC DEPT. OF SOCIAL SERVICES: “2017 Annual Report”
(Chair’s ruling)
 - g. COMM. 7M-7 (2018)
ECMCC: “2017 Annual Report”
(Chair’s ruling)

2. COMM. 7E-43 (2018)
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services (Department) participated in a pilot study of the Aging Mastery Program (AMP) in 2016 and 2017 as part of a collaborative effort of The New York State Office of Aging (NYSOFA) and the National Council on Aging to build evidence of the effectiveness of AMP across New York State; and

WHEREAS, the preliminary results from the pilot projects conducted both locally and across the country show that the AMP participants significantly increased their physical activity levels, healthy eating habits, use of advanced planning, social connectedness, and participation in evidence-based self-management programs after taking the core curriculum; and

WHEREAS, the Department's 2018 budget was prepared with the expectation that the New York State Office for the Aging (NYSOFA) would remain the grantor for the Aging Mastery Program and that funding and program period would mirror the prior year grant; and

WHEREAS, the Health Foundation for Western & Central New York ("Foundation") subsequently partnered with the NYSOFA and developed an initiative to spread the AMP to all eight Western New York counties, help bring efforts to scale, and build additional evidence for impact of the program; and

WHEREAS, the Foundation partnered with the P2 Collaborative of WNY, dba Population Health Collaborative to identify and support lead agencies including fiscal management and monitoring sub-contracts with the counties; and

WHEREAS, the Population Health Collaborative now desires to contract with the Department and provide \$54,000 of grant funding for the Department to function as a lead entity to implement and expand the Aging Mastery Program for the two year period May 15, 2018 to May 15, 2020; and

WHEREAS, no additional County funds are required as the grant is 100% funded with Foundation monies.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive be and is hereby authorized to contract with the Population Health Collaborative to accept \$54,000 of AMP grant monies for the operation and expansion of the program for the two year period May 15, 2018 through May 15, 2020; and be it further

RESOLVED, that the Department's 163AMP1819 grant be replaced with the 163AMP1820 grant with the budget amended as follows:

INITIAL	AMENDED
BUDGET	CHANGE BUDGET

REVENUES

Account	Description			
409000	State Aid Revenues	\$5,100	(\$5,100)	-0-
417060	Other Income Senior Services	0	+\$54,000	\$54,000
	TOTAL	<u>\$ 5,100</u>	<u>\$48,900</u>	<u>\$54,000</u>

INITIAL	AMENDED
BUDGET	BUDGET

APPROPRIATIONS

530000	Other Expenses	\$5,100	+\$31,300	\$36,400
916390	ID Senior Srvs Grant	0	+\$17,600	17,600
	TOTAL	<u>\$5,100</u>	<u>\$48,900</u>	<u>\$54,000</u>

and be it further

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

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

(6-0)

JOHN BRUSO
CHAIR

LEGISLATOR RESOLUTIONS

Item 38 – MS. BASKIN presented the following resolution and moved for immediate consideration. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 96

RE: Support for Prevention of
Cruelty to Animals Month
(INTRO. 8-1)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS BRUSO & MILLER-WILLIAMS

WHEREAS, April is Prevention of Cruelty to Animals Month which celebrates our animal friends; and

WHEREAS, the American Society for the Prevention of Cruelty to Animals (“ASPCA”) urges Americans to celebrate this month and help the ASPCA raise awareness about important issues facing animals; and

WHEREAS, Americans can help support our animal friends by donating to animal charities and groups that assist animals, such as the ASPCA or the SPCA Serving Erie County and other local animal rescue groups, as well as volunteering of one’s time or by adopting animals from shelters and giving them good and loving homes; and

WHEREAS, during April, people can use their Facebook page, Twitter account or blog to spread the word about Prevention of Cruelty to Animals month and to help educate all people about stopping animal cruelty; and

WHEREAS, pets give unconditional love to young and old alike by soothing our souls, providing entertainment, comfort and becoming part of our family by capturing our hearts; and

WHEREAS, but far too many times, we hear about humans treating animals with cruelty and the abuse and neglect people inflict on animals in shameful and horrific ways that are shocking and appalling, such as the recent incident in Jamestown, New York in which a man killed a pit bull dog and hung it from a tree – an act for which he is now facing criminal charges.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature pauses to recognize April 2018 as Prevention of Cruelty to Animals Month and to express its support to the American Society for the Prevention of Cruelty to Animals, the SPCA Serving Erie County, and all local animal rescue organizations for their tireless work in humane law enforcement, in rescuing animals and for providing better lives for our them and for us; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the American Society for the Prevention of Cruelty to Animals and the SPCA Serving Erie County.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 39 – CHAIR SAVAGE directed that the following resolution be referred to the

PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO. 8-2 from LORIGO, RATH & MILLS. Opposition to the Use of Executive Order to Grant Parolees Voting Rights.

Item 40 – MS. BASKIN presented the following resolution and moved for immediate consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 97

RE: Supporting the Use of E911
Surcharge Funds for their
Intended Purposes
(INTRO. 8-3)

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

WHEREAS, currently there are three state authorizes charges placed on residents that generate hundreds of millions of dollars in State revenue and are intended to provide funding to local municipalities to upgrade E-911 and next-gen 911 services; and

WHEREAS, these surcharges are intended to be dedicated funds distributed to all New York counties to pay for technology upgrades that allow for the implementation of E-911 enhanced calling services and eventually next generation services like pin-point location services and text-to-speech technologies for 911 call centers; and

WHEREAS, NYS imposes a \$1.20 a month for cell phone usage making these surcharges among the highest in the nation; and

WHEREAS, of the \$190 million collected from the wireless surcharge alone less than \$10 million was shared with local governments, with only 6% of the total revenue collected being shared historically or even being spent on E-911 related services; and

WHEREAS, a significant portion of the funding has been reallocated to the New York State general fund to finance spending not related to E-911; and

WHEREAS, the money collected by this fund is unfairly and inappropriately distributed throughout the Public Safety Answering Points (PSAP's) within the State; and

WHEREAS, it is a finding of this body that the improper distribution is hampering public safety efforts here in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the proper distribution of all NYS revenue collected from telephone surcharges to help defray the significant and recurring costs of upgrading and maintaining the E-911 telephone services and PSAP's in Erie County; and be it further

RESOLVED; that certified copies of this resolution be sent to Governor Andrew Cuomo's officer, 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. RATH seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 41 – MS. BASKIN moved to discharge the GOVERNMENT AFFAIRS COMMITTEE of further consideration of COMM. 7E-8 (2018). MR. BURKE seconded. MR. LORIGO voted in the negative.

CARRIED. (10-1)

RESOLUTION NO. 98

RE: Appointment of Permanent
Commissioner of Social Services
(COMM. 7E-8, 2018)

RESOLVED, the Erie County Legislature hereby confirms the appointment of Marie Cannon as Commissioner of the Department of Social Services.

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

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

AYES: MS. DIXON, MR. HARDWICK, MR. MILLS, MS. BASKIN, MR. BRUSO, MR. BURKE, MR. LOUGHRAN, MS. MILLER-WILLIAMS and CHAIR SAVAGE. NOES: MR. LORIGO and MR. RATH. (AYES: 9; NOES: 2)

CARRIED.

2018 - Phase 2 Renovations
(COMM. 3E-17, 2018)

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

WHEREAS, the Legislature has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with BHNT Architects, P.C. to provide professional design and construction document services on Erie County Projects; and

WHEREAS, the Legislature has previously authorized the County Executive to issue an Agreement Amendment to BHNT Architects, P.C. to provide professional design and construction document services for the Buffalo Niagara Convention Center Miscellaneous 2014 Capital Renovation Project; and

WHEREAS, the County Executive is requesting authorization from the Legislature to issue a second Agreement Amendment to BHNT Architects, P.C. to provide design and construction document services for Buffalo Niagara Convention Center – 2018 – Phase 2 Toilet Room Renovations project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue a second Agreement Amendment to BHNT Architects, P.C. to provide professional design and construction document services for Buffalo Niagara Convention Center – 2018 – Phase 2 Toilet Room Renovations project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP Project Accounts as follows:

A.13003 – 2013 Buffalo Niagara Convention Center Rehabilitation	\$ 7,898.13
A.14002 – 2014 Buffalo Niagara Convention Center Rehabilitation	\$27,101.87

for an amount not to exceed \$35,000, including reimbursables and a design contingency; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, Buffalo Niagara Convention Center c/o Paul Murphy, and the Office of the Comptroller.

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

CARRIED UNANIMOUSLY.

Item 44 – MS. BASKIN moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 6E-5 (2018). MR. BRUSO seconded. MR. LORIGO voted in the negative.

CARRIED. (10-1)

RESOLUTION NO. 101

RE: Term Contracts for On-Call General
Civil & Geotechnical Engineering
Services
(COMM. 6E-5, 2018)

WHEREAS, a need has been identified for increased efficiency in addressing the ongoing needs of the County's infrastructure as well as respond more effectively to disasters and emergencies; and

WHEREAS, it has been determined that the best way to achieve the desired increased efficiency is through the use of term contracts for On-Call General Civil and Geotechnical Engineering services; and

WHEREAS, to address the anticipated scope of services required it has been determined that it was appropriate to award two term contracts; and

WHEREAS, it has been determined via the County's consultant selection process that Bergmann Associates and Greenman-Pedersen, Inc. have the appropriate expertise and resources to provide such services as required; and

WHEREAS, it is desired to execute three (3) year term contracts with the possibility of two (2) one (1) year extensions, such extensions being subject to Legislative approval, with each of Bergmann Associates and Greenman-Pedersen, Inc.; and

WHEREAS, each assignment, with the exception of disaster, emergency or urgent projects as determined by the Commissioner of Public works, will be negotiated with the assigned consultant and submitted for Legislative approval; and

WHEREAS, for disaster, emergency or urgent projects as determined by the Commissioner of Public Works consultant billing initially will be on an hourly basis according to an approved rate schedule until a work scope and fee can be determined and submitted for Legislative approval; and

WHEREAS, it is desired to set an initial not to exceed contract amount of \$500,000 for each contract; and

WHEREAS, assignment specific funding sources will be identified in the assignment specific resolutions submitted for Legislative approval.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute three (3) year term contracts with Bergmann Associates and Greenman-Pedersen, Inc. each with the option of two one year extensions, the extensions being subject to Legislative approval; and be it further

RESOLVED, that each contract carry an initial not to exceed contract amount of \$500,000 with specific funding sources to be identified in the assignment specific resolutions submitted for Legislative approval; and be it further

RESOLVED, that five (5) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

MS. BASKIN moved to approve the item. MR. BRUSO seconded. MR. LORIGO voted in the negative.

CARRIED. (10-1)

Item 45 – MS. BASKIN moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 7E-23 (2018). MR. BRUSO seconded

CARRIED UNANIMOUSLY.

RESOLUTION NO. 102

RE: Alternate Bid #3 Design Services for Buffalo & EC Public Library - 2017 Auditorium Renovations - Phase 2 (COMM. 7E-23, 2018)

WHEREAS, the original Buffalo and Erie County Public Library – 2017 Auditorium Renovations – Phase 2 project design only included minor hazardous materials abatement and ceiling and lighting retrofits due to funding limitations; and

WHEREAS, the Buffalo and Erie County Public Library system has secured grant funding for the Buffalo and Erie County Public Library – 2017 Auditorium Renovations – Phase 2 project (herein called the “Project”) and requested that an Alternate Bid #3 be designed to include full hazardous materials abatement, and complete replacement of the fireproofing, and ceiling and lighting systems within the Auditorium; and

WHEREAS, the Buffalo and Erie County Central Library auditorium is original to the 60 year-old building, and upgrades or replacement of the lighting and technology are required; and

WHEREAS, LaBella Associates, D.P.C. has the necessary expertise and manpower to provide professional design and construction services for the Project and has been previously authorized to perform professional services for this multi-phased Project; and

WHEREAS, the Erie County Department of Public Works received an A/E professional design service proposal from LaBella Associates, D.P.C. for this additional work to the Project on January 24, 2018; and

WHEREAS, the County Executive requests authorization to enter into an Amendment with the firm of LaBella Associates, D.P.C. for providing additional Professional Architectural/Engineering Services including design, air/project monitoring, and construction administration to completely abate hazardous materials above the Auditorium ceiling, and replacement of fireproofing, ceiling, and lighting throughout for the Project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Amendment with the firm of LaBella Associates, D.P.C. for providing the above Professional Architectural/Engineering Services for the Project for an amount not to exceed \$90,000, including reimbursables and a design contingency; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from Funds Center 122, Fund 490, Project F.17002 – Central Library Auditorium Rehabilitation and Asbestos Abatement (Buffalo) - Buffalo and Erie County Public Library, for an amount not to exceed \$90,000; and be it further

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

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

CARRIED UNANIMOUSLY.

Item 46 – MS. BASKIN moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 7E-41 (2018). MR. BURKE seconded

CARRIED UNANIMOUSLY.

RESOLUTION NO. 103

RE: Buffalo Niagara Convention Center –
Ballroom & Exhibit Hall Improvements
(COMM. 7E-41, 2018)

WHEREAS, various improvements to the Ballroom and Exhibit Hall will allow the Convention Center to maintain its competitiveness as a destination, improve energy efficiency for the building and preserve the building for a longer useful life; and

WHEREAS, the Erie County Department of Public Works received architectural/engineering professional design proposals for the Buffalo Niagara Convention Center – 2018 – Various Improvements to the Ballroom and Exhibit Hall project on January 19, 2018; and

WHEREAS, the County Executive is requesting authorization from the Legislature to enter into an Agreement with Trautman Associates to provide professional design and construction administration services for the Buffalo Niagara Convention Center – 2018 – Various Improvements to the Ballroom and Exhibit Hall project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with Trautman Associates to provide professional design and construction document services for the Buffalo Niagara Convention Center – 2018 – Various Improvements to the Ballroom and Exhibit Hall project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP Project Accounts as follows:

A.14002 – 2014 Buffalo Niagara Convention Center Rehabilitation	\$ 12,965.05
A.16003 – 2016 Buffalo Niagara Convention Center Rehabilitation	\$ 57,034.95

for an amount not to exceed \$70,000, including reimbursables and a design contingency; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, Buffalo Niagara Convention Center c/o Paul Murphy, and the Office of the Comptroller.

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

CARRIED UNANIMOUSLY.

Item 47 – MR. LORIGO moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 6E-8 (2018). MR. MILLS seconded

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

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, MR. BRUSO and MR. LOUGHRAN. NOES: MS. BASKIN, MR. BURKE, MS. MILLER-WILLIAMS and CHAIR SAVAGE. (AYES: 7; NOES: 4)

CARRIED.

RESOLUTION NO. 104

RE: Ketchum Rd. - Stabilization & Reconstruction - Contract Amendment with McMahon & Mann Consulting Eng. - Town of Collins (COMM. 6E-8, 2018)

WHEREAS, Ketchum Road (CR 501) has been closed since May 2011 due to failure of a portion of the road and the supporting embankment; and

WHEREAS, the County of Erie desires to advance a project for the stabilization and reconstruction of the failed portion of Ketchum Road (the "Project"); and

WHEREAS, Project design was started but was put on hold for several years due to lack of funding; and

WHEREAS, funding has now become available to complete Project design; and

WHEREAS, it is anticipated that the project will require acquisition of Right-of-Way (ROW) in fee, permanent easement, temporary easement or any other vehicle approved by the County Attorney; and

WHEREAS, your Honorable Body has previously approved the Project and the retention of McMahon & Mann Consulting Engineers (MMCE) as the consultant via Comm. 15E-16 (July 21, 2011); and

WHEREAS, to complete Project design it is necessary to amend MMCE's original contract in the estimated amount of \$136,000 which is available from Fund 420, Fund Center 123, SAP Project No. B.14016, 2014 Road Slides Design (\$120,000) and Fund 420, Funds Center 123, SAP Project No. B.16012.2, 2016 Road Slides ROW (\$16,000); and

WHEREAS, it is also desired to update the contract completion date of MMCE's contract to December 31, 2019.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject Project, including the acquisition of any needed ROW; and be it further

RESOLVED, that the County Executive be authorized to execute a contract amendment with MMCE in a not to exceed amount of \$136,000 which is hereby appropriated from Fund 420, Funds Center 123 SAP Project No. B.14016, 2014 Road Slides Design (\$120,000) and Fund 420, Funds Center 123, SAP Project No. B.16012.2, 2016 Road Slides ROW (\$16,000) and made available for the design and ROW acquisition engineering services required; and be it further

RESOLVED, that the contract amendment extend the completion date of MMCE's contract to December 31, 2019; and be it further

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

MR. LORIGO moved to approve the item. MR. MILLS seconded.

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

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, MR. BRUSO, MR. LOUGHRAN, MS. MILLER-WILLIAMS and CHAIR SAVAGE. NOES: MS. BASKIN and MR. BURKE. (AYES: 9; NOES: 2)

CARRIED.

SUSPENSION OF THE RULES

Item 48 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 8E-11 from RATH Re: Letter to Comptroller Concerning Purchasing Imprest Fund

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 49 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 8E-12 from LORIGO Re: Minority Caucus - Proposed Amendment to Local Law Intro. 5-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 50 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 8E-13 from LORIGO Re: Minority Caucus - Proposed Amendment to Local Law Intro. 4-2 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR DIXON

Item 51 – (COMM. 8E-1) Letter to Commissioner of Public Works Concerning Lakeview Rd.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR LORIGO

Item 52 – (COMM. 8E-2) Letter to Chair Savage Concerning Appointment of Social Services Commissioner

Item 53 – (COMM. 8E-3) Letter to County Executive Concerning Appointment of Social Services Commissioner

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

FROM THE COUNTY EXECUTIVE

Item 54 – (COMM. 8E-4) Letter to Legislator Lorigo Concerning Appointment of Social Services Commissioner

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 55 – (COMM. 8E-5) Report on Sales Tax Sharing with Cities, Towns & Villages in EC

Item 56 – (COMM. 8E-6) Countywide Audit of Petty Cash, Change-Making, and Imprest Funds

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

FROM THE SHERIFF

Item 57 – (COMM. 8E-7) Chaplain Agreement

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 58 – (COMM. 8E-8) ECSD No. 3 - Contract Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 59 – (COMM. 8E-9) STD Disease Intervention Grant from the Department of Health

Received and referred to the HEALTH & HUAMN SERVICES COMMITTEE.

Item 60 – (COMM. 8E-10) Increase to the Purchasing Imprest Fund

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY'S OFFICE

Item 61– (COMM. 8D-1) Filing Document Concerning Local Law No. 2 (2018)

Received and filed.

FROM THE COUNTY ATTORNEY

Item 62 – (COMM. 8D-2) Opinion as to Form – Local Law Intro. 4-1 (2018)

Received, filed and printed.

April 13, 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: Opinion as to Form - Local Law Intro No. 4-1 (2018)

Dear Chairman Savage:

In accordance with the obligations of the Erie County Attorney set forth in subsection 3, Section 204 of Article 2 of the Erie County Charter, this legal opinion concerns Local Law Intro No. 4-1 (2018), amending Local Law No. 2-2006, in relation to a requirement for New York State Certified Worker Training Programs by contractors and subcontractors under construction contracts with the County of Erie, which is under consideration by the Erie County Legislature ("ECL").

For the reasons more fully set forth below we believe that Local Law Intro No. 4-1 (2018) is of proper form.

Standard

Subsection 3, Section 204 of Article 2 of the Erie County Charter provides:

[T]he County Attorney shall, no later than 14 days after such a public hearing or resolution, render to the Legislature an opinion as to whether the proposed local law or ordinance is of proper form, including but not limited to, [1] whether a proposed local law or ordinance is preempted by state or federal law; [2] whether proposed local law or ordinance is written in a grammatically sound manner as to achieve its intent; and [3] whether proposed local law or ordinance contains ambiguities which may frustrate its implementation and/or enforcement as intended.

Analysis

Proposed Local Law 4-1 (2018) seeks to amend previously enacted Local Law No. 2-2006. The proposed amendments are limited in nature and are contained in Section 3 (A) (iv), (v) and (vi).

Based upon our review of the proposed amendments, we are of the opinion that the amendments are constitutional and do not contain any language or dictates that are preempted by state or federal law. We believe that the amendments to the proposed local law are written in a grammatically sound manner so as to achieve their intent. We also are not of the opinion that the proposed amendments contain any ambiguities which may frustrate the local law's implementation and/or enforcement as intended.

It is worth noting that the Code of the City of Albany at Chapter 42, Part 10, Article XX, Section 42-154.1 (Apprenticeship training program) contains substantially similar (albeit almost identical) language as that set forth in Proposed Local Law Intro No. 4-1 (2018) at Section 3 (A) (vi). For your reference, we have enclosed said section of the Code of the City of Albany.

Conclusion

We conclude that proposed Local Law Intro No. 4-1 (2018) is sufficient as to form.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

FROM THE ASSISTANT COUNTY ATTORNEY

Item 63 – (COMM. 8D-3) Opinion as to Form – Local Law Intro. 5-1 (2018)

Received, filed and printed.

April 18, 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: Opinion as to Form - Local Law Intro No. 5-2018

Dear Chairman Savage:

In accordance with the obligations of the Erie County Attorney set forth in subsection 3, Section 204 of Article 2 of the Erie County Charter, this legal opinion concerns Local Law Intro No. 5-2018, entitled “A LOCAL LAW in relation to fair housing in Erie County”. Such proposed local law is now under consideration by the Erie County Legislature (“ECL”).

For the reasons more fully set forth below we believe that Local Law Intro No. 5-2018 is of proper form.

Standard

Subsection 3, Section 204 of Article 2 of the Erie County Charter provides:

[T]he County Attorney shall, no later than 14 days after such a public hearing or resolution, render to the Legislature an opinion as to whether the proposed local law or ordinance is of proper form, including but not limited to, [1] whether a proposed local law or ordinance is preempted by state or federal law; [2] whether proposed local law or ordinance is written in a grammatically sound manner as to achieve its intent; and [3] whether proposed local law or

ordinance contains ambiguities which may frustrate its implementation and/or enforcement as intended.

Analysis

Proposed Local Law 5-2018 seeks to provide for fair housing throughout the County of Erie and to prohibit discrimination of any kind in the sale, rental or leasing of housing to any person.

Based upon our review of the proposed amendments, we are of the opinion that the amendments are constitutional and do not contain any language or dictates that are preempted by state or federal law. We believe that the amendments to the proposed local law are written in a grammatically sound manner so as to achieve their intent. We also are not of the opinion that the proposed amendments contain any ambiguities which may frustrate the local law's implementation and/or enforcement as intended.

Conclusion

We conclude that proposed Local Law Intro No. 5-2018 is sufficient as to form.

Very truly yours,

GREGORY P. KAMMER
Assistant Erie County Attorney

FROM THE COUNTY ATTORNEY

Item 64 – (COMM. 8D-4) Opinion – Amendments to Local Law Intro. 4-1 (2018)

Received, filed and printed.

April 20, 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: County Attorney Opinion
Amendments to Proposed Local Law Intro No. 4-1 (2018)

Dear Chairman Savage:

We have reviewed the latest amendments to proposed Local Law Intro No. 4-1 (2018), amending Local Law No. 2-2006, in relation to a requirement for New York State Certified Worker Training Programs by contractors and subcontractors under construction contracts with the County of Erie, which is under consideration by the Erie County Legislature.

It is our opinion that the proposed amendments are not in conflict with Erie County Charter Sections 204(2)(a)(I) and (II) or 204(2)(b)(I) and (II). Accordingly, no new public hearing is required. Moreover, for the reasons set forth in our opinion of April 13, 2018, as well as our review of the newly proposed amendments, it is our opinion that the latest version of proposed Local Law Intro No. 4-1 (2018) is sufficient as to form.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE PRESIDENT, EC BOARD OF HEALTH

Item 65 – (COMM. 8M-1) Agenda Items for Meeting to be Held on 5/1/18

Received and referred to the HEALTH & HUAMN SERVICES COMMITTEE.

FROM GEORGE E. HARRIGAN, PRESIDENT,
WNY TEAMSTERS JOINT COUNCIL NO. 46

Item 66 – (COMM. 8M-2) Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM BRIAN W. DUNN, BUSINESS MANAGER,
ROAD SPRINKLER FITTERS LOCAL UNION NO. 669

Item 67 – (COMM. 8M-3) Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM CAMILLE HOPKINS

Item 68 – (COMM. 8M-4) Written Comments Concerning Local Law Intro. 5-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM JAMES L. COLLINS, JR.,
MILHERST CONSTRUCTION, INC.

Item 69 – (COMM. 8M-5) Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ASSIGNED COUNSEL PROGRAM

Item 70 – (COMM. 8M-6) Quarterly Report for 1st Quarter of 2018

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ANNOUNCEMENTS

Item 71 – Chair Savage announced that the schedule for committee meetings to be held on Thursday, May 3, 2018, has been distributed.

Item 72 – Legislator Lorigo announced that an agreement has been established concerning CPS employees and thanked the County Executive. Legislator Lorigo also stated that he looks forward to reviewing the proposed agreement.

MEMORIAL RESOLUTIONS

Item 73 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Chief Randy C. Rider, Norman J. Mrkall, and John Maiurano.

Item 74 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of C. DeForest Cummings, Jr., and Dr. Edmond Gicewicz.

Item 75 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Sharon Fisher Meer, Dr. Surjit Singh, Mamie C. (Cala) Baynes, and Dr. Edward M. Recoon.

Item 76 – Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of Elder Evangelist Mother Sara Vickers Hopkins and Lillian Hundley.

Item 77 – Chair Savage requested that when the Legislature adjourns, it do so in memory of Mary DeGeorge.

ADJOURNMENT

Item 78 - 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, May 10, 2018 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR SAVAGE declared the Legislature adjourned until Thursday, May 10, 2018 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE