

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 23**  
**November 21, 2019**

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Mr. Hardwick.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. BRUSO moved for the approval of the minutes for Meeting Number 22 from 2019. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. BRUSO presented a proclamation Honoring Veteran Lance Corporal Mark Beyers as the 2019 Community Humanitarian of the Year.

Item 6 – CHAIR BASKIN presented a proclamation Honoring Beverly Newkirk and the It Takes A Village Action Organization.

Item 7 – MR. LORIGO, MR. MILLS, MR. RATH & MS. DIXON presented a proclamation Recognizing and Honoring dave "DJ Jickster" Jick on the 14th Annual 97 Rock Operation.

Item 8 – MR. BRUSO presented a proclamation Honoring Veteran Lance Corporal Mark Beyers as the 2019 Community Humanitarian of the Year.

Item 9 – MR. BRUSO presented a proclamation Celebrating the Grand Opening of Benzinger's Clothing Care in Lancaster.

MR. BRUSO moved for consideration of the above five items. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

MR. BRUSO moved to amend the above five items by including Et Al Sponsorship. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

MR. BRUSO moved for approval of the above five items as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 10 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 11 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 12 – CHAIR BASKIN directed that Local Law No. 4 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 13 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 – CHAIR BASKIN directed that Local Law No. 9 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

### **COMMITTEE REPORTS**

Item 15 – MR. JOHNSON presented the following report and moved to separate item Number 6 and approve the balance of the report. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 220

November 14, 2019	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 18
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ALL MEMBERS PRESENT.  
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 22E-2 (2019)  
COMPTROLLER: "ECDPW Audit of CHIPS Reimbursement Claims – 01/01/2018 – 12/31/2018"  
(Chair's Ruling)
  - b. COMM. 22E-7 (2019)  
COMPTROLLER: "Letter to DPW Commissioner Regarding Hazards on Lake Shore Rd."  
(Chair's Ruling)
  - c. COMM. 22E-9 (2019)  
COMPTROLLER: "Report on Road Conditions in EC"  
(Chair's Ruling)
  - d. COMM. 22M-2 (2019)  
NFTA: "NFTA Board Minutes for Meeting Held on 9/26/2019"  
(Chair's Ruling)
  - e. COMM. 22M-4 (2019)  
ECIDA: "FY2020 Budgets for ECIDA, RDC & ILDC"  
(Chair's Ruling)
  - f. COMM. 22M-5 (2019)  
BUFFALO PLACE: "FY2020 Budget for Buffalo Place Inc."  
(Chair's Ruling)
  - g. COMM. 22M-7 (2019)  
CITY OF BUFFALO, DEPT. OF ASSESSMENT AND TAXATION: "Final Roll – Transit Mall 2020"  
(Chair's Ruling)
2. INTRO. 22-1 (2019)  
BASKIN  
WHEREAS, the Erie County Legislature approved Local Law No. 8-1984, establishing a downtown pedestrian/transit mall special district; and

WHEREAS, the Erie County Legislature approved on December 19, 1985, a resolution authorizing the County Executive to enter into agreement with Downtown Buffalo Management Corporation, now known as Buffalo Place Inc., designating Buffalo Place Inc. as the not-for-profit

corporation with which Erie County shall contract for the performance of mall special district services, for which annual contracts were executed in 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, and 2019; and

WHEREAS, Local Law 8-1984 requires that the mall corporation present an annual budget to the County Legislature regarding the amount to be raised by mall district special charges; and

WHEREAS, pursuant to the said Local Law, Buffalo Place Inc. held a public hearing, on due notice to property owners within the district, regarding the proposed 2020 annual budget on October 29, 2019; and

WHEREAS, on October 30, 2013 the Board of Directors of Buffalo Place Inc. approved a resolution approving a payment in lieu of service charges for the HSBC Atrium Building and have included the same as part of its proposed 2020 budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby determine that the total amount to be raised by mall district service charges in 2020 shall be the sum of \$1,744,200 as contained in the attached budget which shall be a part of this Resolution, which amount does not exceed 80% of the service charges that could be assessed or levied against properties in the district; and be it further

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

RESOLVED, that the Buffalo Place Inc. revenues, in addition to the special charges assessed as above set forth, include for the year 2020, \$18,000 in payment in lieu of service charges for KeyBank Center (1 Seymour H. Knox III Plaza, Buffalo, NY) and \$34,675 for HSBC Atrium Building (95 Washington Street, Buffalo, NY) totaling \$52,675 as set forth in said budget; and be it further

RESOLVED, that the Erie County Commissioner of Finance shall, not later than November 21, 2019, cause to be established a Mall District Special Charge Roll apportioning the amount herein above determined to be raised by mall district special charges and payment in lieu of special charges for 2020 in conformance with the formula set forth in Section 7 of Erie County Local Law N. 8-1984 using the latest available final general or special assessment roll prepared by The City of Buffalo; and be it further

RESOLVED, that certified copies of this resolution in its final form be forwarded to the Erie County Executive, the Mayor of the City of Buffalo, the Chairman and the Executive Director of Buffalo Place Inc., and the Erie County Commissioner of Budget and Management.  
(6-0)

3. COMM. 22E-14 (2019)  
COUNTY EXECUTIVE

WHEREAS, two large precast concrete panels at one bay of the Burt Flickinger Athletic Center are currently displaced as a result of water penetration and freeze-thaw action due to failing exterior building caulk; and

WHEREAS, per General Municipal Law Section 103, the work total is less than \$35,000 and therefore does not have to be publicly bid; and

WHEREAS, proposals were solicited from four contractors to perform the same scope of work; and Morris Masonry Restoration LLC was the only respondent upon solicitation of proposals to perform the scope of work; and

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

WHEREAS, the Department of Public Works and Bell & Spina Architects are recommending award of the contract to the lowest responsible respondent.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a purchase order for construction work with the lowest responsible respondent for the SUNY Erie City Campus Burt Flickinger Athletic Center – 2019 – Concrete Panel Stabilization project, citing General Municipal Law Section 103, for an amount not to exceed as follows:

<u>General Construction Work</u>		
Morris Masonry Restoration LLC	Base Bid:	\$ 18,950
<hr/>		
Total Award of General Construction Contract:		\$ 18,950

and be it further

RESOLVED, that the sum of \$4,050 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 change order reductions 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 all the above from the approved, as amended 2015 capital budget, Fund 480, Funds Center 122, follows:

E.15003 – 2015 Erie Community College – Roof Replacement &  
Waterproofing College-wide \$ 23,000

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, and the Office of the Comptroller, and one copy to SUNY Erie and Financial Officer.

(6-0)

4. COMM. 22E-17 (2019)  
COUNTY EXECUTIVE

WHEREAS, the Alberta Place Project consists of 46 units of affordable housing in the Town of Amherst located at 64 Amsterdam Avenue; 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 Attica Housing Development Fund Company, Inc. and Alberta Place LLC to operate the housing project it is necessary to extend tax relief from the County of Erie and the Town of Amherst.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Attica Housing Development Fund Company, Inc., Alberta Place LLC, the Town of Amherst, 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  
PILOT PAYMENT AGREEMENT

Year	Total Effective Income	PILOT Amount	Town	County
Year 1	\$345,254	\$17,263	\$12,947	\$4,316

Year 2	\$352,159	\$17,781	\$13,336	\$4,445
Year 3	\$359,202	\$18,314	\$13,736	\$4,578
Year 4	\$366,386	\$18,863	\$14,147	\$4,716
Year 5	\$373,714	\$19,429	\$14,572	\$4,857
Year 6	\$381,188	\$20,012	\$15,009	\$5,003
Year 7	\$388,812	\$20,612	\$15,459	\$5,153
Year 8	\$396,588	\$21,230	\$15,923	\$5,307
Year 9	\$404,520	\$21,867	\$16,400	\$5,467
Year 10	\$412,610	\$22,523	\$16,892	\$5,631
Year 11	\$420,863	\$23,199	\$17,399	\$5,800
Year 12	\$429,280	\$23,895	\$17,921	\$5,974
Year 13	\$437,866	\$24,612	\$18,459	\$6,153
Year 14	\$446,623	\$25,350	\$19,013	\$6,337
Year 15	\$455,555	\$26,111	\$19,583	\$6,528

(6-0)

5. COMM. 22E-18 (2019)  
COUNTY EXECUTIVE

WHEREAS, the Watergate II Properties (Marina Vista) Project consists of 195 existing units of affordable housing in the City of Buffalo located at 10 and 12 Hertel Avenue; 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 Watergate II Properties Housing Development Fund Company, Inc. to operate the housing project it is necessary to extend 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) Extension Agreement with Watergate II Properties 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  
ANNUAL PILOT PAYMENTS

Amendment Year	Total Payment	City	County
Year 16	\$105,292	\$ 78,969.00	\$26,323.00
Year 17	\$108,451	\$ 81,338.07	\$27,112.69
Year 18	\$111,704	\$ 83,778.21	\$27,926.07
Year 19	\$115,055	\$ 86,291.56	\$28,763.85
Year 20	\$118,507	\$ 88,880.31	\$29,626.77
Year 21	\$122,062	\$ 91,546.71	\$30,515.57
Year 22	\$125,724	\$ 94,293.12	\$31,431.04
Year 23	\$129,496	\$ 97,121.91	\$32,373.97
Year 24	\$133,381	\$ 100,035.57	\$33,345.19
Year 25	\$137,382	\$ 103,036.63	\$34,345.54
Year 26	\$141,504	\$ 106,127.73	\$35,375.91
Year 27	\$145,749	\$ 109,311.56	\$36,437.19
Year 28	\$150,121	\$ 112,590.91	\$37,530.30
Year 29	\$154,625	\$ 115,968.64	\$38,656.21
Year 30	\$159,264	\$ 119,447.70	\$39,815.90

(6-0)

6. COMM. 22E-24 (2019)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works issues permits for utilities located within Erie County owned right-of-ways (“ROW”); and

WHEREAS, an orderly permitting process is needed to ensure the proper operation of County roads and ROWs; and

WHEREAS, wireless communication companies are now seeking to deploy a new small type of wireless facility (“SWF”) within County ROWs; and

WHEREAS, the Erie County Attorney’s Office, in conjunction with the Departments of Public Works and Environment and Planning have worked to develop a license agreement with small cell carriers to address SWFs in County ROWs; and

WHEREAS, Verizon Wireless is the first carrier seeking to deploy SWFs within County ROWs.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into license agreements with telecommunication companies seeking to place small cell wireless facilities (SWFs) within County owned ROWs; and be it further



RESOLVED, that the County Executive is hereby authorized to enter into a license agreement with Verizon Wireless for the purposes described herein; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes a fee structure for SWFs as follows:

ROW Authorization Fee. Prior to Licensee's application to the County for approval for a specific location and for a highway work permit, Licensee shall pay the County a one-time ROW Authorization Fee, which shall be calculated based upon the number of Small Wireless Facilities (SWF) that are proposed to be installed pursuant to the application, as follows: \$500 for up to five (5) SWFs, plus \$100 for each additional SWF that is a part of the same application. Alternatively, \$1,000 per new Support Structure shall be due if the Licensee proposes an SWF on a new Support Structure. Subsequent or additional applications for the construction of additional Small Wireless Facilities/Support Structures shall require additional ROW Authorization Fees, calculated in the same manner provided for herein.

Annual License Fee. For each SWF and Support Structure, an Annual License Fee shall be due. The amount of the Annual License Fee shall be \$270 for each SWF and/or Support Structure located within the County ROW. The Annual License Fee shall be paid within ninety (90) days following completion of construction of the SWF and Support Structure(s) and then annually thereafter beginning on January 1 of the year following completion of construction of the SWF and Support Structure(s).

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Budget and Management, the Department of Law and to Commissioner William Geary, Department of Public Works.  
(6-0)

**HOWARD J. JOHNSON, JR.**  
**CHAIR**

MR. JOHNSON moved to approve item Number 6. MR. BRUSO seconded.

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

AYES: MS. DIXON, MR. LORIGO, MR. MILLS, MR. RATH, CHAIR BASKIN, MR. BRUSO, MS. CHIMERA, MR. HARDWICK, MR. JOHNSON, MR. LOUGHRAN, and MR. MEYERS. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

Item 16 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 221

November 14, 2019	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 14
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.  
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 22M-3 (2019)  
NYSDEC: “Fact Sheet – Brownfield Cleanup Program Application for Ketry RE LLC – City of Buffalo”  
(Chair’s Ruling)
  - b. COMM. 22M-6 (2019)  
CHAIR, EC AGRICULTURAL & FARMLAND PROTECTION BOARD: “2019 Agriculture & Farmland Protection Board Report”  
(Chair’s Ruling)

2. COMM. 19E-10 (2019)  
COUNTY EXECUTIVE AS AMENDED  
WHEREAS, the Erie County Department of Environment and Planning through its Division of Sewerage Management has the responsibility to operate and maintain over 1,100 miles of sewers, close to 100 pumping stations, five (5) overflow retention facilities, and six (6) wastewater treatment plants; and

WHEREAS, due to the age, condition, and complexity of the existing Erie County Sewer District facilities, numerous problems arise that require engineering solutions; and

WHEREAS, the Erie County Sewer Districts also face regulatory requirements that necessitate detailed engineering evaluation and study; and

WHEREAS, it is not practical to issue proposals for each and every small engineering project; and

WHEREAS, it is further recognized that there is the need to have engineering assistance on standby for time critical projects; and

WHEREAS, the Division of Sewerage Management issued a request for proposals for engineering assistance on a term contract basis and received sixteen (16) timely responses from engineering firms; and

WHEREAS, in accordance with Section 19.08 of the Erie County Administrative Code, an evaluation committee scored all responses using a consistent rating matrix; and

WHEREAS, the top seven (7) ranked firms submitting proposals have been recommended by the Division of Sewerage Management to perform the requested services.

NOW, THEREFORE, BE IT

RESOLVED, that agreements for engineering term contract services with AECOM, (257 West Genesee Street, Suite 400, Buffalo, New York 14202); Arcadis of New York, Inc., (50 Fountain Plaza, Suite 600, Buffalo, New York 14202); CHA Consulting, (2200 Main Place Tower, Buffalo, NY 14202); DiDonato Engineering and Design Professionals, (689 Main Street, Buffalo, New York 14203); GHD Consulting Services, Inc., (285 Delaware Ave, Suite 500, Buffalo, New York 14202); LaBella Associates, (300 Pearl St., Suite 130, Buffalo, NY 14202); and Ramboll/O'Brien & Gere Engineers, Inc., (400 Andrews St., Harro East Building, Suite 710, Rochester, NY 14604) in an amount not to exceed \$250,000.00 each over a three (3) year period are hereby approved; and be it further

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

RESOLVED, that no individual work order assignment issued under these agreements be greater than \$75,000.00; and be it further

RESOLVED, that the County Comptroller be authorized to allocate an amount not to exceed \$250,000.00 for each agreement to fund individual work order assignments; and be it further

RESOLVED, that individual work orders may be funded from any Sewer Capital Project in Fund 430 and/or the Sewer Operating Fund 220 (including business areas 181, 182, 183, and 186, Account 516020 (Professional Service Contracts)), as determined by the Deputy Commissioner of the Division of Sewerage Management; and be it further

RESOLVED, that the Division of Sewerage Management shall notify the Legislature when a work order is assigned to an engineering firm under this resolution; and be it further

RESOLVED, that when a Sewer Capital Project is selected as the funding source for a work order assignment, the Division of Sewerage Management shall include in its notice to the Legislature that the County Comptroller has reviewed and certified the availability of sufficient capital appropriations to fund the work order assignment; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment & Planning.

(5-0)

3. COMM. 20E-20 (2019)  
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 65 at 10:00 a.m. on October 24, 2019:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 65	Patterson-Stevens, Inc. 400 Sawyer Ave. Tonawanda, NY 14150	\$160,195

and

WHEREAS, the aforementioned lowest responsible bidder has successfully completed projects for the Division of Sewerage Management in the past; 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 is adequate funding available in Erie County Sewer District No. 3 Capital Project C.00062.

NOW, THEREFORE, BE IT

RESOLVED, that the Southtowns Solids Handling Area Repairs, Erie County Sewer District No. 3, Contract No. 65 be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 65	Patterson-Stevens, Inc. 400 Sawyer Ave. Tonawanda, NY 14150	\$160,195

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 \$160,195 from Erie County Sewer District No. 3, Capital Project C.00062 for Contract No. 65; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and

Management, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.  
(5-0)

4. COMM. 21E-19 (2019)  
COUNTY EXECUTIVE AS AMENDED  
WHEREAS, the Erie County Department of Environment and Planning through its Division of Sewerage Management is responsible for the inspection of construction work completed in the Erie County Sewer Districts; and

WHEREAS, the Division of Sewerage Management is limited in the number of staff available to perform construction inspection for various projects; and

WHEREAS, the Division of Sewerage Management issued a request for proposals for construction inspections services on a term contract basis and received ten (10) timely responses from engineering firms; and

WHEREAS, in accordance with Section 19.08 of the Erie County Administrative Code, an evaluation committee scored all responses using a consistent rating matrix; and

WHEREAS, the top four (4) ranked firms submitting proposals have been recommended by the Division of Sewerage Management to perform the requested services.

NOW, THEREFORE, BE IT

RESOLVED, that agreements for construction inspection term contract services with DiDonato Engineering & Architectural Professionals (689 Main St., Buffalo, New York 14203), Greenman-Pedersen, Inc. (4950 Genesee Street, Suite 165, Buffalo, New York 14225), Nussbaumer & Clarke, Inc. (3556 Lake Shore Rd, Buffalo, New York 14219), and Wm. Schutt and Associates (37 Central Avenue, Lancaster, NY 14086) in an amount not to exceed \$200,000.00 each over a three (3) year period are hereby approved; and be it further

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

RESOLVED, that no individual assignment issued under these agreements be greater than \$50,000.00; and be it further

RESOLVED, that the County Comptroller be authorized to allocate an amount not to exceed \$200,000.00 for each agreement to fund individual work order assignments; and be it further

RESOLVED, that individual work orders may be funded from any Sewer Capital Project in Fund 430 and/or the Sewer Operating Fund 220 (including business areas 181, 182, 183, and 186, Account 516020 (Professional Service Contracts)), as determined by the Deputy Commissioner of the Division of Sewerage Management; and be it further

RESOLVED, that the Division of Sewerage Management shall notify the Legislature when a work order is assigned to an engineering firm under this resolution; and be it further

RESOLVED, that when a Sewer Capital Project is selected as the funding source for a work order assignment, the Division of Sewerage Management shall include in its notice to the Legislature that the County Comptroller has reviewed and certified the availability of sufficient capital appropriations to fund the work order assignment; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment & Planning.

(5-0)

5. INTRO. 22-2 (2019)

BASKIN AS AMENDED

WHEREAS, pursuant to New York State Agriculture and Markets Law (“Agriculture and Markets Law”) Section 303-b(1) the Erie County Legislature adopted Intro 20-15 (2004) on September 23, 2004; and

WHEREAS, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which applicants may submit requests to include predominantly viable agricultural land into any existing certified agricultural district outside of the established eight-year review period; and

WHEREAS, during the 2019 thirty-day open enrollment period twenty-four applicants requested that forty-four parcels of land be included in existing agricultural districts; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine if each includes “viable agricultural land” as defined in Agriculture and Markets Law Section 301(7); and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine whether the inclusion of such land would serve the public interest and maintain a viable agricultural industry within the district; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board voted to recommend that the County Legislature adopt the inclusion of twenty-nine parcels listed below in an existing agricultural district:

PARCEL(S)	ACRE(S)	ADDRESS	TOWN	APPLICANT	DISTRICT
127.04-3-17	1.10	7201 Clinton St.	Elma	Gregory Owczarek	Elma 13
127.04-3-10.1	12.60	0 Clinton St.	Elma	Gregory Owczarek	Elma 13
172.00-1-42	0.53	California Rd.	Orchard Park	Scott D. Smith	Southwest 8

172.00-1-20.11	6.49	California Rd.	Orchard Park	Scott D. Smith	Southwest 8
172.00-1-20.12	8.34	California Rd.	Orchard Park	Scott D. Smith	Southwest 8
172.00-1-37	4.00	4550 California Rd.	Orchard Park	Scott D. Smith	Southwest 8
172.00-1-43	0.45	4570 California Rd.	Orchard Park	Scott D. Smith	Southwest 8
172.00-1-38	2.08	4611 California Rd.	Orchard Park	Scott D. Smith	Southwest 8
198.00-3-2.21	10.73	6075 Benning Rd.	Orchard Park	Linda Welch	Elma 13
42.00-1-50.1	3.04	1875 Dodge Rd.	Amherst	Christopher Buscaglia	Amherst 17
154.00-3-17	58.60	7180 Seneca St.	Elma	Roy Offhaus & Mary Siler	Elma 13
347.08-2-15.1	30.99	206 Elk St.	Springville (Village)	J. Peter Dygert	Southeast 15
198.00-2-1.111	37.98	5996 Benning Rd.	Orchard Park	R+R Tuttle Farms	Elma 13
265.00-1-12	35.90	Lake Shore Rd.	Brant	T. Shaffer Farm LLC	Southwest 8
265.04-1-5.1	13.05	Lake Shore Rd.	Brant	T. Shaffer Farm LLC	Southwest 8
241.00-1-38	44.57	5639 Rice Rd.	Boston	Andrew Thiel	Southwest 8
241.00-1-39	4.90	5639 Rice Rd.	Boston	Andrew Thiel	Southwest 8
259.00-4-1.23	17.73	8462 Murray Hill Rd.	Colden	Claire Alles Nelligan	Southeast 15
236.00-1-6	74.90	1417 Eden Evans Center Rd.	Evans	Carol Sager	Southwest 8
272.00-1-35	64.67	0 Belcher Rd.	North Collins	James Gardner	Southwest 8
61.00-2-4	21.90	0 Main Rd.	Newstead	Newstead Park Associates / Gregory Schmidt	Clarence Newstead 14
269.15-2-17	9.30	0 School St.	North Collins (Village)	Howard & Marilyn Purdy	Southwest 8
269.00-5-8	37.90	0 Gowanda State Rd.	North Collins (Town)	Howard & Marilyn Purdy	Southwest 8
50.00-3-11	43.10	0 Love Rd.	Grand Island	George DeGlopper	Amherst 17
50.00-3-12	41.20	0 Love Rd.	Grand Island	George DeGlopper	Amherst 17
240.00-4-28.1	68.80	8627 Feddick Rd.	Boston	Ernest & Gary Rauch	Southwest 8

16.00-5-25.1	13.28	10850 Transit Rd.	Amherst	Michael Badding	Amherst 17
17.13-1-28	3.26	10820 Transit Rd.	Amherst	Michael Badding	Amherst 17
207.00-1-31.1	45.96	7501 Versailles Plank Rd.	Eden	BD+K LLC	Southwest 8

and

WHEREAS, the Erie County Agricultural and Farmland Protection Board voted to recommend that the County Legislature reject the inclusion of four parcels listed below in an existing agricultural district:

PARCEL(S)	ACRES	ADDRESS	TOWN	APPLICANT	DISTRICT
67.63-2-9	0.19	608 Niagara Falls Blvd.	Tonawanda	Rosemary Harrison	Amherst 17
50.04-2-31	3.15	2507 Fix Rd.	Grand Island	Walter & Melissa Yanicki	Amherst 17
206.00-4-67.121	16.92	1492 Wisconsin Rd.	Evans	Dennis Burgasser	Southwest 8
51.02-1-15	2.19	1322 Staley Rd.	Grand Island	Geoffrey & Michelle Giambra	Amherst 17

and

WHEREAS, the Erie County Agricultural and Farmland Protection Board acknowledges that the following eleven parcels are already included in the Erie County Agricultural District program and that no action is required:

PARCEL(S)	ACRE(S)	ADDRESS	TOWN	APPLICANT	DISTRICT
229.00-1-44	83.25	8064 Bleistein Rd.	Colden	William F. Gersitz	Southeast 15
317.00-4-3.11	116.9	12777 Quaker St.	North Collins (T)	Howard & Marilyn Purdy	Southwest 8
316.00-1-18.11	22.83	0 Gowanda State Rd.	North Collins (T)	Howard & Marilyn Purdy	Southwest 8
316.00-1-17.2	55.02	12650 Quaker Rd.	North Collins (T)	Howard & Marilyn Purdy	Southeast 15
302.00-6-4.1	27.33	0 Ketchum Rd.	North Collins (T)	Howard & Marilyn Purdy	Southeast 15
302.00-2-16	57.61	0 Ketchum Rd.	North Collins (T)	Howard & Marilyn Purdy	Southeast 15
329.00-1-39.3	23.25	0 NYS Route 62	Collins	Howard & Marilyn Purdy	Southwest 8



316.00-3-3	186.17	12758 Quaker St.	Collins	Howard & Marilyn Purdy	Southwest 8
317.00-1-6	49.57	0 Quaker Rd.	North Collins (T)	Howard & Marilyn Purdy	Southeast 15
17.00-3-19.2	11.51	8855 Wolcott Rd.	Clarence	Michael Badding	Clarence Newstead 14
17.00-1-11.2	16.84	8030 Westphalinger Rd.	Clarence	Michael Badding	Clarence Newstead 14

and

WHEREAS, the Erie County Agricultural and Farmland Protection Board acknowledges that application number twenty-three, submitted by Daniel Lewandowski, provided no parcel information and is therefore incomplete, and that no action is required; and

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-b(2)(b) and 303-b(3) the Erie County Legislature gave the required public notice and set a public hearing for November 4, 2019; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-b(3)(b) the Erie County Legislature published a public hearing notice in a newspaper having general circulation within the County and notified in writing those municipalities whose territory encompasses the lands which are proposed to be included in an agricultural district; and

WHEREAS, a public hearing was held at 6:00 p.m. on November 4, 2019 at the Dard Hunter Hall, 21 S. Grove Street in East Aurora, New York to consider the 2019 Open Enrollment period requests and recommendations of the Erie County Agricultural and Farmland Protection Board; and

WHEREAS, the Erie County Legislature reviewed the requests pursuant to the NYS Environmental Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature adopts the inclusion of the following thirty parcels into an adjacent existing agricultural district:

PARCEL(S)	ACRE(S)	ADDRESS	TOWN	APPLICANT	DISTRICT
127.04-3-17	1.10	7201 Clinton St.	Elma	Gregory Owczarek	Elma 13
127.04-3-10.1	12.60	0 Clinton St.	Elma	Gregory Owczarek	Elma 13
172.00-1-42	0.53	California Rd.	Orchard Park	Scott D. Smith	Southwest 8
172.00-1-20.11	6.49	California Rd.	Orchard Park	Scott D. Smith	Southwest 8

172.00-1-20.12	8.34	California Rd.	Orchard Park	Scott D. Smith	Southwest 8
172.00-1-37	4.00	4550 California Rd.	Orchard Park	Scott D. Smith	Southwest 8
172.00-1-43	0.45	4570 California Rd.	Orchard Park	Scott D. Smith	Southwest 8
172.00-1-38	2.08	4611 California Rd.	Orchard Park	Scott D. Smith	Southwest 8
198.00-3-2.21	10.73	6075 Benning Rd.	Orchard Park	Linda Welch	Elma 13
42.00-1-50.1	3.04	1875 Dodge Rd.	Amherst	Christopher Buscaglia	Amherst 17
154.00-3-17	58.60	7180 Seneca St.	Elma	Roy Offhaus & Mary Siler	Elma 13
347.08-2-15.1	30.99	206 Elk St.	Springville (Village)	J. Peter Dygert	Southeast 15
198.00-2-1.111	37.98	5996 Benning Rd.	Orchard Park	R+R Tuttle Farms	Elma 13
265.00-1-12	35.90	Lake Shore Rd.	Brant	T. Shaffer Farm LLC	Southwest 8
265.04-1-5.1	13.05	Lake Shore Rd.	Brant	T. Shaffer Farm LLC	Southwest 8
241.00-1-38	44.57	5639 Rice Rd.	Boston	Andrew Thiel	Southwest 8
241.00-1-39	4.90	5639 Rice Rd.	Boston	Andrew Thiel	Southwest 8
259.00-4-1.23	17.73	8462 Murray Hill Rd.	Colden	Claire Alles Nelligan	Southeast 15
236.00-1-6	74.90	1417 Eden Evans Center Rd.	Evans	Carol Sager	Southwest 8
272.00-1-35	64.67	0 Belcher Rd.	North Collins	James Gardner	Southwest 8
61.00-2-4	21.90	0 Main Rd.	Newstead	Newstead Park Associates / Gregory Schmidt	Clarence Newstead 14
269.15-2-17	9.30	0 School St.	North Collins (Village)	Howard & Marilyn Purdy	Southwest 8
269.00-5-8	37.90	0 Gowanda State Rd.	North Collins (Town)	Howard & Marilyn Purdy	Southwest 8
50.00-3-11	43.10	0 Love Rd.	Grand Island	George DeGlopper	Amherst 17
50.00-3-12	41.20	0 Love Rd.	Grand Island	George DeGlopper	Amherst 17
240.00-4-28.1	68.80	8627 Feddick Rd.	Boston	Ernest & Gary Rauch	Southwest 8

16.00-5-25.1	13.28	10850 Transit Rd.	Amherst	Michael Badding	Amherst 17
17.13-1-28	3.26	10820 Transit Rd.	Amherst	Michael Badding	Amherst 17
207.00-1-31.1	45.96	7501 Versailles Plank Rd.	Eden	BD+K LLC	Southwest 8
51.02-1-15	2.19	1322 Staley Rd.	Grand Island	Geoffrey & Michelle Giambra	Amherst 17

and be it further

RESOLVED, that the Erie County Legislature rejects the inclusion of the following three parcels into an existing agricultural district:

PARCEL(S)	ACRES	ADDRESS	TOWN	APPLICANT	DISTRICT
67.63-2-9	0.19	608 Niagara Falls Blvd.	Tonawanda	Rosemary Harrison	Amherst 17
50.04-2-31	3.15	2507 Fix Rd.	Grand Island	Walter & Melissa Yanicki	Amherst 17
206.00-4-67.121	16.92	1492 Wisconsin Rd.	Evans	Dennis Burgasser	Southwest 8

and be it further

RESOLVED, that the Erie County Legislature has complied with the requirements of the New York State Environmental Quality Review Act and hereby determines that the requested parcel additions to the Agricultural Districts noted above will not have a significant adverse environmental impact and therefore an environmental impact statement will not be required; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Real Property Tax Services, the Chair of the Erie County Agricultural and Farmland Protection Board, and the Supervisors of the Towns of Amherst, Boston, Brant, Colden, Eden, Elma, Evans, Grand Island, Newstead, North Collins, Orchard Park, and Tonawanda, and the Mayors of the Villages of North Collins and Springville; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution along with the Erie County Agricultural and Farmland Protection Board report and maps for each parcel of land to be included in an existing agricultural district to the Commissioner of New York State Department of Agriculture and Markets for certification and immediate inclusion into existing agricultural districts.

(5-0)

6. COMM. 22E-12 (2019)  
COUNTY EXECUTIVE

WHEREAS, Erie County has fifty-eight high-pressure sodium streetlights in NYSEG territory; and

WHEREAS, newer street-lighting technology, such as LED streetlights, provide an equivalent amount of light while using a quarter to half as much energy as their traditional counterparts; and

WHEREAS, energy costs will continue to increase making energy-efficiency upgrades increasingly important; and

WHEREAS, NYSEG will provide the design, installation, and maintenance of all converted streetlights at a cost not to exceed \$2,096.20.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract and amendments with NYSEG for the design, installation and maintenance of LED streetlights at a cost not to exceed \$2,096.20; and be it further

RESOLVED, that the Comptroller's Office is authorized to make payments for this project from the Buildings and Grounds 2019 O&M Budget, GL Account 515000 – Utility Charges, Fund 110, Funds Center 12220; and be it further

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

(5-0)

7. COMM. 22E-13 (2019)  
COUNTY EXECUTIVE

WHEREAS, the County of Erie had previously entered into a contract with the Erie County Soil and Water Conservation District who have the necessary expertise and personnel to perform the necessary inspections and evaluations, as well as to carry out administrative responsibilities related to the delivery of various technical services including stream bank maintenance, bridge, and culvert scour maintenance; and

WHEREAS, it has become necessary to implement the County-wide Stream Maintenance Program to continue to reduce erosion and localized flood-related risk to roads, bridges, culverts, and rights-of-way by removing gravel bars and vegetative debris obstructing or diverting the natural flow of streams, repair bridge and culvert scour or prevention of same; and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipalities and districts to contract to perform together that which each public entity is authorized to perform individually; and Article 5, Section 99-R of the same General Municipal Law authorizes Erie County and the District to contract by direct negotiations for services of government not regularly provided to the public as part of general government services; and

WHEREAS, the Legislative Body of Erie County and the Board of Directors of the Erie County Soil and Water Conservation District have previously authorized a municipal agreement on October 6, 2011, at Meeting Number 20, Communication Number 18E-30 for the purpose of performing a County-wide Stream Maintenance Program.

NOW, THEREFORE, BE IT

RESOLVED, that the Agreement between the County of Erie and the Erie County Soil and Water Conservation District be renewed in the amount of \$125,000 to be allocated from Capital Project B.19017 - As Directed General Civil and Geo Technical – Construction, Fund 420, Funds Center 123 for technical services to identify drainage improvements, reduce erosion, embankment failure, scour, and localized flooding related risks to roads, bridges, culverts, and rights-of-way at various locations; and be it further

RESOLVED, that three (3) 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, and the Office of the Comptroller.  
(5-0)

8. COMM. 22E-16 (2019)  
COUNTY EXECUTIVE

WHEREAS, tree maintenance is needed due to the significant impact of the Emerald Ash Borer in many Erie County Parks, especially Akron Falls and Como Lake Parks; and

WHEREAS, conducting a tree inventory will assist the Parks Department in assessing the issues at Ellicott Creek Park; and

WHEREAS, the New York State Department of Conservation has issued a Request for Applications for the 2019 Urban and Community Forestry (UCF) Grants Program; and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry is applying to the New York State Department of Environmental Conservation for two reimbursement project grants under the UCF Program to be located at three County Parks sites located within the territorial jurisdiction of this Legislature; and

WHEREAS, as a requirement of the UCF program, said Department must obtain the approval/endorsement of the governing body of the municipality in which the project will be located.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of Erie County hereby does approve and endorse the applications of the Erie County Department of Parks, Recreation and Forestry for grants under the Urban and Community Forestry Program for two projects known as “The Tree Maintenance Project at Akron Falls and Como Lake Parks” and The Tree Inventory of Ellicott Creek Park” located within this community; and be it further

RESOLVED, that certified copies of this resolution shall be provided for the County Executive; the County Attorney; and Troy Schinzel, Commissioner of Parks, Recreation and Forestry.  
(5-0)

9. COMM. 22E-21 (2019)  
COUNTY EXECUTIVE

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

WHEREAS, the US Department of Homeland Security, Federal Emergency Management Agency with administration of the funds through the New York State Division of Homeland Security & Emergency Services has agreed to provide funding in the amount of \$5,172 to continue the implementation of a program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, a 25% local match in the amount of \$1,293 is required; and

WHEREAS, these matching funds are available in Fund 110, Account 516020 – Professional Services Contracts in the Erie County Department of Homeland Security & Emergency Services Operating Budget; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contact and accept \$5,172 in Federal resources to provide funding for training personnel 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 and accept funds from the US Department of Homeland Security, Federal Emergency Management Agency administered through the New York State Division of Homeland Security & Emergency Services in the amount \$5,172 with a required 25% local match for the Erie County Department of Homeland Security & Emergency Services; and be it further

RESOLVED, that this project, under the Erie County 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 new funding in Fund 110, as follows:

Erie County Department of Homeland Security & Emergency Services

Funds Center 16700

Revenue	Increase
Account 414000 - Federal Revenue	\$5,172
Appropriation	Increase
Account 516020 – Professional Services Contracts	\$5,172

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to county share amounts; and be it further

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

(5-0)

**TIMOTHY MEYERS**  
**CHAIR**

Item 17 – MR. BRUSO presented the following report and moved for immediate consideration and approval. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 222

November 14, 2019	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 15
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO. 18-3 (2019)  
MEYERS, JOHNSON, BASKIN, BRUSO & CHIMERA: “Opposition to Trump Administration Cuts to the Supplemental Nutrition Assistance Program”  
(Chair’s Ruling)
  - b. COMM. 20D-1 (2019)  
COMPTROLLER’S OFFICE: “Letter to EC Dept. of Mental Health Regarding Audit of Dept. – 07/18 – 12/2018”

(Chair's Ruling)

- c. COMM. 20M-3 (2019)  
EMILY A. BENFER: "Additional Information Regarding Health & Human Services Committee Meeting – 10/3/19"  
(Chair's Ruling)
  - d. COMM. 20M-4 (2019)  
MELINDA S. CAMERON, MD & DENNIS Z. KUO, MD: "Additional Information Regarding Health & Human Services Committee Meeting – 10/3/19"  
(Chair's Ruling)
  - e. COMM. 22E-10 (2019)  
COMPTROLLER: "EC Dept. of Social Services Assessment of EC Emergency Housing for Temporarily Homeless Individuals & Families – 01/01/2016 – 09/08/2019"  
(Chair's Ruling)
2. COMM. 22E-15 (2019)  
COUNTY EXECUTIVE  
WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental and behavioral health services for the residents of Erie County; and

WHEREAS, the Erie County Department of Mental Health has been awarded \$425,000 annually for a 5-year period that began 10/1/17 by Substance Abuse and Mental Health Services Administration (SAMHSA) as part of an initiative to offer expanded and enhanced substance use disorder treatment services in existing family treatment drug courts; and

WHEREAS, the Department of Mental Health thus requires legislative approval to accept the Federal funds and to establish a grant budget in Fund 281; and

WHEREAS, no County funds will be necessary for Erie County to accept this Federal aid to serve high-risk families residing in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept SAMHSA grant funds and to have the Department of Mental Health oversee the provision of related services by amending its contract with BestSelf Behavioral Health, and thus authorizes the Division of Budget and Management to establish a grant as follows:

Erie County Department of Mental Health  
Grant Fund 281, Fund Center 12410  
October 1, 2019 - September 30, 2020  
124SAMHSAFTDC1920

Revenue	Increase
Account 414000 – Federal Revenue	\$425,000



Appropriation	Increase
Account 517534 – BestSelf Behavioral Health OMH	\$425,000

and be it further

RESOLVED, that to the extent this subcontract may constitute a professional, technical or other consultant service, the County Administrative Code requirement in Section 19.08 for a Request for Proposal (RFP) is hereby waived, as this Honorable Body has previously approved of the County’s entering into contract with BestSelf Behavioral Health, Inc. on June 8, 2017 (Comm. 10E-18); and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to county share amounts; and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the: County Executive, Department of Mental Health, Office of the Comptroller, and the Division of Budget and Management.

(6-0)

**JOHN BRUSO**  
**CHAIR**

Item 18 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 223

November 14, 2019

PUBLIC SAFETY COMMITTEE  
REPORT NO. 18

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO. 16-1 (2018)  
BASKIN: “Supporting State Legislation Concerning the Use of Segregated Confinement & Alternative Confinement Options”  
(Chair’s Ruling)
  - b. COMM. 7E-5 (2019)  
BASKIN: “Letter to Sheriff Regarding 2017-2018 Body Camera Test Project & Reported Use of Force Incidents/Forms”

(Chair's Ruling)

- c. COMM. 12E-11 (2019)  
BASKIN: "FOIL Request – Use of Force Report(s), Investigative Reports, Case Notes & Video"  
(Chair's Ruling)
- d. COMM. 18E-14 (2019)  
BASKIN: "Letter to NYS Commission of Correction Chairman Regarding Denial of FOIL Request"  
(Chair's Ruling)
- 2. COMM. 22E-1 (2019)  
SHERIFF  
WHEREAS, the Erie County Sheriff's Office helicopter (Air-1) is due for Federal Aviation Administration maintenance; and

WHEREAS, the Sheriff's Office is attempting to reduce costs associated with disassembling and transporting or flying the helicopter outside a 100-mile radius; and

WHEREAS, the manufacturer of Air-1, Airbus – Helicopters, has a facility at 1100 Gilmore Road, Fort Erie, Ontario, Canada which is ten miles from downtown Buffalo; and

WHEREAS, because of the manufacturer's proximity to the Sheriff's heliport and the expertise of Airbus' staff, the Sheriff's Office believes the County of Erie will get the best, most cost-efficient service for the aircraft's maintenance needs; and

WHEREAS, without the waiver, the Sheriff's Office might be required to accept a bid from a service facility in Texas or California. Although those companies' performance and service may be at the same level, the Sheriff's Office would be forced to disassemble portions of the helicopter and transport the aircraft to the facility. The Sheriff's Office believes this will add unnecessary costs and lengthen the time Air-1 is out of service; and

WHEREAS, due to the proximity of Airbus' facility, the cost savings by eliminating additional maintenance and transportation costs, and the fact that Airbus is the manufacturer of the aircraft, Erie County Sheriff's Office and the Division of Purchasing are seeking a waiver of Section 19.08 of the Erie County Administrative Code; and

WHEREAS, the waiver has the potential of saving \$10,000.00 in mechanic and transportation costs, having a positive impact on the County Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby waives the procedures, as impractical, provided for in Section 19.08 of the Erie County Administrative Code for the purposes of performing Federal Aviation Administration mandated maintenance at the manufacturer's facility in Fort Erie Canada; and be it further

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

RESOLVED, certified copies of the approved resolution shall be sent to the County Executive, the County Attorney, the Division of Budget and Management, the Division of Purchasing, the Erie County Comptroller's Office, and the Chief of Administration of the Sheriff's Office for implementation.

(6-0)

3. COMM. 22E-19 (2019)  
COUNTY EXECUTIVE

WHEREAS, the Central Police Services Forensic Laboratory assists the law enforcement community by providing various lab analyses to aid in the prosecution of criminals; and

WHEREAS, only the Erie County Forensic Laboratory is able to provide the prompt DNA analysis turnaround needed for the U.S. Department of Justice's Federal judicial proceedings both pre and post indictment; and

WHEREAS, the Erie County Forensic Laboratory also provides drug analysis and firearms analysis for the U.S. Department of Justice's Federal judicial proceedings both pre- and post-indictment; and

WHEREAS, the U. S. Department of Justice has agreed to reimburse Erie County, on a quarterly basis, subject to minor rate changes, for the supplies and time used for these services at the rate of \$650 per case for the analysis of DNA samples, \$75 per case for the re-calculation of DNA samples, \$90 per drug analysis case, \$147 for firearms operability analysis, \$130 for bullet identification, \$114 for cartridge case identification, \$213 for microscopic comparison, and \$201 for serial number restoration.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to Central Police Services to invoice and accept payments from the U. S. Department of Justice on a quarterly basis for services provided; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management, to increase both revenue and appropriation budgets, on a quarterly basis, in each year's Central Police Services operating fund by the amount that is reimbursed by the U.S. Department of Justice; and be it further

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

(6-0)

4. COMM. 22E-20 (2019)

COUNTY EXECUTIVE

WHEREAS, the current standalone arrest booking Repository of Integrated Criminalistic Imaging (RICI) System is at its end of life and will no longer be supported; and

WHEREAS, an RFP was issued this year to replace the RICI System with a new integrated CHARMS fingerprinting system; and

WHEREAS, after proper evaluation EM Systems, Inc., was selected to replace RICI; and

WHEREAS, Central Police requires authorization to transfer \$60,000 in available funds within the previously approved 2019 Central Police Services E-911 Budget, Funds Center 16500, Fund 230, from GL 516030 Maintenance Contracts to GL 516020 Professional Services in order to fund this project.

NOW, THEREFORE, BE IT

RESOLVED, that Central Police Services is hereby authorized to enter into contract with EM Systems, Inc., 4043 Maple Road, Amherst, New York 14226 in the amount of \$60,000; and be it further

RESOLVED, that authorization is hereby provided for the Director of the Division of Budget and Management to transfer \$60,000 from GL 516030 Maintenance Contracts to GL 516020 Professional Services in the 2019 Central Police Services E-911 Fund budget (Fund 230) in order to fund the RICI System replacement; and be it further

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

**HOWARD J. JOHNSON, JR.**  
**CHAIR**

**LEGISLATOR RESOLUTIONS**

Item 19 – MR. BRUSO presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 224

RE: Re-Appropriation of 2019 Public  
Benefit Funding  
(INTRO. 23-1)

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

WHEREAS, the Alden Animal Shelter-Adopt a Pet organization was awarded \$4,000 in public benefit funding by the Erie County Legislature in the adopted 2019 Budget in Fund Center 1332010 – Community/Neighborhood Development, Account 518502; and

WHEREAS, the organization has declined to accept this County funding this year and there is a community organization that is deserving and in need of County funding; and

WHEREAS, as in similar 2018 and 2019 situations, it is the intention of this Honorable Body to transfer such funding to community organizations serving the public.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer the \$4,000 of 2019 public benefit funding declined by Alden Animal Shelter-Adopt a Pet in Fund Center #1332010 to the Depew Community Action Team (“DCAT”); and be it further

RESOLVED, that if funds are not expended or encumbered for the benefit of this agency in 2019, then such funding will be re-appropriated into 2020; and be it further

RESOLVED, that while the agency allocations is changing the overall budget line amount is to remain the same for 2019; and be it further

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

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

Item 20 – MR. BRUSO presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 225

RE: Appointments to the EC  
Corrections Specialist Advisory  
Board  
(INTRO. 23-2)

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

WHEREAS, the Erie County Corrections Specialist Advisory Board was created in 2019 via Local Law 3-2019; and

WHEREAS, the law established a variety of appointing authorities for candidates seeking to serve on the Advisory Board, and those appointing authorities have submitted the names of their recommended appointees for Legislature ratification.

NOW, THEREFORE, BE IT

RESOLVED, that based on the recommendations of the various appointing authorities and pursuant to Local law 3-2019, the following persons are hereby confirmed to serve on the Erie County Corrections Specialist Advisory Board for three year terms effective November 21, 2019:

<u>Candidate</u>	<u>Appointing Authority</u>
Kenneth Colon 22 Baxter St. Buffalo, New York 14207	Chairwoman April N.M. Baskin
Ann M. Venuto, RN, MS, PMHNP 124 Timberlane Drive Williamsville, NY 14221	Majority Leader John Brusio
Cindi McEachon 660 Smith Street Buffalo, NY 14210	Minority Leader Joseph Lorigo
Corey McCarthy 41 Maynard Drive Amherst, NY 14226	Sheriff Timothy B. Howard
Jonathan Miles Gresham 66 Summer Street Buffalo, NY 14209	County Executive Mark C. Poloncarz
Ysaias Feliz 210 Carpenter Street Tonawanda, NY 14223	County Commissioner of Probation
Michael Ranney 5721 Salt Road Clarence, NY 14031	County Commissioner of Mental Health
Keisha A. Williams, Esq. 193 Brunswick Boulevard Buffalo, NY 14208	Erie County Bar Association
Kevin Stadelmaier 290 Main Street, Suite 300 Buffalo, NY 14203	Legal Aid Bureau Prisoners' Rights Organization

George BaBa Eng  
4305 Union Road  
Cheektowaga, NY 14225

Prisoners are People Too  
Former Offender Transition Organization

Heron Simmonds  
352 South Elmwood Avenue  
Buffalo, NY 14201

Western New York Peace Center  
Restorative Justice Organization

and be it further

RESOLVED, that certified copies of this resolution be transmitted to the members of the Erie County Corrections Specialist Advisory Board.

Item 21 – MR. BRUSO presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 226

RE: Personnel Adjustments -  
Legislature 2019 Budget  
(INTRO. 23-3)

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

WHEREAS, it is necessary to make a personnel adjustment for the staff of the majority caucus; and

WHEREAS, due to vacancy control and turnover savings in the salary lines of the majority caucus, it is possible to effectuate this personnel adjustment within the existing 2019 budget of the Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the deletion of position 51011839, Junior Administrative Assistant, JG 8 in Fund Center 100, Cost Center 1003030 Majority, and creation of the position of Executive Assistant Leg II, JG 14, (B-100 #11646) in Fund Center 100, Cost Center 1003030 Majority, effective December 1, 2019; and be it further

RESOLVED, that the Division of Budget and Management and Department of Personnel are authorized to make any necessary fiscal and personnel adjustments to the 2019 Budget to effectuate this personnel adjustment; and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to the County Executive, and to the Commissioner of Personnel.

Item 22 – MR. BRUSO presented the following resolution and moved for immediate consideration. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 227

RE: Opposition to Macmillan  
Publishers' Policy Restricting  
E-Books at Public Libraries  
(INTRO. 23-4)

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

WHEREAS, Macmillan Publishers has established a new policy effective November 1, 2019 in which public libraries can only purchase one copy of a newly released e-book and cannot purchase additional e-book copies until eight weeks after its publication; and

WHEREAS, the American Library Association has denounced Macmillan's new policy and urged Macmillan to cancel the eight-week embargo; and

WHEREAS, at the November 2019 Budget Hearing of the Buffalo and Erie County Public Library, director Mary Jean Jakubowski was asked about this situation and she discussed it, and her concerns about the Macmillan policy; and

WHEREAS, some county public library systems across the country are reacting by deciding not to purchase newly released e-books from Macmillan Publishers, with the King County, Washington public library system's executive director stating, for instance, "It was a very reluctant decision made over many, many months"; and

WHEREAS, many libraries have "holds to copy" ratios of 5-to-1, meaning for every five holds on a book or e-book, the library purchases one copy to ensure the wait time does not exceed three months, and therefore, for Macmillan books, for new popular book titles, the e-book wait time could lead to a situation where there are hundreds or thousands of holds for one book, meaning patrons could not borrow an e-book for months of a year; and

WHEREAS, the Macmillan policy and its consequences would violate libraries' policies and aims of providing digital equity and offering bestselling or new books to patrons, many of whom cannot physically visit a library to borrow a paper book; and

WHEREAS, this Macmillan policy shift comes amid an environment in which libraries have to pay costs for e-books that are often four to five times higher than what the general public pays and e-books are often metered, which means that after a certain number of checkouts, the library has to re-purchase the e-book again; and

WHEREAS, the American Library Association has created a petition at [ebooksforall.org](http://ebooksforall.org) for those who oppose Macmillan's new policy, and as of November 19, 2019, the petition has 207,851 signatures protesting their action; and



WHEREAS, as legislators and library patrons, we all should be concerned by unreasonably high e-book rates charged to public libraries as well as decisions made by publishers for financial reasons to limit sales of e-books to public libraries.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby expresses its opposition to Macmillan Publishers' policy on embargoing new e-books sold to public libraries, and urges the company to reverse its decision and restore its sales of e-books to public libraries without any embargo period; and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to the Executive Director and Board of Trustees of the Buffalo and Erie County Public Library, to the American Library Association (50 E. Huron St. Chicago IL 60611) and to Macmillan Publishers (press.inquiries@macmillan.com).

MR. BRUSO moved to amend the resolution by including Et Al Sponsorship and for content. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Delete the first (1<sup>st</sup>) Whereas Clause in its Entirety and Replace with the Following:

WHEREAS, Macmillan Publishers has established a new policy effective November 1, 2019 in which public libraries, and schools and universities can only purchase one copy of a newly released e-book and cannot purchase additional e-book copies until eight weeks after its publication; and

Delete the ninth (9<sup>th</sup>) Whereas Clause in its Entirety and Replace with the Following:

WHEREAS, as legislators and library patrons, we all should be concerned by unreasonably high e-book rates charged to public libraries, schools and universities as well as decisions made by publishers for financial reasons to limit sales of e-books to public libraries, schools and libraries.

Delete the first (1<sup>st</sup>) Resolve Clause in its Entirety and Replace with the Following:

RESOLVED, that the Erie County Legislature hereby expresses its opposition to Macmillan Publishers' policy on embargoing new e-books sold to public libraries, schools and universities, and urges the company to reverse its decision and restore its sales of e-books to these institutions without any embargo period; and be it further

MR. BRUSO moved to approve the resolution as amended. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

None.

**SUSPENSION OF THE RULES**

None.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COUNTY EXECUTIVE**

Item 23 – MR. BRUSO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 228

RE: Support & Authorization for Return of  
Portion of Sales Tax Distribution to  
Towns in EC  
(COMM. 23E-1)

WHEREAS, State Tax Law § 1261(c)(3) provides that the New York State Comptroller (“OSC”) must pay to the Erie County Fiscal Stability Authority (“ECFSA”) and Buffalo Fiscal Stability Authority (“BFSA”) sales and compensating use taxes, penalties and interest imposed by the County (other than amounts required by law to be withheld by OSC) (“Sales Tax”), so that ECFSA and BFSA may satisfy their contracts with bondholders and then pay their operating expenses prior to transferring the remaining amounts to the County and City of Buffalo; and

WHEREAS, State Tax Law § 1261(c)(5-a) requires OSC in State fiscal year 2019-2020 to withhold and pay to the towns and villages in the Erie County from the sales tax remaining, after paying ECFSA and BFSA, amounts equal to base level grants that such municipalities received from the State under the Aid and Incentives for Municipalities program in State fiscal year 2018-2019 (“AIM-related payments”); and

WHEREAS, State Tax Law § 1261(c)(5-a) requires OSC to make the AIM-related payments, annually, to towns beginning December 2019 and to villages beginning May 2020; and

WHEREAS, OSC has advised the County that it cannot effectuate the AIM-related payments because it is legally required to transfer a portion of the sales taxes to ECFSA and BFSA without reduction of such amounts; and

WHEREAS, OSC has further advised the County that it expects the State Legislature in 2020 to enact technical amendments to the State Tax Law to provide a process allowing OSC to make the AIM-related payments without impairing the rights of ECFSA, BFSA and their bondholders; and

WHEREAS, such amendment to State Tax Law will ensure that the towns and villages in Erie County receive all scheduled AIM-related payments in 2020 and beyond, but it will not provide for the distribution of \$3,709,039 in AIM-related payments to 24 towns by December 15, 2019; and

WHEREAS, the \$3,709,039 in AIM-related payments for 2019 will be taken proportionally among the three distributions of the County's 3% Sales Tax remitted by OSC to ECFSA, BFSA and the County; and

WHEREAS, although the County, City of Buffalo, ECFSA, BFSA, OSC and New York State Division of Budget have explored a number of other avenues to ensure the towns would receive their AIM-related payments, only one solution was deemed acceptable by the parties involved; and

WHEREAS, to enable OSC to make the AIM-related payments by December 15, 2019, ECFSA and BFSA must agree, after satisfying their obligations to bondholders and funding their operating expenses, to return to OSC the amount of sales taxes necessary to enable OSC to make the AIM-related payments; and

WHEREAS, despite no legal limitation, OSC has declined to preemptively withhold a proportional amount of Sales Tax that is disbursed directly to Erie County and then distributed to the cities, towns, villages and school districts as dictated by the 1977 Sales Tax Sharing Agreement between the County and cities of Buffalo, Lackawanna and Tonawanda; and

WHEREAS, the County, the ECFSA and the BFSA are mutually interested in returning to OSC the amount of Sales Tax necessary to enable OSC to make the AIM-related payments to the towns by December 15, 2019; and

WHEREAS, any delay in these payments would lead to significant – and needless – budgetary and cashflow challenges for the 24 towns in Erie County as they approach the end of their fiscal years on December 31, 2019.

**NOW, THEREFORE, BE IT**

**RESOLVED**, this Honorable Body hereby supports and encourages the ECFSA in its intent to return \$2,193,537.40 in Sales Tax to enable OSC to make the AIM-related payments; and be it further

**RESOLVED**, this Honorable Body hereby supports and encourages the City of Buffalo and BFSA in their intent to return of \$604,772.79 in Sales Tax to enable OSC to make the AIM-related payments; and be it further

**RESOLVED**, this Honorable Body hereby supports and encourages the County of Erie to return \$910,728.81 in Sales Tax to enable OSC to make the AIM-related payments and further authorizes the Erie County Comptroller to make such a payment; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, Governor Andrew Cuomo, Comptroller Thomas DiNapoli, the Western New York Delegation to the New York State Legislature, and any other parties deemed necessary and proper.

Item 24 – MR. BRUSO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded. MR. LORIGO abstained.

CARRIED. (10-0-1)

RESOLUTION NO. 229

RE: Buffalo & EC Botanical Gardens 2019  
Expansion Plan - Construction  
Management Agreement  
(COMM. 23E-2)

WHEREAS, the construction of an addition to the existing Buffalo and Erie County Botanical Gardens will triple the event space allowing for more revenue-generating events, promote growth south of Buffalo by attracting tourism and business to the area, and provide considerable cost savings by allowing for the demolition of existing non-historic houses that have fallen into disrepair which require substantial investment to remain operational; and

WHEREAS, the Construction Management services are necessary to provide preconstruction and construction phase for the Buffalo and Erie County Botanical Gardens 2019 Expansion Plan project (“Botanical Gardens Expansion project”), and to provide logistical expertise to allow the Botanical Gardens to remain fully operational to the public during construction; and

WHEREAS, this Construction Management services contract will be funded entirely by the Botanical Gardens Society; and

WHEREAS, the County and Botanical Gardens Society have solicited proposals from construction management firms which have been reviewed by a selection committee and have recommended Savarino Companies LLC and their sub-consultants; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement with Savarino Companies LLC to provide Construction Management as Advisor services for the Botanical Gardens Expansion project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with Savarino Companies LLC to provide Construction Management as Advisor services for the Botanical Gardens Expansion project; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner’s Office, and one copy each to the Office of the County Executive, the Division of Budget and Management and the Botanical Gardens Society c/o Dave Swarts.

Item 25 – (COMM. 23E-3) ECSD Board of Managers Appointments

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

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

MR. LORIGO moved to send the item to committee for further consideration. MS. DIXON seconded. MR. RATH abstained.

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

AYES: MS. DIXON, MR. LORIGO, and MR. MILLS. NOES: CHAIR BASKIN, MR. BRUSO, MS. CHIMERA, MR. HARDWICK, MR. JOHNSON, MR. LOUGHRAN, and MR. MEYERS. ABSTENTIONS: MR. RATH. (AYES: 3; NOES: 7; ABSTENTIONS: 1)

FAILED.

CHAIR BASKIN moved the previous question.

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

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

AYES: MS. DIXON, MR. LORIGO and MR. MILLS. NOES: CHAIR BASKIN, MR. BRUSO, MS. CHIMERA, MR. HARDWICK, MR. JOHNSON, MR. LOUGHRAN, and MR. MEYERS. ABSTENTIONS: MR. RATH. (AYES: 3; NOES: 7; ABSTENTIONS: 1)

FAILED.

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

AYES: MS. DIXON, CHAIR BASKIN, MR. BRUSO, MS. CHIMERA, MR. HARDWICK, MR. JOHNSON, MR. LOUGHRAN, and MR. MEYERS. NOES: MR. LORIGO, and MR. MILLS. ABSTENTIONS: MR. RATH. (AYES: 8; NOES: 2; ABSTENTIONS: 1)

RESOLUTION NO. 230

RE: Perpetual Easement on County Land for  
Niagara Mohawk Power Corporation -  
Town of Tonawanda  
(COMM. 23E-4)

WHEREAS, the Town of Tonawanda is working with Solar Liberty to construct a solar array on Town property; and

WHEREAS, in order to connect power to the solar array, Solar Liberty, in conjunction with Niagara Mohawk Power Corporation, is requesting that the County of Erie grant a perpetual easement on a County owned parcel of land located in the Town of Tonawanda known as SBL#

52.12-6-8 / 2304 Military Road, Tonawanda, New York, for the purpose of constructing power lines; and

WHEREAS, the County Land Advisory Review Committee (“ARC”) has recommended that the easement be granted; and

WHEREAS, the Acting Director of Real Property Tax Services has determined that this easement can be granted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized and directed to execute to Niagara Mohawk Power Corporation in consideration of the sum of One Dollar and More (\$1.00 & More) a perpetual easement on the following:

All that tract or parcel of land, situate in the Town of Tonawanda, County of Erie, and State of New York, being described in a certain Deed recorded in the County Clerk’s Office in Liber 2759 of Deeds at Page 288 and consists of land described as being part of Tax Parcel No. 52.12-6-8 commonly known as 2304 Military Road

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the County Comptroller, the County Attorney and the Department of Real Property Tax Services.

Item 27 – (COMM. 23E-5) ECSD No. 5 - Engineer Term Contract Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 28 – MR. BRUSO presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 231

RE: PILOT Agreement for The Crossroads at Genesee Project - City of Buffalo (COMM. 23E-6)

WHEREAS, The Crossroads at Genesee Project consists of 78 units of affordable housing (inclusive of one staff unit) in the City of Buffalo located at 19 Doat Street; 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 The Crossroads at Genesee LLC and /or The Crossroads at Genesee Housing Development Fund Company, Inc. to operate the housing project it is necessary to extend 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 The Crossroads at Genesee LLC, The Crossroads at Genesee 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  
PILOT Payments

Year	PILOT	City Share	County Share
1	\$31,942.80	\$23,957.10	\$7,985.70
2	\$32,901.08	\$24,675.81	\$8,225.27
3	\$33,888.12	\$25,416.09	\$8,472.03
4	\$34,904.76	\$26,178.57	\$8,726.19
5	\$35,951.90	\$26,963.93	\$8,987.98
6	\$37,030.46	\$27,772.84	\$9,257.61
7	\$38,141.37	\$28,606.03	\$9,535.34
8	\$39,285.61	\$29,464.21	\$9,821.40
9	\$40,464.18	\$30,348.14	\$10,116.05
10	\$41,678.11	\$31,258.58	\$10,419.53
11	\$42,928.45	\$32,196.34	\$10,732.11
12	\$44,216.31	\$33,162.23	\$11,054.08
13	\$45,542.79	\$34,157.10	\$11,385.70
14	\$46,909.08	\$35,181.81	\$11,727.27
15	\$48,316.35	\$36,237.26	\$12,079.09

Item 29 – (COMM. 23E-7) Increase in Environment & Planning's 2019 Budget

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 30 – (COMM. 23E-8) Transfer of Surplus County Owned Parcels

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 232

RE: NYSDOT Project Agreement & Award  
of Construction Contract - Pontiac Rd.  
Bridge over Big Sister Creek  
(COMM. 23E-9)

WHEREAS, a project for the replacement of Pontiac Road Bridge over Big Sister Creek, BIN 3327820, PIN 5761.77, (the “Project”) is eligible for Federal funding under Title 23, U.S. Code, as amended; and

WHEREAS, the County of Erie previously advanced the design of the Project via Legislative Communication 8E-5 dated May 11, 2017; and

WHEREAS, the Department of Public Works desires to advance the Construction and Construction Inspection phase of the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof; and

WHEREAS, in order to facilitate the Construction and Construction Inspection Phases for the Project, it will be necessary for the County to execute a Supplemental Agreement with New York State Department of Transportation (NYSDOT) in the total amount of \$1,520,000 of which \$334,400 is the required local share, for the construction and construction inspection phases of the Project; and

WHEREAS, the Supplemental Agreement with NYSDOT included the reallocation of design phase funding to the construction and construction inspection phases of the Project; and

WHEREAS, the Department of Public Works would like to successfully implement the Project in a timely manner, it will be necessary to execute the construction contract with the lowest responsible bidder, enter into a construction phase engineering services agreement with Foit Albert Associates, and establish a construction contingency of \$70,000, for a total project construction phase allowance of \$1,690,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a Supplemental Agreement with New York State Department of Transportation (NYSDOT) for this Project in the total amount of \$1,520,000 of which \$334,400 is the required local share; and be it further



RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in B.17077 – 2017 Replacement of Pontiac Road Bridge Over Big Sister Creek, Fund 420, Funds Center 123 as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
REVENUES				
405160	Marchiselli Aid	\$46,200	(\$ 22,200)	\$ 24,000
414000	Federal Aid	\$ 246,400	(\$ 118,400)	\$128,000
450000	Interfund Rev Non-Sub	\$ 23,000	\$ 0	\$ 23,000
TOTAL REVENUES		\$ 315,600	(\$ 140,600)	\$175,000
APPROPRIATIONS				
CAPITALPROJECTS	Capital Project Expense	\$ 315,600	(\$ 140,600)	\$175,000
TOTAL APPROPRIATIONS		\$ 315,600	(\$ 140,600)	\$175,000

and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of Federal and non-Federal shares of the cost of construction and construction inspection phases of the Project or portions thereof with the understanding that qualified costs may be eligible for federal-aid or state-aid; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the construction contract with the lowest responsible bidder, enter into a construction phase engineering services agreement with Foit Albert Associates, and establish a construction contingency in an amount of \$170,000; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept the Federal and State aid reimbursement for the Construction and Construction Inspection Phases from the Supplemental Agreement with the NYSDOT; and be it further

RESOLVED, that the estimated total sum, with adjustments for the anticipated Federal revenue, of the Construction, Construction Inspection Phase, and contingency for the Project, in an amount of \$1,690,000 is hereby appropriated from Fund 420, Funds Center 123, in the following Projects:

B.17077 – Replacement of Pontiac Road Bridge	\$ 15,000
B.18015 – Federal Aid Bridge Project Construction	\$ 133,400
<u>B.18017 – Federal Aid Bridge Project, Pontiac</u>	<u>\$ 1,541,600</u>
TOTAL PROJECT	\$ 1,690,000

and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in B.18017 – Federal Aid Project-Bridge Preservation, Construction Pontiac Road Bridge, Fund 420, Funds Center 123, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
<b>REVENUES</b>				
405160	Marchiselli Aid	\$ 0	\$ 187,200	\$ 187,200
414000	Federal Aid	\$ 1,144,000	(\$ 145,600)	\$998,400
475000	Gen Oblig Bond Proc	\$ 356,000	\$ 0	\$ 356,000
<b>TOTAL REVENUES</b>		<u>\$ 1,500,000</u>	<u>\$ 41,600</u>	<u>\$1,541,600</u>
<b>APPROPRIATIONS</b>				
<b>CAPITALPROJECTS</b>	Capital Project Expense	\$ 356,000	\$ 1,185,600	\$1,541,600
<b>UNALLOCATED</b>	Unallocated Capital	<u>\$ 1,144,000</u>	<u>(\$ 1,144,000)</u>	<u>\$ 0</u>
<b>TOTAL APPROPRIATIONS</b>		<u>\$ 1,500,000</u>	<u>\$ 41,600</u>	<u>\$1,541,600</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the project budget accordingly for any and all additions or reductions in Federal and/or State revenue that are necessary for this Project; and be it further

RESOLVED, that the County Legislature hereby agrees that the County of Erie shall be responsible for all costs of the Project which exceed the amount of federal-aid or state-aid funding awarded to the County of Erie; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's construction and construction inspection phases exceeds the amount appropriated, \$1,690,000 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

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

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

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Department of Public Works, Division of Highways, to be forwarded to the NYSDOT; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) certified copy of this Resolution to the Department of Public Works, Division of Highways, and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 233

RE: Sub-Basement Asbestos Abatement -  
Rath Building  
(COMM. 23E-10)

WHEREAS, the County of Erie received bids for the Rath Building- Sub-Basement Abatement project on October 10, 2019; and

WHEREAS, the lowest responsible bidder is Mark Cerrone, Inc.; and

WHEREAS, Watts Architecture and Engineering is recommending award of the contract to the lowest responsible bidder; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into Hazardous Materials and Testing Services agreement with the firm of Watts Architecture and Engineering; and

WHEREAS, the County Executive is requesting authorization to issue an agreement Amendment with the firm of Watts Architecture and Engineering for providing Air Monitoring & Air Testing and Sampling services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Rath Building – Sub-Basement Abatement project for an amount not to exceed as follows:

Asbestos Abatement Work

Mark Cerrone, Inc.

Base Bid:

\$ 823,450.00

\_\_\_\_\_  
Total Award of Construction Contract:

\$ 823,450.00

and be it further

RESOLVED, that the sum of \$ 127,550.01 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 change order reductions will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to Watts Architecture and Engineering, P.C. for providing Air Monitoring and Air Testing & Sampling services for an amount not to exceed \$112,230.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from Funds Center 122, Fund 410, SAP Capital Projects as follows:

A.20917-2009 Countywide Code and Environmental Compliance	\$ 27,376.40
A.12003-2012 Countywide Code and Environmental Compliance	\$ 5,542.10
A.13004-2013 Countywide Code and Environmental Compliance	\$ 1,555.51
A.14003-2014 Countywide Code and Environmental Compliance	\$ 4,285.70
A.15003-2015 Countywide Code and Environmental Compliance	\$ 3,659.54
A.16004-2016 Countywide Code and Environmental Compliance	\$ 249,010.27
A.17004-2017 Countywide Code and Environmental Compliance	\$ 163,898.49
A.19017-2019 Life Safety and Security	\$ 107,902.00
<u>A.19014-2019 Countywide Code and Environmental Compliance</u>	<u>\$ 500,000.00</u>

Total Payment Not To Exceed: \$1,063,230.01

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.

Item 33 – MR. BRUSO presented the following resolution and moved for immediate consideration and approval. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 234

RE: Funding for Highway Supplies & Fuel  
(COMM. 23E-11)

WHEREAS, the Department of Public Works (DPW), Division of Highways performs maintenance work on county roads throughout the year; and

WHEREAS, DPW's Division of Highways has already begun its process to prepare each barn facility with the necessary materials and equipment to best deal with the upcoming winter season; and

WHEREAS, the magnitude and frequency of the weather events in the early part of 2019 necessitated more salt and fuel usage than in comparable previous seasons; and

WHEREAS, November weather events have already caused the department to mobilize for the winter season earlier than expected; and

WHEREAS, the Division of Highways needs additional funding for supplies such as salt and sand to most efficiently operate through the end of 2019; and

WHEREAS, funding is available in various accounts throughout the Division of Highways budget and authorization is necessary to move funds between accounts within a department; and

WHEREAS, additional funding is necessary to enable fuel purchases in the Fleet Services budget through the end of 2019.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of funds up to a maximum of \$ 500,000 from various accounts within the 2019 Division of Highways Budget, Funds Center 123, Fund 210 to the Highway Supplies Account 506400; and be it further

RESOLVED, that authorization is hereby given for the transfer of \$125,000 from Fund 110, Account 511000, in the Countywide Funds Center 14010 into the Fleet Services 2019 Budget, Fund 110, Funds Center 10710, Account 505600 to enable the purchase of fuel through the end of 2019; and be it further

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

Item 34 – (COMM. 23E-12) Recommendation to the EC Corrections Specialist Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

### **COMMUNICATIONS FROM THE DEPARTMENTS**

#### **FROM THE DEPT. OF SOCIAL SERVICES**

Item 35 – (COMM. 23D-1) CPS Statistical Report - October 201

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

#### **FROM THE DEPT. OF LAW**

Item 36 – (COMM. 23D-2) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE CLERK OF LEGISLATURE**

Item 37 – (COMM. 23D-3) ECSD Nos. 1-6 & 8 - Minutes of Public Hearing on 2019 Assessment Rolls

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE DIRECTOR OF BUDGET & MANAGEMENT**

Item 38 – (COMM. 23D-4) Budget Monitoring Report for Period Ending 09/2019

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE DEPT. OF PROBATION**

Item 39 – (COMM. 23D-5) Recommendation to the EC Corrections Specialist Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE DEPT. OF MENTAL HEALTH**

Item 40 – (COMM. 23D-6) Recommendation to the EC Corrections Specialist Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE NFTA**

Item 41 – (COMM. 23M-1) 17A Report & Capital Expenditure Reports for Second Quarter Ending 03/31/2020

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE NYSDEC**

Item 42 – (COMM. 23M-2) Fact Sheet - Brownfield Cleanup Program Application for 225 Louisiana St., City of Buffalo

Item 43 – (COMM. 23M-3) Public Notice - Brownfield Cleanup Program Application for 3077 Union Rd., Town of Orchard Park

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

FROM THE ECWA

Item 44 – (COMM. 23M-4) 2020 Operating & Maintenance & Capital Budgets

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYSDEC

Item 45 – (COMM. 23M-5) Invitation for Public Comment - Brownfield Cleanup Program Application for Buffalo RiverWorks, City of Buffalo

Item 46 – (COMM. 23M-6) Invitation for Public Comment - Brownfield Cleanup Program Application for 3077 Union Rd., Town of Orchard Park

Item 47 – (COMM. 23M-7) Invitation for Public Comment - Brownfield Cleanup Program Application for 225 Louisiana St., City of Buffalo

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

FROM VISIT BUFFALO NIAGARA

Item 48 – (COMM. 23M-8) 2020 Business Plans & Budgets for Visit Buffalo Niagara & the Buffalo Niagara Convention Center

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE MINORITY & WOMEN BUSINESS ENTERPRISES  
UTILIZATION ADVISORY BOARD

Item 49 – (COMM. 23M-9) Meeting Minutes for Meeting Held on 09/30/2019

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

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 50 – (COMM. 23M-10) Proposed Agenda for Meeting to be Held on 11/21/2019

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

ANNOUNCEMENTS

Item 51 – Chair Baskin announced that on Monday, December 2, 2019, at 2:30 p.m., the Finance & Management/Budget Committee will reconvene.

**MEMORIAL RESOLUTIONS**

Item 52 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Sandra Sheldon.

Item 53 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Sean Burke.

Item 54 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Charlotte Jurek.

**ADJOURNMENT**

Item 55 - At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, December 5, 2019 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, December 5, 2019 at 2:00 p.m. Eastern Standard Time.

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