

**ERIE COUNTY LEGISLATURE  
MEETING NO. 8  
APRIL 18, 2019**

The Legislature was called to order by Chair Savage.

All members present.

An Invocation was held, led by Ms. Dixon, who offered a prayer.

The Pledge of Allegiance was led by Mr. Brusio.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MS. BASKIN moved for the approval of the minutes for Meeting Number 7 from 2019. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MS. MILLER-WILLIAMS & MS. BASKIN presented a memorial proclamation In Honor and Remembrance of Willie W. Judson, Jr., Respected Artist, Mentor, Director and Performer.

Item 6 – MR. RATH presented a proclamation Congratulating the Jewish Community Center of Greater Buffalo on Their 70th Anniversary.

Item 7 – MS. MILLER-WILLIAMS presented a memorial proclamation In Honor and Remembrance of Admired and Respected Deaconess Emily "Emma" L. Callahan.

Item 8 – MR. HARDWICK presented a proclamation Applauding Jeffrey Green for Being Recognized as the 2019 Educator of the Year by the Grand Island Chamber of Commerce.

Item 9 – MR. HARDWICK presented a proclamation Applauding Gale Sander on Being Awarded the Community Service Award for 2019 by the Grand Island Chamber of Commerce.

Item 10 – MR. HARDWICK presented a proclamation Applauding Dr. Stacey Schroeder-Watt for Being Named the Winner of the 2019 Science and Medicine Citizen of the Year by the Grand Island Chamber of Commerce.

Item 11 – MR. HARDWICK presented a proclamation Applauding the Soma Cura Wellness Center on Being Awarded the Business of the Year Award for 2019 by the Grand Island Chamber of Commerce.

Item 12 – MR. HARDWICK presented a proclamation Applauding Justice Sybil Kennedy for Being Named as the Lifetime Achievement Honoree for 2019 by the Grand Island Chamber of Commerce.

Item 13 – MR. LORIGO presented a proclamation Recognizing May 2019 as Lyme Disease Awareness Month in Erie County.

Item 14 – MS. DIXON presented a proclamation Acknowledging the USS Croaker's 75th Commissioning Anniversary and the 30th Homecoming Anniversary of the USS Croaker to Buffalo.

MS. BASKIN moved for consideration of the above ten items. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

MS. BASKIN moved to amend the above ten items by adding one for MR. BRUSO, one for MR. MILLS, one for MR. LOUGHRAN, one for the Legislature, and by including Et Al Sponsorship. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

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

GRANTED.

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

GRANTED.

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

GRANTED.

Item 18 – CHAIR SAVAGE directed that Local Law No. 8 (Print #1) 2018 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 19 – CHAIR SAVAGE directed that Local Law No. 1 (Print #1) 2019 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 20 – CHAIR SAVAGE directed that Local Law No. 3 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 21 – CHAIR SAVAGE directed that Local Law No. 4 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 22 – CHAIR SAVAGE directed that Local Law No. 5 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 23 – CHAIR SAVAGE directed that Local Law No. 6 (Print #1) 2019 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 24 – MS. BASKIN presented the following report and moved for immediate consideration and approval. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 94

April 11, 2019	PUBLIC SAFETY COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.  
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:

- a. COMM. 3E-23 (2019)  
SHERIFF: "EC Holding Center & Correctional Facility Food Service Contract"  
(Chair's Ruling)
  - b. COMM. 6E-21 (2019)  
BASKIN: "Letter to Sheriff Concerning Food Administration Services for Jail  
Management Facilities"  
(Chair's Ruling)
  - c. COMM. 6M-4 (2019)  
TRINITY SERVICES GROUP, INC.: "Letter to Sheriff's Department Concerning  
Food Administration Services for Jail Management Facilities"  
(Chair's Ruling)
2. COMM. 7E-2 (2019)  
SHERIFF  
WHEREAS, the Erie County Sheriff's Office (ECSO) has agreed to acquire a seized vehicle  
from the DEA for 20% of its value determined by federal guidelines; and

WHEREAS, under the Money Laundering and Asset Recovery Section (MLARS), the U.S.  
Department of Justice has reviewed the request to ensure the ECSO has a demonstrated need for the  
item, is able to maintain the property for its intended use for the required two-year period, and is  
able to pay all liens and storage fees as well as the federal share; and

WHEREAS, to acquire the vehicle, the Sheriff's Office seeks to utilize Asset Forfeiture Trust  
Account funds in the amount of \$2,315.00; and

WHEREAS, the Asset Forfeiture Trust Account balance as of March 27, 2019, is  
\$423,945.00; and

WHEREAS, this acquisition will not have any fiscal impact on the 2019 County Budget.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the Erie County Sheriff's Office and  
Division of Budget and Management to transfer \$2,315.00 from the Asset Forfeiture Trust Account  
#421550 to account #561440 (Motor Vehicles):

ERIE COUNTY SHERIFF'S OFFICE

Sheriff – SAFS Funded Program

REVENUE

421550 Forfeiture Crime Proceeds

DECREASE

\$2,315.00

APPROPRIATION

561440 Motor Vehicles

INCREASE

\$2,315.00

Total Revenue

\$2,315.00

and be it further

RESOLVED, that the Erie County Sheriff's Office and the County Executive are hereby granted authority to enter into an agreement with the federal Drug Enforcement Agency to acquire Asset Identification # 19-DEA-649726; and be it further

RESOLVED, the designated Seized Asset Fund expenditure meets the criteria established by the U.S. Department of Justice Equitable Shared Funds use; be it further

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

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

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make any payments necessary to complete the acquisition of the vehicle from the Drug Enforcement Agency; and be it further

RESOLVED, certified copies of this resolution will be forwarded to the County Executive, County Comptroller, County Attorney, Division of Budget and Finance, Division of Purchasing, and the Sheriff's Office for implementation.

(6-0)

3. COMM. 7E-9 (2019)  
COUNTY EXECUTIVE

WHEREAS, funds for Juvenile Justice System Improvement have been made available to Erie County Probation to be used collectively by the Western New York Regional Youth Justice Team by the New York State Division of Criminal Justice Services (DCJS) in the amount of \$250,000 over two years; and

WHEREAS, these funds will be used by the Probation Department to provide various Juvenile Justice Stakeholder agencies from Erie, Niagara, Cattaraugus, Chautauqua and Allegheny counties the ability to implement projects that are approved by the DCJS.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the New York State Division of Criminal Justice Services for the purpose of funding Regional Youth Justice Team proposals; and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to establish the Probation's Juvenile Justice System Improvement Grant as follows:

Probation's Juvenile Justice System Improvement Grant  
Fund: 281, Cost Center: 1261030, Grant: 126RYJT-JJSII921  
04/01/2019-03/31/2021

Revenues

414000 Federal Revenue		\$ 250,000
	Total Revenues	\$ 250,000

Appropriations

516010 Contractual		\$ 228,000
516020 Professional Fees		\$ 22,000
	Total Appropriations	\$ 250,000

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into subcontracts with the various agencies that have been approved for project funding by the New York State Division of Criminal Justice Services; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contracts and amendments to these contracts with Susan Green and/or Denise Krause to conduct Solution Focused Trauma Informed Care Training up to the monetary limits set forth by the funder; and be it further

RESOLVED, that the Erie County Legislature hereby waives the procedures outlined in Section 19.08 of the Erie County Administrative Code regarding professional services contracts because the contractors Susan Green and/or Denise Krause are sole providers and developers of this training; and be it further

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

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

(6-0)

**APRIL N.M. BASKIN**  
**CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 95

April 11, 2019	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MEYERS.  
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 7E-16 (2019)  
COUNTY EXECUTIVE: “ECSD No. 4 – Engineer Term Contract Agreement”  
(Chair’s Ruling)

2. COMM. 7E-10 (2019)  
COUNTY EXECUTIVE  
WHEREAS, the Erie County Department of Environment and Planning (DEP) provides support to the Northwest and the Northeast-Southtowns Solid Waste Management Boards for solid waste and recycling planning; and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) provides grant assistance to municipalities to implement projects to reduce solid waste in New York; and

WHEREAS, the NYSDEC awarded Erie County a recycling grant of \$26,000 to continue its Municipal Waste Reduction and Recycling Coordination Program (MWRRP) through December 31, 2019 and thereby align the County program with all future NYSDEC MWRRP grants; and

WHEREAS, the additional grant funding necessitates the execution of a contract with the NYSDEC and an amendment to the existing grant budget to encompass the new revenue and the continued funding of programming and a current position Environmental Compliance Specialist (JG-09) position.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$26,000 from the NYSDEC for the purpose of extending for three months the County’s MWRRP; and be it further

RESOLVED, that the grant budget and project period for the NYSDEC Waste Reduction and Recycling Coordination Program is hereby revised in the Department of Environment and Planning, Funds Center 162, as follows:

New York State Department of Environmental Conservation Waste Reduction and Recycling  
Coordination Grant (Grant Period: 10/1/2016 – 12/31/2019),  
Grant 162WRRCG1619

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revision</u>	<u>Amount</u>
402499	Other Local Source Revenue	(\$60,750.00)	-	(\$60,750.00)
409000	State Aid Revenue	(\$268,521.37)	(\$26,000.00)	(\$294,521.37)
479000	County Share Contribution	(\$20,100.00)	-	(\$20,100.00)
	<b>TOTAL REVENUE</b>	<b>(\$349,371.37)</b>	<b>(\$26,000.00)</b>	<b>(\$375,371.37)</b>

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revision</u>	<u>Amount</u>
500000	Regular Full Time Wages	\$158,974.03	\$12,400.00	\$171,374.03
502000	Fringe Benefits	\$130,272.34	\$9,694.00	\$139,966.34
505000	Office Supplies	\$525.00	-	\$525.00
510100	Out of Area Travel	\$3,500.00	-	\$4,600.00
510200	Training	\$3,600.00	-	\$3,600.00
516020	Professional Services	\$46,500.00	\$2,000.00	\$48,306.00
530000	Other (Promotional)	\$6,000.00	\$1,906.00	\$7,000.00
	<b>TOTAL APPROPRIATIONS:</b>	<b>\$349,371.37</b>	<b>\$26,000.00</b>	<b>\$375,371.37</b>

and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas Hersey, Commissioner of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.

(5-0)

3. COMM. 7E-11 (2019)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) provides technical assistance to municipalities to facilitate compliance with State environmental waste regulations; and

WHEREAS, Erie County's two solid waste management boards have signed in the past, separate Memorandums of Understanding (MOU) for the ECDEP to provide the necessary administrative, logistical and technical assistance and services to comply with the SWMP; and

WHEREAS, execution of the MOU documents provide \$20,250 annually in local source funding from the two Solid Waste Management Boards; and

WHEREAS, an appropriate and efficient use of these funds made available through the MOUs through the three-year Waste Reduction and Recycling Coordination Grant budget established by resolution on October 20, 2016 (COMM. 19E-10 (2016) SAP Account #162WRRCG-1619) has accounted for these funds; and

WHEREAS, the Household Hazardous Waste program is a critical and valued service to the community; and

WHEREAS, these MOU documents provide an outline of the roles and responsibilities for cooperative planning, funding and implementation between the ECDEP and the Boards for these events.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or his designee is authorized to enter into separate MOU agreements with the Northeast Southtowns Solid Waste Management Board (NEST) and the Northwest Solid Waste Management Board (NWSWMB) to provide services in 2019 and accept the combined funds; and be it further

RESOLVED, that DEP will provide services related to organizing and running the HHW collection program; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to implement any budget amendments as required to comply with federal, state and other local source funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; Thomas R. Hersey, Jr., Commissioner of the Department of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of the Division of Environmental Compliance.  
(5-0)

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

WHEREAS, the County of Erie has previously approved the Replacement of the Pedestrian Bridge (PK-7) at Ellicott Creek Park (ECP) via Legislative Communication 10E-34 (2018); and

WHEREAS, the Department of Parks, Recreation and Forestry would like to successfully implement the relocation of a gas line carried by this bridge in a timely manner, it will be necessary

for the County to execute the agreement with National Fuel Gas Distribution Corporation (“National Fuel”) in an amount not to exceed \$25,000; and

WHEREAS, there are funds available in Capital Project B.18024 in the amount of \$25,000 for the utility work which will not exceed the capital funding available for the project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to execute an agreement with National Fuel in an amount not to exceed \$25,000 for this project; and be it further

RESOLVED, that the funding for the utility relocation will not exceed \$25,000 and will be paid for out of Capital Project B.18024-2018 Ellicott Creek Park Pedestrian Bridge; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive; the Director of the Division of Budget and Management; the Erie County Comptroller; the Commissioner of the Department of Parks, Recreation and Forestry, Daniel J. Rizzo; and Assistant County Attorney Kristen M. Walder.  
(5-0)

5. COMM. 7E-18 (2019)  
COUNTY EXECUTIVE

WHEREAS, most of the auditorium at the Buffalo & Erie County Public Library, including the seating, carpeting, HVAC duct system, most light fixtures, and plumbing are original to the over 55 year old building, and in addition, the sound amplification and assisted listening systems installed in the early 2000s which have become unreliable; and

WHEREAS, auditorium renovations are necessary to provide technological and aesthetic upgrades for better theatrical performances and audience experience, increased Americans with Disabilities Act (ADA) accommodations and usability, and a more comfortable interior environment; and

WHEREAS, the County of Erie received bids for the Buffalo and Erie County Main Library – Auditorium Renovations Phase 2 project on March 12, 2019; and

WHEREAS, the Erie County Department of Public Works, along with its consultant, LaBella Associates, D.P.C., are recommending award of contracts to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidders for the Buffalo and Erie County Main Library – Auditorium Renovations Phase 2 project for an amount not to exceed as follows:

General Construction Work

Sicoli Construction Services, Inc.

Base Bid: \$ 1,018,700.00

Add Alternate No. 1: \$ 16,700.00

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Add Alternate No. 2:	\$ 195,700.00
Total Award of General Construction Contract:	\$ 1,231,100.00

Mechanical Construction Work

Quackenbush Co., Inc.	Base Bid:	\$ 194,840.00
Total Award of Mechanical Construction Contract:		\$ 194,840.00

Electrical Construction Work

Goodwin Electric Corporation	Base Bid:	\$ 422,000.00
	Add Alternate No. 2:	\$ 10,000.00
	Add Alternate No. 3:	\$ 8,000.00
Total Award of Electrical Construction Contract:		\$ 440,000.00

Plumbing Construction Work

Willett Builders Inc.	Base Bid:	\$ 59,000.00
Total Award of Plumbing Construction Contract:		\$ 59,000.00

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Total Award of all Construction Contracts: \$1,924,940.00

and be it further

RESOLVED, that the sum of \$200,000.00 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the following Capital Projects, Fund 490, Funds Center 122, and Grant 420NYSCONSTCTR1821 - NYS Construction Grant – Central, Fund 821, Funds Center 420, GL Account 516020 – Professional Services as follows:

F.15002 – 2015 BECPL Central Library Auditorium Rehabilitation	\$ 48,046.28
F.17001 – 2017 BECPL Mechanical, Electrical and Plumbing Improvements	\$ 61,894.25
F.17002 – 2017 BECPL Auditorium Rehabilitation and Asbestos Abatement	\$ 510,000.00
F.18001 – 2018 BECPL Auditorium Rehabilitation – Phase III	\$ 649,654.47
F.18002 – 2018 BECPL Mechanical, Electrical and Plumbing Improvements	\$ 200,000.00
<u>Grant 420NYSCONSTCTR1821 - NYS Construction Grant – Central</u>	<u>\$ 655,345.00</u>
Total Payment Not To Exceed:	\$2,124,940.00

and be it further

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

(5-0)

6. COMM. 7E-19 (2019)  
COUNTY EXECUTIVE

WHEREAS, the Bridge Deck Sealing PIN 5762.08, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds, and a 20% local share; and

WHEREAS, the County of Erie desires to advance the Construction phase of the Project by making a commitment for the Federal and non-Federal share of the costs of the project; and

WHEREAS, in order to facilitate the Construction and Construction Inspection Phases for the Project, it will be necessary for the County to execute an Agreement with the New York State Department of Transportation (NYSDOT) in the total amount of \$350,000 for the construction and construction inspection phase of the Project; and

WHEREAS, the total project with contingency is estimated at \$380,000, is available, once adjusted for anticipated federal revenue, in Project B.16010 – Federal Aid Bridge Project Preservation Construction, Fund 420, Funds Center 123; and

WHEREAS, the Department of Public Works would like to successfully implement the Project in a timely manner, it will be necessary for the County to execute the construction contract with the responsible low bidder, enter an into a construction phase engineering services agreement with CHA Consultants, and establish a construction contingency, for a total project allowance not to exceed \$380,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the above subject Project; 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; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an Agreement with New York State Department of Transportation (NYSDOT) for this Federal Aid Project in the amount of \$350.000; and be it further

RESOLVED, that the estimated total sum of the Construction, Construction Inspection Phase, and contingency for the Project is \$380,000; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the construction contract with the responsible low bidder, enter into a construction phase engineering services agreement with CHA Consultants, and establish a construction contingency for a total project cost not to exceed \$380,000; and be it further

RESOLVED, that the total sum of the Construction, Construction Inspection Phase, and contingency for the Project, in an amount not to exceed \$380,000 is hereby appropriated from Project B.16010 – Federal Aid Bridge Project Preservation Construction, Fund 420, Funds Center 123; and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in project B.16010 in accordance with the NYSDOT agreement, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
<b>REVENUES</b>				
405160	Marchiselli Aid	\$ 165,150	\$ 0	\$ 165,150
414000	Federal Aid	\$ 1,120,800	\$ 280,000	\$ 1,400,800
475000	Gen Oblig Bond Proc	<u>\$ 333,000</u>	<u>\$ 0</u>	<u>\$ 333,000</u>
<b>TOTAL REVENUES</b>		<u>\$ 1,618,950</u>	<u>\$ 280,000</u>	<u>\$ 1,898,950</u>
<b>APPROPRIATIONS</b>				
<b>CAPITALPROJECTS</b>	Capital Project Expense	<u>\$ 1,465,000</u>	<u>\$ 380,000</u>	<u>\$ 1,845,000</u>
<b>UNALLOCATED</b>	Unallocated Capital	<u>\$ 153,950</u>	<u>\$ (100,000)</u>	<u>\$ 53,950</u>
<b>TOTAL APPROPRIATIONS</b>		<u>\$ 1,618,950</u>	<u>\$ 280,000</u>	<u>\$ 1,898,950</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the Project budget for any and all additions or reductions in Federal and/or State revenue that are made available for this Project in accordance with the NYSDOT agreement; 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, \$380,000 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 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 six (6) 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) each certified copies 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.

(5-0)

7. COMM. 7E-20 (2019)  
COUNTY EXECUTIVE

WHEREAS, the County of Erie previously entered into an Agreement with Kideney Architects to provide professional architecture and engineering services for the Erie Community College STEM Building project (COMM. 2E-12 on February 12, 2015) and amended for additional project design contingency (COMM. 14E-26 on July 26, 2018); and

WHEREAS, additional project design contingency in the amount of \$9,100 is required for the review of TESLA's design and engineering calculations for the post-construction installation of donated PV array on the roof of the STEM Building project; and

WHEREAS, any A/E design contingency funds that remain unspent will be returned to the ECC STEM Building project contingency fund; and

WHEREAS, the County Executive is requesting authorization to enter in a second Agreement Amendment with Kideney Architects to increase the project design contingency for the ECC STEM Building project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue a second Agreement Amendment with Kideney Architects to increase the project design contingency in the amount of \$9,100.00, from \$145,000 for the ECC STEM Building project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from the previously approved, as adopted capital project as follows:

<u>Funds Center 122 Fund 480 Project E.12002</u>	<u>\$9,100</u>
Total Payment Not To Exceed:	\$9,100

and be it further

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

(5-0)

8. COMM. 7E-21 (2019)  
COUNTY EXECUTIVE

WHEREAS, the County of Erie received bids for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11, and 12 project on Tuesday, February 12, 2019; and

WHEREAS, the lowest responsible bidder for the General Construction Work is Allstate General Contracting and for the Electrical Construction Work is Goodwin Electric Corporation; and

WHEREAS, the County of Erie will be partially reimbursed in the amount of \$500,000 for the construction cost from the NYS Office of Parks, Recreation and Historic Preservations (SHPO) Environmental Protection Fund (EPF) grant and \$125,000 from the NYS State and Municipal Facilities Program funds; and

WHEREAS, the Department of Public Works and Foit Albert Associates are recommending award of the contract to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the lowest responsible bidders for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11, and 12 project for an amount not to exceed as follows:

General Construction Work

Allstate General Contracting	Base Bid:	\$1,163,300
	Add Alternate No. G-1:	\$ 38,000
Total Award of General Construction Contract:		\$1,201,300

Electrical Construction Work

Goodwin Electric Corporation	Base Bid:	\$ 334,000
Total Award of Electrical Construction Contract:		\$ 334,000

and be it further

RESOLVED, that the sum of \$264,700 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the following capital projects in Fund 410, Funds Center 122 and grant in Fund 281, Funds Center 122:

A.16002 – 2016 Botanical Gardens Rehabilitation (Buffalo)	\$ 999,561.80
A.17002 – 2017 Botanical Gardens Rehabilitation (Buffalo)	\$ 500,000.00
A.18002 – 2018 Botanical Gardens Rehabilitation (Buffalo)	\$ 175,438.20
122SAMBOTGARD1821 – Restoration & Imp to Bflo & EC	
<u>Bot Grdn Society Grant</u>	<u>\$ 125,000.00</u>
Total Payment Not To Exceed:	\$1,800,000.00

and be it further

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

(5-0)

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

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

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

WHEREAS, the DEC granted Erie County \$388,054 to commence the WNY Stormwater Coalition (WNYSC): Gap Analysis and Mapping Project; and

WHEREAS, Erie County and the DEC entered into a contract (Grant #162WNYSCGAMP1719) authorized by COMM. 13E-18 (2017); and

WHEREAS, the DEC has agreed to extend the term of this contract to March 31, 2023 and make budget adjustments that will allow for successful completion of the grant work; and

WHEREAS, it is necessary for the County of Erie to enter into an agreement with the Research Foundation of SUNY at Buffalo State College for student interns to assist with the WNYSC: Gap Analysis and Mapping Project.

NOW, THEREFORE, BE IT

RESOLVED, that County Executive or the Deputy County Executive is authorized to execute the necessary agreements with the DEC to extend the project until March 31, 2023; and be it further

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

RESOLVED, that the grant budget for the WNYSC: Gap Analysis and Mapping Project is hereby revised in the DEP Funds Center 16200, as follows:

WNY Stormwater Coalition: Gap Analysis and Mapping Project  
(Grant Period: 6/1/17– 3/31/23), SAP Grant #162WNYSCGAMP-1719)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
500000	Personnel Services	\$169,780	(\$5,000)	\$164,780
516020	Professional Service Contract	\$5,000	\$5,000	\$ 10,000

and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of the Department of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of the Division of Environmental Compliance Services.  
(5-0)

**APRIL N.M. BASKIN**  
**CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 96

April 11, 2019	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.  
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. LL INTRO. 1-1 (2019)  
MILLER-WILLIAMS, BRUSO, BASKIN & MEYERS: "A LL Titled, "THE YOUTH HEALTH PROMOTION ACT OF 2019"  
(Chair's ruling)
  - b. COMM. 4D-1 (2019)  
DEPARTMENT OF SOCIAL SERVICES: "CPS Statistical Report for January 2019"  
(Chair's ruling)
  - c. COMM. 5E-9 (2019)  
LORIGO: "Submission to the Public Record - Buffalo News Article Titled, "Another Voice: Rural Poverty Remains a Largely Invisible Problem"  
(Chair's ruling)
  - d. COMM. 5D-2 (2019)  
DEPARTMENT OF SOCIAL SERVICES: "Letter from Social Services Commissioner Re: Rural Outreach Center Funding"  
(Chair's ruling)
  - e. COMM. 6E-1 (2019)  
LORIGO: "Submission to the Public Record - ECDSS Blast & Spectrum News Article Regarding Combating Poverty in EC"  
(Chair's ruling)
  - f. COMM. 6E-5 (2019)  
LORIGO: "Letter to Chair of Health & Human Services Committee Requesting Invitation of EC Poverty Committee to Future HHS Meeting"  
(Chair's ruling)
  - g. COMM. 7E-6 (2019)  
BRUSO: "Letter to Health Commissioner - Invitation to Attend Future HHS Committee Meeting"  
(Chair's ruling)
  - h. COMM. 7M-1 (2019)  
ECMC: "2018 Annual Report"  
(Chair's ruling)
  - i. COMM. 7M-4 (2019)  
EC POVERTY ADVISORY COMMITTEE: "Policy Brief of the Poverty Challenge in Erie County"  
(Chair's ruling)
2. COMM. 7E-14 (2019)  
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services continually looks to enhance services to help older adults remain in their homes longer; and

WHEREAS, the Department of Senior Services wishes to reduce long-term care costs by providing services to reduce or delay long-term admissions to facilities; and

WHEREAS, caregiver burnout contributes to premature placement into long-term care settings; and

WHEREAS, overnight respite programs provide a safe and supervised environment for memory impaired adults and other physically disabled older adults unable to take care of themselves, thereby allowing their family caregivers temporary relief; and

WHEREAS, the Department of Senior Services desires to offer respite services in Erie County to eligible caregivers; and

WHEREAS, the Department of Senior Services through an RFP process selected Niagara Lutheran Health System Inc. (Niagara Lutheran), a NY State Department of Health licensed Long-Term Care Facility, to provide overnight respite services in 2019 at \$275.00 per day and in 2020 at \$286.00 per day; and

WHEREAS, the Department of Senior Services now desires to contract with the Niagara Lutheran, to provide overnight respite services during the initial period of April 1, 2019 to December 31, 2020; contract may be extended beyond the initial term for up to two one-year periods at prices and conditions agreed upon by County and Agency; and

WHEREAS, \$52,000 of budgetary appropriations are available in the 163III-E2019 grant's Professional Services Contracts and Fees account (#516020) to pay for the 2019 overnight respite services for eligible seniors; and

WHEREAS, amounts for subsequent contract years are to be determined by appropriations available in each of those year's County budgets.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the County Executive be and is hereby authorized to contract with the Niagara Lutheran to provide overnight respite services for the Department during the April 1, 2019 to December 31, 2020 this contract may be extended beyond the initial term for up to two one-year periods, at prices and conditions agreed upon by County and Agency; and be it further

**RESOLVED**, that \$52,000 of existing appropriations in the 163III-E2019 grant's Professional Services Contracts and Fees account (#516020) be utilized to pay for the contract's 2019 overnight respite services, with amounts for subsequent contract years to be determined by appropriations available in each of those year's County budgets; and be it further

**RESOLVED**, and if necessary the County Executive is hereby authorized to execute amendments to the contract to effectuate adjusted funding levels; and be it further

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

(6-0)

**JOHN BRUSO**  
**CHAIR**

Item 27 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 97

April 11, 2019	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 21E-5 (2018)  
LORIGO: "Letter to Chair of Government Affairs Committee Concerning Appointment to the Board of Ethics"  
(Chair's ruling)
  - b. INTRO. 23-1 (2018)  
LORIGO, RATH, MILLS, HARDWICK & DIXON: "Opposition to Proposed NYS Legislation Requiring Social Media & Search Engine Reviews Prior to Approval of Applications for Renewal of Pistol or Revolver Permits"  
(Chair's ruling)
  - c. COMM. 23E-3 (2018)  
SAVAGE: "Final Report Concerning the Former Commissioner of Social Services"  
(Chair's ruling)
  - d. COMM. 23E-22 (2018)  
DIXON & LORIGO: "Request for Witness Memo. Referenced in Special Counsel Report"  
(Chair's ruling)
  - e. COMM. 23E-23 (2018)  
DIXON: "Request for College Findings Related to Former Commissioner of DSS"  
(Chair's ruling)

- f. COMM. 5D-6 (2019)  
DEPARTMENT OF LAW: “Transmittal of New Claims Against EC”  
(Chair’s ruling)
- g. COMM. 5M-1 (2019)  
NORTH COLLINS TOWN BOARD: “Resolution Opposing the Elimination of AIM Funding”  
(Chair’s ruling)
- h. COMM. 5M-3 (2019)  
ALDEN TOWN BOARD: “Resolution Opposing the Elimination of AIM Funding”  
(Chair’s ruling)
- i. COMM. 5M-4 (2019)  
EDEN TOWN BOARD: “Resolution Opposing the Elimination of AIM Funding”  
(Chair’s ruling)
- j. COMM. 5M-6 (2019)  
CONCORD TOWN BOARD: “Resolution Opposing the Elimination of AIM Funding”  
(Chair’s ruling)
- k. COMM. 5M-9 (2019)  
EVANS TOWN BOARD: “Resolution Opposing the Elimination of AIM Funding”  
(Chair’s ruling)
2. COMM. 6E-18 (2019)  
COUNTY EXECUTIVE  
RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Commissioner of Public Advocacy Karen King, PhD., as a member of the Erie County Fair Housing Board, for a term to be determined by Local Law Number 4 of 2018, Section 6E.  
(6-0)
3. COMM. 7E-24 (2019)  
COUNTY EXECUTIVE  
RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Ellen T. Kennedy, as a member of the Erie County Board of Ethics, for a term that will expire on December 31, 2023.  
(6-0)

**KEVIN R. HARDWICK**  
**CHAIR**

Item 28 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 98

April 11, 2019	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR HARDWICK.  
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO. 6-3 (2017)  
MILLER-WILLIAMS: "Support for Increased Funding for Bilingual Education in New York State"  
(Chair's ruling)
  - b. INTRO. 14-1 (2017)  
MILLER-WILLIAMS: "Expanding Upon and Addressing the Findings of the Urban Land Institute's Study of the Central Terminal"  
(Chair's ruling)
  - c. COMM. 3E-22 (2019)  
DIXON: "Letter to Comptroller Concerning SUNY Erie Budget Expenditures"  
(Chair's ruling)
  - d. COMM. 5E-3 (2019)  
LORIGO: "Letter to Comptroller Requesting Review of Enrollment Numbers for SUNY Erie"  
(Chair's ruling)
  - e. COMM. 6E-3 (2019)  
COMPTROLLER: "Report on Enrollment at SUNY Erie"  
(Chair's ruling)
  - f. COMM. 6M-3 (2019)  
BUFFALO & EC PUBLIC LIBRARY BOARD OF TRUSTEES: "Proposed Agenda for Meeting to be Held on 3/21/19"  
(Chair's ruling)
  
2. RESOLVED, the following item is hereby received, filed and printed:

- a. COMM. 7E-26 (2019)  
COUNTY EXECUTIVE: “Appointments to EC Arts & Cultural Advisory Board”  
(Chair’s ruling)

March 29, 2019

Erie County Legislature  
92 Franklin Street – 4<sup>th</sup> Floor  
Buffalo, NY 14202

Re: Appointments to Erie County Arts and Cultural Advisory Board

Dear Honorable Members:

Please be advised that, pursuant to Article 22, Section 2205 of the County charter, I hereby appoint the following individuals to the Erie County Arts and Cultural Advisory Board. Their terms will expire December 31, 2021.

Connie Campanaro  
745 Parkside Avenue  
Buffalo, New York 14216

Tammy L. Riddle  
1300 Liberty Building  
Buffalo, New York 14202

Nelson Rivera  
75 16th Street  
Buffalo, New York 14213

Vilona Trachtenburg  
94 Brookpark Drive  
Amherst, New York 14228

Gretchen Wylegala  
5282 Lake Shore Road  
Hamburg, New York 14075

Should you have any questions regarding these appointments please feel free to contact my office at (716) 858-8500.

Sincerely yours,

Mark C. Poloncarz  
Erie County Executive

3. COMM. 7E-15 (2019)  
COUNTY EXECUTIVE  
WHEREAS, the SUNY Erie Community College Board of Trustees, in conjunction with the administration of SUNY Erie Community College, issued and advertised a Request for Proposal for professional services in connection with a Compensation and Classification Study; and

WHEREAS, based upon a detailed review and evaluation by an ad hoc Classification and Compensation Committee of the four responses received, utilizing five sets of criteria –

qualifications, relevant experience of the vendor, thoroughness and organization of proposal, methodology and procedures, and cost; and

WHEREAS, the firm of Evergreen Solutions, a MWBE firm has exhibited and demonstrated the qualifications that will allow SUNY Erie to further its mission to meet the needs of a diverse student body and contribute to regional economic vitality by providing high-quality, flexible, affordable and accessible educational programs committed to student success; and

WHEREAS, SUNY Erie has adequate funding available in its 2018-19 and 2019-20 budget to fund these expenses; and

WHEREAS, the SUNY Erie Board of Trustees can approve professional service agreements for up to \$50,000 and the recommended firm price proposal of approximately \$78,500 inclusive of all direct and indirect costs exceeds the SUNY Erie Community College Board of Trustees' authority; and

WHEREAS, the SUNY Erie Community College Board of Trustees, at their March 28, 2019 meeting, approved Evergreen Solutions as a vendor to conduct a compensation and classification study.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie hereby approves awarding the a contract/agreement to Evergreen Solutions for professional services in connection with a Compensation and Classification Study at an approximate cost of \$78,500; and be it further

RESOLVED, the President of SUNY Erie Community College is authorized to enter into an agreement with Evergreen Solutions for professional for the above-mentioned services; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive; the President of SUNY Erie Community College and the Chair of the SUNY Erie Board of Trustees.

(5-0)

4. COMM. 7E-25 (2019)  
COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Jeffrey W. Stone to serve on the Erie Community College Board of Trustees, for a term that will expire on June 30, 2024.

(5-0)

**THOMAS A. LOUGHRAN**  
**CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 99

April 11, 2019	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 5E-19 (2019)  
LORIGO: “Letter to Commissioner of Department of Social Services Regarding Surplus Property”  
(Chair’s Ruling)
  - b. COMM. 6E-2 (2019)  
COUNTY CLERK: “RFP to Provide Zombie Property Outreach Services”  
(Chair’s Ruling)
  - c. COMM 7E-1 (2019)  
COMPTROLLER: “Report of Apportionment & Distribution of Net Collections of Sales Tax for EC from 12/18 – 2/19”  
(Chair’s Ruling)
  - d. COMM 7E-23 (2019)  
COUNTY EXECUTIVE: “Letter to Chair of Legislature Concerning Amendment to the EC Clerk’s Request for the Re-appropriation of 2018 Funds”  
(Chair’s Ruling)
  - e. COMM 7D-3 (2019)  
COMPTROLLER’S OFFICE: “Letter to Commissioner of Health Concerning Commencement of Audit of Lead Poisoning Primary Prevention Grant”  
(Chair’s Ruling)
  - f. COMM 7D-4 (2019)  
COMPTROLLER’S OFFICE: “Letter to Director of Bureau of Purchase Regarding Commencement of Audit of EC Division of Purchase”  
(Chair’s Ruling)
  - g. COMM 7D-5 (2019)

COMPTROLLER'S OFFICE: "Letter to Sheriff Concerning Commencement of Audit of EC Sheriff's Office Commissary Fund"  
(Chair's Ruling)

h. COMM 7M-6 (2019)  
TOWN OF SARDINIA: "Certified Copy of Resolution Opposing Cuts to AIM"  
(Chair's Ruling)

2. COMM. 7E-29 (2019)  
COUNTY CLERK

WHEREAS, the County Clerk is an independently elected official responsible for recording, filing and maintaining a central repository of legal documents and records affecting property titles, including land and real estate transactions; and

WHEREAS, the County Clerk, as an agent of the State, collects mortgage and real estate transfer taxes that are then apportioned between the State, State agencies, the County, and cities, towns and villages located within Erie County; and

WHEREAS, over 9,500 individuals in Erie County are ninety days or more in arrears on the mortgage payments and Lis Pendens filings in foreclosure actions has already increased approximately 150% for 2019; and

WHEREAS, a "Zombie Property" is a parcel improved by a one-to-four-family dwelling and abandoned by its occupants when a foreclosure action has been instituted against the property owner; and

WHEREAS, upon vacating the properties, the structures experience: damage from weather, scavenging, squatters, and criminal activity and the resulting deterioration creates nuisance conditions and can often affect the values of surrounding properties; and

WHEREAS, further, the prolonged foreclosure process clouds title to the property, making it difficult for municipalities to enforce code violations resulting from neglect; and

WHEREAS, a recent statewide initiative provides "invitation only" grant opportunities to communities throughout Erie County to combat zombie properties; however, several municipalities were excluded; and

WHEREAS, the Erie County Clerk recognizes that grappling with the blight of Zombie Properties transcends all communities and impacts all County taxpayers, regardless of the property location and believes this initiative will fill the much needed gap caused by exclusions under State funding; and

WHEREAS, the intended effect of combating Zombie Properties is to put them in a position for improvement and conveyance so there may be an increase in mortgage and transfer tax revenues, as well as securing value in the County's tax base; and

WHEREAS, the Erie County Clerk issued RFP #1919VF seeking proposers for Zombie Property Outreach Services, advertised in Amherst Bee and Buffalo Challenger, provided the RFP to several potential proposers; and

WHEREAS, one proposal was received which was reviewed by a committee which scored the proposal, reviewed the costs, contacted references and reviewed the past work of the proposer; and

WHEREAS, the committee determined Western New York Law Center, Inc. is a responsible and well regarded organization to perform the services; and

WHEREAS, the funds necessary to cover the costs of this contract are available if the Legislature approves Comm. 6E-20 (2019) that amends Comm. 24E-4 (2018).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Clerk is hereby authorized to enter into a contract with Western New York Law Center, Inc., for zombie property outreach services; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive; the Director of the Division of Budget and Management; the County Attorney and the Erie County Clerk.  
(6-0)

3. COMM. 7E-30 (2019)  
COMPTROLLER

HOME RULE REQUEST-ASSEMBLY

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2019; and

WHEREAS, Assembly Bill A3697 and Senate Bill S4159 (attached), now pending before the New York State Legislature, would authorize extension of Erie County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2020.

NOW THEREFORE, BE IT

RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill A3697, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

and be it further

RESOLVED, that the Clerk of the Legislature be directed to forward two copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, to both the New York State Assembly and the New York State Senate.

**HOME RULE REQUEST-SENATE**

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2019; and

WHEREAS, Senate Bill S4159 and Assembly Bill A3697 (attached), now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2020.

NOW THEREFORE, BE IT

RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill S4159, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

and be it further

RESOLVED, that the Clerk of the Legislature be directed to forward two copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, to both the New York State Senate and the New York State Assembly.

(6-0)

**BARBARA MILLER-WILLIAMS**

CHAIR

**LEGISLATOR RESOLUTIONS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 100

RE: Standard Work Day Resolution  
for Elected Official  
(INTRO. 8-1)

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

WHEREAS, the New York State and Local Employees’ Retirement System requires that a standard work day be established for retirement credit purposes; and

WHEREAS, in order to be in full compliance with Regulation 315.4, legislative action is warranted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby establishes the following as standard work days for elected officials and will report the following Standard Work Day to the New York State and Local Employees’ Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of the Legislature:

<u>Title</u>	<u>Name</u>	<u>Standard Work Day</u>	<u>Term Begins/Ends</u>	<u>Participates in Employer’s Time Keeping System</u>	<u>Days/Month (Based on Record of Activities)</u>
County Clerk	Michael P. Kearns	7	1/1/2019 - 12/31/2022	N	28.33

and be it further

RESOLVED, that a certified copy of this resolution be posted on the Legislature’s website pursuant to rules promulgated by the New York State Comptroller, and a copy shall be transmitted by the Clerk of the Legislature to the New York State Comptroller, Erie County Commissioner of Personnel and to Kim Mecca, Senior Payroll and Roster Clerk – Erie County Department of Personnel.

Item 31 – MS. BASKIN presented the following resolution and moved for immediate consideration. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 101

RE: Support for Bipartisan NYS  
Legislation to Provide Free  
College Tuition to Family  
Members of NYS Military  
Personnel Who Lost Their Lives  
Performing Their Military Duties  
(INTRO. 8-2)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR RATH, LORIGO, DIXON & MILLS**

WHEREAS, proposed legislation in the NYS Assembly and Senate would amend the education law to provide college scholarships for surviving dependent family members of New York state military personnel who have died while performing official military duties; and

WHEREAS, eligibility for assistance would require the surviving dependent family members to attend a SUNY or CUNY institution; and

WHEREAS, the student would receive free tuition, and room and board through a “MERIT” scholarship; and

WHEREAS, the State Assembly’s Higher Education Committee voted on April 9, 2019 to hold the bill, effectively barring the bill from advancing in committee; and

WHEREAS, Assemblywoman Deborah Glick, chair of the Assembly Higher Education Committee, has called the bill an “entitlement,” and said it would cost hundreds of thousands in tax dollars; and

WHEREAS, the state legislature earlier this month approved a state budget that included \$27 million to provide college tuition aid for the children of undocumented individuals (DREAM Act); and

WHEREAS, the number of eligible family members entitled for the proposed assistance might be several hundred, which would be substantially less costly than state aid provided for by the DREAM Act; and

WHEREAS, Governor Andrew Cuomo, in Buffalo on April 10, 2019, voiced his support for the proposed legislation, saying “I would support providing free SUNY tuition to the children of those people who were lost in service to the military... The legislature is not going anywhere so we can pass that law, and I would support it.”

NOW, THEREFORE, BE IT

RESOLVED, this Honorable Body supports proposed New York State legislation A02991 and S00193 to provide for free tuition expenses for SUNY or CUNY institutions to surviving dependent family members of NYS military personnel who have died while performing their duties; and be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York delegation of the NYS Senate and Assembly, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, and any other party deemed necessary and proper.

MS. BASKIN moved to amend the resolution with content, and by including Et Al Sponsorship. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Delete Whereas Clauses 4, 5, 6, 7 and 8 and Replace with the following:

WHEREAS, among others, local New York State Senators Timothy Kennedy, Chris Jacobs, Patrick Gallivan and Michael Ranzenhofer have joined lead sponsor John Brooks in introducing Senate Bill S.5187, bipartisan legislation which provides for free tuition expenses for SUNY or CUNY institutions of higher learning to surviving dependent family members of NYS military personnel who have died while performing official military duties; and

WHEREAS, Assemblymen Kevin Cahill and Felix Ortiz have stated they will introduce companion legislation in the State Assembly; and

WHEREAS, this legislation will expand the existing New York State MERIT scholarship award program beyond “Gold Star” families to include the survivors of those who died in the military outside of a combat zone or in preparation for entering a combat zone; and

WHEREAS, Gene Ratigliano, the state commander of the Veterans of Foreign Wars has expressed support for Senator Brooks’ bill, stating: “The Veterans of Foreign Wars is very grateful to Senator Brooks for the support of this bill to provide educational benefits to the family survivors of our fallen comrades who gave the ultimate sacrifice in defense of our freedoms”, adding “This bill is especially important for those young military members who have young families and are usually at the lower end of the pay scale thus providing their survivors the opportunity to seek college educational opportunities they would otherwise be unable to secure. Passage of this bill will not only open the doors to educational opportunities for the military survivors but make those utilizing these benefits be better citizens enabling them to also better their communities in which they live”; and

WHEREAS, last week, during a visit to Buffalo, Governor Andrew Cuomo said: “We have a moral obligation, a social obligation to help those families who lost their provider, their loved one, in service to this nation”, adding, “I would support providing free college tuition to SUNY schools for the children of people who were lost in service to the military”; and

WHEREAS, on April 17, 2019, the Governor announced that he will not wait for the legislation to be approved, and he has directed state education officials to begin covering tuition costs for dependents of fallen or permanently disabled service members.

Delete Resolve Clause 1 and Replace with the following:

RESOLVED, that the Erie County Legislature expresses its support for Senate Bill S.5187 and urges the State Assembly to introduce a companion Assembly Bill to provide for free tuition expenses for SUNY or CUNY institutions of higher learning to surviving dependent family members of NYS military personnel who have died while performing official military duties; and be it further

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 32 – MS. BASKIN moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 7E-12 (2019). MR. BRUSO seconded.

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

AYES: MS. BASKIN, MR. BRUSO, MR. HARDWICK, MR. LOUGHRAN, MR. MEYERS and CHAIR SAVAGE. NOES: MS. DIXON, MR. LORIGO, MR. MILLS and MR. RATH (AYES: 6; NOES: 4)

CARRIED.

RESOLUTION NO. 102

RE: Contract for Professional Services –  
2019 Coordination & Management of  
Construction Services  
(COMM. 7E-12, 2019)

WHEREAS, the Department of Public Works, Division of Highways issued a Request for Proposal (RFP) for the 2019 Coordination and Management of Construction Services in accordance with the County's RFP procedures; and

WHEREAS, the Department of Public Works, Division of Highways RFP selection committee recommends LiRo Engineers, Inc. as the consultant having the qualifications and best proposal to provide construction coordination, inspection, and administration services for the 2019 Construction Program: and

WHEREAS, the Department of Public Works seeks authorization for the County Executive to enter into a professional services agreement with LiRo Engineers, Inc. in the amount of \$200,000 with funds available in Fund 420, Funds Center 123, Project B.18050, 2018 Capital Overlay Program for the services proposed.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to execute a professional services agreement with LiRo Engineers, Inc. in response to the 2019 Coordination and Management of Construction Services RFP to provide construction inspection, engineering, and administration services for the 2019 construction season in the amount of \$200,000; and be it further

RESOLVED, that the funding in an amount not to exceed \$200,000 will be appropriated from Fund 420, Funds Center 123, Project B. 18050 - 2018 Capital Overlay Program; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive; the Director of the Division of Budget and Management; the Erie County Comptroller; the Commissioner of the Department of Public Works, William e. Geary, Jr.; and Assistant County Attorney Kristen M. Walder.

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

CARRIED UNANIMOUSLY.

### **SUSPENSION OF THE RULES**

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

GRANTED.

INTRO. 8-3 from RATH Re: Support for Proposed State Legislation to Establish a Volunteer Firefighters Benefit Claim Assistance Unit to Provide Assistance to Firefighters

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

### **COMMUNICATIONS FROM ELECTED OFFICIALS**

#### **FROM LEGISLATORS RATH, DIXON, LORIGO & MILLS**

Item 34 – (COMM. 8E-1) Letter to Chair of Economic Development Committee Regarding Proposed Construction of Countywide Broadband Infrastructure

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

#### **FROM LEGISLATOR MILLS**

Item 35 – (COMM. 8E-2) Letter to Chair of Legislature Concerning Appointment to NYS Fish & Wildlife Management Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 36 – (COMM. 8E-3) SUNY Erie City Campus - Burt Flickinger Athletic Center Pool Facility Existing Assessment

Item 37 – (COMM. 8E-4) Award of Construction Contract - Lake Avenue Reconstruction - Village of Blasdell, Town of Hamburg

Item 38 – (COMM. 8E-5) SUNY Erie City Campus - 2018 - Ellicott Street Building Elevator Modernization

Item 39 – (COMM. 8E-6) On-Call Special Inspections & Tests for EC

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

Item 40 – (COMM. 8E-7) Authorization to Accept Grant Funding & Enter into Contract for the Upgrade of Radio Consoles in the 911 Dispatch Center

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 41 – (COMM. 8E-8) Authorization to Contract with 85 West Communications

Item 42 – (COMM. 8E-9) Authorization to Enter into Contract with OB/GYN Associates of WNY

Item 43 – (COMM. 8E-10) Software Support for Customized Child Protective Services Software

Item 44 – (COMM. 8E-11) Acceptance of Allocation from NYS Homeless Management Info. System

Item 45 – (COMM. 8E-12) Authorization to Contract for Home Care Services

The above five items were received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 46 – (COMM. 8E-13) 2018 Year-End Budget Balancing Amendments & Designations

Item 47 – (COMM. 8E-14) EC Youth Bureau - 2019 Summer Primetime Funding

Item 48 – (COMM. 8E-15) Grant Programs - Authorization to Contract

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

Item 49 – (COMM. 8E-16) ECSD No. 3 - Contract Close Out

Item 50 – (COMM. 8E-17) Authorization to Accept Funds & Enter into an Agreement with Engineering Consultant - Shoreline Trail Enhancement Project

Item 51 – (COMM. 8E-18) Ellicott Creek Park - Reconstruction of Shelters 6 & 7, Demolition of Concession Stand Addition & Shelter 9 - Construction Bid

Item 52 – (COMM. 8E-19) ECSD No. 8 - Engineering Term Contract Agreement

Item 53 – (COMM. 8E-20) ECSD No. 3 - Engineering Term Contract Agreement

Item 54 – (COMM. 8E-21) Environmental Compliance - Phase 4

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

**FROM THE COMPTROLLER**

Item 55 – (COMM. 8E-22) 2019 Consolidated Bond Resolution

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 56 – (COMM. 8E-23) Paper Bag Tax Implications on SNAP Program

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE COUNTY CLERK**

Item 57 – (COMM. 8E-24) EC Auto Bureau - Southtowns Branch Relocation

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE DEPARTMENT OF LAW**

Item 58– (COMM. 8D-1) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE DEPARTMENT OF SOCIAL SERVICES**

Item 59 – (COMM. 8D-2) CPS Statistical Report - March 2019

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPARTMENT OF LAW

Item 60 – (COMM. 8D-3) Filing Documents for Local Law No. 2 (2019)

Received and filed.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 61 – (COMM. 8D-4) Letter Concerning Budget Monitoring Reports

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

FROM SUNY ERIE

Item 62 – (COMM. 8M-1) SUNY Erie Mid-Year Budget Report Follow Up

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NFTA

Item 63 – (COMM. 8M-2) NFTA Board Minutes for Meeting Held on February 28, 2019

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS DEPT. OF PUBLIC SERVICE

Item 64 – (COMM. 8M-3) Factsheet & Public Hearing Announcement Regarding Northern Section Rebuild

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 65 – (COMM. 8M-4) Proposed Agenda for Meeting to be Held on Thursday, April 18, 2019

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE EC BOARD OF HEALTH

Item 66 – (COMM. 8M-5) Meeting Minutes for Meeting Held on January 15, 2019

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE ASSIGNED COUNSEL PROGRAM

Item 67 – (COMM. 8M-6) Quarterly Report for 1st Quarter - 2019

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

ANNOUNCEMENTS

Item 68 – No announcements.

MEMORIAL RESOLUTIONS

Item 69 – Legislator Brusio requested that when the Legislature adjourns, it do so in memory of Loretta Kubera.

Item 70 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Donald W. Becker.

Item 71 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Shane T. Sweeney.

Item 72 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Kiyoko (Ito) Marlette.

Item 73 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Richard VanCoevering, Samuel Magistrale, Sr., Ann Lehman, and Lawrence Rose.

ADJOURNMENT

Item 74 - At this time, there being no further business to transact, CHAIR SAVAGE announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, May 9, 2019 at 2:00 p.m. Eastern Standard Time. MR. BRUSIO seconded.

CARRIED UNANIMOUSLY.

CHAIR SAVAGE declared the Legislature adjourned until Thursday, May 9, 2019 at 2:00 p.m. Eastern Standard Time.

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