

**ERIE COUNTY LEGISLATURE
MEETING NO. 6
MARCH 15, 2018**

The Legislature was called to order by Chair Savage.

All members present.

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

The Pledge of Allegiance was led by Ms. Baskin.

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 5 from 2018. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. LORIGO presented a proclamation Acknowledging and Thanking Robert Bekak for His 30 Years of Service to the West Seneca Police Department.

Item 6 – MR. LORIGO presented a proclamation Acknowledging and Commending Andrew Beehler for Attaining the Rank of Eagle Scout.

Item 7 – MR. RATH presented a proclamation Recognizing and Acknowledging Swormville Fire Company Firefighter Donald Daigler for 65 Years of Dedicated Service to the Community.

Item 8 – MR. RATH presented a proclamation Recognizing and Acknowledging Swormville Fire Company Firefighter John Veneski for 50 Years of Dedicated Service to the Community.

Item 9 – MS. BASKIN presented a proclamation In Recognition of National Kidney Awareness Month.

Item 10 – MR. LORIGO presented a proclamation Recognition and Congratulations is Extended to West Seneca Police Captain Robert Sporysz on Receiving the Chief's Award.

Item 11 – MR. LORIGO presented a proclamation Extending Recognition and Congratulations to West Seneca Police Officer John Lake on Being Awarded the Medal of Valor.

Item 12 – MR. MILLS & MS. DIXON presented a proclamation Honoring the 2017/18 Frontier/Lake Shore/Orchard Park Girls Varsity Ice Hockey Team for Achieving the Section VI, New York State and Federation Championship Titles.

Item 13 – MS. DIXON presented a proclamation Congratulating Madonna Bugman Verrastro on Being Elected 2018 Grand Marshal of the Buffalo St. Patrick's Day Parade.

Item 14 – MR. BURKE presented a proclamation Honoring Michael McNally on His Retirement from the Plumbers and Steamfitter Local 22 Union.

Item 15 – CHAIR SAVAGE presented a proclamation Honoring Thomas & Alice Eoannou for Their Civic Accomplishments as Citizens of the Month.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 16 – CHAIR SAVAGE directed that Local Law No. 1 (Print #2) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 17 – CHAIR SAVAGE directed that Local Law No. 4 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 – CHAIR SAVAGE directed that Local Law No. 6 (Print #1) 2017 be received and filed.

GRANTED.

Item 19 – CHAIR SAVAGE directed that Local Law No. 8 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 20 – CHAIR SAVAGE directed that Local Law No. 12 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 21 – CHAIR SAVAGE directed that Local Law No. 14 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 22 – CHAIR SAVAGE directed that Local Law No. 15 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

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

GRANTED.

Item 24 – CHAIR SAVAGE directed that Local Law No. 17 (Print #1) 2017 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 25 – CHAIR SAVAGE directed that Local Law No. 20 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 26 – CHAIR SAVAGE directed that Local Law No. 21 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 27 – CHAIR SAVAGE directed that Local Law No. 22 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 28 – CHAIR SAVAGE directed that Local Law No. 23 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 29 – CHAIR SAVAGE directed that Local Law No. 1 (Print #1) 2018 be received and filed.

GRANTED.

Item 30 – CHAIR SAVAGE directed that Local Law No. 2 (Print #1) 2018 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 31 – CHAIR SAVAGE directed that Local Law No. 3 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 32 – CHAIR SAVAGE directed that Local Law No. 4 (Print #1) 2018 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 33 – MR. BURKE presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 62

March 8, 2018	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 4
---------------	---

ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3M-2 (2018)
VISIT BUFFALO NIAGARA “Submission Pursuant to 2018 Erie County Budget Resolution No. 80”
(Chair’s ruling)
 - b. COMM. 3M-3 (2018)
NFTA “Letter to Chair Savage Concerning Five-Year Fiscal Plan and Annual

Operating Budget”
(Chair’s ruling)

- c. COMM. 4M-2 (2018)
BUFFALO NIAGARA CONVENTION CENTER “Management Corporation Personnel Listing”
(Chair’s ruling)
- d. COMM. 4M-3 (2018)
NFTA “Board Minutes for Meeting Held 12/18/17”
(Chair’s ruling)
- e. COMM 4M-6 (2018)
VISIT BUFFALO NIAGARA “2018 Operating Budget & Business/Strategic Plan”
(Chair’s ruling)
- f. COMM. 4M-11 (2018)
CORNELL COOPERATIVE EXTENSION “Budget Plan for 2018”
(Chair’s ruling)
- g. COMM. 4M-13 (2018)
BUFFALO NIAGARA CONVENTION CENTER “Financial Information Concerning Erie County Budget Resolution #71”
(Chair’s ruling)
- h. COMM. 5M-1 (2018)
SUPERVISOR, TOWN OF BOSTON “Letter to Legislator Mills Concerning Zimmerman Rd.”
(Chair’s ruling)
- i. COMM. 5M-9 (2018)
NFTA “17A Report & Capital Expenditure Reports”
(Chair’s ruling)
- j. COMM. 5M-11 (2018)
ECIDA “Letter to Governor Cuomo Concerning Deferment of Business Tax Credits”
(Chair’s ruling)

2. INTRO. 2-5 (2017)
BURKE

WHEREAS, this Legislature has gone on record supporting the expansion of twenty first century, broadband internet in Erie County by approving a resolution to form the Erie County Broadband Committee as well as funding a broadband feasibility study; and

WHEREAS, the Erie County Broadband Committee released a white paper analyzing the state of broadband in Erie County; and

WHEREAS, the white paper found that a large expense in expanding fiber cable was the excavation costs associated with installing conduit; and

WHEREAS, aside from the expense, digging and laying conduit is often an inconvenience to motorists, pedestrians and businesses; and

WHEREAS, adopting a “Dig Once” policy where conduit is installed while roads or right of ways are already being excavated will be a significant step towards the expansion of twenty first century internet in Erie County, a tremendous cost savings to taxpayers, and a potential revenue source when conduit is leased.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County shall adopt a “Dig Once” policy; and be it further

RESOLVED, that the Erie County Commissioner of Environment and Planning shall oversee its implementation; and be it further

RESOLVED, that this Legislature encourages all municipalities within Erie County to adopt this policy as well; and be it further

RESOLVED, that the Clerk of the Legislature forward certified copies of this resolution to the Erie County Executive, the Honorable Mark Poloncarz; Commissioner of Environment and Planning, Thomas Hersey; ECIDA Chairwoman Brenda McDuffie; and all supervisors and mayors of towns and villages and cities within Erie County.

(6-0)

3. COMM. 5E-8 (2018)
COUNTY EXECUTIVE

WHEREAS, the Swift Mills Road Bridge (BR225-2) Replacement Project (the “Project”) contract was awarded between Nussbaumer & Clarke, Inc., and the County of Erie, in Communication 18E-17 (2014); and

WHEREAS, the NYSDOT required a new format to the design report after the original was completed and submitted for review; and

WHEREAS, the NYSDOT required additional hydraulic modeling be done above and beyond what was originally required; and

WHEREAS, the work performed was beyond the scope of the original project requiring additional design work and resulting cost; and

WHEREAS, a change order between Nussbaumer & Clarke, Inc. and the County of Erie is required.

NOW, THEREFORE, BE IT

RESOLVED, that the additional funds for the Swift Mills Road Bridge (BR225-2) Replacement Project be allocated from Fund 420, Funds Center 123, SAP Project B.15019 2015 Overlay Program in an amount of \$34,400; and be it further

RESOLVED, that the County Executive be authorized to execute a change order for the Swift Mills Road Bridge (BR225-2) Replacement Project No. FA 225-2-16, with the consultant, Nussbaumer & Clarke, Inc. to increase the project design budget from \$220,470 to \$254,870 for a total change order in the amount of \$34,400; and be it further

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

(6-0)

4. COMM. 5E-9 (2018)
COUNTY EXECUTIVE

WHEREAS, the Emery Road Culvert BR67-1 Replacement Project (the "Project") contract was awarded between Concrete Applied Technologies Corp., the responsible low bidder, and the County of Erie, via Communication 8E-4 (2014); and

WHEREAS, the Project required a different type of fence other than the type specified, due to the original not being available; and

WHEREAS, the gas line needed to be temporarily relocated; and

WHEREAS, the work performed was beyond the scope of the original project requiring additional funding; and

WHEREAS, a change order between Concrete Applied Technologies Corp. (CATCO) and the County of Erie is required.

NOW, THEREFORE, BE IT

RESOLVED, that the additional funds for the Emery Road Culvert BR67-1 Replacement Project be allocated from Fund 420, Funds Center 123, SAP Project B.15019 2015 Capital Overlay Program in an amount of \$31,296.95; and be it further

RESOLVED, that the County Executive be authorized to execute a change order for the Emery Road Culvert BR 67-1 Replacement Project Number CAP 67-1-2014, with the contractor, CATCO to increase the project budget from \$675,325.34 to \$706,622.29 for a total change order in the amount of \$31,296.95; and be it further

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

(6-0)

5. COMM. 5E-15 (2018)
COUNTY EXECUTIVE

WHEREAS, the Reconstruction of Kenmore Avenue (C.R. 550), Under CSX Bridge #7708190 Drainage Collection System Repairs (the "Project") was previously approved under Comm. 7E-5 (April 23, 2015); and

WHEREAS, the expected duration of construction was less than two months; and

WHEREAS, the urgency of the project dictated that construction proceed in advance of a construction phase engineering services contract amendment being executed with the project consultant, Wendel; and

WHEREAS, Wendel agreed that it would provide such construction phase engineering services without a contract amendment and would then use actual costs as a basis for a proposed post-construction contract amendment; and

WHEREAS, the negotiated and agreed upon sum for the construction phase services is \$49,206.42 which is available from Fund 420, Funds Center 123, SAP Project B.14024, 2014 Capital Overlay; and

WHEREAS, the County of Erie would like to execute a contract amendment with Wendel for the agreed upon sum and proceed with closing out the project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves a contract amendment for Wendel in a not to exceed amount of \$49,206.42 for construction phase engineering services; and be it further

RESOLVED, that the sum of \$49,206.42 for a contract amendment for construction phase engineering services, is hereby appropriated from Fund 420, Funds Center 123, SAP Project B.14024, 2014 Capital Overlay, and made available to cover the cost of the requested contract amendment; and be it further

RESOLVED, that the County Executive be authorized to executed the subject contract amendment; and be it further

RESOLVED, that six (6) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

(6-0)

PATRICK B. BURKE
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 63

March 8, 2018	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 3
---------------	---

ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 5M-12 (2018)
ARTHUR GIACALONE “Letter to Legislature Regarding Update of EC Code of Ethics”
(Chair’s ruling)

**PATRICK B. BURKE
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 64

March 8, 2018	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 5
---------------	---

ALL MEMBERS PRESENT

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 5D-1 (2018)
DEPUTY COMPTROLLER, AUDIT “Letter to EC Real Property Tax Services –
Commencing Audit”
(Chair’s ruling)
 - b. COMM. 5D-3 (2018)

DIRECTOR, REAL PROPERTY TAX SERVICES “Explanation of Apportionment of 2018 County Tax Levy”
(Chair’s ruling)

2. COMM. 5E-7 (2018)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Director of Real Property Tax Services has recommended the transfer of various surplus county owned property described below; and

WHEREAS, the parcels were reviewed and deemed surplus by the County Advisory Review Committee.

NOW, THEREFORE, BE IT

RESOLVED, that the surplus county owned parcels listed below be sold:

- Town of Cheektowaga – SBL #91.09-5-2 to Melanie M. Foster. Vacant Barrymore Rd. Property is directly adjacent and back up to the Kensington Expressway Negotiated Price \$500.00
Measures: 44 x 112.29
- Town of Lancaster – SBL#115.14-10-69 to Anthony & Annette Manna. Vacant Wendell St. County property divides the Manna property. Negotiated Price: \$100.00
Measures: 5 x 140

and be it further

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying any and all interest of the County of Erie in the above described properties to the aforesaid purchasers; 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, Department of Environment and Planning, and the Department of Real Property Tax Services.

(6-0)

3. COMM. 5E-11 (2018)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health provides forensic medical services through the Office of the Medical Examiner; and

WHEREAS, the need for expert pathological skills is critical for the function of the Medical Examiner’s Office; and

WHEREAS, the Erie County Medical Examiner’s Office provides crucial support and determinations to the law enforcement community; and

WHEREAS, the Erie County Medical Examiner's Offices faces a critical staffing shortage due to the vacancies of two Associate Chief Medical Examiner positions; and

WHEREAS, the Division anticipates one vacancy will be filled by the end of July 2018 and is actively recruiting for a fourth medical examiner that was added in the 2018 budget; and

WHEREAS, fee-for-service forensic pathology services are available to cover staffing shortages on an interim basis; and

WHEREAS, an RFP process was previously performed to solicit respondents willing to perform fee-for-service on a rotating basis in Erie County; and

WHEREAS, approximately \$200,000 in funding will be required and is available through vacancy savings in the Full Time Salaries and less-than-anticipated Fringe Benefits costs in the Medical Examiner's Division.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the following transactions within the accounts of the Department of Health:

Health Department
Medical Examiner's Division
Fund Center 12740

<u>Expense</u>	<u>Increase/(Decrease)</u>
500000 Full Time - Salaries	\$ (52,309)
502000 Fringe Benefits	\$ (147,691)
516020 Professional Svcs Contracts & Fees	\$ <u>200,000</u>
Total Expense	\$ <u>0</u>

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, and to Dr. Gale R. Burstein, Commissioner of Health.

(6-0)

4. COMM. 5E-14 (2018)
COUNTY EXECUTIVE

WHEREAS, during a review of operations, it was determined that both departments would realize a benefit from the transfer of the senior budget examiner and systems accountant positions.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Legislature authorizes the deletion of one (1) position of Systems Accountant-Budget (JG 11) position number 10209 within the Division of Budget and Management (B100 #10083) and one (1) position of Senior Budget Examiner-Probation (JG13) position number 8168 within the Department of Probation (B100 # 10084); and be it further

RESOLVED, that Erie County Legislature authorizes the creation, within the Division of Budget and Management of one (1) Senior Budget Examiner-Probation (JG13) (B100 #10083) and within the Department of Probation of one (1) Systems Accountant-Budget (JG 11) (B100 #10084); and be it further

RESOLVED, that the budgets are hereby amended in the Division of Budget and Management and the Department of Probation, as follows:

<u>Department</u>	<u>Account</u>	<u>Increase/ (Decrease)</u>
General Fund 110 – Expense		
10210	Budget & Management	
500000	Full Time – Salaries	8,000
500020	Regular PT – Wages	(8,000)
	<u>Budget & Mgmt. Total</u>	<u>-</u>
12610 Probation Division		
500000	Full Time - Salaries	(11,971)
502000	Fringe Benefits	(2,993)
561410	Lab & Technical Equipment	14,964
	<u>Probation Division Total</u>	<u>-</u>

and be it further

RESOLVED, that the Division of Budget and Management is authorized to make any necessary budgetary adjustments to facilitate this request; and be it further

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

(6-0)

**BARBARA MILLER-WILLIAMS
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 65

March 8, 2018	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 5
---------------	--

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

1. COMM. 5E-10 (2018)
COUNTY EXECUTIVE

WHEREAS, the Health Foundation for Western and Central New York, (Health Foundation) an independent private foundation that serves 16 counties, develops, implements and evaluates sustainable programs with community partners that make a positive difference in the lives of thousands of older adults in these regions; and

WHEREAS, the Health Foundation previously awarded the Department of Senior Services \$9,955 in Age Friendly Inclusive Planning grant funds (163AFIP1617) for the period November 14, 2016 to December 31, 2017; and

WHEREAS, as of December 31, 2017, \$1,404.15 of the grant budget remaining unspent; and

WHEREAS, the Health Foundation has recently agreed to extend the grant contract through May 31, 2018 and allow the Department of Senior Services to utilize the remains grant funds; and

WHEREAS, the grant is 100% funded and does not require a local share.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive be and is hereby authorized to enter into a contract extension with the Health Foundation of Western and Central New York to accept Age Friendly Inclusive Planning grant funding through May 1, 2018; and be it further

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

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

2. COMM. 5E-12 (2018)
COUNTY EXECUTIVE

WHEREAS, there was \$500,000 appropriated in the 2017 Erie County Budget for Poverty Initiatives; and

WHEREAS, at the direction of the Poverty Committee, an initiative was developed to assist participants in securing employment and reaching financial independence; and

WHEREAS, the Department of Social Services have developed employment programs with the Salvation Army and WNY Independent Living Mental Health Peer Connection in order to assist clients who are timing out of benefit eligibility but still need assistance in securing employment.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to the Director of Budget and Management to transfer \$100,000 of available funds in the 2017 Budget from Funds Center 1332010 Account 516300 Poverty Initiatives, to Funds Center 120 Social Services, Account 516300 Poverty Initiatives; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the Salvation Army in the amount of \$50,000 and WNY Independent Living Mental Health Peer Connection in the amount of \$50,000 to assist individuals in moving out of poverty through a job placement focused approach; and be it further

RESOLVED, that authorization is hereby provided to re-appropriate 2017 remaining balances of the Poverty Initiative contract funding into 2018 in order to provide uninterrupted poverty initiative employment services; and be it further

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

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

JOHN BRUSO
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 66

March 8, 2018	MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE REPORT NO. 3
---------------	---

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

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 16M-13 (2017)
MWBE UTILIZATION ADVISORY BOARD: “Jun. 5, 2017 Meeting Minutes”
(Chair’s ruling)
 - b. COMM. 23M-5 (2017)
MWBE UTILIZATION ADVISORY BOARD: “Jul. 31, 2017 Meeting Minutes”
(Chair’s ruling)
 - c. COMM. 4M-5 (2018)
MWBE UTILIZATION ADVISORY BOARD: “Minutes of Meeting Held 11/27/17”
(Chair’s ruling)
 - d. COMM. 5M-10 (2018)
ENTERCOM BUFFALO: “Equal Employment Opportunity - Employer List of Job Openings”
(Chair’s ruling)

APRIL N.M. BASKIN
CHAIR

Item 38 – MS. BASKIN presented the following report and moved for immediate consideration and approval. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 67

March 8, 2018	PUBLIC SAFETY COMMITTEE REPORT NO. 2
---------------	---

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

1. RESOLVED, the following item is hereby received, filed and printed:
 - a. COMM. 2E-9 (2018)
COUNTY EXECUTIVE: “Erie County Emergency Fire Advisory Board - Appointments”
(Chair’s ruling)

Dear Honorable Members:

Pursuant to the power vested in me by Section 1403 of the Erie County Charter, I hereby appoint the following individuals to the Fire Advisory Board.

Appointments:

James Gajewski
66 Woodell Ave
Cheektowaga, NY 14211
Term Expires: 12/31/19

Timothy Patrick Gibbons
7923 East Quaker Road
Orchard Park, NY 14127
Term Expires: 12/31/19

Scott M. Kuhlmeier
4 Fox Trace
Lancaster, NY 14086
Term Expires: 12/31/19

Robert W. Rackl
11 Fradine Drive
Cheektowaga, NY 14227
Term Expires: 12/31/19

Peter W. Spilsbury, Jr.
126 Tudor Blvd
West Seneca, NY 14220
Term Expires: 12/31/19

If you have any questions about this or any other matter, please feel free to contact my office at 858-8500.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

2. COMM. 5E-4 (2018)
SHERIFF

WHEREAS, the Erie County Chapter of Books to the Rescue is offering books and supplies to the Erie County Sheriff's Office to be used during traumatic incident where children are involved or present; and

WHEREAS, Erie County Sheriff's Office will deploy the books and supplies to each patrol district, the Detectives Bureau, and other specialized unit within the agency; and

WHEREAS, a variety of age-appropriate books will be available to Deputies to help soothe an emotional child during traumatic incidents.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Sheriff's Office to accept books and supplies from the Erie County Chapter of Books to the Rescue which are valued at \$3,000.00; and be it further

RESOLVED, certified copies of this resolution will be forwarded to the County Attorney and the Erie County Sheriff's Office
(5-0) Chair Savage not present for vote.

3. COMM. 5E-5 (2018)
SHERIFF

WHEREAS, The Erie County Sheriff's Office and the Erie County Department of Health's Prescription Drug Drop Off and Sharp program has grown in popularity and the kiosks are collecting more surrendered medications and sharps each year; and

WHEREAS, Erie County Sheriff's Office has twenty-eight locations throughout the county, plus additional kiosks from the Department of Health and other law enforcement agencies; and

WHEREAS, the Sheriff's Office is responsible to collect the surrendered materials at its twenty-eight locations, as well as store and transport medications and sharps from other agencies to a secure incinerator plant; and

WHEREAS, the Sheriff's Office is currently using a mid-size SUV to collect the drugs and sharps from the kiosks, transport the containers to our secure locker, then use a full-size truck to tow the trailer to the incinerator plant; and

WHEREAS, the mid-size SUV has to make additional trips to the secure locker due to space limitations; and

WHEREAS, this entails additional trips to and from the secure locker; and

WHEREAS, a full-size truck, would eliminate additional trips and the use of a second vehicle to tow the trailer.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into an agreement with the Dormitory Authority of New York to accept a grant for \$50,000.00 to purchase a new vehicle for the prescription drug drop off program; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE

<u>REVENUE</u>		<u>DECREASE</u>
409020	NYS-Miscellaneous Revenue	<u>\$ 50,000.00</u>
<u>APPROPRIATION</u>		<u>INCREASE</u>
561440	Motor Vehicles	\$ 50,000.00
	Total Revenue	<u>\$ 50,000.00</u>

and be it further

RESOLVED, the Division of Purchasing is hereby authorized to seek bids for the vehicles and equipment and purchase said vehicles and equipment from the vendor with the lowest price; and be it further

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

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make any payments necessary for the purchase of a new vehicle to be used for the prescription drug drop off program; and be it further

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

(6-0)

4. COMM. 5E-6 (2018)
SHERIFF

WHEREAS, the State of New York Division of Criminal Justice Services has awarded \$9,000.00 to the Erie County Sheriff's Office for new Livescan equipment; and

WHEREAS, Erie County Sheriff's Office use the new equipment to replace an old unit at the Springville Substation; and

WHEREAS, the awarded funds, combined with funds in the Erie County Sheriff's Office 2018 lab and tech budget account, will be utilized to purchase Livescan equipment for Police Services Division.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the New York State Division of Criminal Justices Services to accept \$9,000.00; and be it further

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

Erie County Sheriff's Office
Livescan Equipment Grant

<u>REVENUE</u>	<u>Increase</u>
Account 409000 – State Aid	<u>\$ 9,000.00</u>
TOTAL REVENUE	<u>\$ 9,000.00</u>
<u>APPROPRIATIONS</u>	<u>Increase</u>
Account 561410 – Lab & Technical Equipment	<u>\$ 9,000.00</u>
TOTAL APPROPRIATIONS	<u>\$ 9,000.00</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust grant appropriations and revenues in accordance with the final grantor funding levels or grantor authorized changes to award amounts, provided there are no changes to authorized personnel levels and county share amounts; and be it further

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

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

RESOLVED, that certified copies be forwarded to the County Executive's Office, the County Attorney, the Division of Budget and Management, the Office of the Comptroller, and the Office of the Sheriff for implementation.
(6-0)

APRIL N.M. BASKIN
CHAIR

Item 39 – MR. BRUSO presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 68

March 8, 2018	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 5
---------------	---

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

1. COMM. 3E-11 (2018)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for Erie County Sewer District No. 4, Contract Nos. 42-A (General/Mechanical) and 42-D (Electrical) at 10:00 a.m. on February 14, 2018:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 42-A General/Mechanical	Nichols, Long & Moore Construction Corp. 770 Riverview Blvd. Tonawanda, NY 14150	\$746,400.00
Contract No. 42-D	Ferguson Electric Construction Co., Inc.	\$223,000.00

Electrical 333 Ellicott Street
 Buffalo, NY 14203

and

WHEREAS, the aforementioned lowest responsible bidders have been recognized in the past as contractors capable of performing the specified work; 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.

NOW, THEREFORE, BE IT

RESOLVED, that the Iroquois Pumping Station Rehabilitation Project, Erie County Sewer District No. 4, Contract Nos. 42-A (General/Mechanical) and 42-D (Electrical) be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 42-A General/Mechanical	Nichols, Long & Moore Construction Corp. 770 Riverview Blvd. Tonawanda, NY 14150	\$746,400.00
Contract No. 42-D Electrical	Ferguson Electric Construction Co., Inc. 333 Ellicott Street Buffalo, NY 14203	\$223,000.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contracts with the aforementioned lowest responsible bidders, 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 Director of Budget and Management and the county Comptroller are authorized and directed to transfer up to \$8,000 from Erie County Sewer District No. 4 Capital Reserve Account C.00034 to Erie County Sewer District No. 4 Capital Account C.00072 and establish the budgets necessary to facilitate the transfer; and be it further

RESOLVED, that the County Comptroller is authorized and directed to allocate \$223,000.00 from Erie County Sewer District No. 4, Capital Account C.00072 for contract No. 42-D (Electrical); and be it further

RESOLVED, that the County Comptroller is authorized and directed to allocate \$746,400.00 from Erie County Sewer District No. 4 Capital Account C.17401 for Contract No. 42-A (General/Mechanical); and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this resolution to the County Executive, the Director of Budget and Management, the County Comptroller, and Kristen Walder, Assistant County Attorney; and two (2) certified copies to Joseph L. Fiegl, P.E., Department of Environment and Planning, Rath Building, 10th Floor.

(6-0)

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

WHEREAS, the WNY Stormwater Coalition (Coalition), established in 2006 with execution of a Memorandum of Agreement, collaborates on a joint Stormwater Management Program; and

WHEREAS, the Erie County Department of Environment and Planning coordinates the activities of the Coalition; and

WHEREAS, the Department of Public Works (DPW) – Division of Highways and the Department of Environment and Planning (DEP) – Division of Sewerage Management are currently members of the Coalition; and

WHEREAS, the DPW – Division of Highways and the DEP – Division of Sewerage Management realize the benefits of continued membership in the Coalition and agree to the terms and conditions associated with that membership; and

WHEREAS, the DPW – Division of Highways and the DEP – Division of Sewerage Management have the funds to pay the annual membership dues.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Environment and Planning and the Commissioner of Public Works, on behalf of the County Executive, are authorized to enter into a Memorandum of Agreement with 44 Municipal Separate Storm Sewer System Owners and Operators to continue the Western New York Stormwater Coalition; and be it further

RESOLVED, that upon execution of the MOA, the DPW – Division of Highways and the DEP – Division of Sewerage Management will continue to be members of the Coalition and will receive the benefits of membership in the Coalition; and be it further

RESOLVED, that the DPW – Division of Highways and the DEP – Division of Sewerage Management will remit the following participation fees to the Coalition: \$1,250 (DPW – Division of Highways) and \$625 (DEP – Division of Sewerage Management); and be it further

RESOLVED, that upon execution of the MOA, the DPW – Division of Highways will pay the annual membership fee from SAP Fund 210 Cost Center 1231010 – Account #516020, and the DEP – Division of Sewerage Management will pay the annual membership fee from the Sewer District No. 6 Operating Fund 220, Cost Center 1861010 – Account #516020 starting in fiscal year 2017 and annually thereafter for five years; and be it further

RESOLVED, that the County has the option of renewing this MOA for one (1) consecutive five (5) year term; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; William Geary, Commissioner of Public Works; Joseph Fiegl, P.E., Deputy Commissioner of Environment and Planning – Division of Sewerage Management; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning – Division of Environmental Compliance Services.

(6-0)

JOHN BRUSO
CHAIR

LEGISLATOR RESOLUTIONS

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

GRANTED.

INTRO. 6-1 from MILLER-WILLIAMS. Support for Tesla Auto Sales in New York State.

Item 41 – CHAIR SAVAGE directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

MR. LOUGHRAN challenged the ruling of the Chair.

CHAIR SAVAGE entered the Legislature into recess at 2:24 p.m.

GRANTED.

CHAIR SAVAGE reconvened the Legislature at 2:31 p.m.

All members present.

MR. LOUGHRAN challenged the ruling of the Chair. MR. MILLS seconded.

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

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

FAILED.

INTRO. 6-2 from LOUGHRAN. Erie County Water Authority.

Item 42 – CHAIR SAVAGE directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO. 6-3 from MILLS, LORIGO, DIXON, HARDWICK & RATH. Transfer of Fund Balance to Department of Public Works for 2018 Road Repair Projects.

Item 43 – MS. BASKIN presented the following resolution and moved for immediate consideration and approval. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 69

RE: Support for NYS Legislation to Classify U-47700 (“Pink”) as a Schedule I Controlled Substance (INTRO. 6-4)

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

WHEREAS, U-47700 is a synthetic opiate, reportedly eight times more potent than heroin, most commonly used in research; and

WHEREAS, originally created by pharmaceutical company Upjohn in the 1970s, U-47700 was developed as an alternative to morphine, yet never approved by the U.S. Food and Drug Administration; and

WHEREAS, the synthetic opioid comes in pill, white powder and liquefied in a nasal inhaler form, and can be mixed with other drugs, and is believed to be manufactured overseas, but can be legally purchased online and shipped; and

WHEREAS, some reports link greater than 80 overdose deaths to the use of U-47700 across numerous states; and

WHEREAS, U-47700 is currently banned in several states including Florida, Georgia, Ohio and Wyoming, and the U.S. Drug Enforcement Administration has designated the substance as a Schedule I drug under the federal Controlled Substances Act meaning it has no accepted medical use, a lack of accepted safety for use under medical supervision, and a high potential for abuse addiction; and

WHEREAS, critical investigative information was provided by the Erie County Central Police Services Forensics lab to the DEA which directly resulted in U-47700, Furanyl Fentanyl and Butyryl Fentanyl being added to the list of federally controlled substances, New York must take similar steps in our treatment of U-47700; and

WHEREAS, the County of Suffolk has prohibited the sale and distribution of U-47700 and similar chemicals; and

WHEREAS, bipartisan legislation has been proposed, NYS Senate Bill S658 and NYS Assembly Bill A7526, to amend public health law to add U-47700 as a Schedule I controlled drug, criminalizing possession and its sale in New York State.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body supports bipartisan legislation, NYS Senate Bill S658 and NYS Assembly Bill A7526, to classify U-47700 (commonly known as “Pink”) as a schedule I controlled substance, criminalizing possession and its sale in New York State; and be it further

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

MS. MILLER-WILLIAMS moved to reconsider the resolution. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 44 – CHAIR SAVAGE directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 6-5 from HARDWICK, LORIGO, MILLS, RATH & DIXON. Request to New York State Legislature to Amend NYS Public Authorities Law to Prohibit Employment Contracts with “Golden Parachutes” for Non-Civil Service Employees.

Item 45 – CHAIR SAVAGE directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 6-6 from LORIGO, DIXON, MILLS & HARDWICK. Support for State Legislation to Increase Protection of Statewide DMV Information for Private Residents.

Item 46 – CHAIR SAVAGE directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 6-7 from LORIGO, MILLS, RATH, HARDWICK & DIXON. Support for Increased Notification Related to Protection of Private Information about Pistol Permit Ownership from Public Disclosure.

Item 47 – MS. BASKIN presented the following resolution and moved for immediate consideration. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 70

RE: Support for the Office of
National Drug Control Policy
(INTRO. 6-8)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS BRUSO, BASKIN & BURKE**

WHEREAS, created in 1988, the Office of National Drug Control Policy (ONDCP, or the “drug czar”) is charged with advising the president on drug-related issues, coordinating the federal government’s efforts to reduce drug use and devising an annual national drug control strategy; and

WHEREAS, the proposed federal budget for federal fiscal year 2019 for ONDCP proposes \$17.4 million for the drug czar’s office, as contrasted with \$368 million in federal fiscal year 2018, a 95% decrease in ONDCP’s budget in just one year; and

WHEREAS, this massive reduction in funding for ONDCP, which has been leading the fight in the opioid crisis, is troubling and activists and analysts have questioned the proposal; and

WHEREAS, among other parts of the proposal, the executive budget would move two grants, the Drug Free Communities Support Program and the High Intensity Drug Trafficking Areas program, out of the anti-drug office, a major change that has already led Republican and Democratic Members of Congress and more than 150 advocacy organizations to protest; and

WHEREAS, opponents of the budget proposal assert that this action would hamper ONDCP while the nation is in the middle of an opioid epidemic, saying it would jeopardize the future of programs which help reduce substance abuse in youth and coordinate efforts to clamp down on drug trafficking; and

WHEREAS, in 2017, the executive budget proposed a nearly 95% budget cut for ONDCP, but the proposal was reversed after federal lawmakers and advocacy groups criticized the proposal.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the Office of National Drug Control Policy and its role in directing and coordinating the federal government's drug policies, including the opioid epidemic raging across the United States; and be it further

RESOLVED, that this Honorable Body expresses its opposition to the executive budget proposal and the 95% reduction in funding for the Office of National Drug Control Policy and urges the US House of Representatives and US Senate to amend the budget and to restore funding for ONDCP; and be it further

RESOLVED, that this Honorable Body expresses its support for national and local efforts to combat the opioid epidemic and urges continued and increased federal funding for local efforts to address opioid addiction and treatment; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the President, ONDCP Acting Director James Carroll, US Senators Charles Schumer and Kirsten Gillibrand, and Representatives Brian Higgins and Christopher Collins.

MS. BASKIN moved to amend the resolution by including MS. MILLER-WILLIAMS and CHAIR SAVAGE as Co-Sponsors. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 48 – MS. BASKIN presented the following resolution and moved for immediate consideration. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 71

RE: Support for the Child Victims
Act
(INTRO. 6-9)

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

WHEREAS, sexual abuse of children has long been a plague in the United States, frequently irrevocably damaging the victims' lives and leading them to feel shame and embarrassment even though they are the victim; and

WHEREAS, it can take years for the victims of such childhood trauma to be able to confront their perpetrators and the institutions that enabled them; and

WHEREAS, victims frequently wait decades to come forward and tell their stories to their family or law enforcement; and

WHEREAS, New York is one of the most restrictive states in the country when it comes to allowing victims from abuse that happened many years in the past to file lawsuits against their alleged perpetrators; and

WHEREAS, as a result of restrictive and burdensome state laws, the alleged perpetrators of abuse are frequently not able to be held accountable for their actions and cannot be held liable for their outrageous and unacceptable behavior; and

WHEREAS, for many years, legislation to address this injustice has been introduced in the New York State Assembly (A.5885A and A.8421) and the New York State Senate (S.6575 and S.6722 and S.809, and has been approved by the State Assembly, such as Assembly Bill A.5885A, but has not been approved or acted upon by the State Senate; and

WHEREAS, this legislation, referred to as the Child Victims Act, eliminates the statutes of limitation for prosecuting child sexual abuse crimes and filing civil lawsuits for damages against individuals, public institutions, and private institutions related to child sexual abuse; and

WHEREAS, the current law requires that child victims must file a civil lawsuit or act for a criminal lawsuit by the time they turn 23 years old, while the proposed law would allow victims to bring lawsuits up to their 50th birthday for civil litigation and to their 28th birthday for felony criminal cases; and

WHEREAS, the legislation would treat public and private institutions similarly for statute of limitations purposes and would end the requirement that initial lawsuit actions commence against public employers within 90 days of an alleged incident – a current law that victims say gives public schools and other public employers an improper legal shield against culpability when one of their workers abuse a child; and

WHEREAS, New York is currently among a group of dubious states such as Alabama and Mississippi that maintain some of the nation's most restrictive language concerning prospective statutes of limitations hindering victims; and

WHEREAS, the Senate bill also creates a one-year revival period for previously time-barred civil actions concerning sexual offenses committed against a child less than eighteen years of age which would create a one year “look back” period to allow victims over the age of 23 to file lawsuits against alleged perpetrators or the institutions where they worked or volunteered for incidents of sexual abuse dating back potentially decades; and

WHEREAS, through the one-year window, institutions will be forced through the discovery process in court cases to reveal what they have hidden for decades, such as the names and locations of hidden predators, thereby protecting children and communities from pedophiles and justice and accountability will be served; and

WHEREAS, victims of child sexual abuse argue that this look back process is about more than just allowing civil lawsuits to obtain monetary damages for victims, but also will compel public and private institutions to act responsibly towards protecting children; and

WHEREAS, Safe Horizon, the nation's largest victim services organization, has been pressing for the law in New York for years and supports the look back provision as a matter of justice for victims; and

WHEREAS, advocates for the Child Victims Act say concerns about the look back provision is not necessary because the legislation does not change the rules of the court or rules of discovery or rules of evidence and victims would always still have to prove their case in court in front of judges or juries; and

WHEREAS, in Minnesota, which created a three-year window for a population, only about 1,000 civil claims have been filed; and

WHEREAS, in Governor Andrew M. Cuomo's proposed 2018-2019 State Budget, he has included provisions of the Child Victims Act and the measure is said to being reviewed as part of the budget process by the State Senate; and

WHEREAS, Erie County District Attorney John Flynn has publicly expressed support for the Child Victims Act's provisions on criminal charges.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby express its strong support for the victims of child sexual abuse and its support for the intention behind the Child Victims Act and the need for justice for the victims; and be it further

RESOLVED, that this Honorable Body urges the New York State Senate to expeditiously approve the Child Victims Act through the relevant and appropriate companion bill such as Senate Bills S.6575, S.6722 or S.809; and be it further

RESOLVED, that certified copies of this resolution be transmitted to Governor Andrew Cuomo, the Western New York delegation of the New York State Legislature, and to the Safe Horizon organization.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

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

GRANTED.

COMM. 6E-22 from DIXON Re: Letter to County Executive Concerning Draft Policy Pursuant to INTRO. 2-6 (2018)

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

GRANTED.

COMM. 6E-23 from the COMPTROLLER Re: State Authorization for the Private Sale of Bonds by Negotiated Agreement

RESOLUTION NO. 72

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, 2018; and

WHEREAS, Assembly Bill A9711 and Senate Bill S7547 (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, 2019;

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 A9711, 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, 2018; and

WHEREAS, Senate Bill S7547 and Assembly Bill A9711 (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, 2019;

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 S04308, 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.

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

CARRIED UNANIMOUSLY.

Item 51 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 6E-24 from the COMPTROLLER Re: Request for Independent Investigation

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 52 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 6E-25 from SAVAGE Re: Letter to Comptroller on Independent Investigation

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 53 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 6M-4 from RHONDA A. RICKS, Ph.D. Re: E-Mail to Chair Savage Withdrawing Name for Consideration - Position of ECWA Commissioner

Received, filed and printed

March 13, 2018

Chairman Savage,

I am officially withdrawing my name for consideration of Commissioner for the Erie County Water Authority. Thank you for your time and the opportunity.

Best,
Rhonda A. Ricks, Ph.D.

Item 54 – MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 6-10 from LORIGO Re: Creation of Special Investigative Counsel

RESOLUTION NO. 73

WHEREAS, recent complaints have surfaced, contained in a public Notice of Claims document regularly filed with the Erie County Legislature, that explicitly accuse the County of Erie of negligent hiring practices, failing to act on repeated complaints of the Commissioner's actions, failing to inform subordinates of his actions, and failing to stop repeated abusive behavior of the Commissioner towards subordinate employees; and

WHEREAS, this honorable body determines that if there is any validity to these claims and the process for reporting abusive behavior is, in fact, broken, we must take action; and

WHEREAS, this honorable body finds that pursuant to Article II, Section 202(8), of the Erie County Charter this body is empowered to make such studies and investigations as we deem to be in the best interests of the county; and

WHEREAS, this body further finds that the Erie County Charter authorizes this body to obtain professional and technical advice, appoint temporary advisory boards, subpoena witnesses, administer oaths, and require the production of books papers and other evidence; and

WHEREAS, the study must be conducted and limited to the occurrences related to the Commissioner's termination, which has been stated to be a violation of the County's fraternization policy, which was done separately and prior to his arrest; and

WHEREAS, this body finds that time is of the essence for this study to be conducted quickly and to determine what, if anything, the county could have done to prevent this tragedy from occurring.

NOW, THEREFORE, BE IT

RESOLVED, that, pursuant to our authority in Article II of the Erie County Charter, this honorable body hereby orders the appointment of a Special Counsel to investigate:

- a) Formal claims or complaints related to former Social Services Commissioner Al Dirschberger, whether made during his tenure as Social Services Commissioner or complaints that were known or should have been known prior to his hiring;
- b) The procedure followed for each complaint or claim made during the Commissioners tenure as head of Social Services, and any corrective actions taken;
- c) Written procedures followed by other counties as to similar complaints made against supervisors; and
- d) Whether any complaints or claims were sent to, were required to be sent to, or should have been sent to anyone in the Equal Employment Office, the Personnel Office, the County Attorney's Office, or the Executive's Office;

and be it further

RESOLVED, that Special Counsel shall also investigate the following claims made against the County of Erie:

- Was the County negligent in the hiring and supervision of Al Dirschberger?
- Was anyone in County government aware of sexual harassment and/or abuse by Al Dirschberger while he was employed by Erie County, and allowed said conduct to continue unabated?
- Was the County negligent in their duty to protect employees from Al Dirschberger, or instances of sexual harassment or assault?
- Was the County negligent in failing to protect employees from the dangers posed by Al Dirshberger?

- Who had, or should have had actual or constructive notice of the prior actions of Al Dirschberger, specific to sexually harassing and or abusing employees in his charge?

and be it further

RESOLVED, that the first two resolved clauses shall form the scope of the Special Counsel's charge and mandate; and be it further

RESOLVED, that the appointment of a Special Counsel shall be made by this body no later than May 10, 2018, pursuant to a formal RFP process drawn up as directed in this resolution, ordered today and publicly issued by this body no later than March 30, 2018; and be it further

RESOLVED, that funding for the Special Counsel's contract shall be established within the budget of the Risk Retention Fund; and be it further

RESOLVED, that the formal RFP issued no later than March 30, 2018 shall be co-produced by the Majority and Minority Counsels and approved as to form by the Chairman, Majority Leader and Minority Leader before its public issuance; and be it further

RESOLVED, that the Legislature hereby establishes an oversight committee responsible for considering and reviewing responses to the RFP and making a recommendation of Special Counsel to be approved by the entire Legislature; and be it further

RESOLVED, that the newly formed and temporary oversight committee shall consist of five Legislators to include:

- Chairman of the Erie County Legislature
- Majority Leader of the Erie County Legislature and one additional member of the Majority Caucus chosen by the Majority leader
- Minority Leader of the Erie County Legislature and one additional member of the Minority Caucus chosen by the Minority leader

With the Chairman of the Erie County Legislature or his choice of appointed committee members serving as the Chairperson of the Committee; and be it further

RESOLVED, that the County Attorney is hereby directed and authorized to enter into contract with the Special Counsel chosen by the Erie County Legislature to facilitate this independent process; and be it further

RESOLVED, that all Elected Officials, Commissioners, Department Heads, and employees of the County of Erie are hereby instructed to cooperate with the chosen Special Counsel; and be it further

RESOLVED, that certified copies of this resolution shall be provided to the County Executive, County Comptroller, District Attorney, County Clerk, All Commissioners and Department Heads, the Erie County Bar Association, and any other party deemed necessary and proper.

MR. LORIGO moved for immediate consideration. MR MILLS seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the resolution by including Et Al Sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 55 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 6D-8 from the MAJORITY COUNSEL Re: Legal Opinion Regarding INTRO. 6-2 (2018), Erie County Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 56 – MS. BASKIN presented the following resolution and moved for immediate consideration and approval. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 74

RE: Authorization to Amend Contract
with LabLynx Inc.
(COMM. 6E-1)

WHEREAS, the Erie County Department of Health's Division of the Medical Examiner is tasked with maintaining detailed records of all current and past cases; and

WHEREAS, technological changes have led to the office's current case management software becoming unsupported; and

WHEREAS, LabLynx Inc. has developed a proposal for a software and support package that will provide the Erie County Medical Examiner's Office with the tools it needs to continue to manage cases efficiently and professionally; and

WHEREAS, LabLynx's WebLIMS software and additional medical examiner and toxicological modules provide unique capabilities not found in other laboratory case management software which requires two separate systems; and

WHEREAS, WebLIMS meets all applicable accreditation standards and regulations; and

WHEREAS, LabLynx Inc. will provide specialized administrative and user training to existing employees of the Division of the Medical Examiner to transition to this new software.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to amend its existing contract with LabLynx Inc., previously approved by this Honorable Body as Comm. 18E-17 (2016), to add necessary customization to the Medical Examiner's case management system; and be it further

RESOLVED, funding is available for this project via Capital Project A.16025 "Medical Examiner-Software" and the Medical Examiner's Division's account 516020 Professional Services, Contracts and Fees in an amount not to exceed \$45,000; and be it further

RESOLVED, that as a sole source supplier, the request for proposal is hereby waived for this contract; 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, the Division of Information and Support Services and to Dr. Gale R. Burstein, Commissioner of Health.

FROM THE SHERIFF

Item 57 – (COMM. 6E-2) Award Professional Services Contract for Correctional Health On-Site Diagnostics Pharmacy Services

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 58 – (COMM. 6E-3) Federal Aid Local Project Agreement with NYSDOT for McKinley Pkwy. - Town of Hamburg

Item 59 – (COMM. 6E-4) Federal Aid Local Project Agreement with NYSDOT for Armor Duells Rd. - Town of Orchard Park

Item 60 – (COMM. 6E-5) Term Contracts for On-Call General Civil & Geotechnical Engineering Services

Item 61 – (COMM. 6E-6) Acceptance of Right-of-Way from NYSDOT, Federal-Aid Highway Local Project - Kenmore Ave. - Town of Tonawanda, City of Buffalo

Item 62 – (COMM. 6E-7) Burdick Rd. Stabilization - Contract Amendment with Greenman-Pedersen, Inc. - Town of Newstead

Item 63 – (COMM. 6E-8) Ketchum Rd. - Stabilization & Reconstruction - Contract Amendment with McMahon & Mann Consulting Eng. - Town of Collins

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

Item 64 – (COMM. 6E-9) EC Polling Sites Improvements & ADA Upgrades - 120/134 W. Eagle Street Renovations

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 65 – (COMM. 6E-10) Acceptance of Grant Award - NYS Violent Death Registry

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 66 – (COMM. 6E-11) ECSD No. 4 - Engineer Term Contract Agreement

Item 67 – (COMM. 6E-12) ECSD No. 3 - Elma Pumping Station Improvements - Electrical Close-Out

Item 68 – (COMM. 6E-13) ECSD No. 3 - Engineer Term Contract Agreement - GHD Consulting Services, Inc.

Item 69 – (COMM. 6E-14) ECSD No. 3 - Engineer Term Contract Agreement - Arcadis of New York, Inc.

Item 70 – (COMM. 6E-15) ECSD Nos. 1, 2, 3, 4, 5, 6 & 8 - Engineer Term Contract Agreement - Arcadis of New York, Inc.

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

Item 71 – (COMM. 6E-16) Federal Aid Local Project with NYSDOT for Abbott Rd. - Town of Orchard Park

Item 72 – (COMM. 6E-17) BRIDGE NY Project Agreement with Railroads for Culvert Replacement of Amsdell Rd. - Town of Hamburg

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

Item 73 – (COMM. 6E-18) EC Emergency Medical Services Advisory Board

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 74 – (COMM. 6E-19) Additional Engineering Services - 2017 On-Call Contract - Change Order - Village of Williamsville

Item 75 – (COMM. 6E-20) Award of Contract for Engineering Design Services - Reconstruction of North/South Main St. - Town of Evans, Village of Angola

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

FROM CHAIR SAVAGE

Item 76 – MS. BASKIN moved for immediate consideration. MR. BRUSO seconded.

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

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, MS. BASKIN, MR. BRUSO, MR. BURKE, MS. MILLER-WILLIAMS and CHAIR SAVAGE. NOES: MR. LOUGHRAN. (AYES: 10; NOES: 1)

CARRIED.

CHAIR SAVAGE called for nominations for Commissioner of the Erie County Water Authority.

MS. BASKIN, pursuant to law, presented a petition nominating Mark S. Carney for appointment as Commissioner of the Erie County Water Authority.

We, the undersigned, representing the Majority Caucus members of the Erie County Legislature, do hereby nominate Mark S. Carney for appointment as Commissioner of the Erie County Water Authority to fill a three (3) year term commencing April 28, 2018 and ending April 27, 2021.

Barbara Miller-Williams
District 1

April N.M. Baskin
District 2

Peter J. Savage, III
District 3

Patrick Burke
District 7

John Brusio
District 8

MR. LORIGO, pursuant to law, presented a petition nominating Thomas E. Jaeger for appointment as Commissioner of the Erie County Water Authority.

I, the undersigned, representing the Conservative Party within the Erie County Legislature, do hereby nominate Thomas E. Jaeger, 10 Chase Road, Orchard Park, New York, 14127, for

appointment as Commissioner of the Erie County Water Authority, to fill a three (3) year term commencing April 27th, 2018 and expiring April 27th, 2021.

Joseph C. Lorigo
District 10

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

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

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

CARRIED.

RESOLUTION NO. 75

RE: Appointment of Commissioner
of the ECWA
(COMM. 6E-21)

Insert the following:

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of MARK S. CARNEY, 88 Four Seasons Road West, Amherst, NY 14226, as Commissioner of the Erie County Water Authority for a three (3) year term commencing April 28, 2018 and expiring April 27, 2021.

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

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

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, MS. BASKIN, MR. BRUSO, MR. BURKE, MS. MILLER-WILLIAMS and CHAIR SAVAGE. NOES: MR. LOUGHRAN. (AYES: 10; NOES: 1)

CARRIED.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 77 – (COMM. 6D-1) Revised Draft Policy - Pursuant to INTRO 2-6 (2018)

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE ASSISTANT COUNTY ATTORNEY

Item 78 – (COMM. 6D-2) Filing Document - Local Law No. 1 (2018), Erie County Conversion Therapy Ban

Received and filed.

FROM THE FIRST ASSISTANT COUNTY ATTORNEY

Item 79 – (COMM. 6D-3) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE ASSISTANT COUNTY ATTORNEY

Item 80 – (COMM. 6D-4) Notice of Public Hearing: Local Law Intro. 1-2 (2018)

Received and filed.

FROM THE COMMISSIONER OF PUBLIC WORKS

Item 81 – (COMM. 6D-5) Written Complaint Regarding Condition of Hopkins Rd., Town of Amherst

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE CLERK OF LEGISLATURE

Item 82 – (COMM. 6D-6) New York State Department of Environmental Conservation Documents Received

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE DEPUTY COMMISSIONER,
DEPT. OF ENVIRONMENT & PLANNING**

Item 83 – (COMM. 6D-7) Letter to Minority Leader Acknowledging Receipt of FOIL Request

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM REBECCA L. TOWN, ESQ.

Item 84 – (COMM. 6M-1) Testimony Regarding Bail Reform in Erie County

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM VISIT BUFFALO NIAGARA

Item 85 – (COMM. 6M-2) 4th Quarter Reports for 2017

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 86 – (COMM. 6M-3) Agenda Items for Board of Trustees Meeting to be Held on 3/15/18

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

ANNOUNCEMENTS

Item 87 – Chair Savage announced that committee meetings will be held on Thursday, March 22, 2018.

Item 88 – Legislator Burke announced that the Erie County Water Authority will be present at the Government Affairs Committee meeting to be held on Thursday, March 22, 2018.

Item 89 – Legislator Lorigo announced that he has sent a letter to the County Executive requesting a meeting between his office, the Director of Labor Relations and Child Protection Services' Union Representatives to discuss matters addressed by CPS employees.

Item 90 – Legislator Rath announced that a forum will be held on March 27, 2018 in the Town of Clarence concerning the opioid crisis, and welcomed anyone who wished to attend.

MEMORIAL RESOLUTIONS

Item 91 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Ben Stromecki.

Item 92 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Carol J. Aronica and Shane Foster.

Item 93 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Marcy M. Dandes.

Item 94 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Robert Mueller, Ralph Green, James Bugman and Thomas Moran.

Item 95 – Legislator Brusco requested that when the Legislature adjourns, it do so in memory of Richard Wojciechowski.

Item 96 – Legislator Burke requested that when the Legislature adjourns, it do so in memory of Thomas Moran.

Item 97 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Eleanor L. Pauly.

Item 98 – Chair Savage requested that when the Legislature adjourns, it do so in memory of Mary Jane Uminski and Marcy M. Dandes.

ADJOURNMENT

Item 99 - 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, April 12, 2018 at 2:00 p.m. Eastern Standard Time. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

CHAIR SAVAGE declared the Legislature adjourned until Thursday, April 12, 2018 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE