

ERIE COUNTY LEGISLATURE
MEETING NO. 7
APRIL 12, 2018

The Legislature was called to order by Chair Savage.

All members present.

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

The Pledge of Allegiance was led by Mr. Mills.

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 6 from 2018. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. MILLS presented a proclamation Honoring & Celebrating Clara Crandell Vredenburg on Her 100th Birthday.

Item 6 – MR. MILLS presented a proclamation Honoring the Lives of the Sailors who Perished while Serving on the USS Iowa.

Item 7 – MR. LORIGO presented a proclamation Congratulating the Towns of Aurora, Holland and Wales on Their Bicentennial.

Item 8 – MR. BRUSO presented a memorial resolution In Remembrance of Loving Wife, Mother, and Grandmother Barbara A. Huestis.

Item 9 – MS. DIXON presented a proclamation Celebrating the 150th Anniversary of the Lake View Community.

Item 10 – MS. DIXON, MR. LORIGO, CHAIR SAVAGE, MS. BASKIN, MR. HARDWICK, MR. MILLS, MR. RATH, MR. BRUSO, MR. BURKE, MR. LOUGHRAN & MS. MILLER-WILLIAMS presented a proclamation Declaring the Month of April 2018 as "Sexual Assault Awareness Month" in Erie County.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 11 – CHAIR SAVAGE directed that Local Law No. 1 (Print #2) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 12 – CHAIR SAVAGE directed that Local Law No. 4 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 13 – CHAIR SAVAGE directed that Local Law No. 8 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 14 – CHAIR SAVAGE directed that Local Law No. 12 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 15 – CHAIR SAVAGE directed that Local Law No. 14 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 16 – CHAIR SAVAGE directed that Local Law No. 15 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 17 – CHAIR SAVAGE directed that Local Law No. 16 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 18 – CHAIR SAVAGE directed that Local Law No. 17 (Print #1) 2017 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 19 – CHAIR SAVAGE directed that Local Law No. 20 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 20 – CHAIR SAVAGE directed that Local Law No. 21 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 21 – CHAIR SAVAGE directed that Local Law No. 22 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 22 – CHAIR SAVAGE directed that Local Law No. 23 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 23 – CHAIR SAVAGE directed that Local Law No. 2 (Print #1) 2018 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 24 – CHAIR SAVAGE directed that Local Law No. 3 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 25 – CHAIR SAVAGE directed that Local Law No. 4 (Print #1) 2018 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 26 – CHAIR SAVAGE directed that Local Law No. 5 (Print #1) 2018 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 27 – MS. MILLER-WILLIAMS presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 76

March 22, 2018	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 6
----------------	---

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

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 19-4 (2017)
MORTON “Erie County Sales Tax Exemption for Heating Fuel”
(Chair’s ruling)
 - b. COMM. 6E-25 (2018)
SAVAGE “Letter to Comptroller on Independent Investigation”
(Chair’s ruling)

BARBARA MILLER-WILLIAMS
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 77

March 22, 2018	PUBLIC SAFETY COMMITTEE REPORT NO. 3
----------------	---

ALL MEMBERS PRESENT.

1. COMM. 6E-2 (2018)

SHERIFF AS AMENDED

WHEREAS, The Erie County Sheriff's Office – Division of Correctional Health (DoCH) is committed to providing the highest level of inmate care at the Erie County Holding Center and the Erie County Correctional Facility; and

WHEREAS, the DoCH is utilizing a vendor from New York State's bidder list; and

WHEREAS, the current vendor only provides on-site diagnostic services 2-days a week at the holding center and 1-day at the correctional facility; and

WHEREAS, the infrequent service at the facilities forces the Sheriff's Office to transport inmates to local medical facilities which increases personnel and transportation costs; and

WHEREAS, the Sheriff's Division of Correctional Health discovered several areas where improved services could be achieved while saving taxpayer funds; and

WHEREAS, the Division of Correctional Health is currently utilizing the state bid for diagnostic services and can opt out of the service agreement with a 30-day notice; and

WHEREAS, the Sheriff's Division of Correctional Health received one proposal for the RFP; and

WHEREAS, Buffalo Ultrasound's proposal has the potential of saving the County of Erie at least \$50,000.00 per year in multiple areas not offered by the current vendor; and

WHEREAS, the company would provide 24/7, on-site services for a lower average cost and its proposal would eliminate the need to transport inmates to area medical facilities for routine diagnostic testing; and

WHEREAS, Buffalo Ultrasound also offers a greater list of on-site services by which further eliminates trips to local medical facilities for diagnostic testing; and

WHEREAS, the County will save \$25.00 per X-ray during normal business hours and the expense of overtime and transportation cost for after-hour services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office is hereby authorized to award RFP #1820VF to Buffalo Ultrasound for on-site diagnostic services for inmate health care; and be it further

RESOLVED, that authorization is granted to the County Executive and the Erie County Sheriff's Office, by the Erie County Legislature, to enter into a three (3) year agreement with Buffalo Ultrasound for on-site diagnostic services for inmate health care; and be it further

RESOLVED, the agreement states that after the second year of the three-year agreement, the Erie County Sheriff's Office – Division of Correctional Health and the County of Erie may opt out of the agreement with proper notification; and be it further

RESOLVED, certified copies of this resolution will be forwarded to the County Executive, County Attorney, Division of Budget and Management, Erie County Comptroller, Division of Purchase and the Sheriff's office for implementation.
(5-0)

APRIL N.M. BASKIN
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 78

March 22, 2018	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 6
----------------	---

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

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 3-5 (2018)
SAVAGE, LOUGHRAN, BURKE, BRUSO & MILLER-WILLIAMS “Expressing Concern on National Grid Proposed Rate Hike”
(Chair’s ruling)
 - b. COMM. 3M-7 (2018)
REGIONAL DIRECTOR, NATIONAL GRID “E-Mail Concerning INTRO. 3-5 (2018)”
(Chair’s ruling)
 - c. COMM. 4E-3 (2018)
SAVAGE “Letter to Clerk of Legislature – Public Notice Concerning Position of Commissioner of the Erie County Water Authority”
(Chair’s ruling)
 - d. COMM. 4E-4 (2018)
SAVAGE “Letter to Energy & Environment Committee Chair – Interviews for Position of Commissioner of the Erie County Water Authority”
(Chair’s ruling)

- e. COMM. 4E-5 (2018)
SAVAGE “Letter to Clerk of Legislature Concerning Letters of Interest and Resumes for Position of Commissioner of the Erie County Water Authority”
(Chair’s ruling)
- f. COMM. 4E-6 (2018)
SAVAGE “Letter to Democratic Party Caucus Regarding Position of Commissioner of the Erie County Water Authority”
(Chair’s ruling)
- g. COMM. 4E-7 (2018)
SAVAGE “Letter to Republican Party Caucus Regarding Position of Commissioner of the Erie County Water Authority”
(Chair’s ruling)
- h. COMM. 4E-8 (2018)
SAVAGE “Letter to Conservative Party Member Regarding Position of Commissioner of the Erie County Water Authority”
(Chair’s ruling)
- i. COMM. 4E-9 (2018)
SAVAGE “Letter to Independence Party Member Regarding Position of Commissioner of the Erie County Water Authority”
(Chair’s ruling)
- j. COMM. 4M-4 (2018)
ERIE COUNTY WATER AUTHORITY “Financial Report for Years Ending 12/31/16 and 12/31/17”
(Chair’s ruling)
- k. COMM. 4M-7 (2018)
EC SOIL & WATER CONSERVATION DISTRICT “2018 Budget”
(Chair’s ruling)
- l. COMM. 5E-1 (2018)
LOUGHRAN “Letter to Personnel Commissioner Requesting Position Audit at ECWA”
(Chair’s ruling)
- m. COMM. 5M-3 (2018)
RICHARD FORD “Letter to Legislature Concerning Proposed National Grid Rate Hike”
(Chair’s ruling)
- n. COMM. 5M-4 (2018)
ACADIA CENTER “Testimony Concerning Proposed National Grid Rate Hike”
(Chair’s ruling)
- o. COMM. 5M-5 (2018)

- REGIONAL DIRECTOR, NATIONAL GRID “Testimony Concerning National Grid Rate Filing - Settlement Agreement”
(Chair’s ruling)
- p. COMM. 5M-6 (2018)
AARP “Testimony Concerning Proposed National Grid Rate Hike”
(Chair’s ruling)
- q. COMM. 5M-7 (2018)
AGREE NY “Testimony Concerning Proposed National Grid Rate Hike”
(Chair’s ruling)
- r. COMM. 5M-8 (2018)
PARTNERSHIP FOR THE PUBLIC GOOD “Testimony Concerning Proposed National Grid Rate Hike”
(Chair’s ruling)
- s. COMM. 5M-13 (2018)
MARK S. CARNEY “Letter to Chair Savage Regarding Position of ECWA Commissioner”
(Chair’s ruling)
- t. COMM. 5M-14 (2018)
THOMAS E. JAEGER “Letter to Chair Savage Regarding Position of ECWA Commissioner”
(Chair’s ruling)
- u. COMM. 5M-15 (2018)
DR. RHONDA A. RICKS “Letter to Chair Savage Regarding Position of ECWA Commissioner”
(Chair’s ruling)
- v. COMM. 6E-11 (2018)
COUNTY EXECUTIVE “ECSD No. 4 - Engineer Term Contract Agreement”
(Chair’s ruling)
- w. COMM. 6E-13 (2018)
COUNTY EXECUTIVE “ECSD No. 3 - Engineer Term Contract Agreement - GHD Consulting Services, Inc.”
(Chair’s ruling)
- x. COMM. 6E-14 (2018)
COUNTY EXECUTIVE “ECSD No. 3 - Engineer Term Contract Agreement - Arcadis of New York, Inc.”
(Chair’s ruling)
- y. COMM. 6E-15 (2018)

COUNTY EXECUTIVE “ECSO Nos. 1, 2, 3, 4, 5, 6 & 8 - Engineer Term Contract Agreement - Arcadis of New York, Inc.”
(Chair’s ruling)

z. COMM. 6D-6 (2018)
CLERK OF LEGISLATURE “New York State Department of Environmental Conservation Documents Received”
(Chair’s ruling)

2. COMM. 6E-12 (2018)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, pursuant to Legislative Comm. 5E-17 (2015) Contract No. 47E was awarded to South Buffalo Electric, Inc. for electrical construction work for the Elma Pumping Station (P.S.) Improvement project located in Erie County Sewer District No. 3; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 47E, in the final contract amount of \$154,498.00.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 47E between the County of Erie and South Buffalo Electric, Inc. (1250 Broadway, Buffalo, NY 14212) is accepted in the final contract amount of \$154,498.00 which includes Change Order No. 1 (final), a decrease of \$10,000.00, and is allocated in Erie County Sewer District No. 3 Capital Account C.15301; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 47E to South Buffalo Electric, Inc. and/or its bonding company Aegis Security Insurance, for a total contract amount of \$154,498.00; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management, and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(6-0)

JOHN BRUSO
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 79

March 22, 2018	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 6
----------------	--

ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received, filed and printed:
 - a. COMM. 6E-18 (2018)
COUNTY EXECUTIVE: "EC Emergency Medical Services Advisory Board"
(Chair's ruling)

Dear Honorable Members:

Pursuant to the power vested in me by Section 11 C.07a of the Erie County Code, I hereby appoint the following individuals to the Erie County Emergency Medical Services Advisory Board. Their term will expire December 31, 2019.

Appointees:

Mark. A Accurso
429 Braxmar Road
Tonawanda, NY 14150

Kimberely Atwater
7780A Eddy Road
Colden, NY 14033

Thomas S. Barsi
30 Camelot Drive
West Seneca, NY 14224

Michael J. Baumgartner
79 Lisen Street
Buffalo, NY 14223

Janinne Blank
20 Sagebrush Lane
Lancaster, NY 14086

Allan L. Brown
98 Chateau Terrace
Snyder, NY 14226

Robert Eleczko
6212 Genesee Street
Lancaster, NY 14086

Johanna Innes, MD
36 Charleston Avenue
Kenmore, NY 14217

Eric Knavel
1 Mount Airy Drive
Orchard Park, NY 14127

Michael Krupski
4834 Gerber Parkway
Hamburg, NY 14075

Lynn Ann O' Donnell
22 Wesley Drive
Akron, NY 14001

Ashley M. Piel
8125 Clarence Center Rd
Amherst, NY 14226

Emily A. Rowles
97 Meadow Lea Drive
Amherst, NY 14226

Ryan M. Sheedy
71 Jeffrey Drive
Depew, NY 14043

Christine Verni
28 Tillinghast Place
Buffalo, NY 14216

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. 6E-10 (2018)
COUNTY EXECUTIVE

WHEREAS, starting in 2017, Medical Examiners in New York State have been required to input an array of data from violent deaths into a state-wide database; and

WHEREAS, with a clearer picture of why violent deaths occur the New York State Department of Health aims to more effectively identify those at risk and provide preventive services; and

WHEREAS, New York was recently funded by the Centers for Disease Control & Prevention to collect information on violent deaths occurring in New York State; and

WHEREAS, the purpose of this funding is to improve the planning, implementation and evaluation of violence prevention programs and develop strategies to save lives; and

WHEREAS, the Erie County Department of Health - Division of the Medical Examiner has been required to expend a significant amount of staff time to comply with this NYS reporting requirement; and

WHEREAS, in recognition of the additional staff time needed to accomplish this task, the Centers for Disease Control via the New York State Department of Health allocates funding to Erie County Department of Health on an annual basis; and

WHEREAS, this grant in the amount of \$10,000 requires no local funding and has no reporting requirements.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Health is authorized to receive a grant award from the CDC via NYSDOH in the amount of \$10,000 to be budgeted as follows:

Division of Medical Examiner
Fund Center: 12740

SAP	REVENUE	BUDGET
409000	State Aid Revenues	<u>\$10,000</u>
		TOTAL <u>\$10,000</u>
	EXPENSE	
501000	Overtime	<u>\$10,000</u>
		TOTAL <u>\$10,000</u>

and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive, the Division of Budget and Management, and to Dr. Gale R. Burstein, Commissioner, in the Erie County Department of Health, 9th Floor, Rath Building.

(5-0)

**JOHN BRUSO
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 80

March 22, 2018	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 5
----------------	---

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 6D-5 (2018)
COMMISSIONER OF PUBLIC WORKS “Written Complaint Regarding Condition of Hopkins Rd., Town of Amherst”
(Chair’s ruling)
 - b. COMM. 6M-2 (2018)
VISIT BUFFALO NIAGARA “4th Quarter Reports for 2017”
(Chair’s ruling)

2. COMM. 6E-3 (2018)
COUNTY EXECUTIVE

WHEREAS, the resurfacing of McKinley Parkway (CR-204) from US Rt. 20 to Willet Road, PIN 5761.75, (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 20% non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Preliminary Engineering (Design I-VI) and Right of Way (ROW) Incidentals phases of the Project by making a commitment to pay in the first instance 100% of the federal and non-Federal shares of the estimated \$200,000 cost of the subject Project phases; and

WHEREAS, of the \$200,000 estimated cost of the subject Project phases Federal funding in the amount of \$160,000 and NYS Marchiselli funding in the amount of \$30,000 are available leaving Erie County responsible for the remaining non-Federal share of \$10,000; and

WHEREAS, funding for the Erie County share of the cost of the subject Project phases is available in Fund 420, Funds Center 123, Project B.18053 in the Adopted 2018 Capital Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the resurfacing of McKinley Parkway between US Route 20 and Willet Road, PIN 5761.75, (the 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 the Federal and non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) and Right-of-Way (ROW) Incidentals phases of the Project or portions thereof in the amount of \$200,000; and be it further

RESOLVED, that the funding for the Project is available in Fund Center 123, Fund 420, Project B.18053 in the Adopted 2018 Capital Budget; and be it further

RESOLVED, that Project B.18053 is so established to accept Federal revenue in the amount of \$160,000 and NYS Marchiselli revenue in the amount of \$30,000; 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 Preliminary Engineering (Design I-VI) and ROW Incidentals phases exceeds the amount appropriated, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that pending availability of funding the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or State Aid on behalf of the County of Erie, with the New York State Department of Transportation in connection with the advancement or approval of the Project as identified in the State/Local Agreement; 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 the Erie County Comptroller is authorized to pay for the project; 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 six (6) certified copies of this Resolution be forwarded to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation; and be it further

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

(5-0)

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

WHEREAS, the resurfacing of Armor Duells Road (CR-44) from Abbott Road to Duerr Road, PIN 5762.25, (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 20% non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Preliminary Engineering (Design I-VI) and Right of Way (ROW) Incidentals phases of the Project by making a commitment to pay in the first instance 100% of the federal and non-Federal shares of the estimated \$360,000 cost of the subject Project phases; and

WHEREAS, of the \$360,000 estimated cost of the subject Project phases federal funding in the amount of \$288,000 and NYS funding in the amount of \$72,000 are available; and

WHEREAS, funding for the Erie County share of the cost of the subject Project phases is available in Fund 420, Funds Center 123, Project B.18054 in the Adopted 2018 Capital Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the resurfacing of Armor Duells Road between Abbott Road and Duerr Road, PIN 5762.25, (the 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 the Federal and non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) and Right-of-Way (ROW) Incidentals phases of the Project or portions thereof in the amount of \$360,000; and be it further

RESOLVED, that the funding for the Project is available in Funds Center 123, Fund 420, Project B.18054 in the Adopted 2018 Capital Budget; and be it further

RESOLVED, that Project B.18054 is so established to accept Federal revenue in the amount of \$288,000 and NYS revenue in the amount of \$72,000; 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 Preliminary Engineering (Design I-VI) and ROW Incidentals phases exceeds the amount appropriated, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that pending availability of funding the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or State Aid on behalf of the County of Erie, with the New York State Department of Transportation in connection with the advancement or approval of the Project as identified in the State/Local Agreement; 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 the Erie County Comptroller is authorized to pay for the project; 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 six (6) certified copies of this Resolution be forwarded to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation; and be it further

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

(5-0)

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

WHEREAS, Kenmore Avenue is jointly owned by the City of Buffalo ("City") and the County of Erie ("County") with the dividing line being the center of the road; and

WHEREAS, reconstruction of Kenmore Avenue from Klauder Avenue to Main Street was recently completed under Federal Aid project PIN 5757.18 (the "Project") with the City of Buffalo being the lead agency; and

WHEREAS, via Comm. 13E-5 (July 16, 2015) the County's participation in the project was approved and authorization to enter into an inter-municipal agreement (IMA) with the City of Buffalo for the Project granted; and

WHEREAS, right-of-way (ROW) was required on both the Buffalo and Erie County sides of Kenmore Avenue; and

WHEREAS, Comm. 13E-5 (July 16, 2015) approved funding the acquisition of needed ROW and authorized \$9,000 from Fund 420, Funds Center 123, SAP Project No. B.15002, 2015 Federal Aid Projects ROW Buffalo/Tonawanda for that purpose; and

WHEREAS, actual Project ROW costs are approximately \$15,000 requiring authorization of an additional \$6,000 for ROW which is available from Fund 420, Funds Center 123, SAP Project No. B.15002, 2015 Federal Aid Projects ROW Buffalo/Tonawanda; and

WHEREAS, expenditure of approved ROW funds will take place according to the payment procedures set forth in the IMA between the County and the City of Buffalo, with payments being made to the City of Buffalo as lead agency; and

WHEREAS, it was more efficient and cost-effective for NYSDOT to acquire the needed ROW on behalf of both the City and County and transfer it to the respective municipalities upon completion of the project; and

WHEREAS, NYSDOT is now ready to transfer to Erie County its share of the ROW acquired; and

WHEREAS, the list of properties to be transferred is attached hereto as Schedule A; and

WHEREAS, NYSDOT requires a resolution from the County agreeing to accept ownership of all property or rights therein acquired as ROW by NYSDOT on its behalf; and

WHEREAS, the County desires to have jurisdiction over all of its rightfully assigned ROW.

NOW, THEREFORE, BE IT

RESOLVED, that \$6,000 is appropriated from Fund 420, Funds Center 123, SAP Project No. B.15002, 2015 Federal Aid Projects ROW Buffalo/Tonawanda and made available for Project ROW costs; and be it further

RESOLVED, that the Erie County Legislature hereby approves the transfer of the ROW acquired by NYSDOT for the Project on the County's behalf to the County; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to accept ownership of the property so transferred; and be it further

RESOLVED, that the County Attorney is authorized to file the deeds with the County Clerk and to provide NYSDOT with the details of said filings; and be it further

RESOLVED, that ten (10) 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.

(5-0)

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

WHEREAS, the portion of Burdick Road along Tonawanda Creek between Rapids Road and Tonawanda Creek Road has experienced embankment and roadway failure resulting in the road being reduced to one lane in the subject area; and

WHEREAS, the County desires to address the problems in the subject portion of Burdick Road (the Project); and

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

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

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

WHEREAS, your Honorable Body has previously approved the Project and the retention of Greenman-Pedersen, Inc. (GPI) as the consultant via Comm. 11E-10 (June 16, 2011); and

WHEREAS, to complete Project design and provide for acquisition of the necessary ROW it is necessary to amend GPI's original contract in the estimated amount of \$171,000 which is available from Fund 420, Fund Center 123, SAP Project No. B.16011.2, 2016 Road Design (\$140,000) and Fund 420, Fund Center 123, SAP Project No. B.16012.1, 2016 Road Slides ROW (\$31,000); and

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

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Executive be authorized to execute a contract amendment with GPI in a not to exceed amount of \$171,000 which is hereby appropriated from Fund 420, Funds Center 123 SAP Project No. B.16011.2, 2016 Road Design (\$140,000) and Fund 420, Funds Center 123, SAP Project No. B.16012.1, 2016 Road Slides ROW (\$31,000) and made available for the design and ROW acquisition engineering services required; and be it further

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

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

(5-0)

6. COMM. 6E-16 (2018)
COUNTY EXECUTIVE

WHEREAS, the resurfacing of Abbott Road (CR-04) from US Rt. 20 to Milestrip Road, PIN 5761.74, (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 20% non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Preliminary Engineering (Design I-VI) and Right of Way (ROW) Incidentals phases of the Project by making a commitment to pay in the first instance 100% of the federal and non-Federal shares of the estimated \$200,000 cost of the subject Project phases; and

WHEREAS, of the \$200,000 estimated cost of the subject Project phases federal funding in the amount of \$160,000 and NYS Marchiselli funding in the amount of \$30,000 are available leaving Erie County responsible for the remaining non-federal share of \$10,000; and

WHEREAS, funding for the Erie County share of the cost of the subject Project phases is available in Fund 420, Funds Center 123, Project B.18052 in the Adopted 2018 Capital Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the resurfacing of Abbott Road between US Route 20 and Milestrip Road, PIN 5761.74, (the 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 the Federal and non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) and Right-of-Way (ROW) Incidentals phases of the Project or portions thereof in the amount of \$200,000; and be it further

RESOLVED, that the funding for the Project is available in Fund Center 123, Fund 420, Project B.18052 in the Adopted 2018 Capital Budget; and be it further

RESOLVED, that Project B.18052 is so established to accept federal revenue in the amount of \$160,000 and NYS Marchiselli revenue in the amount of \$30,000; 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 Preliminary Engineering (Design I-VI) and ROW Incidentals phases exceeds the amount appropriated, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or State Aid on behalf of the County of Erie, with the New York State Department of Transportation in connection with the advancement or approval of the Project as identified in the State/Local Agreement; 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 the Erie County Comptroller is authorized to pay for the project; 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 six (6) certified copies of this Resolution be forwarded to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) certified copy of this Resolution be forwarded to each of the Department of Public Works, Office of the Commissioner Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney and the Office of the Comptroller.
(5-0)

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

WHEREAS, the reconstruction of the Culvert CIN 122-01 on Amsdell Road CR 122 over Drainage Structure, NYS PIN 5762.23 (the "Project") was authorized by the legislature in COMM 8E-11 (2017); and

WHEREAS, the County of Erie desires to advance the design for the Culvert Replacement of Amsdell Road over Drainage Structure, thus requiring the County Executive to enter into agreements with Norfolk Southern Railroad and CSX Railroad; and

WHEREAS, these agreements require the expenditure of approximately \$40,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive of the County of Erie is hereby authorized to enter into Agreements with Norfolk Southern Railroad and CSX Railroad for preliminary engineering services in reference to the reconstruction of the Culvert Amsdell Road CR 122 over Drainage Structure, NYS PIN 5762.23; and be it further

RESOLVED, that the County Executive be authorized to execute these agreements for preliminary services in the amount of \$18,000 each with a small contingency of \$4,000 from Fund Center 123, Fund 420, Capital Project B.17075 – 2017 Culvert Amsdell; and be it further

RESOLVED, that the Erie County comptroller be authorized to pay for these contracts; 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, Office of the Commissioner, to be forwarded to the New York State Department of Transportation, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(5-0)

8. COMM. 6E-20 (2018)
COUNTY EXECUTIVE

WHEREAS, the North/South Main Street corridor is in need of improvements to address numerous roadway deficiencies along with a failing, aging drainage system; and

WHEREAS, over the years, the Department of Public Works (DPW) has been using spot patching as a repair measure; and

WHEREAS, Department of Public Works has determined that the best solution is to reconstruct the road and repave it; and

WHEREAS, before construction can commence, this road is in need of design; and

WHEREAS, it has been determined, through use of the County's RFP Selection Process, that DiDonato Associates Engineering and Architecture, P.C. has the necessary qualifications to provide the engineering design services for this project; and

WHEREAS, funds exist in SAP Project B.16002- Preservation of Roads – Design Program for such work on North/South Main Street; and

WHEREAS, the Department of Public Works desires to use these funds to begin the design work on this roadway.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the County Executive to enter into a contract for engineering design services for the Reconstruction of North/South Main Street (CR009), in the Town of Evans, Village of Angola, with DiDonato Associates Engineering and Architecture, P.C., for an amount not to exceed \$353,907; and be it further

RESOLVED, SAP Project B.16002 – 2016 Preservation of Roads - Design Program, will be utilized to perform the necessary study and design of North/South Main Street (CR 009), in the Town of Evans, Village of Angola; and be it further

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

(5-0)

PATRICK B. BURKE
CHAIR

Item 32 – MR. BURKE presented the following report and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 81

March 22, 2018	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 4
----------------	---

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 9-2 (2017)
LOUGHRAN, MILLER-WILLIAMS, GRANT & SAVAGE “Supporting the Office of National Drug Control Policy in the 2018 Budget and Beyond”
(Chair’s ruling)
 - b. INTRO. 14-5 (2017)
BURKE “Reinstating the Fairness Doctrine in the Wake of President Trump’s Concern with the Rise of “Fake News””
(Chair’s ruling)
 - c. COMM. 3M-4 (2018)
ASSIGNED COUNSEL PROGRAM “Quarterly Report for 4th Quarter of 2017”
(Chair’s ruling)
 - d. COMM. 3M-5 (2018)
ASSIGNED COUNSEL PROGRAM “Financial Report, Minutes of Board of Directors Meetings”
(Chair’s ruling)
 - e. COMM. 4D-2 (2018)
COUNTY ATTORNEY “Transmittal of New Claims Against Erie County”
(Chair’s ruling)
 - f. COMM. 4D-3 (2018)
CLERK OF LEGISLATURE “Written Testimony Concerning Local Law Intro 5-2 (2017)”
(Chair’s ruling)
 - g. COMM. 4D-6 (2018)
COUNTY ATTORNEY “Transmittal of New Claim Against Erie County”

(Chair's ruling)

- h. COMM. 4D-7 (2018)
COUNTY ATTORNEY "Transmittal of New Claim Against Erie County"
(Chair's ruling)
- i. COMM. 4D-9 (2018)
COUNTY ATTORNEY "Opinion as to Form LL Intro. 1-1-2018"
(Chair's ruling)
- j. COMM. 4M-9 (2018)
GRECO TRAPP, PLLC "Written Testimony Concerning LL Intro 1-1 (2018)"
(Chair's ruling)
- k. COMM. 4M-10 (2018)
CAROL SPESER "Remarks at Public Hearing Held on February 8, 2018"
(Chair's ruling)
- 1. COMM. 5D-2 (2018)
COUNTY ATTORNEY "Notice of County Executive Public Hearing for
LL Intro. 5-2-2017"
(Chair's ruling)
- m. COMM. 6D-3 (2018)
FIRST ASSISTANT COUNTY ATTORNEY "Transmittal of New Claims Against Erie
County"
(Chair's ruling)
- 2. COMM. 6E-9 (2018)
COUNTY EXECUTIVE
WHEREAS, the entryway to 120/134 W Eagle is not in compliance with the Americans with
Disabilities Act (ADA); and

WHEREAS, the EC Polling Sites Improvements and ADA Upgrades – 120/134 W Eagle Renovations project will resolve the ADA entryway issues by completing upgrades to the ramp and entryway to the building that include but are not limited to the new ramp and entryway to improve access to building; and

WHEREAS, the County of Erie will be reimbursed for 84.8% of the construction cost, through Federal HAVA funds available to the Board of Elections (BOE) in Funds Center 150, Fund 281, Grant 150HAVASHOEB0X0214; and

WHEREAS, a new capital project A.18XXX – EC Polling Site Improvements and ADA Upgrades–120/134 W Eagle Renovations, will be created in SAP in Funds Center 122, Fund 410 for the amount of \$99,640 in Federal funds to be reimbursed from Funds Center 150, Fund 281, Grant 150HAVASHOEB0X0214; and

WHEREAS, the County of Erie received bids for the EC Polling Sites Improvements and ADA Upgrades–120/134 W Eagle Renovations project on September 29, 2017; and

WHEREAS, the lowest responsible bidder for the EC Polling Sites Improvements and ADA Upgrades –120/134 W Eagle Street Renovations project is Willet Builders Inc.; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the EC Polling Sites Improvements and ADA Upgrades–120/134 W Eagle Renovations project for an amount not to exceed as follows:

General Construction Work

Willet Builders Inc. Base Bid: \$117,500

and be it further

RESOLVED, that the sum of \$11,750 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 authorization is hereby given for the creation of a new capital project A.18XXX – EC Polling Site Improvements and ADA Upgrades–120/134 W Eagle Renovations in Funds Center 122, Fund 410, Revenue Account 450000 – Interfund Revenue Non-Subsidy, in the amount of \$99,640 to be funded through a reimbursement from Federal funds in Funds Center 150, Fund 281, Account 575000 – Inter-fund Expense Non-Subsidy, Grant 150HAVASHOEBOX0214; and be it further

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

Project	Funds Center	Fund	Amount
A.18XXX – 2018 EC Polling Sites Improvements and ADA Upgrades –120/134 W Eagle Street Renovations	122	410	\$99,640
A.17004 – 2017 Ctywd Code & Environment Compliance	122	410	\$29,610

Total Payment not to Exceed

\$129,250

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 Board Of Elections, and the Office of the Comptroller.
(5-0)

PATRICK B. BURKE
CHAIR

LEGISLATOR RESOLUTIONS

Item 33 – MS. BASKIN presented the following resolution and moved for immediate consideration. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 82

RE: Improving School Safety through
Support for School Resource
Officers
(INTRO. 7-1)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR MILLER-WILLIAMS**

WHEREAS, there has been a terrifying increase in school violence in recent years, marked by the February 14, 2018 murder of 17 students and teachers at Marjory Stoneman Douglas High School in Parkland, Florida, but also including the December 7, 2017 murder of 2 students at Aztec High School in Aztec, New Mexico; and

WHEREAS, while the events at Parkland seemingly reflect a problem with the conduct of the Sheriff Deputy assigned as a School Resource Officer to the school, most communities and school districts desire to work with local police agencies and have armed police officers on campus as School Resource Officers; and

WHEREAS, School Resource Officers serve many roles in schools such as law enforcement and safety, developing crime reduction and prevention programs, training and securing school personnel, assisting students in conflict resolution, and being positive role models; and

WHEREAS, there is legislation pending in the New York State Legislature which would allow for the greater use of School Resource Officers in school districts, such as Senate Bills S.7810, S.7811, S.1144 and S.7791, all introduced by Senator Patrick Gallivan, which would provide for the use of School Resource Officers, provide for some state funding for such officers, and would amend

state retirement law to allow for retired police officers to be paid up to \$50,000 annually to serve in such roles while collecting their full retirement.

NOW, THEREFORE, BE IT

RESOLVED, that as a safety measure to safeguard our children and their educators, the Erie County Legislature expresses support for the concept of School Resource Officers in public, non-public, and charter schools; and be it further

RESOLVED, that this Honorable Body expresses its support for legislation to be introduced in the New York State Assembly to assist in increasing the number of School Resource Officers in local schools, and to provide for new state aid to support the allocation of additional new School Resource Officers in schools; and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to Governor Andrew M. Cuomo, the New York State Assembly, New York State Senate, and Mary Ellen Elia, Commissioner of the New York State Department of Education.

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

CARRIED UNANIMOUSLY.

MS. BASKIN moved to approve the resolution as amended. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

Item 34 – CHAIR SAVAGE directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO. 7-2 from LOUGHRAN. A Resolution to Hold a Public Referendum on the Dissolution of the ECWA.

Item 35 – CHAIR SAVAGE directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 7-3 from BASKIN. Calling for Voting Transit-Dependent Members on the NFTA Board of Commissioners.

Item 36 – MS. BASKIN presented the following resolution and moved for immediate consideration. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 83

RE: Support for National Library
Week and "Love Your Library
Month"
(INTRO. 7-4)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS BASKIN, BRUSO, SAVAGE,
LOUGHRAN, BURKE & MILLER-WILLIAMS**

WHEREAS, April 8-14, 2018 is National Library Week, and the theme for 2018 is "Libraries Lead"; and

WHEREAS, this year commemorates the 60th anniversary of the first event, sponsored in 1958; and

WHEREAS, during National Library Week, there are major national events celebrating our libraries, including on April 9th, the State of America's Libraries Report will be released, including the Top Ten Frequently Challenged Books of 2017; and

WHEREAS, April 10th is National Library Workers Day, a day for library staff, users, administrators and Friends groups to recognize the valuable contributions made by all library workers; and

WHEREAS, April 11th is National Bookmobile Day, a day to recognize the contributions of our nation's bookmobiles and the dedicated professionals who make quality bookmobile outreach possible in their communities, a fact that we celebrate with the Buffalo and Erie County Public Library's Bookmobile; and

WHEREAS, April 12th is Take Action for Libraries Day, a day to encourage persons to celebrate and advocate for their local libraries as centers for education, learning, and hubs of our communities; and

WHEREAS, April; 2018 is also "Love Your Library Month" at the Buffalo and Erie County Public Library, and the library system is holding a series of public events across the branch system.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature commemorates and declares April 2018 as "Love Your Library Month" and expresses our strong and continuing support for the 37-branch-strong Buffalo and Erie County Public Library system which does "lead;" and be it further

RESOLVED, that this Honorable Body celebrates April 8-14, 2018 as National Library Week and urges all Erie County residents to visit a library branch, visit the Bookmobile, or download materials from the Buffalo and Erie County Public Library website, and to take advantage

of all of the resources our public library system offers to our community, such as health fairs, cultural performances, and help with income taxes; and be it further

RESOLVED, that certified copies of this resolution be transmitted to Mary Jean Jakubowski, director of the Buffalo and Erie County Public Library, Frank Housh, Chair of the Buffalo and Erie County Public Library Board of Trustees, and to the American Library Association.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 37 – MS. BASKIN presented the following resolution and moved for immediate consideration. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 84

RE: Proposal to Prevent
Cash Payouts to
Managerial/Confidential &
Department Head Appointees
Who Resign Over Personal
Misconduct
(INTRO. 7-5)

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

WHEREAS, that serious allegations of personal misconduct have arisen in Erie County is an embarrassment and a shame, but it is this honorable body's responsibility to work to ensure that it does not happen again and that other inappropriate actions are discouraged; and

WHEREAS, while the previous Social Services Commissioner has left his post, he did so with a \$19,452.12 payout, netting him more than \$10,000 in cash, despite knowledge of his alleged wrongdoing; and

WHEREAS, it is the intent of this resolution to prohibit monetary windfalls from being given to managerial/confidential and department head appointees who leave county employ after violations of county policy or in anticipation of the filing of criminal charges related to workplace behavior; and

WHEREAS, NYS voters recently passed a referendum wherein public pensions can be taken away from state and local government officials convicted of felonies related to their work; and

WHEREAS, it is the finding of this body that a similar policy should be in place for a violation of workplace conduct by managerial/confidential and department head appointees relative to buyouts of accrued compensation and vacation times; and

WHEREAS, there is precedent for the County Executive to withhold accrued time payouts to managerial/confidential and department head appointees; and

WHEREAS, in light of recent events, accusations, and indictments surrounding actions by the Commissioner of Social Services this honorable body finds and determines it necessary to implement similar amendments that would prevent payouts in instances where managerial/confidential or department heads are forced to leave county employ for a violation of the county's personnel policy, especially in circumstances wherein the appointee is facing criminal charges.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to practices followed under previous administrations, and in light of current events, the County Executive shall provide contract amendments, which prohibit the practice of "cashing out" compensatory time and vacation time by a managerial/confidential or department head appointees who resigns, retires, or is laid off as a result of a violation of county policy or in contemplation of pending legal action; and be it further

RESOLVED, that said policy shall provide an opportunity for due process at the discretion of the County Executive and County Attorney; and be it further

RESOLVED, that in no circumstances shall accrued time payouts be made to an individual who is actively facing felony criminal charges related to workplace misconduct until and unless the individual is found not guilty or the case is resolved in favor of the defendant; and be it further

RESOLVED, that this honorable body requests amendments to all relevant bargaining agreements be drafted and submitted to the Legislature by the County Executive for Legislative approval in time for the next regularly scheduled Session; and be it further

RESOLVED, that going forward the Commissioner of Personnel will report back to the Legislature each situation where accrued time payouts could be withheld from a Managerial Confidential or department head appointee who leaves county employ and whether any accrued time is actually withheld; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Mark Poloncarz, Commissioners of Labor Relations and Personnel, the Erie County Comptroller, the Director of Budget and Management and any other party deemed necessary and proper.
Fiscal Impact: Positive for Erie County taxpayers.

MS. BASKIN moved to amend the resolution. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Delete the first Resolve clause and replace with the following:

RESOLVED, that pursuant to practices followed under previous administrations, and to the extent permitted by applicable law and collective bargaining agreements, and in light of current events, the County Executive shall provide amendments to collective bargaining agreements which prohibit the practice of “cashing out” compensatory time and vacation time by a managerial-confidential employee who resigns, retires, or is laid off as a result of a violation of county policy or in contemplation of pending legal action related to their employment; and be it further

MS. BASKIN moved to approve the resolution as amended. MR. LORIGO 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, MR. LOUGHRAN, MS. MILLER-WILLIAMS and CHAIR SAVAGE. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

Item 38 – CHAIR SAVAGE directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO. 7-6 from LORIGO, MILLS & HARDWICK. Support for Continued Local Control Over Cell Phone Tower Placement.

Item 39 – MS. BASKIN presented the following resolution and moved for immediate consideration. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 85

RE: Supporting Bills to Prevent Employers from Asking About or Relying on Salary History in Setting the Wages of Applicants (INTRO. 7-7)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS BASKIN & MILLER-WILLIAMS**

WHEREAS, when applying for employment, a process all persons go through to procure a job in order to support themselves, it is vital that they are assessed in a fair manner and judged on their current skills and merits rather than factors such as prior salary history or mechanisms designed to put them at a disadvantage that could also be discriminatory; and

WHEREAS, the gender wage gap in particular has been a major issue of public debate and discourse, and while discrepancies in pay can occur for many reasons, one way that it can be remedied while also driving further reform is by enacting policy to prevent employers from using an applicant's prior salary history when setting wages as mentioned in the aforementioned clause and overseeing how employers procedurally go about hiring their employees; and

WHEREAS, Congress passed the Equal Pay Act of 1963, affirming that women deserve equal pay for equal work; and

WHEREAS, in October 2014, County Executive Mark Poloncarz signed Executive Order 13 requiring contractors with Erie County to submit an Erie County Equal Pay Certification indicating their compliance with federal and state Equal Pay Laws prior to entering into a contract with Erie County and subjecting said contractors to future monitoring and audits of contractor records to confirm compliance with Equal Pay Laws; and

WHEREAS, public outcry for this issue has been well known and documented, and companies such as American Express, Bank of America, Amazon, and Google have already reformed their hiring practices to end wage discrimination; and

WHEREAS, Governor Andrew Cuomo has signed Executive Order 161 to prohibit state entities from conducting this practice in the public sector, and New York City has enacted a salary history ban for private and public sector employers in effect since October 31, 2017; and

WHEREAS, states such as Massachusetts, California, Oregon, and Delaware have already enacted this hiring practice reform, along with local entities such as San Francisco and Albany County; and

WHEREAS, even with public sector reform, the median annual earnings in New York on average for a full-time working white woman is \$46,208 while the annual pay for a full-time working white man is \$52,124, equating to a woman earning 89 cents for every dollar paid to men; and

WHEREAS, Assembly Bill A2040C and Senate Bill S6737A in the New York State Legislature would accomplish the goal of preventing the use of salary history in the setting of wages by employers while still allowing for a potential employee to voluntarily release this information at their discretion, a decision that would bear useful if their previous salary was one higher than the one being offered by their new employer; and

WHEREAS, Assembly Bill A2040C was approved overwhelmingly in the State Assembly on June 21, 2017 by a bipartisan vote of 133-11, but has not been advanced in the State Senate; and

WHEREAS, allowing salaries to be determined based on merit is a fair market-based strategy that allows for greater transparency and mitigates one of the reasons as to how different employees at the same workplace can have a different wage or salary than one another when performing the same tasks or duties; and

WHEREAS, unequal pay on the basis of gender or any distinguishing factor threatens the economic security of women and their families both while in the workforce and during retirement, and it is time for all Legislative Bodies to stand up and do the right thing to ensure fairness and proper employment terms and conditions for all persons, including women during Equal Pay Day on April 10, 2018.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body does hereby go on record to support the passage of Senate bill S6737A in the New York State Legislature to end the practice of using an employee's prior salary history as a measure and means of determining their wage with a prospective employer; and be it further

RESOLVED, that this Honorable Body urges the passage of S6737A as a declaration and mechanism to end wage discrimination based on gender and minority status, and strongly urges the drafting of further legislation designed to strengthen and protect equal pay for equal work; and be it further

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 86

RE: Requesting NYS Commissioner of Agriculture & Markets to Extend Review Dates of Agricultural District No. 12 (INTRO. 7-8)

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

WHEREAS, Erie County is in the process of consolidation of the County's fourteen Agricultural Districts into four; and

WHEREAS, Section 303-a of the Agricultural Districts Law allows counties with multiple districts with review dates in any 12-month period, to petition the Commissioner of Agriculture and Markets to approve for good cause, an extension of up to four years for a district review; and

WHEREAS, the review anniversary for Agricultural District 12 falls on November 9, 2018; and

WHEREAS, the review anniversary for Agricultural District 12 must be aligned with the review anniversary of Agricultural District 5 in order to make consolidation of these adjacent districts feasible.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature petitions the Commissioner of Agriculture and Markets to extend the review dates of Agricultural District 12 to begin on February 7, 2021 and end the 300-day review period (anniversary) on December 4, 2021; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the New York State Commissioner of Agriculture and Markets and the Erie County Commissioner of Environment and Planning.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 41 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 7M-28 from RICHARD LIPSITZ, PRESIDENT, WNY AREA LABOR FEDERATION, AFL-CIO Re: Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 42 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 7M-29 from RICK WILLIAMSON, SECRETARY/TREASURER,
BRICKLAYERS & ALLIED CRAFTWORKERS LOCAL 3, NY Re: Written Comments
Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 43 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the
agenda.

GRANTED.

COMM. 7M-30 from JOHN TOMASELLO, BUSINESS AGENT, APPRENTICE
COORDINATOR, CEMENT MASONS LOCAL #111 Re: Written Comments Concerning Local
Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

GRANTED.

COMM. 7M-31 from JOHN HELAK, BUSINESS MANAGER & PAUL CRIST,
BUSINESS REPRESENTATIVE, SMART, LOCAL UNION NO. 71 Re: Written Comments
Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

GRANTED.

COMM. 7M-32 from BRIAN SCRUTON, COUNCIL REPRESENTATIVE, EASTERN
MILLWRIGHT REGIONAL COUNCIL, LOCAL 1163 Re: Written Comments Concerning Local
Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

GRANTED.

COMM. 7M-33 from DAVID CRONKHITE, BUSINESS AGENT, PLUMBERS &
STEAMFITTERS LOCAL 22 Re: Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 47 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 7M-34 from MARK C. WEISENBURG, DIRECTOR, FINISHING TRADES INSTITUTE OF WESTERN & CENTRAL NY Re: Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

GRANTED.

COMM. 7M-35 from RONALD J. WHEELER, BUSINESS REPRESENTATIVE/FINANCIAL SECRETARY, I.U.E.C. LOCAL 14 Re: Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

GRANTED.

COMM. 7M-36 from KEVIN STRANAHAN, BUSINESS AGENT, PLUMBERS & STEAMFITTERS LOCAL 22 Re: Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

GRANTED.

COMM. 7M-37 from MARK SCOVILLE, APPRENTICESHIP COORDINATOR, HEAT & FRONT INSULATORS & ALLIED WORKERS LOCAL NO. 4 Re: Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

GRANTED.

COMM. 7M-38 from ART FADELEY, BUSINESS MANAGER, HEAT & FRONT INSULATORS & ALLIED WORKERS LOCAL NO. 4 Re: Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

GRANTED.

COMM. 7M-39 from RICHARD EVANS, BUSINESS AGENT, PLUMBERS & STEAMFITTERS LOCAL 22 Re: Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

GRANTED.

COMM. 7M-40 from SEAN REDDEN, BUSINESS MANAGER, PLUMBERS & STEAMFITTERS LOCAL 22 Re: Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

GRANTED.

COMM. 7M-41 from BRIAN REFF, BUSINESS MANAGER, LABORERS' LOCAL 210 Re: Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

GRANTED.

COMM. 7M-42 from PETER CAPITANO, BUSINESS AGENT/APPRENTICESHIP COORDINATOR, LABORERS' LOCAL 210 Re: Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 56 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 7M-43 from GARY SWAIN, BUSINESS MANAGER, I.U.O.E. LOCAL 17 Re: Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 57 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 7M-44 from THOMAS HALLIGAN, BUSINESS MANAGER, IRONWORKERS LOCAL #6 Re: Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 58 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 7M-45 from JIM WILLIS, BUSINESS AGENT/FINANCIAL SECRETARY, IRONWORKERS LOCAL #6 Re: Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 59 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 7M-46 from PAUL BROWN, BUSINESS AGENT, PLASTERERS & CEMENT MASONS UNION Re: Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 60 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 7M-47 from PAUL BROWN, BUFFALO BUILDING & CONSTRUCTION TRADES COUNCIL Re: Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY CLERK

Item 61 – (COMM. 7E-1) Letter to Chair Savage Concerning First 100 Days as County Clerk

Item 62 – (COMM. 7E-2) Identified Erie County Clerk Concentration Funds

Item 63 – (COMM. 7E-3) 100 Days in Erie County Clerk's Office

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

FROM LEGISLATOR BRUSO

Item 64 – (COMM. 7E-4) Letter to Acting Commissioner, NYS Dept. of Civil Services, Concerning Civil Service Examinations for CPS Titles

Item 65 – (COMM. 7E-5) Letter to Acting Commissioner, EC Dept. of Social Services, Concerning Action Plan for CPS

The above two items were received and referred to the HEALTH & HUAMN SERVICES COMMITTEE.

FROM LEGISLATORS LORIGO, HARDWICK, RATH, MILLS & DIXON

Item 66 – (COMM. 7E-6) Letter to County Executive - Request for Meeting Between CPS Caseworkers and County Administration

Received and referred to the HEALTH & HUAMN SERVICES COMMITTEE.

FROM LEGISLATOR MILLER-WILLIAMS

Item 67 – (COMM. 7E-7) Letter to County Executive - Status of Dialogue with CSEA Local 815 on CPS

Received and referred to the HEALTH & HUAMN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 68 – (COMM. 7E-8) Appointment of Permanent Commissioner of Social Services

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 69 – (COMM. 7E-9) Letter to NYS Senate & Assembly Leaders Concerning Internet Fairness Conformity Act

Item 70 – (COMM. 7E-10) Grant Programs - Authorization to Contract

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

FROM THE COUNTY EXECUTIVE & CHAIR OF LEGISLATURE

Item 71 – (COMM. 7E-11) Appointment to the ECIDA Board of Directors

Received, filed and printed.

March 26, 2018

Ms. Brenda McDuffie
Chairperson, Erie County Industrial Development Agency
95 Perry Street
Suite 403
Buffalo, NY 14203

RE: Appointment of Kenneth A. Schoetz to the Erie County Industrial Development Agency Board of Directors

Dear Ms. McDuffie:

The undersigned, being the Erie County Executive and the Chairperson of the Erie County Legislature, hereby confirm that we have jointly appointed Kenneth A. Schoetz as a member of the Erie County Industrial Development Agency, effective immediately, pursuant to Section 891-a of the General Municipal Law of the State of New York, to replace Paul V. Vukelic and serve until a successor shall be appointed.

Appointee

Kenneth A. Schoetz
187 Main St.
Hamburg, NY 14075

Thank you in advance for your courtesies.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

Peter J. Savage, III
Chairperson, Erie County Legislature

FROM THE COUNTY EXECUTIVE

Item 72 – (COMM. 7E-12) Social Services - Division of Family Wellness - Personnel Adjustments

Received and referred to the HEALTH & HUAMN SERVICES COMMITTEE.

Item 73 – (COMM. 7E-13) Acceptance of Public Safety Answering Point Operations Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 74 – (COMM. 7E-14) 2017 Year-End Budget Balancing Amendments & Designations

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 75 – (COMM. 7E-15) Rope Rescue Training

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 76 – (COMM. 7E-16) EC Polling Sites Improvements & ADA Upgrades - Friendship Center Renovations - Rebid

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 77 – (COMM. 7E-17) Emergency Services Custody of NYS DEC Oil Spill Trailer

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 78 – (COMM. 7E-18) EC Clarence Highway Facility - Waterline Replacement

Item 79 – (COMM. 7E-19) ECSD No. 5 - Contract Close-Out - Eastern Hills Pumping Station Upgrades

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

Item 80 – (COMM. 7E-20) Belscher Rd. Slide Remediation - Right-of-Way Acquisition - Town of Concord

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 81 – (COMM. 7E-21) ECSD No. 3 - Contract Close-Out - South Buffalo Electric, Inc. - Elma Pumping Station Improvements - Electrical

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 82 – (COMM. 7E-22) Belscher Rd. Slide Remediation - Contract Amendment - Additional Engineering and Right-of-Way Acquisition Services - Town of Concord

Item 83 – (COMM. 7E-23) Alternate Bid #3 Design Services for Buffalo & EC Public Library - 2017 Auditorium Renovations - Phase 2

Item 84 – (COMM. 7E-24) Design Services for Various County Facilities - Various Backflow Preventers & Rath Building Parking Level Sprinkler System

Item 85 – (COMM. 7E-25) Rath Building - 2017 - Dept. of Social Services - 7th Floor Renovations

Item 86 – (COMM. 7E-26) Right-of-Way Acquisition - Springville Boston Culvert Replacement - Town of Concord

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

Item 87 – (COMM. 7E-27) ECSD Nos. 3 & 8 - Construction Inspection Term Contract Agreement

Item 88 – (COMM. 7E-28) ECSD No. 6 - Abbott Rd. Inverted Siphon Replacement - Bid Opening

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

FROM LEGISLATOR LORIGO

Item 89 – (COMM. 7E-29) Letter to Environment & Planning Commissioner Concerning FOIL Request

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR BRUSO

Item 90 – (COMM. 7E-30) Letter to County Executive - Personnel Adjustment for Certain CPS, Children's Services, Adult Protective Services & other Dept. of Social Services 'Casework' Titles

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM LEGISLATOR LORIGO

Item 91 – (COMM. 7E-31) Letter to Public Works Commissioner Concerning Road Conditions

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMPTROLLER

Item 92 – (COMM. 7E-32) Report Detailing Apportionment & Distribution of Net Collections for 4.75% Sales & Compensating Use Tax for December 2017 through February 2018

Item 93 – (COMM. 7E-33) Report on Sales Tax Sharing with School Districts in Erie County and Benefits of Shared Services

Item 94 – (COMM. 7E-34) 2018 Consolidated Bond Resolution

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

FROM THE DISTRICT ATTORNEY

Item 95 – (COMM. 7E-35) Asset Forfeiture Appropriations - Placeholder

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 96 – (COMM. 7E-36) Award of Construction Contract - Bethlehem Steel Shoreline Trail Phase 1 - Cities of Lackawanna & Buffalo

Item 97 – (COMM. 7E-37) Amendatory Resolution - Contract with ECIDA - Removal, Relocation and Construction of Rail Tracks on Bethlehem Steel Site

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

Item 98 – (COMM. 7E-38) EC Climate Smart Community Certification Grant

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 99 – (COMM. 7E-39) Senior Executive Assistant - County Executive Position - Variable Minimum

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 100 – MS. BASKIN presented the following resolution and moved for immediate consideration and approval. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 87

RE: Teamsters Local Union No. 264 - EC
Sheriff's Office (Sergeants) 2017 - 2018
Collective Bargaining Agreement
(COMM. 7E-40)

WHEREAS, Erie County is a municipal corporation and is bound by the New York State Taylor Law to negotiate terms and conditions of employment with duly elected employee organizations; and

WHEREAS, the Teamsters Local Union No. 264 - Erie County Sheriff's Office (Sergeants) ("Teamsters") is an employee union organization which represents the County Sheriff's Office Sergeants; and

WHEREAS, the existing collective bargaining agreement between Erie County and the Unit expired on December 31, 2016, but has remained binding pursuant to the Taylor Law; and

WHEREAS, Erie County and the Unit negotiated a collective bargaining agreement, covering the period between January 1, 2017 and December 31, 2018; and

WHEREAS, Teamsters membership recently ratified the agreement.

NOW, THEREFORE, BE IT

RESOLVED, the agreement between Erie County and the Teamsters Local Union No. 264 - Erie County Sheriff's Office (Sergeants) for the period January 1, 2017-December 31, 2018, is hereby approved; and be it further

RESOLVED, all terms and conditions of the successor agreement shall be implemented in full; and be it further

RESOLVED, that authorization is provided to appropriate up to \$440,000 in undesignated/unassigned fund balance into the 2018 Erie County Budget to cover all or a portion of the local share costs of the successor agreement; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any and all required budgetary adjustments in the 2017 Budget to properly fund the increased costs associated with the Teamsters successor agreement and the Commissioner of Personnel is authorized to make any necessary personnel adjustments to implement the terms of the agreement for County employees; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Erie County Comptroller, Erie County Sheriff's Office, Division of Budget and

Management, Department of Labor Relations, Department of Personnel and the Erie County Fiscal Stability Authority.

Item 101 – (COMM. 7E-41) Buffalo Niagara Convention Center - Ballroom & Exhibit Hall Improvements

Item 102 – (COMM. 7E-42) PILOT Agreement - Hope House Project, City of Buffalo - Affordable Housing Development

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

Item 103 – (COMM. 7E-43) Dept. of Senior Services - Amendment to Aging Mastery Program Grant

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 104 – (COMM. 7E-44) ECSDs - WNY Council on Occupational Safety & Health - Proposed Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 105 – (COMM. 7E-45) Managed Print Services

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 106 – (COMM. 7E-46) Big Sister Feasibility Study & Design Project - No-Cost Extension

Item 107 – (COMM. 7E-47) WNY Stormwater Coalition - GIS Coordination Project

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

Item 108 – (COMM. 7E-48) Open Item - Economic Development Committee - Remaining Road, Bridge & Infrastructure Projects for 2018

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 109 – (COMM. 7E-49) Appointment to the EC Dept. of Central Police Services' Board of Trustees

Received, filed and printed.

April 4, 2018

The Honorable

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Appointment to the Erie County Department Central Police Services Board of Trustees

Dear Honorable Members:

Pursuant to Section 15.03 of the Erie County Charter, I do hereby appoint the following individual to the Central Police Services Board of Trustees for a term coterminous with her term in the Erie County Legislature.

Appointee
Ms. April N.M. Baskin
92 Franklin St. 4th Floor
Buffalo, New York 14202

Thank you in advance for your courtesies.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

FROM THE COUNTY CLERK

Item 110 – MS. BASKIN presented the following resolution and moved for immediate consideration. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 88

RE: Auto Bureau Reorganization -
Placeholder
(COMM. 7E-50)

MS. BASKIN moved to amend the item. MR. LORIGO seconded. MR. LOUGHRAN voted in the negative.

CARRIED. (10-1)

Insert the following:

WHEREAS, the Erie County Clerk has consistently exceeded budget in the Auto Bureau and revenues exceeded expenditures by \$5,534,260 in 2017; and

WHEREAS, the Erie County Clerk's 2017 Auto Fees, Account 415130, exceeded budget by \$387,960; and

WHEREAS, the Erie County Clerk has estimated that transactions in the Auto Bureaus will increase by 55,000 in 2018, from 2017, and continue to increase in the foreseeable out years; and

WHEREAS, this increase in activity has already demonstrated itself with longer wait times and more customers conducting business at local Auto Bureaus locations in the first quarter of 2018; and

WHEREAS, in order to preserve the Auto Bureau as a profit center for the county while providing convenience to our customers it is imperative that the county increase staffing and available weekend hours at the Auto Bureaus we operate.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer available 2017 funding for additional designations and establish re-appropriations into 2018 as follows:

County Clerk Auto Bureau, Fund 110, Fund Center 11320
\$225,787 Account 500000 Full Time Salaries
\$112,893 Account 502000 Fringe Benefits

and be it further

RESOLVED, that authorization is hereby provided to make the following 2017 budget adjustments in order to establish funding for the re-appropriations outlined in the preceding resolve:

Designations

General Fund 110- Fund Center 11320 County Clerk Auto Bureau

500000 Full Time Salaries	\$225,787
502000 Fringe Benefits	112,893

Total Expense Designations	\$338,680
----------------------------	-----------

General Fund 110- Fund Center 11320 County Clerk Auto Bureau

415130 Auto Fees	\$338,680
------------------	-----------

Total Revenue Designations	\$338,680
----------------------------	-----------

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any required 2017 and 2018 budget adjustments to implement these budgetary and re-appropriations authorized in this resolution; and be it further

RESOLVED, that the Erie County Clerk is authorized to create 11 new JG5 Motor Vehicle Representative civil service positions; and be it further

RESOLVED, that the certified copies of this resolution be delivered to the County Executive, County Clerk, County Comptroller, Budget Director, Commissioner of Personnel and the CSEA President.

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

MR. LOUGHRAN moved to send the item to committee for further consideration. MR. BURKE seconded.

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

AYES: MS. BASKIN, MR. BURKE and MR. LOUGHRAN. NOES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, MR. BRUSO, MS. MILLER-WILLIAMS and CHAIR SAVAGE. (AYES: 3; NOES: 8)

FAILED.

CHAIR SAVAGE moved the previous question and 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.

FROM THE SHERIFF

Item 111 – (COMM. 7E-51) Seized Assets Fund Transfer

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DEPUTY COMPTROLLER - AUDIT

Item 112– (COMM. 7D-1) Notification of Commencement of Audit of Long Distance Travel Reimbursement Policies

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE ACTING COMMISSIONER OF SOCIAL SERVICES

Item 113 – (COMM. 7D-2) CPS Statistical Update

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE EC DEPT. OF SOCIAL SERVICES

Item 114 – (COMM. 7D-3) 2017 Annual Report

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 115 – (COMM. 7D-4) February 2018 Budget Monitoring Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE ASSISTANT COUNTY ATTORNEY

Item 116 – (COMM. 7D-5) Local Law No. 2 (2018) - Establishing a New Erie County Code of Ethics - Filing Document

Received and filed.

FROM THE DEPT. OF ENVIRONMENT & PLANNING FOIL OFFICER

Item 117 – (COMM. 7D-6) Letter to Minority Leader Concerning FOIL Request

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMMISSIONER OF SOCIAL SERVICES

Item 118 – (COMM. 7D-7) Letter to Legislator Bruso Concerning Employee Survey

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NFTA

Item 119 – (COMM. 7M-1) NFTA Board Minutes for Meeting Held 1/25/18

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS URBAN DEVELOPMENT CORP.

Item 120 – (COMM. 7M-2) Notice of Proposed Lead Agency Designation - Proposed Buffalo Blueway Capital Project - City of Buffalo & Town of West Seneca

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NFTA

Item 121 – (COMM. 7M-3) Letter to Majority Leader Concerning NFTA/Buffalo School Students

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM ENTERCOM BUFFALO

Item 122 – (COMM. 7M-4) Equal Employment Opportunity Employer - Job Openings

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

FROM THE M/WBE UTILIZATION ADVISORY BOARD

Item 123 – (COMM. 7M-5) Minutes of Meeting Held 1/29/18

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

FROM HABIB JOHNSON

Item 124 – (COMM. 7M-6) Communication Titled, "Elimination of the Entire ECHC & the ECCF's Informal Grievance Process"

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM ECMCC

Item 125 – (COMM. 7M-7) 2017 Annual Report

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE TOWN OF CLARENCE

Item 126 – (COMM. 7M-8) Town Board Resolution - Supporting School Safety Package Proposed Legislation Before the NYS Legislature

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE NFTA

Item 127 – (COMM. 7M-9) NFTA Board Minutes for Meeting Held 2/22/18

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM EMPLOYEE, CHILD PROTECTION

Item 128 – (COMM. 7M-10) E-Mail Concerning Proposed Personnel Adjustments

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM EMPLOYEES, CHILD PROTECTION

Item 129 – (COMM. 7M-11) Letter Concerning Proposed Personnel Adjustments

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NFTA

Item 130 – (COMM. 7M-12) NFTA Revised Annual Budget for FYE 2019

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM DAVID W. CLOY, II, PRESIDENT,
DWC MECHANICAL INC.

Item 131 – (COMM. 7M-13) Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM SHAWN KIMMEL,
AURORA PLUMBING & EXCAVATION

Item 132 – (COMM. 7M-14) Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM MITCHELL MACIUBA,
AMERICAN PAVING & EXCAVATING

Item 133 – (COMM. 7M-15) Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM KELSEY WAGNER,
AMERICAN PAVING & EXCAVATING

Item 134 – (COMM. 7M-16) Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM DANIEL FETES, PRESIDENT,
MJ MECHANICAL SERVICES, INC.

Item 135 – (COMM. 7M-17) Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM MICHAEL J. HIGGINS, PRESIDENT,
TOM GREENAUER DEVELOPMENT, INC.

Item 136 – (COMM. 7M-18) Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM DOTTIE GALLAHER-COHEN, PRESIDENT & CEO,
BUFFALO NIAGARA PARTNERSHIP

Item 137 – (COMM. 7M-19) Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM DIANE F. BURGER, VICE-PRESIDENT,
CTS CONTRACTING, INC.

Item 138 – (COMM. 7M-20) Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM FRED BOEHEIM, GYPSUM SYSTEMS, INC.

Item 139 – (COMM. 7M-21) Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM MICHAEL S. WAHL, PRESIDENT,
JM&R ELECTRICAL

Item 140 – (COMM. 7M-22) Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM SCOTT ROETZER,
LEDGE CREEK DEVELOPMENT, INC.

Item 141 – (COMM. 7M-23) Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM BILL PHILLIPS, SALES REPRESENTATIVE,
GERNATT ASPHALT PROD.

Item 142 – (COMM. 7M-24) Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM BRIAN SAMPSON, PRESIDENT,
ASSOCIATED BUILDERS & CONTRACTORS, INC.

Item 143 – (COMM. 7M-25) Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE PRESIDENT OF SUNY ERIE

Item 144 – (COMM. 7M-26) Letter to Chair Savage - Request to Address the Legislature

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM WILLIAM BANFIELD, NYS REGIONAL MANAGER,
NORTHEAST REGIONAL COUNCIL OF CARPENTERS

Item 145 – (COMM. 7M-27) Written Comments Concerning Local Law Intro. 4-1 (2018)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ANNOUNCEMENTS

Item 146 – Chair Savage announced that on Tuesday, April 17, 2018, at 6:00 p.m., the Legislature will conduct a public hearing on Local Law Intro. 5-1 (2018), in relation to fair housing in Erie County, to be held in the Chamber of the Legislature. Chair Savage further announced that the schedule for committee meetings to be held on Thursday, April 18, 2018, has been distributed.

Item 147 – Legislator Lorigo announced that on Thursday, April 18, 2018, the Health & Human Services will to discuss matters addressed by CPS employees.

MEMORIAL RESOLUTIONS

Item 148 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of David Downing, Mark Szalkowski, Cathy Piasecki, and Richard Keil.

Item 149 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Reginald B. Newman II, Doris Brennan, and Ed Wisniewski.

Item 150 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Esther L. Levindofske, and Eugene R. Piotrowski.

Item 151 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Gordon Tresch, Lindsey Miller, Victoria Keidel, and Richard Keil.

Item 152 – Legislator Brusco requested that when the Legislature adjourns, it do so in memory of Barbara A. Huestis.

ADJOURNMENT

Item 153 - At this time, there being no further business to transact, CHAIR SAVAGE announced that the Chair would entertain a Motion to Adjourn.

MR. BURKE moved that the Legislature adjourn until Thursday, April 26, 2018 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR SAVAGE declared the Legislature adjourned until Thursday, April 26, 2018 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE