

ERIE COUNTY LEGISLATURE
MEETING NO. 14
JUNE 20, 2019

The Legislature was called to order by Chair Baskin.

All members present.

An Invocation was held, led by Chair Baskin, who offered a prayer.

The Pledge of Allegiance was led by Mr. Rath.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. BRUSO moved for the approval of the minutes for Meeting Number 13 from 2019. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – CHAIR BASKIN presented a proclamation Honoring Dr. Barbara Seals Nevergold as the 2019 Medgar Evers Award Honoree.

Item 6 – CHAIR BASKIN presented a proclamation Congratulating and Honoring Rahim Dunston as the Recipient of the 2019 Youth Award.

Item 7 – CHAIR BASKIN presented a proclamation Congratulating and Honoring Derrick Lanier Moore as the Recipient of the 2019 Rufus Frasier Human Relations Award.

Item 8 – CHAIR BASKIN presented a proclamation Congratulating and Honoring Kendra Brim as the Recipient of the 2019 Daniel Acker Community Service Award.

Item 9 – MS. DIXON, MR. LORIGO, MR. RATH & MR. MILLS presented a proclamation Recognizing and Honoring American Hero U.S. Army Staff Sgt. David Bellavia on Receiving the Medal of Honor for His Bravery and Actions During Operation Iraqi Freedom.

Item 10 – MS. DIXON presented a proclamation 30th Anniversary of the HR5050 National Association of Women Owned Business.

Item 11 – MR. RATH presented a proclamation Congratulating the Rotary Club of Akron-Newstead on Their 30th Anniversary.

Item 12 – MR. RATH presented a proclamation Recognizing and Acknowledging Judy Moore as the Erie County Legislature Citizen of the Month for June 2019.

Item 13 – MR. RATH presented a proclamation Congratulating the Williamsville East Softball Team on Winning the NYSPHSAA Class A State Softball Championship Game.

MR. BRUSO moved for consideration of the above nine items. MR. RATH seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MR. BRUSO moved for approval of the above nine items as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 14 – CHAIR BASKIN directed that Local Law No. 20 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 15 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 16 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 17 – CHAIR BASKIN directed that Local Law No. 4 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 – CHAIR BASKIN directed that Local Law No. 7 (Print #1) 2019 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 20 – MR. BRUSO moved to take Local Law No. 7 (Print #2) from the table. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 7-2 2019

LOCAL LAW NO. _____ 2019

A Local Law entitled “ERIE COUNTY CORRECTIONS SPECIALIST ADVISORY BOARD” in relation to establishing an advisory board for the Erie County Jail Management Division.

Be it enacted by the Legislature of the County of Erie as follows:

SECTION 1. LEGISLATIVE INTENT AND OVERVIEW

It is the Erie County Legislature’s intention to establish the Erie County Corrections Specialist Advisory Board (the “Advisory Board”) to provide advice to, and oversight over the Erie County Sheriff Office’s Jail Management Division which administers the Erie County Holding Center and the Erie County Correctional Facility.

In 2010 this Honorable Body created a Community Corrections Advisory Board (“CCAB”) via legislative resolution following evaluation and investigation and a lawsuit by the U.S. Department of Justice against Erie County and the Erie County Sheriff deeming federal oversight of the Erie County Holding Center and Correctional Facility as necessary and in the public interest due to a myriad of issues at both facilities. The CCAB’s purpose was “discussion of corrections facilities programs and services to offer suggestions and advice for the improvement of such programs at the Erie County Correctional Facility and the Erie County Holding Center.” The Legislature also desired that the CCAB could help prevent further improper treatment at the facilities, and devise solutions to improve procedures and operations and provide a mechanism for oversight.

One of the major issues plaguing the Jail Management Division involves mentally-ill inmates and prisoners who may be suicidal or who are need in need of treatment while detained. The Erie County Department of Mental Health is administratively responsible for planning, directing, coordinating, and monitoring programs of prevention, treatment and rehabilitation involving detainees with mental health and/or intellectual or developmental disabilities and substance abuse services.

Over the intervening years, the state’s regulator over local jails, the New York State Commission of Correction, has issued a series of critical reports over the Holding Center and Correctional Facility due to inmate escapes from custody, facility conditions, assaults on prisoners, mental health and healthcare deficiencies, and the deaths of prisoners or detainees in the custody of the Erie County Division of Jail Management. This includes a February 2018 report entitled “The Worst Offenders Report: The Most Problematic Local Correctional Facilities of New York State”, that labeled the Holding Center and Correctional Facility as one of the “worst offenders for being in violation of state law.”

For a variety of reasons, the CCAB did not function as hoped and expected and in 2013 the CCAB functionally stopped meeting or acting and was not subsequently convened.

Section 2205 of the Erie County Charter states: “Advisory boards shall meet at least four times per year, and meetings shall be held in compliance with the Open Meetings Law. If a board fails to hold the minimum number of meetings, the creating authority shall investigate why, and is authorized to remove an ineffective chair or any inactive members, or to recommend that the legislature abolish the board.

Because the CCAB has not met since 2013, and due to the host of problems, issues and concerns over the Erie County Holding Center and Correctional Facility, it is recommended that the Legislature create a new robust and inclusive corrections advisory board comprised of current and/or retired professionals who have expertise in criminal justice, public safety, restorative justice and reducing recidivism that will more effectively serve the people of Erie County.

The Advisory Board is intended to focus on restorative justice, serve as a bridge between the community, the Erie County Department of Mental Health, and the Erie County Sheriff’s Office’s Jail Management Division, and will be dedicated to enhancing the safety and conditions in the Erie County Holding Center and Correctional Facility. Its mission will be to bring leaders and professionals in our community together to help monitor and improve the County’s correctional facilities, improve the lives of those who have left correctional facilities and reduce recidivism and help with re-entry to society, and work together for solutions to problems while continually looking for ways to improve internal operations and procedures in the correctional facilities.

SECTION 2. CREATION OF AND MEMBERSHIP OF THE ERIE COUNTY CORRECTIONS SPECIALIST ADVISORY BOARD

The Erie County Corrections Specialist Advisory Board is hereby established.

Membership

The Advisory Board shall consist of eleven (11) voting members as follows:

- One member to be recommended by the Chair of the Erie County Legislature
- One member to be recommended by the Majority Leader of the Erie County Legislature
- One member to be recommended by the Minority Leader of the Erie County Legislature
- One member to be recommended by the Erie County Executive

- One member to be recommended by the Erie County Sheriff
- One member to be recommended by the Erie County Commissioner of Probation
- One member to be recommended by the Erie County Commissioner of Mental Health
- One member to be recommended by the Bar Association of Erie County
- One member with demonstrated experience in advocacy for prisoners to be recommended by an organization working on behalf of prisoners' rights
- One member with demonstrated experience with restorative justice to be recommended by an organization that is dedicated to restorative justice
- One member with demonstrated experience in assisting former offenders' transitions who is a former prisoner of a county or state holding/correctional facility to be recommended by an organization that is dedicated to ex-offender transition from jail/prison to life in the general public

Members shall be approved by a majority vote of the Erie County Legislature and shall serve without compensation.

Terms of Advisory Board Members

Advisory Board members shall serve three-year terms. No member may serve more than two (2) consecutive terms, including the completion of a term of another voting member. Those who have served two (2) consecutive terms may be eligible again after a two (2) year absence to serve on the Board.

SECTION 3. QUALIFICATIONS OF MEMBERS

All members must meet the minimum requirements set forth in Section 2205 of the Erie County Charter including:

- a. Each Advisory Board member shall be a resident of Erie County at the time of appointment and shall remain a resident of Erie County while holding a position as a member of the Advisory Board.
- b. Members of the Advisory Board may not hold elective office.

SECTION 4. MEETINGS

At the first meeting of the Advisory Board the Board shall elect a member as chairperson, and another member as vice-chairperson. The chairperson and vice-chairperson shall serve in such positions for two years and may not serve more than two consecutive terms. The vice-chairperson shall serve in the absence of the chairperson and in such other capacity as the chairperson shall delegate.

The Advisory Board shall establish a schedule of regular meetings for the year, but the Advisory Board shall meet a minimum of four (4) times per year.

Unless otherwise provided by law, a majority of the members shall constitute a quorum at any duly held meeting of the Advisory Board. The affirmative vote of a majority of all members shall be required for Advisory Board action on any matter.

At each meeting of the Advisory Board, time will be set aside for public comment on issues relevant to the stated intent in the adopted bylaws of the Advisory Board. If no such individuals or organizations have contacted the Chairperson of the Advisory Board to request time to testify, the Advisory Board will forgo the time for public comment at that meeting of the Board. Requests to testify can be made to the Chairperson of the Advisory Board by filing such request with the Clerk of the Erie County Legislature at least five (5) business days prior to the Meeting of the Advisory Board.

SECTION 5. PROCEDURES.

The Advisory Board shall adopt standards of conduct and disclosure of interests intended to ensure that the actions of the Advisory Board are carried out in an ethical manner. The ethical standards shall be consistent with the Erie County Code of Ethics.

The Advisory Board may adopt such bylaws and/or rules and procedures for the efficient and orderly conduct of its business as it deems necessary or appropriate under Section 2205 of the Erie County Charter. Such rules and procedures shall provide reasonable opportunity for public comment and engagement.

The Advisory Board shall adopt bylaws that are not in conflict with Section 2205 of the Erie County Charter or any provisions of this Local Law, and subject to the approval of the Erie County Legislature.

It is hereby established, this local law does charge the Advisory Board the ability to design and enforce the bylaws under which such board will function. Bylaws must be in writing, filed with the Erie County Legislature, and open to inspection by members of the Advisory Board, the Erie County Legislature, and other elected officials. Bylaws may include, but are not limited to, the procedures for the taking of meeting minutes, the procedures for submitting grievances, the procedure for recommending the use of the Legislature's subpoena power, and the procedure for writing and submitting reports to the Erie County Legislature. Bylaws must be filed with the Erie County Legislature at least thirty (30) days prior to the first Advisory board meeting. In order to establish bylaws, the members of the Advisory Board must be in quorum, and at least seven (7) affirmative votes submitted. Amendments to the bylaws must be passed in quorum, with the affirmative vote of at least seven Advisory Board members.

The Advisory Board will produce, annually, a report on the progress of the Board for the previous year and their goals for the upcoming year. The report is to be filed with the Clerk of the Erie County Legislature and shall be reviewed by the Public Safety Committee of the Erie County Legislature.

SECTION 6. POWERS AND FUNCTIONS

Powers

The Advisory Board shall:

1. Function in an advisory capacity to the Erie County Legislature as well as to the Erie County's Sheriff's Office.

The Advisory Board may:

1. Recommend that the Chairperson of the Erie County Legislature utilize his/her subpoena power under Section 2607 of the Erie County Charter, as necessary, to compel the presence and testimony of persons or the production of records to the Advisory Board when other mechanisms to compel such presence or data are otherwise unsuccessful through the following procedure:
 - (a) A formal recommendation suggesting utilization of the Legislature's subpoena power may be submitted to the Erie County Legislature's Public Safety Committee. After which, members of the Public Safety Committee shall vote on whether to submit the request to the Chair of the Erie County Legislature. Requests that pass by a majority vote of the Public Safety Committee shall then be submitted to the Chair of the Erie County Legislature for a final decision on the potential utilization of subpoena power.

Functions

The Advisory Board may undertake functions and activities intended to:

1. Develop strategic plans and policies to be considered by the Legislature and the Sheriff's Office that will improve the conditions, systems and practices at the Erie County Holding Center and Correctional Facility and help reduce recidivism in Erie County.
2. Allow public comment on the issues related to the Erie County Holding Center and Erie County Correctional Facility
3. Make formal advisory recommendations to the County Legislature and the Erie County Sheriff's Office on the programs, funding and services for the correctional facilities in Erie County.
4. Receive complaints regarding the Erie County Holding Center and the Erie County Correctional Facility from the public and refer such complaints to the Public Safety Committee of the Legislature.

SECTION 7. STAFF SUPPORT

The Chair of the Erie County Legislature shall choose amongst the staff of the Legislature one person to serve as Clerk of the Advisory Board. Such staff member will communicate with members, and the public through notices, regarding meetings, agendas and items that are before the Advisory Board. The Clerk will be responsible for taking the roll, recording votes of the members at meetings and communicating with groups seeking to testify before the Advisory Board. The Clerk will also be responsible for disseminating the minutes of the meetings to Advisory Board members and working with the Chair of the Advisory Board to produce an Annual Report to be filed with the Clerk of the Erie County Legislature and reviewed by the Public Safety Committee of the Erie County Legislature.

SECTION 8. EFFECTIVE DATE

This Local Law shall take effect upon filing with the New York Secretary of State.

SECTION 9. SEVERABILITY

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

SPONSORED BY:

APRIL N. M. BASKIN
HOWARD JOHNSON
TIMOTHY MEYERS

MR. BRUSO moved to approve Local Law No. 7 (Print #2). MR. JOHNSON seconded.

MR. LORIGO moved to amend Local Law No. 7 (Print #2). MR. RATH seconded.

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

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

FAILED.

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

AYES: MS. DIXON, MR. LORIGO, MR. MILLS, MR. RATH, CHAIR BASKIN, MR. BRUSO, MR. HARDWICK, MR. JOHNSON, MR. LOUGHRAN, and MR. MEYERS. NOES: None. (AYES: 10; NOES: 0)

CARRIED UNANIMOUSLY.

Item 21 – CHAIR BASKIN directed that Local Law No. 8 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 22 – MR. BRUSO presented the following report, moved to separate item Number 3, and approve the balance of the report. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 137

June 13, 2019	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the follow items are hereby received and filed:
 - a. COMM. 11E-2 (2019)
MILLER-WILLIAMS: “Letter to Chair of EC Legislature Regarding Amended Annual Budget Funding”
(Chair’s Ruling)
 - b. COMM. 11E-10 (2019)
COMPTROLLER: “Interim Financial Report of EC for the First Quarter of 2019”
(Chair’s Ruling)
 - c. COMM. 11D-4 (2019)
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report – Period Ending March 2019”
(Chair’s Ruling)
 - d. COMM. 11M-5 (2019)
NFTA: “Cash Flow Statement for 4/1/17 - 3/31/19 & Projected Cash Flow for 4/1/19 - 3/31/20”
(Chair’s Ruling)
 - e. COMM. 12E-1 (2019)
LORIGO, DIXON, MILLS & RATH: “Letter to Chair Baskin Regarding 2018 Year-End Budget Balancing Amendments”
(Chair’s Ruling)
 - f. COMM. 12M-8 (2019)
ECFSA: “Copy of Resolution Approving the 2018 ECFSA Annual Financial Audit”
(Chair’s Ruling)

g. COMM. 13D-2 (2019)
DIRECTOR OF BUDGET & MANAGEMENT: "Budget Monitoring Report for
Period Ending 04/2019"
(Chair's Ruling)

2. COMM. 3D-1 (2019)
DIRECTOR OF REAL PROPERTY TAX SERVICES AS AMENDED
WHEREAS, the Erie County Director of Real Property Tax Services has received
applications for corrected tax billings and / or refunds for taxes previously paid in accordance with
New York State Real Property Tax Law sections 554 and 556; and

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

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 219054 through 219062, inclusive be hereby approved
or denied based upon the recommendation of the Director of Real Property Tax Services and be
charged back to the applicable towns and/or cities.

FISCAL YEAR 2018 Petition No. 219,054.00

 ASSESSOR Refund \$812.51
S-B-L 57.05-5-5.2/18 8108 Laurel Park L 143200 CLARENCE

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$812.51 Town/SpecialDist/School
Charge To : 143200 CLARENCE \$812.51
Relevy School \$812.51142203 WILLIAMSVILLE CENT

RPTL 550(2): Incorrect assessed value
Refund to be issued to Gary Skalyo

FISCAL YEAR 2019 Petition No. 219,055.00

 ASSESSOR Refund \$379.05
S-B-L 57.05-5-5.2/18 8108 Laurel Park L 143200 CLARENCE

 Acct. No. 112 \$236.50 County
 Acct. No. 132 \$142.55 Town/SpecialDist/School
Charge To : 143200 CLARENCE \$142.55

RPTL 550(2): Incorrect assessment
Refund to be issued to Gary Skalyo

FISCAL YEAR 2019 Petition No. 219,056.00

ASSESSOR Cancel \$3,760.72
S-B-L 83.00-5-2.121/B 80 Rotech Dr 145289 LANCASTER

Acct. No. 112 \$1,529.13 County
Acct. No. 132 \$2,231.59 Town/SpecialDist/School
Charge To : 145289 LANCASTER \$2,231.59

RPTL 550(2): Duplicate parcel
New tax bill to be issued.

FISCAL YEAR 2019 Petition No. 219,057.00

ASSESSOR Cancel \$12.98
S-B-L 126.06-8-32 41 Deepwood Pl 145201 DEPEW

Acct. No. 112 \$0.00 County
Acct. No. 132 \$12.98 Town/SpecialDist/School
Charge To : 145201 DEPEW \$12.98

Relevy Village \$12.98 Village of DEPEW
RPTL 550(2): Incorrect swis code
New tax bill to be issued.

FISCAL YEAR 2018 Petition No. 219,058.00

ASSESSOR Refund \$916.32
S-B-L 40.61-6-1 170 Dolphann Dr146489 TONAWANDA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$916.32 Town/SpecialDist/School
Charge To : 146489 TONAWANDA \$916.32
Relevy School \$916.32142207 SWEET HOME CENTRAL

RPTL 550(2): Incorrect calculation of senior exemption
Refund to be issued to Lucy & Elisabeth Threlfall

FISCAL YEAR 2019 Petition No. 219,059.00

ASSESSOR Refund \$351.27
S-B-L 40.61-6-1 170 Dolphann Dr146489 TONAWANDA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$351.27 Town/SpecialDist/School
Charge To : 146489 TONAWANDA \$351.27

RPTL 550(2): Incorrect calculation of senior exemption
Refund to be issued to Lucy & Elisabeth Threlfall

FISCAL YEAR 2019 Petition No. 219,060.00

 ASSESSOR Refund \$1,472.94

S-B-L 53.59-1-2 2997 Eggert Rd 146489 TONAWANDA

 Acct. No. 112 \$0.00 County

 Acct. No. 132 \$1,472.94 Town/SpecialDist/School

Charge To : 146489 TONAWANDA \$1,472.94

RPTL 550(2): Incorrect units in sewer district
Refund to be issued to St. Amelia Roman Catholic Church

FISCAL YEAR 2019 Petition No. 219,061.00

 ASSESSOR Refund \$1,028.69

S-B-L 133.20-10-16 149 Tampa Dr 146800 WEST SENECA

 Acct. No. 112 \$0.00 County

 Acct. No. 132 \$1,028.69 Town/SpecialDist/School

Charge To : 146800 WEST SENECA \$1,028.69

RPTL 550(2): Error in calculation of exemption removal
Refund to be issued to Nikolaus Herale & Lisa Jaskowski

FISCAL YEAR 2018 Petition No. 219,062.00

 ASSESSOR Refund \$930.25

S-B-L 133.20-10-16 149 Tampa Dr 146800 WEST SENECA

 Acct. No. 112 \$0.00 County

 Acct. No. 132 \$930.25 Town/SpecialDist/School

 5201 Code RP520 \$930.25

Charge To : 146800 WEST SENECA \$0.00

RPTL 550(2): Error in calculation of exemption removal
Refund to be issued to Nikolaus Herale & Lisa Jaskowski

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.

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

3. COMM. 13E-11 (2019)
 COUNTY EXECUTIVE

WHEREAS, the Division of Purchase processes certain vendor payments using check or debit card to vendors which do not accept Purchase Orders; and

WHEREAS, the need for specialized payment has expanded due to the increase of on-line sellers and mandatory payments structured via debit card; and

WHEREAS, the existing fund source of \$ 10,000 is currently insufficient to handle needed purchases for the maximum benefit to the County; and

WHEREAS, the Division of Purchase is seeking legislative approval of the increase to the Purchasing Imprest Fund from \$ 10,000 to \$ 20,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie does hereby authorize the \$10,000 increase to the Purchasing Imprest Fund; and be it further

RESOLVED, that the Legislature of the County of Erie does hereby authorize an account title change from DISS- PURCHASING IMPREST FUND to PURCHASING IMPREST FUND; and be it further

RESOLVED, that these funds will be allocated to:

BA 106 Division of Purchase – 117100 Petty Cash
PURCHASING IMPREST FUND

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive; the Director of Budget and Management; the Comptroller's Office and Vallie M. Ferraraccio, the Director of the Division of Purchase.

(5-1) Legislator Lorigo voted in the negative.

4. COMM. 13E-19 (2019)
COMPTROLLER

WHEREAS, the federal government requires that all counties prepare an annual cost allocation plan; and

WHEREAS, for nearly 30 years, Erie County has contracted with an outside provider to prepare the cost allocation plan; and

WHEREAS, the current contract for cost allocation services expired this year; and

WHEREAS, the Comptroller's Office issued a request for proposals (RFP) on April 15, 2019 for a provider to prepare cost allocation plans for the next four years with an option to extend that contract an additional two years; and

WHEREAS, the Comptroller's Office received three responses to the RFP and had them evaluated by a committee; and

WHEREAS, the RFP Committee selected Maximus, Inc., the lowest bidder, to perform the service for a contract period of four years with the option to extend the contract for an additional two years.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with Maximus, Inc. for a four year period, with the option to extend the contract for an additional two years, to prepare the county's cost allocation plan beginning with the 2018 cost allocation plan at a cost of \$14,000; and be it further

RESOLVED, that certified copies of this resolution are to be forwarded to the County Executive, County Comptroller, County Attorney, and Director of Budget and Management.
(6-0)

**JOHN BRUSO
CHAIR**

MR. BRUSO moved to approve item Number 3. MR. JOHNSON seconded.

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

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

CARRIED.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 138

June 13, 2019	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 11D-3 (2019)
DEPARTMENT OF SOCIAL SERVICES: "CPS Statistical Report - April 2019"

(Chair's Ruling)

- b. COMM. 13E-2 (2019)
COMPTROLLER: "Audit Results for Senior Services Congregate Dining Nutrition Grant - 1/1/18 - 12/31/18"
(Chair's Ruling)
- 2. COMM. 13E-4 (2019)
COUNTY EXECUTIVE
RESOLVED, that the Erie County Legislature does hereby confirm the appointment of David J. Shenk to the position of Commissioner of the Department of Senior Services.
(6-0)

JOHN BRUSO
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 139

June 13, 2019	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

- 1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 12M-2 (2019)
NYSDEC: "Fact Sheet - Environmental Cleanup to Begin at Brownfield Site – Fillmore Ave., Buffalo"
(Chair's Ruling)
 - b. COMM. 12M-3 (2019)
NYSDEC: "Invitation for Public Comment - Application & Draft Remedial Investigation Work Plan - Connecticut St., Buffalo"
(Chair's Ruling)
 - c. COMM. 12M-4 (2019)
BOND, SCHOENECK & KING, PLLC: "Letter to NYS Public Service Commission Concerning Application of Niagara Mohawk Power Corp. for a Certificate of Environmental Compatibility & Public Need"
(Chair's Ruling)

d. COMM 13E-12 (2019)
COUNTY EXECUTIVE: "ECSD Nos. 1, 3, 4 & 5 - Engineering Term Contract Agreement"
(Chair's Ruling)

e. COMM 13M-1 (2019)
NY PUBLIC INTEREST RESEARCH GROUP: "Report Concerning Emerging
Contaminants in NY's Drinking Water Systems"
(Chair's Ruling)

2. COMM. 13E-9 (2019)
COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature does hereby confirm the re-appointments and appointments of the following individuals to the Erie County Fisheries Advisory Board for the terms indicated.

Reappointments:

Joseph Fischer
17 Kingston Ln.
Cheektowaga, NY 14225
Term Expires: 12/31/2021

Larry Jones
268 Harrison Ave.
Buffalo, NY 14223
Term Expires: 12/31/2022

Rich Davenport
208 Walter Ave.
Tonawanda, NY 14150
Term Expires: 12/31/2021

Scott Gauld
59 Dolphann Dr.
Tonawanda, NY 14150
Term Expires: 12/31/2021

Terry Belke
6694 Versailles Rd.
Lake View, NY 14085
Term Expires: 12/31/2020

Appointments:

Ken Christie
639 Cindy Ln.
West Seneca, NY 14224
Term Expires: 12/31/2022
(6-0)

Gregory J. Reusch
361 Okell Street
Buffalo, NY 14220
Term Expires: 12/31/2022

TIMOTHY MEYERS
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 140

	COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 8E-4 (2019)
COUNTY EXECUTIVE: “Award of Construction Contract - Lake Avenue Reconstruction - Village of Blasdell, Town of Hamburg”
(Chair’s Ruling)
 - b. COMM. 11M-3 (2019)
NY FOUNDATION FOR FAIR CONTRACTING: “Reconstruction of Lake Avenue Project”
(Chair’s Ruling)
 - c. COMM. 12D-2 (2019)
DEPARTMENT OF PUBLIC WORKS: “Letter to Legislature Regarding COMM. 8E-4 (2019)”
(Chair’s Ruling)
 - d. COMM. 13D-1 (2019)
DEPARTMENT OF PUBLIC WORKS: “Letter to Legislature Regarding COMM. 8E-4 (2019) - Lake Avenue Reconstruction - Village of Blasdell, Town of Hamburg”
(Chair’s Ruling)
 - e. COMM. 13M-2 (2019)
NYS DEC: “Invitation for Public Comment - Draft Investigation Work Plan for 57-71 Tonawanda St., Buffalo”
(Chair’s Ruling)
 - f. COMM. 13M-3 (2019)
NYS DEC: “Remedy Proposed for Brownfield Site, 31 Tonawanda St., Buffalo”
(Chair’s Ruling)
 - g. COMM. 13M-6 (2019)
NFTA: “SEQR - Issuance of Scoping Document”
(Chair’s Ruling)
2. COMM. 7E-17 (2019)
COUNTY EXECUTIVE AS AMENDED

2019 CAPITAL OVERLAY CONTRACT B –
CLEVELAND DRIVE AND KENSINGTON AVENUE

WHEREAS, the 2019 Capital Overlay Contract B roads: Cleveland Drive, from I-90 Ramp to City of Buffalo Line; and Kensington Avenue, from Harlem Road to Main Street are in poor condition; and

WHEREAS, the Department of Parks, Recreation, and Forestry identified a number of roads, pathways and parking lots throughout the Erie County Park System that were included in the Department of Public Works 2019 Capital Overlay Contract B; and

WHEREAS, bids were received and opened on May 24, 2019 for the 2019 Capital Overlay Contract B, Project Number CAP – 141.208 – 2019 in the Towns of Amherst and Cheektowaga, (the “Project”); and

WHEREAS, the Erie County Department of Public Works recommends the award of contract to the lowest responsible bidder, Destro & Brothers Concrete Co. Inc., in the amount of \$1,492,053.25 for the Division of Highways portion of the Project; and

WHEREAS, it is necessary to establish a Construction Contingency of \$75,000.00 for the Division of Highways portion of the Project with authorization for the County Executive to execute related Change Orders; and

WHEREAS, the estimated total cost of the Division of Highways portion of the Project is \$1,567,053.25, and is available in Fund 420, Funds Center 123, Project B.19050.1.2 – 2019 Capital Overlay Program (Capital Bond Reso); and

WHEREAS, Erie County Department of Public Works recommends the award of contract to the lowest responsible bidder, Destro & Brothers Concrete Co. Inc., in the amount of \$351,298.00 for the Department of Parks, Recreation, and Forestry’s portion of the Project; and

WHEREAS, it is necessary to establish a Construction Contingency of \$38,702 for the Department of Parks, Recreation, and Forestry’s portion of the Project with authorization for the County Executive to execute related Change Orders; and

WHEREAS, the estimated total cost of the Department of Parks, Recreation and Forestry portion of the Project is \$390,000.00 and is available in Fund 410, Funds Center 164 as follows:

Project A.16015 – 2016 Roads, Pathways, and Parking Lot Repairs	\$ 48,014.40
Project A.17014 - 2017 Roads, Pathways, and Parking Lot Repairs	\$341,985.60
Total	\$390,000.00

and

WHEREAS, it is desired to award the construction contract to Destro & Brothers Concrete Co. Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to award and execute a contract for Project Number CAP – 141.208 – 2019, to the lowest responsible bidder, Destro & Brothers Concrete Co. Inc. in the amount of \$1,492,053.25 for the Division of Highways portion of the Project; and be it further

RESOLVED, that the County Executive be authorized to establish a Project Contingency in the amount of \$75,000.00 for the Division of Highways portion of the Project and execute Project related change orders, as necessary; and be it further

RESOLVED, that the total Project budget, in the amount of \$1,567,053.25, be made available for the Project in Fund 420, Funds Center 123, Project B.19050.1.2 – 2019 Capital Overlay Program (Capital Bond Reso); and be it further

RESOLVED, that the Erie County Executive is authorized to award and execute a contract to the lowest responsible bidder, Destro & Brothers Concrete Co. Inc. in the amount of \$351,298.00 for the Department of Parks, Recreation, and Forestry portion of the Project for paving related to the Project; and be it further

RESOLVED, that the County Executive be authorized to establish a Project Contingency in the amount of \$38,702 for the Department of Parks, Recreation, and Forestry portion of the Project and execute Project related change orders, as necessary; and be it further

RESOLVED, that the Project budget, in the amount of 390,000.00, be made available for the Project in Fund 410, Funds Center 164 as follows:

Project A.16015 – 2016 Road, Pathways and Parking	\$ 48,014.40
<u>Project A.17014 - 2017 Roads and Pathways</u>	<u>\$341,985.60</u>
Total	\$390,000.00

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, Department of Parks, Recreation, and Forestry and one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

**INTER-MUNICIPAL AGREEMENT WITH NIAGARA COUNTY FOR
TONAWANDA CREEK RD PAVEMENT REHAB; CAMPBELL BLVD TO ERIE CANAL**

WHEREAS, COMM. 3E-15 (February 15, 2018) authorized execution of an Inter-Municipal Agreement between Erie and Niagara Counties for a federal aid highway rehabilitation and slide stabilization project for Tonawanda Creek Road in the Towns of Pendleton and Lockport in Niagara County and the Town of Clarence in Erie County (the “Project”); and

WHEREAS, the Town of Clarence site is for the remediation of the June 2014 slide on Tonawanda Creek Road (CR 559); and

WHEREAS, the Project is eligible for funding under Title 23 U.S. Code, as amended, and calls for the apportionment of the costs of such project to be borne at the ratio of 80% federal funds and 20% non-federal funds; and

WHEREAS, the non-federal portion of Project funds required are being provided by the State of New York therefore requiring no contribution of funds from either Niagara or Erie Counties; and

WHEREAS, the current Inter-Municipal Agreement only includes Design Phases I-IV (preliminary engineering) and Right of Way (ROW) Incidentals; and

WHEREAS, it is desired to amend the current Inter-Municipal Agreement to include Design Phases V & VI (detailed design), and the ROW Acquisition and Construction phases of the Project; and

WHEREAS, additional Legislative authorization will be needed should the cost of the Project phases noted exceed the available federal and non-federal funding requiring funding participation from Erie County for the Tonawanda Creek Road (CR 559) site in the Town of Clarence.

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Executive be authorized to execute an amendment to the current Inter-Municipal Agreement between Erie County and Niagara County, subject to approval by the County Attorney, to include therein Design Phases V & VI (detailed design), and the ROW Acquisition and Construction Phases of the Project; and be it further

RESOLVED, that should the cost of the Project phases noted exceed the available federal and non-federal funding requiring funding participation from Erie County for the Tonawanda Creek Road (CR 559) site in the Town of Clarence additional legislative authorization will be sought for such participation; and be it further

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

(6-0)

3. COMM. 13E-13 (2019)
COUNTY EXECUTIVE

WHEREAS, the County of Erie received bids for the Buffalo Niagara Convention Center – 2018 – Energy Efficient Modifications and Various Improvements to the Exhibit Hall on September 6, 2018 and the lowest responsible bidder for the Electrical Construction Work was Frey Electric Construction Co. (COMM. 14E-46 2018); and

WHEREAS, the Department of Public Works applied for and was awarded a National Grid Energy Initiative Rebate as a result of the implementation of the energy efficient lighting system (COMM. 4E-18 2019); and

WHEREAS, an additional energy-efficient lighting system to provide very low 0.5 to 4 foot-candles illumination levels with a warm color temperature and wide-distribution pattern on separate controls is required for corporate events in the Exhibit Hall; and

WHEREAS, the County Executive is requesting authorization to increase the Construction Contingency Fund for the Buffalo Niagara Convention Center – 2018 – Energy Efficient Modifications and Various Improvements to the Exhibit Hall project from \$50,000 to \$75,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to increase the Construction Contingency Fund for the Buffalo Niagara Convention Center – 2018 – Energy Efficient Modifications and Various Improvements to the Exhibit Hall project from \$50,000 to \$75,000; and be it further

RESOLVED, that Contract Amendments will be negotiated and issued to the previously awarded lowest responsible bidder, Frey Electric Construction Co., to complete the additional work; and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from the approved, as amended 2017 capital budget, Fund 410, Funds Center 122 as follows:

A.17003 – 2017 Buffalo Niagara Convention Center Rehabilitation	\$25,000
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and be it further

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

(6-0)

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 141

June 13, 2019	PUBLIC SAFETY COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 17M-2 (2018)
CARIYANA McCUTCHEON: “Letter Concerning EC Holding Center”
(Chair’s Ruling)
 - b. LL INTRO. 7-1 (2019)
BASKIN, JOHNSON & MEYERS: “A LL Titled, ‘ERIE COUNTY CORRECTIONS SPECIALIST ADVISORY BOARD’ in relation to establishing an advisory board for the Erie County Jail Management Division”
(Chair’s Ruling)
 - c. COMM. 12E-12 (2019)
BASKIN: “Recommendation for Appointment to the EC Dept. of Central Police Services Board of Trustees”
(Chair’s Ruling)

HOWARD J. JOHNSON, JR.
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 142

June 20, 2019	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 8M-1 (2019)

SUNY ERIE: "SUNY Erie Mid-Year Budget Report Follow Up"
(Chair's ruling)

- b. COMM. 8M-4 (2019)
BUFFALO & EC PUBLIC LIBRARY: "Proposed Agenda for Meeting to be Held on Thursday, April 18, 2019"
(Chair's ruling)
- c. COMM. 12M-1 (2019)
BUFFALO & EC PUBLIC LIBRARY: "Proposed Agenda for Meeting Held on 5/16/2019"
(Chair's ruling)
- d. COMM. 12M-6 (2019)
VISIT BUFFALO NIAGARA: "First Quarter Reports for 2019"
(Chair's ruling)
2. COMM. 11E-27 (2019)
COUNTY EXECUTIVE
RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Katie A. Mallinson to serve on the Erie County Arts and Cultural Advisory Board, for a term that will expire on May 22, 2020.
(6-0)

THOMAS A. LOUGHRAN
CHAIR

LEGISLATOR RESOLUTIONS

Item 28 – CHAIR BASKIN directed that the following resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO. 14-1 from MEYERS. Support for Post-Consumer Paint Collection Program.

Item 29 – CHAIR BASKIN directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO. 14-2 from MILLS & DIXON. Opposition to Construction of Wind Turbine Farm on Lake Erie.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 30 – MR. BRUSO moved to discharge the COMMUNITY ENRICHMENT COMMITTEE of further consideration of COMM. 13E-8 (2019). MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 143

RE: SUNY Erie Community College
2019-2020 Budget
(COMM. 13E-8, 2019)

RESOLVED, that the Erie County Legislature does hereby approve the 2019-2020 Budget of SUNY Erie Community College as adopted by the ECC Board of Trustees, and submitted to this Honorable Body by the County Executive on June 3, 2019, with no changes.

MR. BRUSO moved to approve the item. MR. HARDWICK seconded.

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

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

CARRIED.

Item 31 – MR. BRUSO moved to discharge the GOVERNMENT AFFAIRS COMMITTEE of further consideration of INTRO. 7-2 (2019). MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 144

RE: Opposition to the Imposition of a New
Tax on the Use of Paper Bags
(INTRO. 7-2, 2019)

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

WHEREAS, Governor Cuomo and the New York State Legislature have recently passed a ban on single use plastic bags provided to retail consumers, the second such statewide ban in the United States; and

WHEREAS, arguments in favor of the ban have cited the frequency with which plastic bags end up in the environment only to break down into harmful byproducts or be mistaken for food by wild animals; and

WHEREAS, the law limiting the use of plastic bags in New York State also authorizes local governments to impose as additional tax of \$0.05 on each paper bag used, now the only alternative to reusable bags; and

WHEREAS, to avoid the fee customers would be required to bring their own bags into the store to carry out their purchases; and

WHEREAS, these fees are nothing more than an additional convenience tax on the residents of New York State and Erie County, and for a region with nearly 15% of our residents living below the poverty line many of our people simply cannot afford to pay more taxes to New York State; and

WHEREAS, the imposition of the same tax on plastic bags was previously denounced by Governor Cuomo and the State Assembly in 2017 as being a regressive tax on poor consumers, the imposition of the same fee on paper bags would be just as burdensome to the people of Erie County; and

WHEREAS, this body does not object to necessary regulations to protect our environment but does acknowledge the industry concerns many retailers have expressed including an increase in theft, which is made easier thanks to opaque reusable bags, and the environmental impact of a complete switch to single use paper bags; and

WHEREAS, recycling laws and programs in New York State have progressed rapidly over the past 25 years since their introduction and continue to become more effective; and

WHEREAS, it is a finding of this body that we, as community leaders, should work towards encouraging better participation in and compliance with area recycling programs as well as voluntary commitment to the proper use of reusable shopping bags as opposed to imposing additional taxes on residents.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby opposes the imposition of any additional taxes related to the use of paper bags; and be it further

RESOLVED, that this honorable body encourages residents to choose reusable bags whenever possible, and when it isn't possible this honorable urges residents to reuse and recycle their paper bags properly; and be it further

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

MR. BRUSO moved to amend the resolution. MR. JOHNSON seconded.

MR. LORIGO moved to send the resolution to committee for further consideration. MR. RATH seconded.

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

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

FAILED.

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

MR. LORIGO requested the separation of a distinct item, concerning the third resolve clause of the amendment.

GRANTED.

AYES: MS. DIXON, MR. LORIGO, MR. MILLS, MR. RATH, CHAIR BASKIN, MR. BRUSO, MR. HARDWICK, MR. JOHNSON, MR. LOUGHRAN, and MR. MEYERS. NOES: None. (AYES: 10; NOES: 0)

CARRIED UNANIMOUSLY.

CHAIR BASKIN directed a roll-call vote on the third resolve clause.

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

CARRIED.

Delete the Resolution its Entirety and Replace with the following:

WHEREAS, according to the National Conference of State Legislatures, in April 2019, New York State became the third state in the United States to enact legislation imposing a statewide ban on single-use plastic bags at retail stores; and

WHEREAS, the New York State Bag Waste Reduction Act establishes that county governments may opt-into the state law on paper bags by authorizing, effective March 1, 2020, a \$0.05 fee per paper bag sold/provided at certain stores and retail establishments to consumers, with \$0.03 (three cents) to be used by the state and \$0.02 (two cents) to be used by the county, with the county revenue only allowed to be used exclusively for the purchase and distribution of reusable bags to the local populace, with priority given to low-income and fixed-income persons; and

WHEREAS, under the New York State Bag Waste Reduction Act, low-income persons who receive public assistance such as the Supplemental Nutritional Assistance Program (SNAP, previously known as Food Stamps) and the Supplemental Nutrition Program for Women, Infants and Children (WIC) are exempted from the paper bag carry-out fee; and

WHEREAS, it is a finding of this legislative body that we, as community leaders, should work towards encouraging better participation in, and compliance with area recycling programs as well as the proper use of reusable shopping bags.

NOW, THEREFORE, BE IT

RESOLVED, that there is no pending or expected effort by the Erie County Legislature to establish a \$0.05 fee per paper bag acquired by consumers at stores under the auspices of the New York State Bag Waste Reduction Act; and be it further

RESOLVED, that this Honorable Body encourages consumers to choose reusable bags whenever possible, and when it is not possible, this Honorable Body urges consumers to reuse and recycle paper bags properly; and be it further

RESOLVED, that in lieu of said fee, of which \$0.02 (or two cents) is required by the state law to be used by a County government to purchase and distribute reusable bags to the community, with priority to low-income and fixed-income populations, this Honorable Body requests that the Erie County Executive explore creating an environmental protection fund and an appropriation in the County's 2020 Budget for environmental initiatives; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, the local delegation of the New York State Legislature, the County Executive, and any other party deemed necessary and proper.

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

MR. LORIGO requested the separation of a distinct item, concerning the third resolve clause of the amendment.

GRANTED.

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

AYES: MS. DIXON, MR. LORIGO, MR. MILLS, MR. RATH, CHAIR BASKIN, MR. BRUSO, MR. HARDWICK, MR. JOHNSON, MR. LOUGHRAN, and MR. MEYERS. NOES: None. (AYES: 10; NOES: 0)

CARRIED UNANIMOUSLY.

CHAIR BASKIN directed a roll-call vote on the third resolve clause.

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

CARRIED.

Item 32 – MR. BRUSO moved to discharge the GOVERNMENT AFFAIRS COMMITTEE of further consideration of INTRO 11-2 (2019). MR. JOHNSON seconded.

*****CHAIR BASKIN entered the Legislature into recess at 2:55 p.m.

*****CHAIR BASKIN reconvened the Legislature at 3:00 p.m.

All members present.

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

AYES: MS. DIXON, MR. LORIGO, MR. MILLS, MR. RATH, CHAIR BASKIN, MR. BRUSO, MR. HARDWICK, MR. JOHNSON, MR. LOUGHRAN, and MR. MEYERS. NOES: None. (AYES: 10; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 145

RE: Opposition to Providing Driver's
Licenses to Undocumented Immigrants
(INTRO. 11-2, 2019)

**A RESOLUTION SUBMITTED BY
LEGISLATORS RATH & MILLS**

WHEREAS, New York State is considering provisions that would offer driver's licenses to otherwise undocumented immigrants living in the state; and

WHEREAS, over the past ten years, elected officials from Western New York, including Senator Kirsten Gillibrand and Lt. Governor Kathy Hochul, have openly opposed offering driver's licenses to undocumented immigrants; and

WHEREAS, this policy essentially directs every County Clerk to knowingly break federal laws when approving undocumented immigrants' applications; and

WHEREAS, a driver's license could be used by illegal immigrants for "cover" as Lt. Governor Kathy Hochul once said, by providing them a valuable form of identification, allowing them to entirely avoid federal immigration authorities; and

WHEREAS, the privilege to drive in New York is not absolute; and, violation of other sections of state law, completely unrelated to Vehicle and Traffic laws can have an impact on the validity of one's driver's license; and

WHEREAS, New York law currently allows for the revocation of a driver's license if the person identified has broken another law, like failing to pay child support; and

WHEREAS, a person's willingness to avoid following proper immigration procedure calls into question whether they are willing to avoid following other laws, like reporting their income taxes, purchasing proper insurance, or following New York's vehicle and traffic laws; and

WHEREAS, law enforcement would not be permitted to review the records of an undocumented immigrant who is pulled over in a routine traffic stop, but could do background checks on U.S. citizens creating a double standard; and

WHEREAS, it is the opinion of this body that the privilege to drive legally in New York State should be predicated on the driver being in New York State, and the United States of America, legally.

NOW, THEREFORE, BE IT

RESOLVED, this honorable body urges the New York State Legislature and Governor Cuomo to reject the proposal calling for the provision of licenses to undocumented immigrants; and be it further

RESOLVED, that this honorable body urges the Erie County Clerk follow all federal laws and provide driver's licenses to only legal citizens of the United States of America; and be it further

RESOLVED, that certified copies of this resolution be sent to the WNY Delegation to the New York State Senate and Assembly, Governor Andrew Cuomo, and any other party deemed necessary and proper.

MR. BRUSO moved to amend the resolution. MR. JOHNSON seconded.

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

AYES: MS. DIXON, MR. LORIGO, MR. MILLS, MR. RATH, CHAIR BASKIN, MR. BRUSO, MR. HARDWICK, MR. JOHNSON, MR. LOUGHRAN, and MR. MEYERS. NOES: None. (AYES: 10; NOES: 0)

CARRIED UNANIMOUSLY.

Delete the Resolution in its Entirety and Replace with the following:

WHEREAS, New York State has approved measures to allow driver's licenses to otherwise undocumented persons living in the state; and

WHEREAS, the presence of undocumented persons or persons who overstayed their legally-issued US visas is a federal immigration issue that requires the President and Congress to address and appropriately act, and not state or local governments.

NOW, THEREFORE, BE IT

RESOLVED, that due to several of the issues expressed in this resolution, the Erie County Legislature expresses its concerns with, and opposition to the “Green Light” state legislation for the issuance of New York State driver’s licenses; and be it further

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

MR. LORIGO moved to further amend the resolution. MR. RATH seconded.

*****CHAIR BASKIN entered the Legislature into recess at 3:12 p.m.

*****CHAIR BASKIN reconvened the Legislature at 3:14 p.m.

All members present.

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

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

CARRIED.

Amend INTRO 11-2 (2019) as amended to include the following resolve clause:

RESOLVED that the Erie County Legislature hereby supports the actions of our County Clerk and hereby urges the County Attorney to provide representation on his behalf against enforcement of this law; and be it further

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

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

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

CARRIED.

SUSPENSION OF THE RULES

Item 33 – No Suspension of the Rules offered.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR MILLS

Item 34 – (COMM. 14E-1) Letter to Chair Baskin Concerning the NYS Fish & Wildlife Management Board Region 9

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM CHAIR BASKIN

Item 35 – (COMM. 14E-2) Public Notice Concerning Erie Community College Budget Public Hearing

Received, filed and printed.

June 6, 2019

Robert M. Graber
Clerk
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Public Notice Concerning Erie Community College Budget Public Hearing

Dear Clerk Graber:

Please be advised that there is a need to hold a Public Hearing concerning the proposed 2019-2020 Erie Community College Budget.

The hearing will be held on June 18, 2019 at 6:00 pm in the Chambers of the Legislature.

Thank you in advance for your assistance.

Sincerely yours,

April N.M. Baskin
Chair
Erie County Legislature

FROM THE COUNTY EXECUTIVE

Item 36 – (COMM. 14E-3) Appointment to Erie County Deferred Compensation Committee

Received, filed and printed.

June 4, 2019

Honorable Members
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Appointment to Erie County Deferred Compensation Committee

Dear Honorable Members:

Pursuant to my authority, I hereby appoint Timothy Hogues to the Erie County Deferred Compensation Committee to fill a vacancy created by the retirement of David Palmer from the County government.

If you have any questions, please do not hesitate to contact Commissioner Hogues of the Erie County Deferred Compensation Committee.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

FROM THE SHERIFF

Item 37 – (COMM. 14E-4) Motorcycle Unit - Transfer Seized Asset Funds

Item 38 – (COMM. 14E-5) Medical Retirement & K9 Transfer

Item 39 – (COMM. 14E-6) Hope of Buffalo MOU

The above three items were received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 40 – (COMM. 14E-7) Authorization to Submit Applications for NYS Dept. of Environmental Conservation Funding to Continue Implementation & Certification of Climate Smart Communities Activities

Item 41 – (COMM. 14E-8) ECSD No. 3 - Parker Rd. Elevated Sewer Repair Project - Bid Opening

Item 42 – (COMM. 14E-9) ECSD No. 3 - Engineer Term Contract Agreement

Item 43 – (COMM. 14E-10) WNY Stormwater Coalition Newly Designated Urban Area Project: No Cost Time Extension

Item 44 – (COMM. 14E-11) ECSD No. 8 - East Aurora WRRF Influent Building & Screen Replacement - Bid Opening

Item 45 – (COMM. 14E-12) ECSD No. 3 - Contract General/Mechanical - Close Out

Item 46 – (COMM. 14E-13) ECSD No. 8 - Oakwood Ave. Reconstruction & Sewer Replacement - Proposed Intermunicipal Agreement

Item 47 – (COMM. 14E-14) License Agreement - Como Lake Park - Bark Park - Town of Lancaster

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

Item 48 – (COMM. 14E-15) 2019 - 2020 Large Culvert & Pedestrian Bridge Condition Inspections

Item 49 – (COMM. 14E-16) 2019 - 2021 On-Call/Emergency Bridge & Culvert Engineering Services

Item 50 – (COMM. 14E-17) WNY Sustainable Business Roundtable Clean Production Project, 4/1/19 - 3/31/22

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

Item 51 – (COMM. 14E-18) Authorization to Accept Grant Funding & Enter into Contracts - Award for Opioid Intervention Court Expansion Project

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY CLERK

Item 52 – (COMM. 14E-19) Acceptance of Donated Billboard Space - Advertising for REAL ID Awareness

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR MILLS

Item 53 – (COMM. 14E-20) Town Board Resolutions Opposing Driver's Licenses to Undocumented Immigrants

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DEPARTMENT OF LAW

Item 54– (COMM. 14D-1) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DEPARTMENT OF SOCIAL SERVICES

Item 55 – (COMM. 14D-2) CPS Statistical Report for May 2019

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPARTMENT OF LAW

Item 56 – (COMM. 14D-3) Opinion as to Form - Local Law Intro. 7-2 (2019)

Received, filed and printed.

June 17, 2019

Via Email Only

Hon. April N.M. Baskin, Chairwoman
Erie County Legislature
Old Erie County Hall
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Opinion as to Form Local Law Intro No 7-2 – 2019

Dear Chairwoman Baskin:

In accordance with the obligations of the Erie County Attorney set forth in subsection 3, Section 204 of Article 2 of the Erie County Charter, this legal opinion concerns Local Law Intro No. 7-2-2019 (7-2).

Preemption

Here, both New York State County Law Section 235 and Erie County Charter Section 2205 expressly grant local authority to create advisory boards. Since express authority to enact local legislation on this topic exists, there is no preemption issue to consider.

Grammar

The stated purpose of 7-2 is to create an Erie County Corrections Specialist Advisory Board. We find the grammar and usage of 7-2 to be sufficient in order to achieve the stated purpose.

Ambiguities

While every hypothetical circumstance or eventuality cannot be addressed in the scope of this opinion, 7-2 does not present any facial ambiguities that would frustrate its implementation and enforcement.

Conclusion

We find that Local Law Intro. 7-2-2019 is sufficient as to form.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By _____
Gregory P. Kammer
Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE TOWN OF NEWSTEAD

Item 57 – (COMM. 14M-1) Town Board Resolution Opposing Driver's Licenses to Undocumented Immigrants

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NFTA

Item 58 – (COMM. 14M-2) NFTA Board Minutes for Annual Meeting

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE TOWN OF HOLLAND

Item 59 – (COMM. 14M-3) Town Board Resolution Opposing Driver's Licenses to Undocumented Immigrants

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ANNOUNCEMENTS

Item 60 – Chair Baskin announced that the schedule for committee meetings to be held on Thursday, June 27, 2019, has been distributed.

MEMORIAL RESOLUTIONS

Item 61 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Al McLouth.

Item 62 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Edward "Eddie" J. Travis IV.

Item 63 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Rev. Eldon Snyder.

Item 64 – Chair Baskin requested that when the Legislature adjourns, it do so in memory of Rhonda A. Ricks.

ADJOURNMENT

Item 65 - At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, July 11, 2019 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, July 11, 2019 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE