

**ERIE COUNTY LEGISLATURE  
MEETING NO. 3  
FEBRUARY 7, 2019**

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. Meyers.

Item 1 – CHAIR SAVAGE directed that the Rules of the Legislature for 2019 remain on the table.

GRANTED.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MS. BASKIN moved for the approval of the minutes for Meeting Number 2 from 2019. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MS. MILLER-WILLIAMS & MS. BASKIN presented a Memorial Resolution Honoring the Life of Blondine Harvin, Beloved Owner of Gigi’s Restaurant, Long-Time Community Leader & Mentor.

Item 6 – MS. DIXON presented a proclamation Honoring Lucas Biniewski Upon the Occasion of Obtaining the Rank of Eagle Scout.

Item 7 – MR. RATH presented a proclamation Congratulating Agnes Friner Upon the Occasion of Celebrating Her 100th Birthday.

Item 8 – CHAIR SAVAGE, MR. LORIGO, MS. BASKIN, MR. RATH, MS. MILLER-WILLIAMS, MR. MILLS, MR. LOUGHRAN, MR. HARDWICK, MR. MEYERS, MS. DIXON & MR. BRUSO presented a Memorial Resolution in Remembrance of Tibor Baranski Sr.

Item 9 – MR. LORIGO presented a proclamation Congratulations to Friends of the West Seneca Public Library for Being Named West Seneca Chamber of Commerce's 2019 Service Organization of the Year.

Item 10 – MR. LORIGO presented a proclamation Congratulations to Joe Cantafio for Being Named West Seneca Chamber of Commerce's 2019 Citizen of the Year.

Item 11 – MR. LORIGO presented a proclamation Congratulations to Carla Kruszynski for Being Named West Seneca Chamber of Commerce's 2019 Educator of the Year.

Item 12 – MR. LORIGO presented a proclamation Congratulations to Foresight Financial Planners, Inc. for Being Named West Seneca Chamber of Commerce's 2019 Member of the Year.

Item 13 – MR. LORIGO presented a proclamation Congratulations to MKS Plumbing Corporation for Being Named West Seneca Chamber of Commerce's 2019 Business of the Year.

Item 14 – CHAIR SAVAGE presented a proclamation Recognizing & Honoring Youth Anti-Tobacco Advocates Zoe Kaminski, Destiny Guinnee & Delilah Guinnee.

Item 15 – CHAIR SAVAGE presented a proclamation Honoring Gallagher Printing on its 50th Anniversary.

Item 16 – CHAIR SAVAGE, MS. BASKIN, MR. LORIGO, MS. MILLER-WILLIAMS, MR. HARDWICK, MR. LOUGHRAN, MR. RATH, MR. MEYERS, MR. BRUSO, MS. DIXON & MR. MILLS presented a Memorial Resolution In Honor & Remembrance of Joseph Washington Hogues.

MS. BASKIN moved for consideration of the above twelve items. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 17 – CHAIR SAVAGE directed that Local Law No. 12 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 18 – CHAIR SAVAGE directed that Local Law No. 20 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 19 – CHAIR SAVAGE directed that Local Law No. 3 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 20 – CHAIR SAVAGE directed that Local Law No. 6 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 21 – CHAIR SAVAGE directed that Local Law No. 8 (Print #1) 2018 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 22 – MR. BRUSO presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 15

January 24, 2019	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO. 16-4 (2017)  
MILLER-WILLIAMS: “Supporting HR 1143 "Hygiene Assistance for Families of Infants and Toddlers Act of 2017" in the US House of Representatives”  
(Chair’s ruling)
  - b. COMM. 24M-5 (2018)  
EC BOARD OF HEALTH: “Proposed Revisions to the EC Sanitary Code”  
(Chair’s ruling)
  - c. COMM. 24M-7 (2018)

EC BOARD OF HEALTH: “Public Hearing Regarding Revisions to the EC Sanitary Code”  
(Chair’s ruling)

d. COMM. 2E-3 (2019)

COMPTROLLER: “ECDoH Performance Audit of the Purchase & Disbursement of Gift Cards”  
(Chair’s ruling)

e. COMM. 2M-2 (2019)

ORANGE COUNTY LEGISLATURE: “Certified Copy of Resolution - "Calling for NYS Legislative Action to Classify as Controlled Substances Certain Fentanyl 'Analogues' that are Responsible for Opioid Overdose Deaths”  
(Chair’s ruling)

2. COMM. 2E-7 (2019)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the County Executive’s reappointment of the following named individual to the Erie County Board of Health, for a term that will expire on December 31, 2022.

Diane Loomis, DNP, RNP  
6853 Picture Lake Drive  
Hamburg, New York 14075

(5-0) Legislator Loughran not present for vote.

3. COMM. 2E-8 (2019)

COUNTY EXECUTIVE

WHEREAS, group respite programs provide a safe, supervised, entertaining environment for memory impaired adults, thereby allowing their family caregivers temporary relief; and

WHEREAS, the Department of Senior Services is working to cost efficiently expand services for frail older adults in Erie County by partnering with community or volunteer -based institutions to provide group respite programs; and

WHEREAS, the Department of Senior Services has identified the Young Men’s Christian Association Buffalo Niagara, d/b/a YMCA Buffalo Niagara, (YMCA) as an additional entity to begin this initiative; and

WHEREAS, the YMCA will be provided with a one-time payment of \$1,000 to cover program startup expenses; and

WHEREAS, the Department of Senior Services will continue to create community and volunteer based respite programs; and

WHEREAS, the Department of Senior Services aims to have flexibility in the program to meet the needs of Erie County caregivers and create numerous respite options; and

WHEREAS, budgetary appropriations are available in the Elder Caregiver Support (163III-E2019) grant's Professional Services Contracts and Fees account (#516020) to fund the contract.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into a contract, not to exceed \$1,000 with the Young Men's Christian Association Buffalo Niagara, d/b/a YMCA Buffalo Niagara, to begin a group respite program; and be it further

RESOLVED, that budgetary appropriations in the 163III-E2019 grant's Professional Services Contracts and Fees account be utilized to fund the contract; and be it further

RESOLVED, the Erie County Legislature hereby waives the procedures, as impractical, provided for in Section 19.08 of the Erie County Administrative Code for purposes of securing the services of community or volunteer organizations to be retained to provide respite service associated with caregiving needs; and be it further

RESOLVED, the County is authorized to enter into future contracts, not to exceed \$1,000 with other group respite implementing agencies, qualified by the Department of Senior Services; and be it further

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

(5-0) Legislator Loughran not present for vote.

4. COMM. 2E-18 (2019)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental and behavioral health services for the residents of Erie County; and

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept SAMHSA grant funds and to have the Department of Mental Health oversee the provision

of related services by amending its contract with BestSelf Behavioral Health, and thus authorizes the Division of Budget and Management to establish a grant as follows:

Erie County Department of Mental Health  
Grant Fund 281, Fund Center 12410  
October 1, 2018 - September 30, 2019  
124SAMHSAFTDC1819

Revenue	Increase
Account 414000 – Federal Revenue	\$425,000
Appropriation	Increase
Account 517534 – BestSelf Behavioral Health OMH	\$425,000

and be it further

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

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

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

(5-0) Legislator Loughran not present for vote.

5. COMM. 2E-19 (2019)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental and behavioral health services for the residents of Erie County; and

WHEREAS, the Erie County Department of Mental Health has been awarded \$325,000 for the 12-month period beginning 10/1/18 by Substance Abuse and Mental Health Services Administration (SAMHSA) as part of a grant to continue offering expanded and enhanced Drug Court navigation program services to affected individuals and their family members; and

WHEREAS, the New York State Office of Mental Health had previously selected the Erie County Department of Mental Health to oversee the provision of the related services; and

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

WHEREAS, no County funds will be necessary for Erie County to accept this federal aid to continue serving high-risk individuals residing in Erie County.

NOW, THEREFORE, BE IT

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

Erie County Department of Mental Health  
Grant Fund 281, Fund Center 12410  
October 1, 2018 - September 30, 2019  
124SAMHSA1819

Revenue	Increase
Account 414000 - Federal Revenue	\$325,000
Appropriation	Increase
Account 517764 – Research Foundation OMH	\$325,000

and be it further

RESOLVED, that to the extent this subcontract may constitute a professional, technical or other consultant service, the County Administrative Code requirement in Section 19.08 for a Request for Proposal (RFP) is hereby waived, as this Honorable Body has previously approved of the County's entering into contract with Research Foundation of SUNY on January 23, 2014 (Comm. 1E-7); and be it further

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

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

(5-0) Legislator Loughran not present for vote.

6. COMM. 2E-23 (2019)  
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the County Executive's reappointments and new appointments of the following named individual to the Erie County Mental Hygiene Community Services Board, for the terms stated.

Reappointments:

Gladys Dijj

Karl Shallowhorn

Charles Syms

194 Exeter Road  
Williamsville, New York 14221  
Term Expires: 12/21/2020

71 Margaret Road  
Amherst, New York 14226  
Term Expires: 12/31/2020

University at Buffalo  
School of Social Work  
685 Baldy Hall  
Buffalo, New York  
14260  
Term Expires:  
12/21/2020

New Appointments:

Mercedes Busby  
1118 Brauncroft Lane  
Amherst, New York 14226  
Term Expires: 12/31/2021

Elizabeth Smith, BA, CASAC  
115 Angelacrest Lane  
West Seneca, New York 14224  
Term Expires: 12/31/2021

(5-0) Legislator Loughran not present for vote.

**JOHN BRUSO  
CHAIR**

Item 23 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MS. BASKIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 16

January 24, 2019	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT.  
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO. 5-2 (2018)  
BASKIN: “Support for Creating an Erie County Black and Latino Advocacy Taskforce”  
(Chair’s ruling)
  - b. INTRO. 5-3 (2018)  
BASKIN: “Support for Buffalo Public School Students and their NFTA  
Transportation Needs”  
(Chair’s ruling)
  - c. INTRO. 9-3 (2018)  
BURKE: “Support of GENDA”

(Chair's ruling)

- d. INTRO. 9-5 (2018)  
BURKE: "Support for Senate Legislation to Repeal the Annual Professional Performance Review of Teachers and Principals"  
(Chair's ruling)
- e. INTRO. 13-2 (2018)  
BURKE: "Urging the State to Fund New Costs Related to Raising the Age of Criminal Responsibility"  
(Chair's ruling)
- f. INTRO. 13-3 (2018)  
BURKE: "State Aid Reimbursement for Mandated General Public Health Work Undertaken by Local Health Departments"  
(Chair's ruling)
- g. INTRO. 13-4 (2018)  
BURKE: "Calling on NYS to Provide Funding to Support the Treatment for Transition Services to Individuals with Substance Use Disorders Who are Incarcerated in County Jails"  
(Chair's ruling)
- h. INTRO. 13-5 (2018)  
BURKE: "Calling on the State to Fully Reimburse Counties for State-Mandated District Attorney Salary Increases"  
(Chair's ruling)
- i. LL INTRO. 6-1 (2018)  
BURKE: "A LL Entitled "The Erie County Campaign Finance Reform Act, Ending Pay to Play""  
(Chair's ruling)
- j. INTRO. 19-1 (2018)  
BURKE: "Corrupt Officials Looking for Leniency after Indictment Need to be Stopped"  
(Chair's ruling)
- k. COMM. 21E-4 (2018)  
LORIGO: "Letter to Chair of Legislature Regarding 2019 Legislative Session Schedule"  
(Chair's ruling)
- l. COMM. 23E-2 (2018)  
DIXON: "Letter to Chair of Legislature Regarding Local Law Intro. 2-2 (2018) as Amended"  
(Chair's ruling)
- m. COMM. 23M-1 (2018)  
REV. PATRICK E. HILKEY: "Letter to Legislature Regarding Local Law No. 1 (2018)"

(Chair's ruling)

- n. COMM. 24D-1 (2018)  
DEPARTMENT OF LAW: "Transmittal of New Claims Against Erie County"  
(Chair's ruling)
- o. COMM. 24D -2 (2018)  
DEPARTMENT OF LAW: "Notice of Public Hearing - LL Intro. No. 2-2 (2018)"  
(Chair's ruling)
- p. COMM. 24D -3 (2018)  
DEPARTMENT OF LAW: "Notice of Public Hearing - LL Intro. No. 7-1 (2018)"  
(Chair's ruling)
- q. COMM. 1D-1 (2019)  
DEPARTMENT OF LAW: "Transmittal of New Claims Against EC"  
(Chair's ruling)

**KEVIN R. HARDWICK  
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 17

January 24, 2019	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.

- 1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 11E-10 (2018)  
COUNTY EXECUTIVE: "ECSD No. 6 - Pumping Station Electrical Upgrades"  
(Chair's Ruling)
  - b. COMM. 17M-3 (2018)  
CJ BROWN ENERGY, PC: "Letter to Chair Savage Concerning the Energize NY Benefit Financing Program"  
(Chair's Ruling)
  - c. COMM. 17M-4 (2018)  
SOLAR LIBERTY: "Letter to Legislator Miller-Williams Concerning the Energize

- NY Benefit Financing Program”  
(Chair’s Ruling)
- d. COMM. 2E-9 (2019)  
COUNTY EXECUTIVE: “ECSD Nos. 1, 4, & 5 - Engineer Term Contract Agreement”  
(Chair’s Ruling)
- e. COMM. 2M-1 (2019)  
SOLAR LIBERTY: “Letter of Support for Local Law Intro. 9-1 (2018) - Energize NY  
Benefit Financing Program Law of Erie County”  
(Chair’s Ruling)
- f. COMM. 2M-3 (2019)  
NYSDEC: “Public Comment Invitation - Brownfield Application & Draft Investigation Plan  
for Site on Southwestern Blvd., Town of Orchard Park”  
(Chair’s Ruling)
- g. COMM. 2M-4 (2019)  
NYSDEC: “Certification Concerning Cleanup Requirements - Brownfield Site on  
Harlem Rd.,  
Cheektowaga”  
(Chair’s Ruling)
- h. COMM. 2M-5 (2019)  
NYSDEC: “Certification Concerning Cleanup Requirements - Six Brownfield Sites  
in Buffalo”  
(Chair’s Ruling)
2. RESOLVED, the following item is hereby received, filed and printed:
- a. COMM. 2D-2 (2019)  
DEPARTMENT OF LAW: “Opinion as to Form Local Law Intro. No. 9-1 - 2018”  
(Chair’s ruling)

January 11, 2019

Via Email Only  
Hon. Peter J. Savage, III, Chairman  
Erie County Legislature  
Old Erie County Hall  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

Re: Opinion as to Form Local Law Intro No 9-1 – 2018

Dear Chairman Savage:

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. 9-1-2018 (9-1).

Preemption

Under New York state law, preemption occurs when a local law directly conflicts with a state statute, or where a state statute expressly states that local laws on a given subject matter are preempted. Preemption can also occur where the State Legislature has assumed full regulatory responsibility in a field related to the proposed local law.

Here, New York State General Municipal Law Section 119-gg specifically states that “The legislative body of any municipal corporation may, by local law, establish a sustainable energy loan program...”. Since 9-1 is specifically authorized in this manner, there are no preemption issues to discuss.

Grammar and Intent

The purpose of 9-1 is to achieve energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. We find the grammar and usage of 9-1 is sufficient to achieve the stated purpose.

Ambiguities

While every hypothetical circumstance or eventuality cannot be addressed in the scope of this opinion, 9-1 does not present any facial ambiguities that would frustrate its implementation and enforcement.

Conclusion

We find that the Local Law Intro 9-1-2018 is sufficient as to form.

Very truly yours,

MICHAEL A. SIRAGUSA  
Erie County Attorney  
By: GREGORY P. KAMMER  
Assistant Erie County Attorney

**JOHN BRUSO  
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 18

January 24, 2019	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 19E-1 (2018)  
RATH: "Letter to Public Works Commissioner Regarding Current Condition of Shisler Rd."  
(Chair's ruling)
2. COMM. 2E-11 (2019)  
COUNTY EXECUTIVE

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent, is the preparation of the annual program application materials, and submittal of same to the federal Department of Housing and Urban Development; and

WHEREAS, the Erie County Community Development Block Grant Consortium and HOME Consortium approved the 2019 Action Plan at their session held on January 24, 2019.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit this resolution to the United States Department of Housing and Urban Development (HUD) as supportive material to the 2019 Annual Action Plan for the Community Development Block Grant, Emergency Solutions, and HOME Investment Partnership Programs having estimated dollar amounts as indicated.

- |  |              |
|--|--------------|
| 1. Erie County Consortium Community Development Program: | \$ 3,036,059 |
| 2. Emergency Solutions Program:                          | \$ 222,084   |
| 3. HOME Investment Partnership Program:                  | \$ 899,449   |
| 4. Town of Hamburg Community Development Program:        | \$ 407,658   |

and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium is hereby authorized to submit and execute any and all applications and agreements with HUD, local governments, property owners receiving housing assistance, non-profit, and for-profit agencies, which are necessary to implement the above programs with the exception that any proposed agreement that transfers all or a portion of the administrative functions of the program from Erie County to a sub-recipient or contractual agency shall require approval from the Erie County Community Development Consortium and the Erie County Legislature; and be it further

RESOLVED, that the Commissioner of the Department of Environment and Planning is hereby authorized to execute any and all HOME Agreements with property owners participating in County housing programs assisted with federal HOME Investment Partnership funds; and be it further

RESOLVED, that the Commissioner of the Department of Environment and Planning is hereby authorized to execute any and all discharges of Erie County Note and Mortgages and/or Lien documents associated with any and all Erie County Housing Programs funded through the federal Community Development Block Grant and/or HOME Investment Partnership Programs; and be it further

RESOLVED, that copies of this resolution shall be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the County Attorney; and the Director of the Division of Budget and Management.  
(5-0)

3. COMM. 2E-12 (2019)  
COUNTY EXECUTIVE

WHEREAS, construction of the Federal Aid Elmwood Avenue Pedestrian and Bicycle Improvements Project, Project No. TAP-119-17, PIN 5761.03 (the "Project") along Elmwood Avenue has been completed; and

WHEREAS, DiDonato Associates is the consultant providing construction phase engineering services for the project; and

WHEREAS, additional construction phase engineering services were required as the duration of construction and the closeout process with the contractor exceeded the time provided for in DiDonato's contract; and

WHEREAS, it is desired to close-out DiDonato's contract for construction phase engineering services via a supplemental amendment to their existing contract in the amount of \$33,595; and

WHEREAS, this funding is available from Capital Project B.16050 – 2016 Capital Overlay, Fund 420, and Funds Center 123.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a final supplemental amendment to DiDonato Associates current contract for the Project for the additional construction phase engineering services required in the amount of \$35,595; and be it further

RESOLVED, that funding is hereby authorized for these supplemental construction phase engineering services in Capital Project B.16050 – 2016 Capital Overlay, Fund 420, and Funds Center 123; 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, Division of Highways, 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)

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

WHEREAS, the structural members in the Sub-basement are coated with spray-applied asbestos containing fireproofing from the original construction; and

WHEREAS, years of moisture and salt from the parking deck above is causing the spray-applied fireproofing to de-bond from the structural members; and

WHEREAS, asbestos containing materials must be removed and structural members must be re-fireproofed to maintain fire-resistance rating; and

WHEREAS, Watts Architecture & Engineering has the necessary expertise and manpower to provide professional design services for the project; and

WHEREAS, authorization is required for the County Executive to issue an Agreement Amendment to Watts Architecture & Engineering for providing professional design and construction administration services for an asbestos abatement project located in the Rath Building – Sub-Basement.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to issue an Agreement Amendment to Watt's Architecture & Engineering, P.C. for providing professional design and construction administration services for the asbestos abatement project at the Rath Building – Sub-Basement Asbestos Abatement for an amount not to exceed \$108,200, including design contingency; and be further

RESOLVED, that the Comptroller's Office be authorized to make payment from the following SAP projects in Funds Center 122, Fund 410:

A.17004-2017-Countywide Code & Environmental Compliance \$ 95,006.45

A.18004-2018- Countywide Code & Environmental Compliance	\$ 13,193.55
Total Amount Not to Exceed	\$108,200.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner’s Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.  
(5-0)

5. COMM. 2E-21 (2019)  
COUNTY EXECUTIVE

WHEREAS, the Safety Improvements at the Intersection of Genesee Road (CR 49/409), Route 240 (CR 27/198), and Sibley Road (CR 432), Town of Concord, PIN 5760.99 (the “Project”) is eligible for funding under Federal Transportation Alternatives Program (TAP) administered by the New York State Department of Transportation (NYSDOT); and

WHEREAS, the County of Erie previously advanced the Project Construction and Construction Inspection via Communication 14E-38 dated July 26, 2018; and

WHEREAS, the Construction and Construction Inspection phases of the Project, PIN 5760.99, are currently estimated at \$830,055 and the County is required to pay the Local Share for the Project; and

WHEREAS, capital project B.18008 – 2018 Federal Aid Projects Intersection Construction – Genesee Road, Route 240, and Sibley Road (PIN 5760.99), Fund 420, Funds Center 123 was previously approved in the 2018 Adopted Capital Budget, Book B, and was approved in the 2018 Consolidated Bond Resolution, Line 22, on 5/10/18; and

WHEREAS, the received budget for this project is \$458,000 federal revenue, \$38,167 NYS Marchiselli revenue, and \$333,888 in bonds for the Local Share representing the balance of the \$830,055 project; and

WHEREAS, Nova Site Company, LLC, was selected as the lowest responsible bidder having the necessary expertise, experience, and manpower to provide the County of Erie with construction services for the Project.

NOW, THEREFORE, BE IT

RESOLVED, that the Division of Budget and Management is hereby authorized to accept Marchiselli and Federal Aid per the received Supplemental Agreement No. 2 with the NYSDOT, for the Genesee Road, Route 240, and Sibley Road (PIN 5760.99) and adjust the budget in B.18008 – 2018 Federal Aid Projects Intersection Construction, in Fund 420, Funds Center 123, as follows:

Account	Description	Current Budget	Increase/ (Decrease)	Revised Budget
REVENUES				

405160	Marchiselli Aid	\$28,500	\$38,167	\$66,667
414000	Federal Aid	\$1,165,800	(\$365,800)	\$800,000
475000	Gen Oblig Bond Proceeds	<u>\$633,888</u>	<u>\$0</u>	<u>\$633,888</u>
TOTAL REVENUES		<u>\$1,828,188</u>	<u>(\$327,633)</u>	<u>\$1,500,555</u>
APPROPRIATIONS				
CAPITAL PROJECTS	Capital Project Exp	\$1,004,388	\$496,167	\$1,500,555
UNALLOCATED		<u>\$823,800</u>	<u>(\$823,800)</u>	<u>\$0</u>
TOTAL APPROPRIATIONS		<u>\$1,828,188</u>	<u>(\$327,633)</u>	<u>\$1,500,555</u>

and be it further

RESOLVED that the County Executive be authorized to execute a negotiated Contract between the County of Erie and Nova Site Company, LLC for construction services in an amount not to exceed \$524,880 and establish a Project Contingency in an amount not to exceed \$158,397.08 and execute any necessary Change Orders; 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 cost of the Construction and Construction Inspection phases exceeds the amount appropriated above, 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 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.

(5-0)

6. COMM. 2E-22 (2019)  
COUNTY EXECUTIVE

WHEREAS, the Replacement of Amsdell Road Culvert (CIN 122-01) Project PIN 5762.23, the "Project", is eligible for funding under the Bridge NY Grant Program; and

WHEREAS, the County of Erie previously advanced the Project by making a commitment of 100% of the State share of the costs via Legislative Communication 8E-11 dated May 11, 2017; and

WHEREAS, the County of Erie desires to advance the Construction phase of the Project by making a commitment for the advancement of the remaining New York State share of \$368,500 and committing a local share of \$391,500; and

WHEREAS, in order to advance the Construction phase of the Project to meet the BridgeNY schedule, it will be necessary for the County Executive to execute Agreements with the lowest responsible bidder, C&S Companies, Inc. as Project Designer for Engineering and Inspection services, various utilities, and establish a contingency for a total Project amount not to exceed \$760,000.

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of New York State's \$368,500 share of the cost of the Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the estimated total cost of the construction, construction inspection, utilities, and contingency for the Project is \$760,000 and is hereby appropriated from Fund 420, Funds Center 123 as follows:

B.17075	2017 Culvert Amsdell Rd Cr 122 Over Drainage Channels	\$368,500
B.17017	2017 Rehabilitation of Flagged Bridges	\$391,500
<hr/>		
	Total Project Not to Exceed	\$760,000

and be it further

RESOLVED, that the County Executive is hereby authorized to execute the construction contract with the lowest responsible bidder, enter into a construction phase engineering services agreement with C&S Companies, Inc. for \$85,000, establish a contingency, and enter into utility agreements for a total project cost not to exceed \$760,000; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the New York States share of the costs of the Project's construction and construction inspection Phases exceeds the amount appropriated, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount; 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 New York State funds on behalf of the County of Erie, (subject to the Erie County Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; and be it further

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

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this resolution to the Department of Public Works, 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 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.

(5-0)

**APRIL N.M. BASKIN  
CHAIR**

Item 26 – MS. MILLER-WILLIAMS presented the following report and moved for immediate consideration and approval. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 19

January 24, 2019	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.  
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 24E-21 (2018)  
COMPTROLLER: “Letter to Chair of Legislature Concerning 2019 Erie County Budget”  
(3-2) Legislators Lorigo and Miller-Williams voted in the negative.
2. COMM. 2E-10 (2019)  
COUNTY EXECUTIVE  
WHEREAS, the Director of Real Property Tax Services has recommended the transfer of surplus county-owned property described below; and

WHEREAS, the parcel was reviewed and deemed surplus by the County Advisory Review Committee.

NOW, THEREFORE, BE IT

RESOLVED, that the surplus county owned property listed below be sold to the adjoining property owners; Carleton Technologies, Inc. 10 Cobham Drive, Orchard Park, New York 14127:

Property described as Town of Orchard Park, vacant Old Big Tree Rd right of way,

SBL# 161.18-2-1, for the negotiated price of \$10,000

and be it further

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deeds conveying any and all interest of the County of Erie in the above described properties to the aforesaid purchasers; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the County Comptroller, the County Attorney, Department of Environment and Planning, and the Department of Real Property Tax Services.  
(5-0)

3. COMM. 2E-14 (2019)  
COUNTY EXECUTIVE

WHEREAS, the New York State Office of Indigent Legal Services provided a three year grant totaling \$2,910,255 to the County for the provision of indigent defense services; and

WHEREAS, Erie County contracted with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver the services required through the grant; and

WHEREAS, the New York State Office of Indigent Legal Services has agreed to extend the contract tem for an additional one year period to allow the agencies to complete the terms and conditions of the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract amendment with the State of New York Office of Indigent Legal Services, extending the contract term for an additional one-year period of January 1, 2019 to December 31, 2019; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into amendments to the subcontracts with the Erie County Bar Association Aid to Indigent Prisoners Society and the Legal Aid Bureau of extending the contract term for an additional one-year period of January 1, 2019 to December 31, 2019; and be it further

RESOLVED, that authorization is provided to extend the grant period of 160QID5ILS1517 in the County Attorney's Office to December 31, 2019; and be it further

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

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney, the Office of the Comptroller, the County Executive's Office and the Division of Budget and Management.  
(5-0)

**BARBARA MILLER-WILLIAMS  
CHAIR**

Item 27 – MS. BASKIN presented the following report and moved for immediate consideration and approval. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 20

January 24, 2019	PUBLIC SAFETY COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.  
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 13E-24 (2018)  
HARDWICK: "Letter to Chair of Public Safety Committee Concerning Discussion at Future Meeting"  
(Chair's ruling)
  - b. COMM. 16E-1 (2018)  
BASKIN: "Invitation to NYS Commission of Correction to Attend Meeting of the Public Safety Committee"  
(Chair's ruling)
  - c. COMM. 16M-12 (2018)  
CHAIR, NYS COMMISSION OF CORRECTION: "Letter to the Chair of the Public Safety Committee Regarding Invitation to Attend Committee Meeting"  
(Chair's ruling)
  - d. COMM. 16M-14 (2018)  
SENATOR KENNEDY: "Letter to Commissioner, NYS Commission of Correction, Concerning EC Holding Center & Correctional Facility"  
(Chair's ruling)
  - e. COMM. 16M-15 (2018)  
ASSEMBLYMAN RYAN: "Letter to Commissioner, NYS Commission of Correction"  
(Chair's ruling)

f. COMM. 16M-16 (2018)  
ASSEMBLYWOMAN PEOPLES-STOKES: “Letter to Commissioner, NYS Commission of Correction”  
(Chair’s ruling)

2. COMM. 2E-15 (2019)  
COUNTY EXECUTIVE  
WHEREAS, the Erie County Department of Homeland Security & Emergency Services has available two 2003 Haulmark Trailers; and

WHEREAS, the Southtowns Hazmat Team expressed a need to have a storage facility to assist them with storing stockpile supplies and equipment; and

WHEREAS, the Southtowns Hazmat Team agrees to take over the registrations, insurance, maintenance, liability and when necessary surplus the trailers consistent with CFR 44.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorize the transfer of the 2003 Haulmark Trailer, VIN number 16HGB20223P032716 and VIN number 16HGB20233P031395, trailer to the Southtowns Hazmat Team; and be it further

RESOLVED, that certified copies of this resolution are sent to the County Executive's Office, the Division of Budget and Management, the Department of Homeland Security & Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.  
(6-0)

3. COMM. 2E-16 (2019)  
COUNTY EXECUTIVE  
WHEREAS, the Erie County Department of Homeland Security & Emergency Services purchased a 2019 Venture trailer out of FY 2015 Technical Rescue Grant; and

WHEREAS, the Erie County Department of Homeland Security & Emergency Services under the FY 15 Technical Rescue Grant purchased this trailer as part of the regional grant objectives; and

WHEREAS, ALERT Team agrees to take over registration, insurance, maintenance and liability and follow the FY 15 Technical Rescue grant guidance; and

WHEREAS, the ALERT Team agrees to take over the maintenance and follow the FY 15 Technical Rescue grant; and

WHEREAS, because this is a homeland security purchase, the ALERT Team agrees if the Department of Homeland Security & Emergency Services is Audited on the FY 2015 Technical Rescue Grant they will allow the auditors access to the trailer for auditing purposes.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorize the transfer of the 2019 Venture, VIN number 47GBG1811KB000018, boat trailer to the ALERT Team; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Homeland Security & Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.  
(6-0)

4. COMM. 2E-20 (2019)  
COUNTY EXECUTIVE

WHEREAS, NYS Department of Homeland Security & Emergency Services has agreed to provide funding in the amount of \$209,229 in assistance to continue the implementation of a program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, authorization is required for the Erie County Legislature for the County Executive to enter into contract and accept \$209,229 in resources to provide funding to purchase necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the NYS Department of Homeland Security & Emergency Services to receive \$209,229 in grant funding for the Erie County Department of Homeland Security & Emergency Services; and be it further

RESOLVED, that this grant, under the Erie County Department of Homeland Security & Emergency Services, will meet the goals and objectives; and be it further

RESOLVED, these funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations; and be it further

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

Erie County Department of Homeland Security & Emergency Services  
FY 18 – 19 Public Safety Answering Point (PSAP) Operations Grant

Revenue	Increase
Account 414000 Federal Aid	\$209,229

Appropriations	Increase
Account 9165000, ID Central Police Services – E911	\$209,229

and be it further

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

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

(6-0)

5. COMM. 2E-24 (2019)  
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the County Executive's appointments of the following named individuals to the Erie County Emergency Fire Advisory Board, for the terms stated.

Appointments:

William M. Cleary  
60 Woodlane Drive  
West Seneca, New York 14224  
Term Expires: 12/31/20

Jeffrey M. Daege  
1418 North French Rd  
Amherst, New York 14228  
Term Expires: 12/31/20

Michael C. Griffin  
2271 Jamison Rd.  
Elma, New York 14052  
Term Expires: 12/31/20

Kevin M. Herzog  
34 Petersbrook Circle  
Lancaster, New York 14086  
Term Expires: 12/31/20

James E. Judd  
206 Ludel Terrace  
Lackawanna, New York  
Term Expires: 12/31/20

Erik Karcher  
2348 South Park Ave.  
Buffalo, New York 14220  
Term Expires: 12/21/20

Douglas Lahnen  
54 Westwood Rd.  
Lancaster, New York 14086  
Term Expires: 12/31/20

Kenneth D. Walker  
157 Washington Avenue  
Kenmore, New York 14217  
Term Expires: 12/31/20

(6-0)

6. COMM. 2E-25 (2019)  
SHERIFF

WHEREAS, the supervisory tour and recording system at the Erie County Correctional Facility is over 30-years old and is obsolete; and

WHEREAS, recently, the system experiencing persistent and random malfunctions and is not recording important information; and

WHEREAS, in the past, the system could be maintained with electronic and mechanical upgrades, but due to the age of the system the manufacturer can no longer provide timely upgrades; and

WHEREAS, this system maintains and electronically records mandatory watch tours throughout the Alden facility; and

WHEREAS, the Erie County Holding Center and Correctional Facility utilize Black Creek for security and record management systems; and

WHEREAS, the system the Sheriff's Office is seeking to install, is provided by Black Creek which both facilities use and will bring continuity between the facilities; and

WHEREAS, using a supervisory and recording system manufactured by Black Creek would allow for quick and seamless system integration for the correctional facility; and

WHEREAS, the Black Creek and the Tour Application and Management System is an approved New York State Office of General Services – Procurement Services vendor and system is currently on the NYS bid list; and

WHEREAS, since the Black Creek system is an approved New York State vendor the Erie County Sheriff's Office and the Division of Purchasing are seeking a waiver of Section 19.08 of the Erie County Administrative Code; and

WHEREAS, the Erie County Sheriff's Office would utilize Telephone Revenue funds to purchase the security and recording system which will eliminate any burden to the taxpayer or affect the 2019 Erie County Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive and the Erie County Sheriff's Office to enter into an agreement with Black Creek to purchase a watch tour management system for the New York State bid price of \$283,364.51; and be it further

RESOLVED, that the Erie County Legislature hereby waives the procedures, as impractical, provided for in Section 19.08 of the Erie County Administrative Code for the purposes of securing the needed security recording system for the Erie County Correctional Facility; and be it further

RESOLVED, the Erie County Legislature authorizes the Erie County Sheriff's Office and Division of Budget and Management to transfer \$283,364.51 from the Telephone Revenue account to account #561410 (Lab & Tech Equipment); and be it further

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

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

RESOLVED, that certified copies of the approved resolution are sent to the County Executive, the County Attorney, the Division of Purchasing, the Division of Budget and

Management, the Erie County Comptroller's Office, and the Chief of Administration of the Sheriff Office for implementation.

(6-0)

7. COMM. 2E-28 (2019)  
SHERIFF

WHEREAS, the County of Erie was recently awarded a grant to upgrade emergency communications within dispatch centers for the Sheriff's Office, Central Police Services, and Emergency Services; and

WHEREAS, the new dispatch terminals were purchased through a New York State Department of Homeland Security and Emergency Services grant; and

WHEREAS, the county has purchased four new terminals for the Erie County Sheriff's using the New York State Office of General Services – Procurement Services contract with Motorola to provide new dispatch terminals; and

WHEREAS, the Sheriff's Office operates five dispatch terminals and needs to purchase an additional one; and

WHEREAS, to purchase the additional dispatch terminal, the Sheriff's Office is seeking authorization to transfer \$54,050.00 from the Asset Forfeiture Trust Account to account #561410 (Lab & Tech); and

WHEREAS, as of January 15, 2019, the Sheriff's Asset Forfeiture Trust Account balance is \$193,283.00; and

WHEREAS, the Erie County Sheriff's Office would utilize Asset Forfeiture Trust Account funds to purchase the fifth dispatch terminal which will eliminate any burden to the taxpayer or affect the 2019 Erie County Budget.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the Erie County Sheriff's Office and Division of Budget and Management to transfer \$54,050.00 from the Asset Forfeiture Trust Account to account #561410 (Lab & Tech Equipment):

**ERIE COUNTY SHERIFF'S OFFICE**

Sheriff – SAFS Funded Program

REVENUE

421550

Forfeiture Crime Proceeds

DECREASE

\$54,050.00

APPROPRIATION

561410

Lab & Tech

Total Revenue

INCREASE

\$54,050.00

\$54,050.00

and be it further

RESOLVED, that designated Seized Asset Fund expenditure meets the criteria established by the U.S. Department of Justice for the use of equitable shared funds; and be it further

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

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

RESOLVED, that certified copies of the approved resolution are sent to the County Executive, the County Attorney, the Division of Budget and Management, the Division of Purchasing, the Erie County Comptroller's Office, Central Police Services, Emergency Management Services, and the Chief of Administration of the Sheriff's Office for implementation.  
(5-0) Chair Savage not present for vote.

**APRIL N.M. BASKIN  
CHAIR**

**LEGISLATOR RESOLUTIONS**

Item 28 – MS. BASKIN presented the following resolution and moved for immediate consideration. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 21

RE: Opposition to Proposed  
Reduction to Municipal  
State Aid  
(INTRO. 3-1)

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

WHEREAS, Governor Andrew Cuomo proposed a \$176 billion state budget that included a reduction to a funding source utilized by 90 percent of towns and villages across the state; and

WHEREAS, the State Revenue Sharing Program known as Aid and Incentives for Municipalities (AIM) is state aid provided to all of New York's cities (other than New York City), towns and villages; and

WHEREAS, AIM funding is a revenue source to help cover the cost of unfunded state mandates, which has been unchanged or reduced every year since 2008; and

WHEREAS, since 2011, AIM funding has accounted for \$715 million statewide, divided among cities, towns and villages, with the state's 61 cities (not including New York City) receiving about \$647 million, with all towns and villages receiving \$68 million; and

WHEREAS, the proposed Fiscal Year 2020 Executive Budget recommends the state's towns and villages receive just \$8 million, with 91 percent of these municipalities receiving no AIM funding; and

WHEREAS, the Fiscal Year 2020 Executive Budget recommends a 100% reduction in AIM funding for all towns in Erie County, except the Town of Alden which would remain even compared to FY 2019 funding levels; and

WHEREAS, the proposed funding reduction to Erie County towns totals \$3,709,039; and

WHEREAS, the Fiscal Year 2020 Executive Budget recommends a 100% reduction in AIM funding for all villages in Erie County, except the Villages of Kenmore and Sloan which would remain even compared to FY 2019 funding levels; and

WHEREAS, the proposed funding reduction to Erie County villages totals \$736,144; and

WHEREAS, the Fiscal Year 2020 Executive Budget recommends the same AIM funding for the Cities of Buffalo, Lackawanna and Tonawanda compared to FY 2019 funding levels; and

WHEREAS, local governments throughout New York State, especially upstate, face a declining property tax base, high local and state taxes, an aging infrastructure, high health and human services and health insurance-related costs, and a poor population that require additional government services, where the costs of these factors and now a lack of AIM funding is especially problematic for local municipal governments; and

WHEREAS, the Association of Erie County Governments at a meeting held January 24, 2019 unanimously approved a resolution in strong opposition to the elimination of AIM funding because the loss of funding could result in reduction of services, program cuts, layoffs, and higher property taxes.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body expresses its opposition to the proposed Fiscal Year 2020 Executive Budget funding reduction for Aid and Incentives for Municipalities; and be it further

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 22

RE: Support for Ingersoll Rand  
Employees in Cheektowaga  
(INTRO. 3-2)

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

WHEREAS, in late January 2019, Ingersoll Rand, a manufacturer of Club Car®, Ingersoll Rand®, Thermo King® and Trane® branded products, announced without warning that it will close its Cheektowaga air compressor manufacturing operations by July 2019, resulting in the elimination of 300 jobs, including approximately 150-180 hourly unionized employees in the International Association of Machinists and Aerospace Workers and 100 salaried employees; and

WHEREAS, the company stated that the majority of the production would be moved to Ingersoll Rand facilities in North Carolina and Italy and a North Carolina business newspaper reported that the company would also use the closing to expand production capability in Wujiang, China; and

WHEREAS, media accounts reported that a spokesman for the International Association of Machinists and Aerospace Workers said that Ingersoll Rand had provided "few details, if any" about its plans to the union; and

WHEREAS, Congressman Brian Higgins stated that the company's decision "represents the latest in a growing list of local manufacturing jobs lost at the expense of tax and trade policies that fail to put American workers first. We are experiencing firsthand the failed promises of the GOP tax bill," adding "the corporate tax cuts are not trickling down to hardworking Western New Yorkers and the tariffs are not protecting American jobs. Instead, haphazard policy that favors big business is incentivizing outsourcing and putting people out of work"; and

WHEREAS, Erie County Executive Mark Poloncarz issued a statement saying that he is working with the Erie County Industrial Development Agency to identify ways to assist Ingersoll Rand and avoid the job cuts, stating "As soon as my office learned of the proposed job cuts by

Ingersoll Rand at its Cheektowaga facility we reached out to Ingersoll Rand's corporate headquarters to commence a discussion on what it would take to keep the manufacturing portion of the plant open. Job cuts should always be a last resort and are unconscionable when a company, such as Ingersoll Rand, has been profitable and recently negotiated a new collective bargaining contract with International Association of Machinists and Aerospace Workers Local 330," adding, "We must stand with our neighbors who face this unnecessary job loss and must come together as a community to preserve these jobs, and I will do everything in my power to do so"; and

WHEREAS, New York State Senator Timothy Kennedy, Assemblywoman Monica Wallace, County Executive Poloncarz, Erie County Legislator Timothy Meyers and Cheektowaga Town Supervisor Diane Benczkowski sent a joint letter to Ingersoll Rand's Chairman and Chief Executive Officer requesting that the company meet with the Erie County Industrial Development Agency and New York State's Empire State Development Corporation "to propose an offer that would keep these critically important jobs in Western New York"; and

WHEREAS, amidst the current environment in which other local manufacturing companies have recently closed their facilities and laid-off employees, it is important to work with local companies to retain local jobs and employees and pursue every opportunity to not only help these businesses, but help avoid their relocation of the work and manufacturing to other states and countries.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby expresses its strong opposition to Ingersoll Rand's plans to close its Cheektowaga air compressor manufacturing operations, layoff-hundreds of hard-working men and women, and transfer the manufacturing to North Carolina and Italy and expand production capability in Wujiang, China; and be it further

RESOLVED, that this Honorable Body urges Ingersoll Rand to participate in discussions with the Erie County Industrial Development Agency and New York State's Empire State Development Corporation on possible ways to keep the operations and employees working in Cheektowaga; and be it further

RESOLVED, that certified copies of this resolution be transmitted to Ingersoll Rand Chairman and Chief Executive Officer Michael Lamach, the County Executive, Erie County Industrial Development Agency, and New York State's Empire State Development Corporation.

MR. LOUGHRAN moved to amend the resolution by including MS. DIXON, MR. MILLS, MR. RATH, and MR. LOUGHRAN as Co-Sponsors. MS. BASKIN seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 30 – MR. BRUSO presented the following resolution and moved for immediate

consideration and approval. MR. LOUGHRAN seconded. MS. BASKIN abstained.

CARRIED. (10-0-1)

RESOLUTION NO. 23

RE: Reorganization of Second  
District Legislative Office  
Personal Services Budget  
(INTRO. 3-3)

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

WHEREAS, in order to better serve the residents of the Second District of the Erie County Legislature, a reorganization is necessary of the Legislature's district office personal services budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature makes the following budget adjustments to the Legislature's 2019 Adopted Departmental Budget, all of which is effectuated while keeping within the Legislature's budgeted appropriation for 2019:

DELETE one (1) Administrative Clerk Legislature (RPT), JG 8, Position Number 51014427, and one (1) Administrative Clerk Legislature (PT), JG 8, Position Number 51014429 in Fund Center 100, Cost Center 1005017 District Office Staff, effective February 6, 2019, and

REPLACE with one (1) Administrative Clerk (Legislature) Full-Time, JG 8, Fund Center 100, Cost Center 1005017 District Office Staff, effective February 6, 2019; and be it further

RESOLVED, that the filling of the position be in accordance with 2019 Erie County Budget Resolution Number 86, as well as all Personnel Department policies; and be it further

RESOLVED, that the Director of Budget and Management is authorized to make the necessary technical changes to the Legislature's 2019 Budget to effectuate this change in personal services accounts; and be it further

RESOLVED, that the Clerk of the Legislature is directed to forward certified copies of this resolution to the Director of the Division of Budget and Management and the Commissioner of Personnel.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 24

RE: Urging Coordination Between  
Local Governments & Erie

County Water Authority on  
Color Coding Fire Hydrants to  
Assist Firefighters  
(INTRO. 3-4)

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

WHEREAS, in September 2018, a fire at a home in Lancaster erupted, and when volunteer firefighters from the Bowmansville fire company arrived to fight the fire, they experienced low water pressure at a fire hydrant nearby, compelling them to connect to a fire hydrant some distance away, in order to access sufficient water pressure; and

WHEREAS, a water main, 6 inches in diameter installed in 1929 fed the hydrant in question; and

WHEREAS, Town of Lancaster officials responded by updating the Town's master plan, instituting a one-year rezoning moratorium, and starting a town-wide project to replace aging water lines; and

WHEREAS, one issue stated by fire officials and town officials is the need to replace water lines with larger sized lines by "upsizing" the water lines to allow for more water pressure and volume; and

WHEREAS, the Erie County Water Authority, which provides water to Lancaster and leases the hydrants from the Town, stated that it was investigating the low pressure issue; and

WHEREAS, Robert Lichenthal, the deputy director of the authority, stated "To be clear, it's not really a fire hydrant issue. The hydrants worked appropriately. What it became was a combined water supply issue"; and

WHEREAS, Mr. Lichtenthal stated to WGRZ-TV: "We take that seriously and the demands of this fire were such that it outstripped the capacity of a six inch main. . . We will take a look at having conversations with the Town of Lancaster, with emergency services for the future and we'll take a look to see what improvements can be made"; and

WHEREAS, one of the first challenges that firefighters face when they arrive at a fire is finding a suitable water source that provides enough water for the type of fire they are fighting and there are formulas used by firefighters that will tell them approximately how much water is needed to fight a given fire; and

WHEREAS, in some locations, fire hydrants are color coded to indicate how much water a particular hydrant will provide to give guidance to the first responders, with water supply for firefighting often rated in gallons per minute (GPM); and

WHEREAS, due to the numerous different supply systems throughout the United States, there can be a wide range of available water supply, from 500 GPM or less to over 2500 GPM; and

WHEREAS, the National Fire Protection Agency (NFPA) recommends that fire departments and water districts follow a set standard of color-coding referred to as NFPA 291, which says fire hydrants using public water supply systems should be painted chrome yellow, and their tops and caps should indicate the available GPM, with hydrants below 500 GPM being painted red, 500-999 GPM, painted orange, 1000-1499 GPM painted green, and 1500 GPM or higher painted blue; and

WHEREAS, GPM is only one of two factors of water supply, with the other measurement being pressure, rated in pounds per square inch (PSI); and

WHEREAS, many different municipalities create their own hydrant color coding for their specific situations; and

WHEREAS, while the Town of Lancaster works on replacing water lines and hydrants, one possible solution for assisting with adequate fire protection in Lancaster and in other communities could be to color-code fire hydrants, to reflect the size of the water main serving the hydrant and in so doing, to help guide firefighters to understand the size of the water lines.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for efforts by the Erie County Water Authority to work with its local government partners to study the color-coding of fire hydrants to help guide local firefighters concerning the pressure in, and size of the water lines serving the hydrants; and be it further

RESOLVED, that certified copies of this resolution be transmitted to town supervisors in Erie County, the Erie County Water Authority, and the Commissioner of the Erie County Department of Homeland Security and Emergency Services.

MS. BASKIN moved to amend the resolution to include additional content, and also by including Et Al Sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Amend INTRO. 3-4 (2019) to include the following Resolved clause, after the first Resolved clause:

RESOLVED, that this honorable body hereby urges the ECWA, in conjunction with other municipal stakeholders, to conduct a study of all fire hydrant waterlines to determine the need for, and cost of, replacing any hydrants that may be outdated; and be it further

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

CARRIED UNANIMOUSLY.

Item 32 – CHAIR SAVAGE directed that the following resolution be referred to the

GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 3-5 from RATH & MILLS. Opposition to Single Payer Healthcare System in New York State.

Item 33 – CHAIR SAVAGE directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 3-6 from RATH. Urging NYS to Require Replacement of Mailboxes Damaged During Snow Removal.

Item 34 – MS. BASKIN presented the following resolution and moved for immediate consideration. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 25

RE: Urging the State to Retain Bail Procedures for Individuals Charged with Domestic Violence (INTRO. 3-7)

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

WHEREAS, according to the CDC more than 1 in 3 women and 1 in 4 men report having experienced rape, physical violence, and or stalking by an intimate partner in their lifetime. Many of these crimes are carried out by repeat offenders, with the severity of the crime increasing over time; and

WHEREAS, bail reform has been encouraged by this honorable body and is expected to be considered as part of the agenda for the New York State Legislature this year; and

WHEREAS, some of the most significant reform is expected to eliminate the use of bail as a requirement for pretrial release for certain charges; and

WHEREAS, the America Bar Association (ABA) has called for the least restrictive bail conditions and a presumption of release pending trial, lending support for the elimination of bail requirements for many lower level crimes. However, the ABA also calls for state pretrial detention policies to be written to prevent a defendant's flight and to ensure public safety; and

WHEREAS, studies have shown that the likelihood is greatest for an individual to be killed in a domestic episode when an abused partner seeks to leave the relationship; and

WHEREAS, research conducted for the Federal Court System has also shown that recidivism rates for those charged with domestic violence crimes, such as assault, menacing, and stalking, is higher than those charged with violent crimes in general; and

WHEREAS, this honorable body urges the state to refrain from withdrawing bail requirements from people accused of domestic violence, or precursors to domestic violence such as harassment or violation of restraining orders, regardless of the severity of their actions; and

WHEREAS, every person going through the criminal justice system deserves the presumption of innocent until proven guilty; however, every victim deserves to be protected from their attacker especially when there is a heightened probability for a repeat offence or a more violent altercation; and

WHEREAS, the state should work towards protecting victims of domestic abuse, eliminating bail requirements for those accused of domestic violence crimes only serves to increase the likelihood of future attacks.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body implores the Governor and the State Legislature to include an exception in their bail elimination reform package that explicitly retains bail requirements for those charged with any level of domestic violence, or likely precursor thereto, charge; and be it further

RESOLVED, that certified copies of this resolution be sent to every member of the New York State Legislature individually, Governor Andrew Cuomo's office, and any other party deemed necessary and proper.

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. BRUSO seconded.

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

None.

**SUSPENSION OF THE RULES**

Item 35 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-34 from the COUNTY EXECUTIVE Re: Real Estate Transfer Tax Surplus  
Appropriation

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM LEGISLATOR RATH**

Item 36 – (COMM. 3E-1) Abstention on Local Law Intro. 9-1 (2018)

Received, Filed and Printed.

January 17, 2019

Robert M. Graber, Clerk  
Erie County Legislature  
92 Franklin St., 4th Floor  
Buffalo, NY 14202

RE: Abstention on Local Law 9-1 (2018)

Dear Mr. Graber:

Pursuant to Rule 2.21 of the 2018 Rules of Order of the Erie County Legislature and in accordance with Section 5b of Erie County Local Law No. 3 - 2018, my abstention to the above referenced communication was done to avoid any possible conflict of interest with my private sector dealings.

**FROM LEGISLATOR DIXON**

Item 37 – (COMM. 3E-2) Letter to County Attorney Concerning Temporary Extension for  
Payment of Real Property Taxes for Government Employees Impacted by Partial Federal Shutdown

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM LEGISLATOR LORIGO**

Item 38 – (COMM. 3E-3) Letter to Government Affairs Committee Chair Hardwick -  
Requesting Committee Discussion Regarding NFTA Discount Program

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 39 – (COMM. 3E-4) Climate Action & Sustainability Plan for Internal Operations - Adoption by Erie County Legislature

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM CHAIR SAVAGE**

Item 40 – (COMM. 3E-5) Public Notice Concerning Citizens Salary Review Commission Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 41 – (COMM. 3E-6) Public Notice Concerning Position of Commissioner of the Erie County Water Authority

Item 42 – (COMM. 3E-7) Letters of Interest & Resumes for Position of Commissioner of the Erie County Water Authority

Item 43 – (COMM. 3E-8) Interviews for Position of Commissioner of the Erie County Water Authority

Item 44 – (COMM. 3E-9) Letter to Democratic Party Caucus Regarding Position of Commissioner of the Erie County Water Authority

Item 45 – (COMM. 3E-10) Letter to Republican Party Caucus Regarding Position of Commissioner of the Erie County Water Authority

Item 46 – (COMM. 3E-11) Letter to Conservative Party Caucus Regarding Position of Commissioner of the Erie County Water Authority

Item 47 – (COMM. 3E-12) Letter to Independence Party Caucus Regarding Position of Commissioner of the Erie County Water Authority

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

**FROM LEGISLATOR LORIGO**

Item 48 – (COMM. 3E-13) Constituents' Petitions Regarding Future of West Falls Rd., West Falls

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 49 – (COMM. 3E-14) Appointment of Commissioner of the Department of Personnel  
Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 50 – (COMM. 3E-15) Grand Island Sidewalk Accessibility Project  
Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 51 – (COMM. 3E-16) Foreclosure Pursuant to the In Rem Provisions of the EC Tax  
Act - In Rem Action No. 166

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 52 – (COMM. 3E-17) WNY Stormwater Coalition: Participation Fee Increase  
Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 53 – (COMM. 3E-18) BMHA to Utilize EC Purchase Contracts According to County  
Law & Administrative Code

Item 54 – (COMM. 3E-19) Erie 1 BOCES Workforce Training Center

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

Item 55 – (COMM. 3E-20) ECSD #3 - Engineer Term Contract Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 56 – (COMM. 3E-21) Spec Rescue International Service Contract - Fundamental of  
Lifting & Moving

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR DIXON

Item 57 – (COMM. 3E-22) Letter to Comptroller Concerning SUNY Erie Budget  
Expenditures

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE SHERIFF

Item 58 – (COMM. 3E-23) EC Holding Center & Correctional Facility Food Service  
Contract

Item 59 – (COMM. 3E-24) New Narcotics Detection K9s

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

FROM THE COUNTY EXECUTIVE

Item 60 – (COMM. 3E-25) BridgeNY Project Agreement with NYDOT - Award of Construction Contract for Trevett Rd. Bridge over Eighteen Mile Creek Replacement

Item 61 – (COMM. 3E-26) Bergmann GIS Implementation Contract Extension

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

Item 62 – MS. BASKIN presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 26

RE: Temporary Extension of a No-Interest Period for Payments of Real Property Taxes by a Person Furloughed by the Federal Government  
(COMM. 3E-27)

WHEREAS, on February 1, 2019, New York State Governor Andrew Cuomo signed into law Senate (S.02523) and Assembly (A.02852) bills which add a new section, Real Property Tax Law 925-e to allow furloughed federal taxpayers in Erie County an extended period of ninety days from the end of the furloughed to pay property taxes without interest and penalty; and

WHEREAS, a furloughed federal taxpayer or designated non-pay federal employee must provide documentation to the collecting officer no later than the thirtieth day following the last day for paying such taxes without incurring interest or penalty.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County through the Director of Real Property Tax Services is hereby authorized under New York State Real Property Tax Law section 925-e, and this resolution, to extend the interest free period for ninety days after the end of such lapse in discretionary appropriations by the federal government; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Director of Budget and Management, County Comptroller, County Attorney and Joseph Maciejewski, Director of Real Property Tax Services.

Item 63 – (COMM. 3E-28) Vermont St. Drainage Improvements & Roadway Reconstruction - Award of Construction Contract

Item 64 – (COMM. 3E-29) Cyclomedia Asset Mapping & Data Collection

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

Item 65 – MS. BASKIN presented the following resolution and moved for immediate consideration and approval. MR. BRUSO seconded. MR. MEYERS abstained.

CARRIED. (10-0-1)

RESOLUTION NO. 27

RE: Teamsters Local Union No. 264 –  
Sheriff's Dept. - Sworn/Civilian 2019-  
2023 Collective Bargaining Agreement  
(COMM. 3E-30)

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 – Sheriff's Department Unit– Sworn/Civilian (“Unit”) is an employee union organization which represents the Sergeants, Deputy Sheriffs, and Civilians employed by the Sheriff's Office ( Erie County Holding Center); and

WHEREAS, the existing collective bargaining agreement between Erie County and the Unit expired on December 31, 2018, 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, 2019 and December 31, 2023; and

WHEREAS, Unit membership recently ratified the agreement.

NOW, THEREFORE, BE IT

RESOLVED, the agreement between Erie County and the Unit for the period January 1, 2019-December 31, 2023, 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 \$1,400,000 in undesignated/unassigned fund balance into the 2019 Erie County Budget to cover all or a portion of the net 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 2019 Budget to properly fund the increased costs associated with the Unit 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 66 – (COMM. 3E-31) Division of Family Independence - Authorization to Enter Into Contract for SNAP Supervisor Case Review Software

Item 67 – (COMM. 3E-32) Safe Harbor for Exploited Children

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

FROM LEGISLATOR LORIGO

Item 68 – (COMM. 3E-33) Letter to County Attorney Concerning Legal Advisement

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DIRECTOR OF REAL PROPERTY TAX SERVICES

Item 69– (COMM. 3D-1) Open Item in Finance & Management Committee - Correction of Errors/NYS Real Property Tax Law

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPARTMENT OF LAW

Item 70 – (COMM. 3D-2) Notice of Public Hearing - Local Law Intro. No. 9-1 (2018)

Received and Filed.

FROM THE CLERK OF LEGISLATURE

Item 71 – (COMM. 3D-3) Notice of Public Hearing Concerning Report of the Citizens Salary Review Commission

Received, Filed and Printed.

Notice of Public Hearing

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held in the Chambers of the Legislature at Old Erie County Hall, 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 7th day of February 2019 at 6:00 P.M., for the purpose of conducting a public hearing to hear public comment on Intro. 2-4 (2019), concerning the Citizens Salary Review Commission's report.

A copy of the resolution and report is available for public inspection at the Office of the Clerk of the Legislature at Old County Hall, 92 Franklin Street, 4th Floor, Buffalo, New York or at [http://www2.erie.gov/legislature/sites/www2.erie.gov.legislature/files/uploads/Session\\_Folders/2019/2/19Intro.2-4.pdf](http://www2.erie.gov/legislature/sites/www2.erie.gov.legislature/files/uploads/Session_Folders/2019/2/19Intro.2-4.pdf)

Buffalo, New York  
January 28, 2019

**BY ORDER OF THE COUNTY LEGISLATURE  
OF THE COUNTY OF ERIE, NEW YORK**

Robert M. Graber, Clerk  
Erie County Legislature

Item 72 – (COMM. 3D-4) Public Notice - Letters of Interest & Resumes for Position of Commissioner of the Erie County Water Authority

Received, Filed and Printed.

January 29, 2019

**PUBLIC NOTICE / MEDIA ADVISORY**

To: All Interested Parties

From: Robert M. Graber  
Clerk of the Legislature

Subject: Letters of Interest and Resumes for Position of Commissioner of the  
Erie County Water Authority

PLEASE TAKE NOTICE, that letters of interest and resumes from individuals interested in appointment or reappointment to the position of Commissioner of the Erie County Water Authority are being accepted by the Erie County Legislature.

Pursuant to Section 5.01 of the Erie County Legislature's Rules of Order:

Candidates, including incumbents seeking reappointment, for the position of Commissioner of the Erie County Water Authority, shall formally submit, in writing, to the Chair of the Legislature, notice of their candidacy for that position.

Individuals interested in consideration for Commissioner should submit a letter of interest and resume to Legislature Chairman Peter J. Savage, III, c/o Robert M. Graber, Clerk of the Legislature, 92 Franklin Street, Fourth Floor, Buffalo, New York 14202 or via electronic mail to Robert.Grabber@erie.gov.

The deadline for receipt of all documents is no later than 10:00 am on Tuesday, February 19, 2019.

FROM THE DIRECTOR OF  
REAL PROPERTY TAX SERVICES

Item 73 – (COMM. 3D-5) Cost to Prepare City of Tonawanda Tax Rolls & Bills

Received, Filed and Printed.

February 1, 2019

The Honorable  
Erie County Legislature  
25 Delaware Avenue – Fourth Floor  
Buffalo, New York 14202

RE: Cost to Prepare City of Tonawanda Tax Rolls & Bills

Honorable Members:

Please receive, file and print the following billing for the preparation of City of Tonawanda City Tax Rolls and Bills for the year 2018 at your next meeting.

As directed by Section 3-2.2 of the amended Erie County Tax Act, it is herewith certified to the Erie County Legislature that the attached statement is the total cost of material and labor in making and spreading City of Tonawanda City Tax Rolls and Bills.

Sincerely,

Joseph L. Maciejewski, CCD  
Director of Real Property Tax Services

TO THE ERIE COUNTY LEGISLATURE 2018  
STATEMENT, MATERIALS AND LABOR IN PRODUCING CITY OF  
TONAWANDA BILLS AND THE SPREADING OF ASSOCIATED COSTS:

Tax Bills	\$225.00
Tax Rolls, Assessment Roll & Worksheets	\$200.00
Wages	\$1,107.51

Data Processing Time	\$1,746.69
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Total Cost	\$3,279.20
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Item 74 – (COMM. 3D-6) Cost to Prepare Village Tax Rolls & Bills

Received, Filed and Printed.

February 1, 2019

The Honorable  
Erie County Legislature  
25 Delaware Avenue – Fourth Floor  
Buffalo, New York 14202

RE: Cost to Prepare Village Tax Rolls & Bills

Honorable Members:

Please receive, file and print the attached billing for the preparation of Village Tax Rolls and Bills for the year 2018-2019 at your next meeting.

As directed by Section 3-2.2 of the amended Erie County Tax Act it is herewith certified to the Erie County Legislature that the attached statement and apportionment is the total cost of material and labor in making and spreading Village Tax Rolls and Bills.

Sincerely,

Joseph L. Maciejewski, CCD  
Director of Real Property Tax Services

TO THE ERIE COUNTY LEGISLATURE 2018-2019  
STATEMENT, MATERIALS AND LABOR IN PRODUCING  
VILLAGE BILLS AND THE SPREADING OF ASSOCIATED COSTS:

Tax Bills/Paper Costs	\$3,700.00
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Tax Rolls, Assessment Roll & Worksheets	\$950.00
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Wages	\$5,058.17
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Data Processing Time	\$6,902.34
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Total Cost	\$16,610.51
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Extra Bills	\$137.00
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Village	Cost per parcel parcels	1 Extra set of bills	Rate	Cost
Akron	1264	\$20.00	\$0.464838	\$607.55
Alden	869		\$0.464838	\$403.94
Angola	932		\$0.464838	\$433.23
Blasdell	1144	\$20.00	\$0.464838	\$551.77
Depew	6718		\$0.464838	\$3,122.78
East Aurora	2592		\$0.464838	\$1,204.86
Farnham	206	\$10.00	\$0.464838	\$105.76
Gowanda	1196	\$20.00	\$0.464838	\$575.95
Hamburg	3767		\$0.464838	\$1,751.04
Kenmore	5662		\$0.464838	\$2,631.91
Lancaster	4327		\$0.464838	\$2,011.35
North Collins	541		\$0.464838	\$251.48
Orchard Park	1151	\$20.00	\$0.464838	\$555.03
Sloan	1585		\$0.464838	\$736.77
Springville	1652	\$7.00	\$0.464838	\$774.91
Williamsville	2128	\$40.00	\$0.464838	\$1,029.17
	35734	\$137.00		\$16,747.51

Item 75 – (COMM. 3D-7) Cost to Prepare School District Tax Rolls & Bills

Received, Filed and Printed.

February 1, 2019

The Honorable  
Erie County Legislature  
25 Delaware Avenue – Fourth Floor  
Buffalo, New York 14202

RE: Cost to Prepare School District Tax Rolls & Bills

Honorable Members:

Please receive, file and print the attached billing for the preparation of 2018-2019 School District Tax Rolls at your next meeting.

As directed by Section 4-3.1 of the amended Erie County Tax Act, it is herewith certified to the Erie County Legislature that the attached statement and apportionment is the total cost of material and labor in making and spreading School District Tax Rolls, together with the apportionment to each School District benefitted for the year 2018-2019.

Sincerely,

Joseph L. Maciejewski, CCD  
Director of Real Property Tax Services

TO THE ERIE COUNTY LEGISLATURE 2018-2019  
STATEMENT, MATERIALS AND LABOR IN PRODUCING SCHOOL  
DISTRICT TAX

**BILLS AND THE SPREADING  
OF ASSOCIATED COSTS:**

Tax Bills Paper	\$11,200.00
Tax Roll Paper	\$1,000.00
Data Processing Charges	\$59,542.23
Wages	\$75,183.05
Total	\$146,925.28

271,133.00 parcels 0.541893738 Cost per parcel

Alden Out of County	\$100.00
AKC1 Out of County	\$200.00
Gowanda Extra Roll	\$0.00
Attica Flat Charge	\$150.00
Silver Creek Charge	\$150.00
Pioneer Extra Set Bills	\$75.00
Clarence Re-Print	\$3,000.00

Total to Spread: Cost per parcel and Flat Charge \$147,600.28

School	Parcels	Rate	Amount Due
Alden	4930	0.541893738	\$2,771.54
Akron	3803	0.541893738	\$2,260.82
Amherst	9117	0.541893738	\$4,940.45
Sweet Home	11021	0.541893738	\$5,972.21
Attica	0	0	\$150.00
East Aurora	6171	0.541893738	\$3,344.03
Cheektowaga	8432	0.541893738	\$4,569.25
Maryvale	7484	0.541893738	\$4,055.53

Cleveland Hill	4595	0.541893738	\$2,490.00
Sloan	5125	0.541893738	\$2,777.21
Clarence	12541	0.541893738	\$9,795.89
Springville	6815	0.541893738	\$3,693.01
Depew	6826	0.541893738	\$3,698.97
Eden	4926	0.541893738	\$2,669.37
Frontier	16906	0.541893738	\$9,161.26
Grand Is	8950	0.541893738	\$4,849.95
Gowanda	1501	0.541893738	\$813.38
Hamburg	10400	0.541893738	\$5,635.69
Holland	3564	0.541893738	\$1,931.31
Iroquois	8422	0.541893738	\$4,563.83
Lancaster	18600	0.541893738	\$10,079.22
Lake Shore	10194	0.541893738	\$5,524.06
North Collins	2718	0.541893738	\$1,472.87
Orchard Park	14310	0.541893738	\$7,754.50
Pioneer	986	0.541893738	\$609.31
Silver Creek	0	0	\$150.00
Ken-Ton	26552	0.541893738	\$14,388.36
Williamsville	27933	0.541893738	\$15,136.72
West Seneca	21879	0.541893738	\$11,856.09
City of Tonawanda	6432	0.541893738	\$3,485.46
Total	271,133		\$150,600.28

**FROM THE DIRECTOR OF  
BUDGET & MANAGEMENT**

Item 76 – (COMM. 3D-8) Budget Monitoring Report for Period Ending November 2018

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE ASSIGNED COUNSEL PROGRAM**

Item 77 – (COMM. 3M-1) Financial Report, Listing of Attorneys, & Meeting Minutes for Period of 7/1/18 to 12/31/18

Item 78 – (COMM. 3M-2) Quarterly Report for 4th Quarter of 2018

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

**FROM VISIT BUFFALO NIAGARA**

Item 79 – (COMM. 3M-3) 2019 Operating Budget & Strategic Plan of the Buffalo Niagara Convention & Visitors Bureau, Inc.

Item 80 – (COMM. 3M-4) Listing of Personnel, Job Descriptions & Salaries for All Employees of the Buffalo Niagara Convention & Visitors Bureau, Inc.

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

FROM THE COMMISSIONER, NYS AGRICULTURE & MARKETS

Item 81 – (COMM. 3M-5) Certification of Report & Plan to Modify EC Agricultural Districts

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS DEC

Item 82 – (COMM. 3M-6) Invitation for Public Comment - Draft Investigation & Cleanup for Site on Chandler St., Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ASSOCIATION OF ERIE COUNTY GOVERNMENTS

Item 83 – (COMM. 3M-7) Certified Resolution in Opposition of Proposed Cuts to State Revenue Sharing Aid & Incentives to Municipalities

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE GRAND ISLAND TOWN BOARD

Item 84 – (COMM. 3M-8) Certified Resolution Reaffirming Support of the Second Amendment

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NYS DEPT. OF PUBLIC SERVICE

Item 85 – (COMM. 3M-9) Factsheet & Notice of Public Hearings - Concerning NextEra Energy Transmission NY, Inc.'s Empire State Line Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE M/WBE UTILIZATION ADVISORY BOARD

Item 86 – (COMM. 3M-10) Minutes for Meeting Held on 11/26/18

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

FROM THE ECWA

Item 87 – (COMM. 3M-11) Detailed Financial Report for Years Ended 12/31/18 & 2017

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NFTA

Item 88 – (COMM. 3M-12) Minutes for Board of Commissioners Meeting Held on 12/20/18

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NFTA-METRO

Item 89 – (COMM. 3M-13) Positive Declaration, Determination of Significance & Notice of Intent to Prepare a Draft Environmental Impact Statement - Metro Rail Expansion Project

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE HAMBURG TOWN BOARD

Item 90 – (COMM. 3M-14) Certified Resolution in Opposition of Proposed Cuts to State Revenue Sharing Aid & Incentives to Municipalities

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM MAYOR FRAWLEY,  
VILLAGE OF ANGOLA

Item 91 – (COMM. 3M-15) Letter to Legislator Mills in Opposition of Proposed Cuts to State Revenue Sharing Aid & Incentives to Municipalities

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

ANNOUNCEMENTS

Item 92 – Legislature Clerk announced the details concerning two public hearings, with the first being this evening at 6:00 p.m., February 7, 2019, concerning the report of the Citizens Salary Review Commission, and the second scheduled for 6:00 p.m., February 20, 2019, concerning the 2019 Real Estate Transfer Tax Surplus Appropriation.

**MEMORIAL RESOLUTIONS**

Item 93 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Lawrence “Larry” Bierl.

Item 94 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of John W. Reif.

Item 95 – Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of Joseph Hogues.

Item 96 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of John A. Peters, Bradley C. Smith, Joanne M. (Wilson) Vossler, Tibor Baranski Sr., and Lawrence “Larry” Bierl.

Item 97 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Judith Ketteman, Gary Walters, Colleen Biryła, and Jeffrey Martens.

Item 98 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Angela Biber and Gloria Schiavone.

**ADJOURNMENT**

Item 99 – At this time, there being no further business to transact, CHAIR SAVAGE announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, February 21, 2019 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR SAVAGE declared the Legislature adjourned until Thursday, February 21, 2019 at 2:00 p.m. Eastern Standard Time.

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