

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 6**  
**MARCH 21, 2019**

The Legislature was called to order by Chair Savage.

All members present.

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

The Pledge of Allegiance was led by Mr. Lorigo.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MS. BASKIN moved for the approval of the minutes for Meeting Number 5 from 2019. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MS. MILLER-WILLIAMS presented a proclamation Honoring Saving Grace Ministries Upon the Occasion of Twenty Years of Dedicated Service & Fellowship.

Item 6 – MR. BRUSO presented a proclamation Honoring U.S. Air Force Brigadier General Robert Kilgore on His Promotion and Service to the United States.

Item 7 – CHAIR SAVAGE presented a proclamation Honoring Prominent Buffalonians James and Beth Ann Hornung, and Their Son, James Jr., as the Erie County Legislature's Citizens of the Month in Recognition of Elbers' 100th Year Anniversary.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 8 – CHAIR SAVAGE directed that Local Law No. 12 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 9 – CHAIR SAVAGE directed that Local Law No. 20 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 10 – CHAIR SAVAGE directed that Local Law No. 3 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 11 – CHAIR SAVAGE directed that Local Law No. 8 (Print #1) 2018 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 12 – CHAIR SAVAGE directed that Local Law No. 1 (Print #1) 2019 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 13 – MS. BASKIN moved to take Local Law No. 2 (Print #1) 2019 from the table. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE

LOCAL LAW NO. \_\_\_\_ - 2019

LOCAL LAW INTRO NO. 2 - 2019

THE FELINE (CAT) ADOPTION PROMOTION ACT OF 2019

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

Section 1: Legislative Findings and Intent

The Erie County Legislature hereby makes the following findings and determinations:

The Legislature of the County of Erie, takes notice that Assembly Bill A09970B and Senate Bill S177, heretofore known as amendments to Subdivision 2 of Section 374 of the New York State Agriculture and Markets Law, as amended by Chapter 449 of the Laws of 2010, was signed into law by the Governor on December 21, 2018.

This law relates to the disposition of felines (cats) and allows shelters to place cats, whose owners cannot be identified by any collar, tags or microchip, up for adoption after three days, as contrasted with a prior five day waiting period.

The 2018 amendments to Subdivision 2 of Section 374 of the New York State Agriculture and Markets Law allows any municipality to establish the duration of such periods by local law or ordinance for any cat whose owner cannot be identified by a collar, tag, microchip, tattoo or other identifying mark at no less than three days.

The Erie County Legislature takes note that some animal shelters in Erie County have large populations of cats seeking adoption, and that the longer a cat resides in a shelter without being adopted, the greater the chance of illness or disease being spread amongst the cats in the shelter. Further, until December 2018, Subdivision 2 of Section 374 of the New York State Agriculture and Markets Law required such shelters to retain cats for at least five days before they could be adopted. The new state law allows for adoptions after three days, provided that a local municipality adopts a local law or ordinance “opting in” to the three day requirement.

The Erie County Legislature finds and determines that acting under the authority granted under Section 374 of the New York State Agriculture and Markets Law, and in order to promote the health and well-being of cats in shelters, and the timely and safe adoption of felines (cats) from a duly incorporated humane society, a duly incorporated society for the prevention of cruelty to animals, or any pound maintained by or under contract or agreement with any city, town or village in Erie County, it is necessary to re-establish the duration of the period in Erie County in which such an organization may make available for adoption or transfer to a rescue organization any cat whose owner cannot be identified by a collar, tag, microchip, tattoo or other identifying mark.

#### Section 2: Cat Adoption or Transfer to a Rescue Organization After Three Days

The Erie County Legislature hereby establishes that a cat may be placed for adoption or transfer to a rescue organization after three days by a duly incorporated humane society, a duly incorporated society for the prevention of cruelty to animals, or any pound maintained by or under contract or agreement with any city, town or village in Erie County. This also provides that said cat can be made available for the purposes of adoption or transfer to a rescue organization and released to an adoptive owner or a rescue organization following an examination by a duly-licensed veterinarian, the details of which shall be provided to the adoptive owner or rescue organization.

#### Section 3: Effective Date

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

Section 4: Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, or Business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its specific application.

Sponsors:

Peter J. Savage, III

MS. BASKIN moved to approve Local Law No. 2 (Print #1) 2019. MR. BRUSO seconded.

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

AYES: MS. DIXON, MR. LORIGO, MR. MILLS, MR. RATH, MS. BASKIN, MR. BRUSO, MR. HARDWICK, MR. LOUGHRAN, MR. MEYERS, MS. MILLER-WILLIAMS and CHAIR SAVAGE. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

**COMMITTEE REPORTS**

Item 14 – MR. BRUSO presented the following report and moved for immediate consideration and approval. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 74

March 14, 2019	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 5E-1 (2019)  
BRUSO: “Letter to Health Commissioner Regarding Restaurant Inspections”  
(Chair’s ruling)
  - b. COMM. 5E-2 (2019)

DIXON: “Letter to Chair of Health & Human Services Committee Concerning Health Inspections”  
(Chair’s ruling)

- c. COMM. 5D-3 (2019)  
COMPTROLLER'S OFFICE: “Letter to Commissioner of Senior Services - Commencement of Audit on the DSS Congregate Dining Nutrition Grant”  
(Chair’s ruling)
- d. COMM. 5D-5 (2019)  
COMPTROLLER'S OFFICE: “Letter to Commissioner of DSS - Commencement of Audit on ECDSS Administration of Bus Passes & Tokens”  
(Chair’s ruling)
- e. COMM. 5M-5 (2019)  
ORANGE COUNTY LEGISLATURE: “Resolution Calling for NYS to Classify Fentanyl "Analogues" that are Responsible for Opioid Overdose Deaths as Controlled Substances”  
(Chair’s ruling)

**JOHN BRUSO**  
**CHAIR**

Item 15 – MS. BASKIN presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 75

March 14, 2019	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT.

- 1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 5D-4 (2019)  
COMPTROLLER'S OFFICE  
“Letter to Commissioner of DPW - Commencement of Audit on the ECDPW Consolidated Local Street & Highway Improvement Program”  
(Chair’s rule)
- 2. COMM. 5E-11 (2019)  
COUNTY EXECUTIVE  
WHEREAS, the County of Erie is interested in the fostering of tourism and the preservation of its historical heritage; and

WHEREAS, the Roycroft Campus Corporation owns the property and is currently restoring the Copper Shop Building on said property; and

WHEREAS, Erie County desires to fund a portion of the restoration of the Copper Shop Building at the Roycroft Campus; and

WHEREAS, the Roycroft Campus Corporation has extensive experience in contracting and managing historical restoration projects; and

WHEREAS, the County of Erie has allocated \$200,000 for the restoration of the Copper Shop building at the Roycroft Campus in the Capital Budget section of the approved 2019 Erie County budget in SAP Project A.19054.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts, easements and agreements with the Roycroft Campus Corporation, and any other municipal, state and federal agencies, in amounts not to exceed a total of \$200,000 for the purpose of restoration of the Copper Shop Building; and be it further

RESOLVED, that the source of these funds shall be \$200,000 available in the approved 2019 Erie County Capital Budget within SAP Project A.19054; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(4-0-1) Legislator Lorigo abstained.

3. COMM. 5E-12 (2019)  
COUNTY EXECUTIVE

WHEREAS, the seven (7) existing emergency standby generators at the Erie Community College (ECC) North and South Campus have far exceeded their useful life, are potentially undersized for current station loads, and have a chance of failure during an emergency when power is lost; and

WHEREAS, the County of Erie will receive 50% reimbursement from New York State for this project; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement with LaBella Associates PC to provide professional design and construction administration services for the ECC Campus-wide 2019 Replacement of Emergency Generators.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with LaBella Associates PC to provide professional design and construction administrative services for the Erie Community College (ECC) Campus-wide 2019 Replacement of Emergency Generators; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from the previously approved, as adopted Erie County capital budget E.14006 – 2014 ECC Code Compliance Collegewide, Fund 480, Funds Center 122 for an amount not to exceed \$50,000, including reimbursables and a design contingency; 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, Erie Community College, Director of Finance, and the Office of the Comptroller.

(5-0)

4. COMM. 5E-13 (2019)  
COUNTY EXECUTIVE

WHEREAS, it is desired to initiate a project for the reconstruction of a failed portion of Trevett Road (CR420) (the "Project"); and

WHEREAS, Bergmann Associates was selected via the County's RFP process and approved via COMM. 6E-5 (April 26, 2019) for the provision of On-Call General Civil and Geotechnical Engineering Services; and

WHEREAS, it is desired to execute a contract with Bergmann Associates for the design phase only of the Project in the amount of \$195,108; and

WHEREAS, it is desired to also establish a design contingency in the amount of \$19,500; and

WHEREAS, the funding required is available from the SAP project hereinafter noted.

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Executive be authorized to execute a contract for design phase engineering services for the Project with Bergmann Associates in the amount of \$195,108 as well as establish a design contingency in the amount of \$19,500, for a total project cost not to exceed \$214,608; and be it further

RESOLVED, that funding for this project be made available in Project B.16011 – 2016 Road Design Countywide, Fund 420, 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)

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

Item 16 – MS. MILLER-WILLIAMS presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 76

March 14, 2019	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 23E-30 (2018)  
LORIGO: “Letter to Chair of Legislature, Regarding 2019 Legislature Budget Allocation”  
(Chair’s ruling)
  - b. COMM. 5E-4 (2019)  
COMPTROLLER: “Personnel Department – Audit of Vendor Payment Process – 1/1/18 – 8/31/18”  
(Chair’s ruling)
  - c. COMM. 5E-5 (2019)  
COMPTROLLER: “Real Property Tax Services – Audit of In Rem Foreclosure Proceedings – 1/1/17 – 12/31/17”  
(Chair’s ruling)
  - d. COMM. 5E-6 (2019)  
COMPTROLLER: “Probation Department - Audit of Restitution Collection & Disbursement - 1/1/17 - 12/31/17”  
(Chair’s ruling)
  - e. COMM. 5E-7 (2019)  
COMPTROLLER: “Central Police Services Department - Audit of Encumbered Contracts Payment Process - 1/1/18 - 8/31/18”  
(Chair’s ruling)
  - f. COMM. 5E-8 (2019)

COMPTROLLER: “DISS - Audit of Encumbered Contracts Payment Process – 1/1/18 - 8/31/18”  
(Chair’s ruling)

- g. COMM. 5E-15 (2019)  
COUNTY CLERK: “EC Clerk 2018 Annual Report”  
(Chair’s ruling)

**BARBARA MILLER-WILLIAMS**  
**CHAIR**

Item 17 – MS. BASKIN presented the following report and moved for immediate consideration and approval. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 77

March 14, 2019	PUBLIC SAFETY COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT.

- 1. RESOLVED, all items are hereby tabled.

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

Item 18 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MS. BASKIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 78

March 14, 2019	COMMUNITY ENRICHMENT 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. COMM. 21M-6 (2018)  
BUFFALO & EC PUBLIC LIBRARY BOARD OF TRUSTEES: “Proposed Agenda

for Meeting to be Held November 15, 2018”  
(Chair’s ruling)

- b. COMM. 23M-3 (2018)  
VISIT BUFFALO NIAGARA: “3rd Quarter Reports for 2018”  
(Chair’s ruling)
  - c. COMM. 2M-6 (2019)  
BUFFALO & EC PUBLIC LIBRARY: “Proposed Agenda for Meeting to be Held  
January 17, 2019”  
(Chair’s ruling)
  - d. COMM. 2M-7 (2019)  
BUFFALO NIAGARA CONVENTION CENTER: “Submission Pursuant to the  
2019 Budget Accountability Act”  
(Chair’s ruling)
  - e. COMM. 4M-9 (2019)  
BUFFALO & EC PUBLIC LIBRARY: “Proposed Agenda for Meeting to be  
Held on 2/21/19”  
(Chair’s ruling)
2. COMM. 4E-14 (2019)  
COUNTY EXECUTIVE  
RESOLVED, the Erie County Legislature hereby confirms the reappointments, and  
appointment to fill vacancy, to the Buffalo and Erie County Public Library Board of Directors for  
the terms as indicated.

Reappointments:

Mr. Frank Housh  
47 Cloverside Court  
West Seneca, New York

Ms. Rhonda Ricks  
107 Johnson Street  
Buffalo, New York 14212

Term Expires: December 31, 2023

Term Expires: December 31, 2023

Appointment to fill vacancy:

Ms. Carima El-Behairy  
46 Berkley Place  
Buffalo, New York 14209

Term Expires: December 31, 2019  
(6-0)

**THOMAS A. LOUGHRAN**

**CHAIR**

**LEGISLATOR RESOLUTIONS**

Item 19 – MS. BASKIN presented the following resolution and moved for immediate consideration. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 79

RE: Support for Great Lakes &  
Human Service Initiatives  
Funding  
(INTRO. 6-1)

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

WHEREAS, Lake Erie is one of the five Great Lakes in North America, and bonds the states of New York, Pennsylvania, Michigan and Ohio, and the United States with Canada; and

WHEREAS, numerous funding sources from federal and state agencies and grants work to maintain Lake Erie and the surrounding communities; and

WHEREAS, federal funding proposals have reduced allocations that would directly impact Lake Erie initiatives and the residents surrounding the lake; and

WHEREAS, the proposed budget for the Great Lakes Restoration Initiative, which assists in eliminating threats to the Great Lakes ecosystem, is largely responsible for the Buffalo River cleanup, restoring fish and wildlife habitats and combating invasive species, could be reduced from \$300 million to \$30 in funding for the next fiscal year; and

WHEREAS, the Buffalo District of the U.S. Army Corps of Engineers oversees water resources in three states: Ohio, Pennsylvania, and New York, and has been serving the lower Great Lakes since 1857; and

WHEREAS, the proposed total budget for the Army Corps of Engineers could be cut by a third, while the proposed budget includes \$4.3 billion in discretionary funding for the Civil Works program, and sets aside \$22.02 million for Buffalo District projects; and

WHEREAS, the Housing and Urban Development's Community Development Block Grant program provides localities with funds and resources for the most vulnerable in our community and to create jobs and expand infrastructure and retain businesses; and

WHEREAS, the proposed budget would eliminate the Community Development Block Grant which provides millions in funding to many projects across Erie County every year; and

WHEREAS, the proposed budget would eliminate the Home Energy Assistance Program that assists low-income people pay the cost of heating their homes, and significantly reduce funding for Medicare and Medicaid.

NOW, THEREFORE, BE IT

RESOLVED, this Honorable Body supports the continuing the Fiscal Year 2018 funding levels into Fiscal Year 2019; and be it further

RESOLVED, that certified copies of this resolution be sent to Hon. Chris Collins, Hon. Brian Higgins, 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. RATH seconded.

CARRIED UNANIMOUSLY.

Item 20 – MS. BASKIN presented the following resolution and moved for immediate consideration. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 80

RE: Opposition to Proposed State  
Increase on Alcohol Taxes  
(INTRO. 6-2)

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

WHEREAS, proposed New York State Assembly legislation would amend the tax law to double taxes on certain alcoholic beverages with the stated purpose to fund addiction prevention and recovery programs; and

WHEREAS, the tax increase for beers would increase to 28 cents per gallon, or three cents per 12 ounces, up from 14 cents per gallon; and

WHEREAS, the tax increase for wine would increase to 60 cents per gallon, or two cents per glass of wine, up from 30 cents per gallon; and

WHEREAS, the tax increase for liquors containing not more than 24% of alcohol by volume would increase to \$1.34 per liter, up from 77 cents; and

WHEREAS, the tax increase for all other liquor would increase to \$3.40 per liter, or 10 cents for a one-ounce shot, up from \$1.40 per liter; and

WHEREAS, the proposed additional taxes could raise \$260 million according to the legislation's sponsor; and

WHEREAS, many drinking establishments currently pay a quarterly tax to the federal government of about \$2.70 per proof a gallon, and \$1.70 to New York State per wine liter; and

WHEREAS, the additional taxes would be passed on directly to the consumer and to local businesses who create jobs and help grow our local economy; and

WHEREAS, increasing the price of beverages in drinking establishments will negatively impact hardworking and overtaxed New Yorkers.

NOW, THEREFORE, BE IT

RESOLVED, this Honorable Body is in opposition to proposed New York State legislation (Bill Number A06349) that would double the taxes on certain alcoholic beverages; and be it further

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

MS. BASKIN moved to amend the resolution 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 21 – MS. BASKIN presented the following resolution and moved for immediate consideration. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 81

RE: Restoring State Share Funding  
Levels for the Open-Ended Child  
Welfare Financing Mechanism  
(INTRO. 6-3)

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

WHEREAS, the current 62%/38% preventive, protective, adoption funding stream for the Open-Ended Child Welfare Financing mechanism (protective, preventive, independent living, adoption, and aftercare services) reflects a reduction from the State's prior financial commitment to the well-being of children from 65% state funded to 62%, and a corresponding increase in the county share; and

WHEREAS, the system allows for open-ended reimbursement and has shown to be an effective method of keeping children safe and out of foster care; and

WHEREAS, the reduction of State funding for these child welfare programs has made it more difficult and costly for counties such as Erie County to provide services designed to keep children safe and to provide them with permanent homes and reduced stays in foster care; and

WHEREAS, Erie County has taken many measures in recent years to address child welfare needs and desires to continue to improve our processes and services for children; and

WHEREAS, the safety and welfare of children should remain a high priority for the State, as reflected in State funding; and

WHEREAS, the prior uncapped child welfare funding stream at 65% state share provided counties with critical fiscal support allowing for the development of innovative community-based programs that led to a dramatic reduction in the number of children in the foster care system; and

WHEREAS, the gradual, but steady, pullback in State funding support for a variety of human services programs including child welfare, adoption subsidies, State Training Schools, food stamp administration, Family Assistance, Safety Net, youth detention and treatment, and other programs creates an environment in which the State is directly moving away from its constitutional requirement to care for the needy, effectively forcing this State constitutional responsibility onto county governments; and

WHEREAS, these State mandates and fiscal strains imposed on county governments exacerbate local budget pressures.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature expresses its strong support for New York State to renew its commitment to the well-being of children by restoring funding levels for the Open-Ended Child Welfare Financing mechanism and related programs to a 65% state share, to be matched with a 35% local share, and asks the New York State Legislature to adopt legislation restoring the 65%/35% State/local share formula; and be it further

**RESOLVED**, that copies of this resolution be sent to the Governor, the local delegation of the New York State Legislature, the Acting Commissioner of the New York State Office of Children and Family Services, the Erie County Executive, and the Erie County Commissioner of Social Services.

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

CARRIED UNANIMOUSLY.

MS. BASKIN moved to approve the resolution as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 22 – MS. BASKIN presented the following resolution and moved for immediate consideration. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 82

RE: NYS Financial Support for  
County Jail-Based Substance Use  
Disorders Treatment  
(INTRO. 6-4)

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

WHEREAS, New York State and Erie County are engaged in a significant multi-faceted effort to address the rising rate of substance use disorders, including the epidemic of opioid and heroin addiction and the increasing number of deaths and other effects to our community due to these drug overdoses; and

WHEREAS, this epidemic includes many people already incarcerated in local jails. According to the Erie County Sheriff's Office, there were nearly 12,000 inmates at the Holding Center during 2018 and half of them required some form of detoxification and of those, more than 27% had some level of opioid addiction; and

WHEREAS, the State's 2018-2019 adopted budget included \$3.75 million in State funding for county governments to develop and expand substance use disorder treatment and transition services in county jails; and

WHEREAS, the Governor's proposed 2019-2020 State Budget includes \$3.75 million in State funding for these services and while this is a significant first step in addressing the need, this level of funding will not adequately sustain or create any additional programs in counties beyond March 31, 2019; and

WHEREAS, the New York State Association of Counties, New York State Conference of Local Mental Hygiene Directors, and the New York State Sheriffs' Association have requested \$7.2 million in State funding in the 2019-2020 State Budget, increasing to \$12.8 million in 2020-2021 and annually thereafter to support comprehensive jail-based substance use disorder treatment and post-release transition service in all county correctional facilities; and

WHEREAS, a 2017 report, “Completing the Recovery Treatment Continuum: Jail Based Substance Use Disorder Services” conducted for the New York State Conference of Local Mental Hygiene Directors commented on the critical need to address gaps in the substance use disorder treatment continuum by funding treatment and transition services in the jail setting before detainees or inmates are released and potentially relapse; and

WHEREAS, jail incarceration provides a unique opportunity to offer treatment supports during periods when people are experiencing abstinence while incarcerated and upon planning for discharge and may be more receptive to accepting treatment; and

WHEREAS, the Erie County Sheriff’s Office just completed the first year of a voluntary addiction assistance program at the Holding Center that is a combination of counseling and medication while in jail and addiction services once they are released; and

WHEREAS, in the Erie County program, inmates at the Holding Center who are detoxing are housed together in a special unit close to the medical unit, with registered nurses checking on them several times each day and doctors providing medications to help with withdrawal if needed, with those prisoners hooked solely on opioids being eligible for a special treatment; and

WHEREAS, the timing of this voluntary program is critical as the average detention at the Holding Center is two weeks, and detox can take seven to 10 days, so there is a small window to reach inmates and offer help before they are released; and

WHEREAS, the costs of substance abuse disorder treatment and services provided inside the Erie County Holding Center or Correctional Facility is mostly borne by the county, and it is an ever-increasing burden, as the Sheriff’s Office recently stated that the annual cost just to treat addicted inmates is roughly \$1.5 million, demonstrating that State funding across the state is much needed to assist counties; and

WHEREAS, annual New York State Office of Alcoholism and Substance Abuse Services (OASAS) funding to counties for comprehensive jail-based substance abuse disorder treatment and re-entry planning is critically important to reducing drug use, overdoses and overdose deaths, recidivism, crime, and will save taxpayer dollars money and most importantly, save lives; and

WHEREAS, data from a July 2018 study published in the American Journal of Public Health now indicates that inmates were 40 times more likely to die of an opioid overdose in the first two weeks after release; and

WHEREAS, New York State’s own analysis of the costs and benefits of jail-based substance abuse disorder treatment found these services save taxpayers \$2,170 in criminal justice costs and victims \$676 per person, for a total impact of \$2,846 saved for each person served, as well as a reduction of 13 victimizations per 100 people served; and

WHEREAS, a dedicated annual State funding stream to counties is desperately needed in order to provide jail-based substance abuse disorder treatment and transition services, as well for supporting and retaining staff, including but not limited to, screening and assessments upon entry, education and counseling services, peer support, Credentialed Alcoholism and Substance Abuse

Counselors, supervising staff, and other substance abuse disorder treatment providers, medication assisted treatment and discharge planners to facilitate treatment after release; and

WHEREAS, securing additional funding in the State 2019-2020 Budget will provide resources for counties to sustain existing programs and create additional jail-based substance abuse disorder treatment and transition services programs which will further support efforts to reduce the human cost of the heroin/opioid epidemic on Erie County residents and all New Yorkers.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature calls on the New York State Legislature to increase State 2019-2020 fiscal year funding to at least a \$7.2 million level for OASAS for county governments to develop and expand substance use disorder treatment and transition services in county jails for incarcerated individuals with substance use disorders and to continue to provide additional funding for State-mandated correctional health services; and be it further

RESOLVED, that certified copies of this resolution be sent to the Governor, the local delegation of the New York State Legislature, the New York State Office of Alcoholism and Substance Abuse Services, the Erie County Executive, the Erie County Commissioners of Health and Mental Health, the Erie County Sheriff, and the Erie County Opiate Epidemic Task Force.

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.

Item 23 – MS. BASKIN presented the following resolution and moved for immediate consideration. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 83

RE: Support for Enacting a  
Permanent Tax Cap to Curb  
Rapid Increases in the Cost of  
Government  
(INTRO. 6-5)

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

WHEREAS, the current New York State tax cap laws require local governments, outside of New York City, to limit the growth of their tax levy by the lesser of two percent (2%) or the rate of inflation, as measured by the Consumer Price Index (CPI), whichever is less; and

WHEREAS, growth is determined by the year-over-year changes in the tax levy, which is the total amount collected in real property taxes; and

WHEREAS, the tax levy is dependent not only on what was budgeted but also on the value of the real property within that taxing district and its assessment for tax purposes; and

WHEREAS, during the past several years Erie County has seen a tremendous amount of development within the City of Buffalo and the surrounding areas which has led to assessment growth across the county; and

WHEREAS, the current tax cap is set to expire in 2020, barring an extension by state government; and

WHEREAS, according to publicly available data, the cap has curbed the rise of property taxes in some of the most heavily taxed areas of the country; and

WHEREAS, a March 2019 analysis from the Rockefeller Institute of Government compared actual tax rates since 2011 to what they might have been, and showed \$25 billion in savings to residents throughout New York State; and

WHEREAS, failing to extend the tax cap, or make it permanent, could allow future leaders in local governments across the state to reverse the benefits provided by the tax cap, mainly lower taxes and a more competitive business climate nationally; and

WHEREAS, it is a finding of this body that the tax cap's effect on the growth of government expenses has helped our region's development which will hopefully lead to population growth and investment by new businesses; and

WHEREAS, the Erie County Legislature has previously unanimously approved Resolution No. 108-2016, a resolution supporting state legislation requiring NYS to fund any program which imposes a mandate upon municipal corporations or school districts, because prohibiting unfunded mandates being forced upon local municipalities is needed as a companion to extending the tax cap; and

WHEREAS, New York State counties are required to implement and finance more than 40 state-defined and state-controlled programs, leading to many counties having more than 80% of their total budget being dedicated to state and federal mandates.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that this honorable body hereby urges Governor Cuomo and the New York State Legislature to enact legislation permanently imposing a tax cap on all New York State governments; and be it further

RESOLVED, that this honorable body hereby urges Governor Cuomo and the New York State Legislature to review and evaluate the services funded by tax dollars, and implement a more affordable and sustainable way to finance each needed program; and be it further

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

MS. BASKIN moved to amend the resolution by including MS. BASKIN, MR. BRUSO, MR. LOUGHRAN, MR. MEYERS and CHAIR SAVAGE as Co-Sponsors. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

#### **COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 24 – MR. LORIGO moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 3E-23 (2019). MS. DIXON seconded.

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

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

FAILED.

#### **SUSPENSION OF THE RULES**

Item 25 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 6E-21 from BASKIN Re: Letter to Sheriff Concerning Food Administration Services for Jail Management Facilities

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 26 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 6M-4 from TRINITY SERVICES GROUP, INC. Re: Letter to Sheriff's Department Concerning Food Administration Services for Jail Management Facilities

Received and referred to the PUBLIC SAFETY COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM LEGISLATOR LORIGO**

Item 27 – (COMM. 6E-1) Submission to the Public Record - ECDSS Blast & Spectrum News Article Regarding Combating Poverty in EC

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM THE COUNTY CLERK**

Item 28 – (COMM. 6E-2) RFP to Provide Zombie Property Outreach Services

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COMPTROLLER**

Item 29 – (COMM. 6E-3) Report on Enrollment at SUNY Erie

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 30 – (COMM. 6E-4) Accounting Expense Report of Law Department Spending - 9/18 - 1/19

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM LEGISLATOR LORIGO**

Item 31 – (COMM. 6E-5) Letter to Chair of Health & Human Services Committee Requesting Invitation of EC Poverty Committee to Future HHS Meeting

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 32 – (COMM. 6E-6) Letter Regarding Abstention on Comm. 5E-11 (2019)

Received, filed and printed.

March 14, 2019

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

RE: Abstention on Local Law 5E-11 (2019)

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. 2 - 2018, my abstention to the above referenced communication was done to avoid any possible conflict of interest due to my position on the Board of Directors for the Roycroft Campus.

Sincerely,

Joseph C. Lorigo  
Erie County Legislature Minority Leader

FROM THE COUNTY EXECUTIVE

Item 33 – (COMM. 6E-7) Ammonia Safety & Emergency Response Training

Item 34 – (COMM. 6E-8) National Incident Based Reporting System Grant

Item 35 – (COMM. 6E-9) Authorization to Contract with Globalquest

Item 36 – (COMM. 6E-10) Authorization to Contract with Powerphone, Inc.

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

Item 37 – (COMM. 6E-11) Bridge NY Project Agreement - Culvert Replacement of Amsdell Rd.

Item 38 – (COMM. 6E-12) Right-of-Way Acquisition - Pontiac Rd. Bridge Over Big Sister Creek

Item 39 – (COMM. 6E-13) Agreement Between NYS & EC Empire State Trail Construction, Ownership & Maintenance

Item 40 – (COMM. 6E-14) Agreement with NYSDOT - Bridge Repairs, Overlays & Joints - Alden, Amherst, Aurora, Evans & West Seneca

Item 41 – (COMM. 6E-15) 120 & 134 W. Eagle St. Roof Replacement

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

Item 42 – (COMM. 6E-16) Aging Services of America Leadership Grant Establishment

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 43 – (COMM. 6E-17) ECSD No. 6 - Change of Capital Project Funding

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 44 – (COMM. 6E-18) Appointment to the EC Fair Housing Board

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE COUNTY CLERK**

Item 45 – (COMM. 6E-19) EC Clerk's Office Annual Report (2018)

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 46 – (COMM. 6E-20) Re-Appropriation & Carry Forward of 2018 Funds - Amendment to Comm. 24E-4 (2018)

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE DEPARTMENT OF CENTRAL POLICE SERVICES**

Item 47– (COMM. 6D-1) Letter Concerning Audit Report Dated 1/23/19

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE ASSISTANT COUNTY ATTORNEY**

Item 48 – (COMM. 6D-2) Opinion as to Form - Local Law Intro. 2-1 (2019)

Received, filed and printed.

March 18, 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 2-1 – 2019

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. 2-1-2019 (2-1).

### 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 Agriculture and Markets Law Section 374(2), having been amended effective March 21, 2019, will provide that: "...any municipality may establish the duration of such periods by local law or ordinance for any cat whose owner cannot be identified by a collar, tag, microchip, tattoo or other identifying mark, provided that no such period shall be less than three days...". Since the State Legislature has granted municipalities specific authority to enact local legislation on this topic, there is no preemption issue of concern.

### Grammar

The stated purpose of 2-1 is to all shelters to place cats, whose owners cannot be identified by any collar, tags or microchip, up for adoption after three days, as contrasted with a prior five day waiting period. We find the grammar and usage of 2-1 to be sufficient in order to achieve the stated purpose.

### Ambiguities

While every hypothetical circumstance or eventuality cannot be addressed in the scope of this opinion, 2-1 does not present any facial ambiguities that would frustrate its implementation and enforcement.

### Conclusion

We find that Local Law Intro. 2-1-2019 is sufficient as to form.

Very truly yours,

Gregory P Kammer  
Assistant Erie County Attorney

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM VISIT BUFFALO NIAGARA**

Item 49 – (COMM. 6M-1) Fourth Quarter Reports for 2018

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE NFTA**

Item 50 – (COMM. 6M-2) Minutes of NFTA Board Meeting Held on 2/28/19

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE

**FROM THE BUFFALO & EC PUBLIC LIBRARY BOARD OF TRUSTEES**

Item 51 – (COMM. 6M-3) Proposed Agenda for Meeting to be Held on 3/21/19

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**ANNOUNCEMENTS**

Item 52 – Chair Savage announced that refreshments are being served immediate following the session, in the conference room, for the March 2019 Citizens of the Month, James and Beth Ann Hornung, and their Son, James Jr., in Recognition of Elbers' 100th Year Anniversary.

Item 53 – Legislator Miller-Williams announced that on Saturday, March 30, 2019, she will host a workshop concerning accessing Erie County funding, to be held from 10:00 a.m. to 2:00 p.m. at the Downtown Central Library. All are invited to attend.

Item 54 – Legislature Clerk announced that the committee schedule for meetings to be held on Thursday, March 28, 2019, will be distributed on Friday, March 22nd.

**MEMORIAL RESOLUTIONS**

Item 55 – Legislator Brusco requested that when the Legislature adjourns, it do so in memory of David F. Dziengielewski.

Item 56 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Susan L. Grant, Karen Verrall, and Anne E. Harmon.

Item 57 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of George Sentz, Rev. Edward Czarnecki, and Bernice Cullinan.

Item 58 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Dan Foust, Dick ‘The Destroyer’ Beyer, and Constance C. (Cameron) Bommer.

Item 59 – Chair Savage requested that when the Legislature adjourns, it do so in memory of Sandra A. Francis, and Edward J. Pawlik.

**ADJOURNMENT**

Item 60 - At this time, there being no further business to transact, CHAIR SAVAGE announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, April 4, 2019 at 2:00 p.m. Eastern Standard Time. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

CHAIR SAVAGE declared the Legislature adjourned until Thursday, April 4, 2019 at 2:00 p.m. Eastern Standard Time.

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