

ERIE COUNTY LEGISLATURE
MEETING NO. 16
JULY 25, 2019

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Mr. Brusio.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. BRUSO moved for the approval of the minutes for Meeting Number 15 from 2019. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – CHAIR BASKIN, MR. BRUSO, MR. LORIGO, MR. JOHNSON, MS. CHIMERA, MR. HARDWICK, MR. LOUGHRAN, MR. RATH, MR. MEYERS, MS. DIXON & MR. MILLS presented a proclamation Welcoming the 60 Million Congress to Buffalo, NY.

Item 6 – CHAIR BASKIN & MR. LOUGHRAN presented a proclamation Congratulating & Honoring Patrick Foster, Former Erie County Sheriff Deputy and Auditor for the City of Buffalo.

Item 7 – MR. RATH presented a proclamation Recognizing and Acknowledging Firefighter Robert Goodwill, Main-Transit Fire Department, Twin City Ambulance, and the Amherst Police for Their Brave and Swift Actions.

Item 8 – MR. RATH presented a proclamation Recognizing and Acknowledging Firefighter Lieutenant Jim Christopher and Firefighter Greg Smith for Their Brave and Swift Actions.

Item 9 – MR. RATH presented a proclamation Recognizing and Acknowledging Nick Vaccaro, Mike Hughes, Kelsey Hinterberger, Mike Meldrum, Mike Cessario, Mike Nolte, Mark Abbarno, and Bill Hitzges, and Wishing Douglas Bieger a Swift and Full Recovery.

Item 10 – MS. CHIMERA presented a proclamation Celebrating the 125th Anniversary of the Twentieth Century Club of Buffalo.

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

CARRIED UNANIMOUSLY.

MR. BRUSO moved to amend the above six items by adding one for MR. LORIGO, one for MR. BRUSO, and by including Et Al Sponsorship. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

MR. BRUSO moved for approval of the above eight items as amended. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 11 – CHAIR BASKIN directed that Local Law No. 20 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 12 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 13 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 – CHAIR BASKIN directed that Local Law No. 4 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 16 – CHAIR BASKIN directed that Local Law No. 8 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 152

July 18, 2019	PUBLIC SAFETY COMMITTEE REPORT NO. 13
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 14E-4 (2019)
SHERIFF

WHEREAS, the Erie County Sheriff's Motorcycle Unit has a long history of providing public and traffic safety; and

WHEREAS, the Motorcycle Unit provides traffic and escort services for visiting dignitaries and during special events; and

WHEREAS, the Motorcycle Unit allows the Erie County Sheriff's Office (ECSO) to utilize these fast and maneuverable vehicles to lead motorcades and conduct traffic control duties, which frees additional road patrol vehicles for other posts and duties; and

WHEREAS, the ECSO's current fleet consists of six motorcycle, four of which are 4-years-old or younger; and

WHEREAS, the ECSO will replace a 16-year-old motorcycle which is experiencing more mechanical issues as well increasing costs to maintain; and

WHEREAS, the agency planned to include the new motorcycle in the coming 2020 budget, but due to a necessary major repair and the upcoming NFL season, the Sheriff's Office seeks to utilize seized asset funds to replace the 16-year-old motorcycle; and

WHEREAS, the Asset Forfeiture Trust Account balance as of June 10, 2019, is \$425,582.00; and

WHEREAS, this acquisition will not have any fiscal impact on the 2019 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 \$30,000.00 from the Asset Forfeiture Trust Account

#421550 to accounts #561440 – Motor Vehicles, #561440 – Maintenance and Repair, and #505200 – Clothing:

ERIE COUNTY SHERIFF'S OFFICE

Sheriff – SAFS Funded Program		
REVENUE		<u>DECREASE</u>
421550	Forfeiture Crime Proceeds	<u>\$30,000.00</u>
APPROPRIATION		<u>INCREASE</u>
561440	Motor Vehicles	\$27,500.00
506200	Maintenance and Repair	\$500.00
505200	Clothing Supplies	\$2,000.00
Total Revenue		<u>\$30,000.00</u>

and be it further

RESOLVED, the designated Seized Asset Fund expenditure meets the criteria established by the U.S. Department of Justice Equitable Shared Funds use; and be it further

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

RESOLVED, that the Erie County Sheriff’s Office and the Division of Budget and Management are authorized to have any unused funding either remain in the designated account or returned to the Asset Forfeiture Trust Account; and be it further

RESOLVED, the Erie County Comptroller’s Office is hereby authorized to release the designated funds and make any payments necessary to complete the acquisition of the vehicle following the bidding process; and be it further

RESOLVED, certified copies of this resolution will be forwarded to the County Executive, County Comptroller, Division of Budget and Finance, Division of Purchasing, and the Sheriff’s Office for implementation.

(6-0)

2. INTRO. 15-3 (2019)

LORIGO, MILLS, DIXON & RATH AS AMENDED

WHEREAS, the Sheriff has indicated a willingness to pursue a body camera program for some of the officers within the Sheriff’s Office; and

WHEREAS, on May 23, 2019, this Honorable Body appropriated \$600,000 in funding in the 2018 Budget Balancing Amendments into the 2019 Budget to the Division of Information and Support Services (“DISS”) for the purpose of developing a body camera program in the Erie County Sheriff Office; and

WHEREAS, in deliberately appropriating these funds in DISS, the Legislature hoped and expected that the Erie County Sheriff Office would work in conjunction with DISS, the County's information technology department which oversees and implements all County departments' technology, computer and hardware and software projects, on the development and issuance of a request for proposals ("RFP") for the body camera project; and

WHEREAS, on June 27, 2019, Legislature Chairwoman April Baskin sent a letter to Sheriff Timothy Howard and County Executive Mark Poloncarz requesting a status update on the RFP process, resulting in Sheriff Timothy Howard sending a response letter on July 8, 2019 stating his office had already issued a RFP and responses were due on July 10, 2019, and requesting that the Legislature transfer the funding from DISS to the Sheriff Office "as not to create any delays in the implementation of the Erie County Sheriff's body camera program"; and

WHEREAS, on July 11, 2019, at the Legislature's joint caucus a Sheriff representative admitted, under questioning, that their office had not been in contact with, or attempted to work with DISS on the body camera RFP and project; and

WHEREAS, on July 11, 2019, in comments at the Legislature joint caucus, the Sheriff Office stated that they received eight (8) responses to their body camera RFP but insisted that they could not, and would not open the RFP responses or act to advance the body camera program until such time as the funding was transferred to their budget and stated that legally they could not move the body camera project forward without the funding being moved from DISS; and

WHEREAS, on July 11, 2019, the Erie County Attorney's Office issued a legal opinion noting that such an assertion or claim was not accurate or true and no prohibitions exist whatsoever that limited or inhibited the Sheriff Office from opening and reviewing the responses and continuing the RFP process; and

WHEREAS, on July 11, 2019, Chairwoman Baskin sent a letter to Sheriff Howard noting that no prohibitions limited his office from working on the RFP, and urged him to move forward with the RFP review and selection process with the County's Chief Information Officer from DISS, to which no reply has been made by the Sheriff; and

WHEREAS, in testimony at a Legislature Committee hearing on July 17, 2019, a different representative from the Sheriff Office stated that they had not yet opened the eight RFP responses or convened a review committee for the body camera project, and stated that they could not do so until such time as the funding was moved from DISS; and

WHEREAS, there is a strong sentiment in the Legislature that the body camera project should be moving forward without delay and that the Sheriff Office should, as it agreed it would in the Sheriff's July 8th letter, immediately work with DISS and the County's CIO on the RFP review and selection process; and

WHEREAS, this resolution expresses the Legislature's support for the body camera project and its immediate implementation following an RFP review and selection process involving the Sheriff Office and DISS and urges the Sheriff to act without delay on the RFP review.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for, and intention to transfer the \$600,000 in funding for the Sheriff Office body camera project at a legislative session in September 2019 from the Division of Information and Support Services to the Sheriff Office, contingent upon the Sheriff Office: (1) fully including DISS in the request for proposal review and selection process in July and August 2019; (2) sending a request to enter into contract with the recommended body camera vendor by the Legislature's September 26, 2019 legislative session, which corresponds with the Sheriff's RFP timetable that planned their selection of a winning vendor on August 30, 2019, during the Legislature's recess; and be it further

RESOLVED, that the \$600,000 in funding to be transferred from DISS to the Sheriff Office, subject to the above-conditions being satisfied, shall be specifically reserved and utilized only for a program to implement body cameras for Sheriff deputies controlled by the Erie County Sheriff Office, and for no other purpose unless otherwise approved by the Erie County Legislature; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any required 2018 and 2019 budgetary adjustments to implement the budgetary amendments authorized in this resolution; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive Mark Poloncarz, the Erie County Sheriff Timothy Howard, the Department of Budget and Management, the Department of Information and Support Services, and any other party deemed necessary and proper.

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

3. COMM. 15E-6 (2019)

SHERIFF AS AMENDED

WHEREAS, School Resource Officers (SRO) are vital to the safety of students, teachers, and staff, in that SRO promote a safe environment in schools so the focus can be on instruction; and

WHEREAS, SRO serves a multifaceted purpose in our schools including serving as first responders for incidents that occur on school campuses; and

WHEREAS, over the past few years the Erie County Sheriff's Office has entered into agreements with the Alden and Holland, North Collins and Springville school districts, to include SROs in their budgets; and

WHEREAS, the Erie County Sheriff's Office has applied for and has been awarded a grant for the SRO positions for the 2018/2019 school year; and

WHEREAS, the Sheriff's Office has conferred with the districts, and has agreed to provide and assign one uniformed Deputy/SRO for the 2018/2019 school year; and

WHEREAS, this funding will have a positive impact to Erie County.

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 the New York State Department of Criminal Justice Services to accept \$27,500.00 in grant funding for the SRO unit; and be it further

RESOLVED, the Erie County Legislature authorizes the Erie County Sheriff’s Office and Division of Budget and Management adjust accounts NYS Miscellaneous #409020 and Full Time Salaries #500000 as follows:

ERIE COUNTY SHERIFF'S OFFICE

Sheriff – SAFS Funded Program

REVENUE

409020

NYS Miscellaneous

INCREASE

\$27,500.00

APPROPRIATION

500000

Full Time Salaries

INCREASE

\$27,500.00

Total Revenue

\$27,500.00

and be it further

RESOLVED, this agreement is for the period of September 1, 2018, through June 30, 2019; 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, Certified copies of this resolution shall be forwarded to the County Executive, County Attorney, County Comptroller, Division of Budget and Finance, and the Sheriff’s Office for implementation.

(6-0)

4. COMM. 15E-7 (2019)

SHERIFF

WHEREAS, the Erie County Sheriff’s Office trains and qualifies over 550 sworn employees each year for firearms; and

WHEREAS, in 2018, the Sheriff’s Weapons and Ordinance Unit (WOU) trained and qualified approximately 800 sworn personnel, peace officers, retired law enforcement officers, and EMS personnel; and

WHEREAS, the Weapons and Ordinance Unit is responsible for maintaining and repairing 500 Glock pistols – the standard issue for the Erie County Sheriff’s Office; and

WHEREAS, with the number of personnel and the hours necessary for training and qualifying the Weapons and Ordinance Unit constantly maintains and repairs the weapon system to ensure safe and proper operation; and

WHEREAS, the Glock pistols are approximately 8-years old and need replacement parts as operating system parts wear out and additional cleaning and repair items; and

WHEREAS, the Sheriff's Office also needs to replace and add gun lights for Police Services Deputies; and

WHEREAS, the Asset Forfeiture Trust Account balance as of June 28, 2019, is \$425,582.00; and

WHEREAS, this acquisition will not have any fiscal impact on the 2019 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 \$14,000.00 from the Asset Forfeiture Trust Account #421550 to accounts #560200 – Maintenance and Repair and #505200 – Clothing:

ERIE COUNTY SHERIFF'S OFFICE

Sheriff – SAFS Funded Program

REVENUE

421550 Forfeiture Crime Proceeds

DECREASE

\$14,000.00

APPROPRIATION

506200 Maintenance and Repair

505200 Clothing Supplies

Total Revenue

INCREASE

\$9,600.00

\$4,400.00

\$14,000.00

and be it further

RESOLVED, the designated Seized Asset Fund expenditure meets the criteria established by the U.S. Department of Justice Equitable Shared Funds use; and be it further

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

RESOLVED, that the Erie County Sheriff's Office and the Division of Budget and Management are authorized to have any unused funding either remain in the designated account or returned to the Asset Forfeiture Trust Account; and be it further

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

RESOLVED, certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, Division of Budget and Finance, Division of Purchasing, and the Sheriff's Office for implementation.

(6-0)

5. COMM. 15E-8 (2019)

SHERIFF

WHEREAS, the Erie County Sheriff's Office along with its BEN/UASI partners have agreed to use these funds to advance the capabilities of first responders to acts of terrorism; and

WHEREAS, in an effort to maintain a highly trained and effective response, units from the BEN/UASI working group will partake in specialized training offered by DCO-US that will provide trained and prepared first responders capable of handling a multitude of events; and

WHEREAS, the funds used for this training originate from the NYSDHSES grant which this Honorable Body accepted by passing COMM. 11E-16 (2018); and

WHEREAS, D-CO.US is a recognized and approved vendor by the NYSDHSES for specialized training in Maneuver Tactics, Bomb Squad Integration, Active Shooter, and Tactical Casualty Care during Mass Casualty Incident; and

WHEREAS, there will be no impact on County tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office and the County Executive are hereby authorized to enter into an agreement with D-CO.US for specialized training in the amount of \$91,500.00 and utilized accepted FY2018 NYSDHSES grant funding; and be it further

RESOLVED, that all payments will be paid from budget G/L account 516020 – Professional Contacts and Fees; 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 the Clerk of the Legislature send certified copies the County Executive Office, the Division of Budget and Management, the County Attorney, the Office of the

Comptroller, Department of Homeland Security and Emergency Services, and the Office of the Sheriff for implementation.

(6-0)

6. COMM. 15E-45 (2019)
SHERIFF

WHEREAS, due to industry standards as well as the safety of the Police Services Deputy's family and pets, the Erie County Sheriff's Office (ECSO) is seeking to acquire two all-weather kennels for the new law enforcement working dogs; and

WHEREAS, with the addition of two new K9s, the ECSO needs to purchase two in-vehicle kennels for the handler vehicles; and

WHEREAS, the Sheriff's Office seeks to transfer \$17,200.00 from the Asset Forfeiture Trust Account to purchase two in-vehicle and two residential kennels for Police Services K9 handlers; and

WHEREAS, the balance of the Asset Forfeiture Trust account as of July 8 is \$504,376.00; and

WHEREAS, the ECSO is currently utilizing four vehicles that have been reassigned to the Jail Management Division's K9 Unit that are approximately 10-years old; and

WHEREAS, the in-vehicle kennels and equipment cannot be utilized in the new Ford Explorers body style, and therefore, the ECSO must purchase new in-vehicle kennels as the county upgrades its fleet through the Enterprise agreement; and

WHEREAS, the Sheriff's Office also seeks to transfer \$34,800.00 from the Telephone Revenue Account to purchase in-vehicle kennels and necessary installation parts for the Jail Management Division K9 handler vehicles; and

WHEREAS, the Telephone Revenue Account has a balance of \$730,924.00 as of July 8 and the Sheriff's Office is authorized to utilize these funds for facilities and operations; and

WHEREAS, the Sheriff of Erie County and the County Executive agree that this expenditure is appropriate for the safety and protection of the Jail Management Division K9 Unit; and

WHEREAS, this resolution will not have any fiscal impact on the 2019 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 \$17,200.00 from the Asset Forfeiture Trust Account #421550 to account #561410 (Lab and Tech):

ERIE COUNTY SHERIFF'S OFFICE
Sheriff – SAFS Funded Program

REVENUE

DECREASE

421550	Forfeiture Crime Proceeds	<u>\$17,200.00</u>
<u>APPROPRIATION</u>		<u>INCREASE</u>
561410	Lab & Tech	\$17,200.00
	Total Revenue	<u>\$17,200.00</u>

and be it further

RESOLVED, the designated Seized Asset Fund expenditure meets the criteria established by the U.S. Department of Justice Equitable Shared Funds use; and be it further

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

RESOLVED, that the Erie County Sheriff's Office and the Division of Budget and Management are authorized to have any unused funding either remain in the designated account or returned to the Asset Forfeiture Trust Account; and be it further

RESOLVED, the Erie County Legislature authorizes the Erie County Sheriff's Office and Division of Budget and Management to transfer \$34,800.00 from the Telephone Revenue Account to account #561410 (Lab and Tech):

ERIE COUNTY SHERIFF'S OFFICE

Sheriff – Telephone Revenue Account		
<u>REVENUE</u>		<u>DECREASE</u>
415622	Telephone Revenue	<u>\$34,800.00</u>
<u>APPROPRIATION</u>		<u>INCREASE</u>
561410	Lab & Tech	\$34,800.00
	Total Revenue	<u>\$34,800.00</u>

and be it further

RESOLVED, the Sheriff of Erie County and the County Executive agree that the purchase of new in-vehicle safety kennels for the Jail Management Division complies with COMM. 6E-24, 2013, and is an allowable, appropriate expenditure which enhances the safety of the facilities, its staff, the working dogs, and the inmates; and be it further

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

RESOLVED, certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, Division of Budget and Finance, Division of Purchasing, and the Sheriff's Office for implementation.

(6-0)

7. COMM. 15E-46 (2019)
SHERIFF

WHEREAS, the US Department of Homeland Security through the NYS Division of Homeland Security and Emergency Services has awarded \$95,000.00 to the Erie County Sheriff's Office in funding specifically allocated to agencies with established Bomb Squads Units; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contract and accept \$95,000.00 in federal resources to provide funds for specialized training and equipment to protect the residents of Erie County and the State of New York from terrorist attacks involving explosive devices; and

WHEREAS, at the time of the grant application the Erie County Sheriff's Office must submit a specific list of training modules and the NYSDHSES approved consultants; and

WHEREAS, the NYSDHSES must approve the training vendors prior to the award of the grant; and

WHEREAS, in an effort to maintain a highly trained and effective bomb squad, the Erie County Sheriff's Office use these funds to procure equipment and training critical to the advancement of this unit; and

WHEREAS, the NYSDHSES approved training and vendors for this grant are as follows:

Global Assets- Bomb Squad Response to a Mass Casualty Incident.
Direct Action Resource Center- Explosive Breacher Training.

and

WHEREAS, there will be no impact on County tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office and the County Executive are hereby authorized to enter into an agreement with New York State Department of Homeland Security and Emergency Services for specialized training and equipment in the amount of \$95,000.00 and utilized accepted FY2018 NYSDHSES grant funding; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management to establish funding for FY18 in the Grant Fund 281 and budget those funds as follows:

Erie County Sheriff's Office
FY 2018 Bomb Squad Grant
July 3, 2019 to August 31, 2021

REVENUE

Increase

Account 414000 – Federal Revenue	<u>\$95,000.00</u>
TOTAL REVENUE	<u>\$95,000.00</u>
<u>APPROPRIATIONS</u>	<u>Increase</u>
Account 561410 – Lab & Technical Equipment	\$46,000.00
Account 510200 – Training and Education	\$47,000.00
Account 510100 – Out of Area Travel	<u>\$2,000.00</u>
TOTAL APPROPRIATIONS	<u>\$95,000.00</u>

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 the Clerk of the Legislature send certified copies the County Executive Office, the Division of Budget and Management, the County Attorney, the Office of the Comptroller and the Office of the Sheriff for implementation.

(6-0)

HOWARD J. JOHNSON, JR.
CHAIR

Item 18 – MR. MEYERS presented the following report, moved to separate item Number 4, and approve the balance of the report. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 153

July 18, 2019	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 15E-22 (2019)
COUNTY EXECUTIVE: “ECSD No. 3 - Construction Inspection Term Contract Agreement”
(Chair’s Ruling)

2. COMM. 14E-8 (2019)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has negotiated the following lowest responsible bid for Contract No. 63:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 63	Kandey Company Inc. 19 Ransier Drive West Seneca, NY 14224	\$342,380.00

and

WHEREAS, the aforementioned lowest responsible bidder has successfully completed projects for the Division of Sewerage Management in the past; and

WHEREAS, the Division of Sewerage Management has determined that this project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Parker Road Elevated Sewer Repair Project, Erie County Sewer District No. 3, Contract No. 63 be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 63	Kandey Company Inc. 19 Ransier Drive West Seneca, NY 14224	\$342,380.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the County Comptroller is authorized and directed to allocate \$342,380.00 from Erie County Sewer District No. 3, Capital Bond Account C.00062 for Contract No. 63; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment & Planning.

(5-0)

3. COMM. 14E-11 (2019)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for Contract Nos. 18-A (General/Mechanical) and 18-D (Electrical) at 10:00 a.m. on July 9, 2019:

Contract	Lowest Responsible Bidder	Amount
Contract No. 18-A General/Mechanical	STC Construction, Inc 63 Zoar Valley Road P.O. Box 459 Springville, NY 14141-0459	\$557,124.00
Contract No. 18-D Electrical	CIR Electrical Construction Corporation 400 Ingham Avenue Buffalo, NY 14218	\$135,000.00

and

WHEREAS, the aforementioned lowest responsible bidders have successfully completed projects for the Division of Sewerage Management in the past; and

WHEREAS, the Division of Sewerage Management has determined that this project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the East Aurora Water Resource Recovery Facility Influent Building and Screen Replacement, Erie County Sewer District No. 8, Contract Nos. 18-A and 18-D be awarded as follows:

Contract	Lowest Responsible Bidder	Amount
Contract No. 18-A General/Mechanical	STC Construction, Inc. 63 Zoar Valley Road P.O. Box 459 Springville, NY 14141-0459	\$557,124.00
Contract No. 18-D Electrical	CIR Electrical Construction Corporation 400 Ingham Avenue Buffalo, NY 14218	\$135,000.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contracts with the aforementioned lowest responsible bidders, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the County Comptroller is authorized and directed to allocate \$692,124.00 from Erie County Sewer District No. 8 Capital Account C.00071 for Contract Nos. 18-A and 18-D; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized and directed to transfer up to \$750,000 from Erie County Sewer District No. 8 Capital Reserve Account C.11801 to Erie County Sewer District No. 8 Capital Account C.00071 for costs associated with Contract Nos. 18-A and 18-D and establish the budgets necessary to facilitate the transfer; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to increase estimated revenue and appropriations in Erie County Sewer District No. 8 Capital Account C.00071 by \$750,000; and be it further

RESOLVED, that any unused funds be returned to the capital reserve account and the budget be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.

(5-0)

4. COMM. 15E-9 (2019)
COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature hereby confirms the appointment of Troy P. Schinzel to the position of Commissioner of Parks, Recreation, and Forestry effective July 27, 2019.

(5-0)

5. COMM. 15E-10 (2019)
COUNTY EXECUTIVE

WHEREAS, the most recent Commissioner of Parks and Recreation retired in June 2019;
and

WHEREAS, a former Commissioner of Parks and Recreation, who has significant experience managing County Parks, is willing to return to his former County position if paid at his former payroll step (Step 5).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the establishment of a variable minimum, Job Group 17, Step 5 hiring level for the position of Commissioner of Parks and Recreation for the Department of Parks, Recreation and Forestry; and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to adjust the Adopted 2019 Budget of the Department of Parks, Recreation and Forestry as necessary; and be it further

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

(5-0)

6. COMM. 15E-31 (2019)
COUNTY EXECUTIVE

WHEREAS, Erie County has identified events resulting from climate change as posing an increasing risk to life and property within the County; and

WHEREAS, the Erie County Legislature resolved to become a Climate Smart Community and plan for adaption to unavoidable climate change (COMM. 12E-5 (2014)); and

WHEREAS, Erie County has individual projects and initiatives to address severe weather events, but has not conducted a comprehensive vulnerability assessment or planning related to risks from climate change; and

WHEREAS, the Erie County Legislature authorized the Department of Environment and Planning (DEP) to apply for New York State Department of Environmental Conservation (NYSDEC) grant funding to conduct a climate change adaptation planning project (COMM. 13E-20 (2017)); and

WHEREAS, NYSDEC has awarded DEP a \$100,000 grant to conduct the climate change adaptation planning project; and

WHEREAS, NYSDEC has designated State University of New York at Buffalo (SUNY Buffalo) as the project sub-awardee for the entire funding amount (\$100,000); and

WHEREAS, to proceed with the project it is necessary for Erie County to execute an agreement with the NYSDEC, adopt a project budget; and execute an agreement with SUNY Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$100,000 from the NYSDEC for the purpose of establishing an "Erie County Climate Change Adaptation Planning Project"; and be it further

RESOLVED, that the grant budget and project period for the “Erie County Climate Change Adaptation Planning Project” is hereby created in the Department of Environment and Planning, Business Area 162, as follows:

Erie County Climate Change Adaptation Planning Project
(August 1, 2019 to March 14, 2023), SAP Grant #162CCAP1923

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
409000	State Aid Revenue	\$100,000
TOTAL REVENUE		\$100,000

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
516020	Professional Contract Services	\$100,000
TOTAL APPROPRIATIONS:		\$100,000

and be it further

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to contract with SUNY Buffalo in an amount not to exceed \$100,000; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with state and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; Bonnie Lawrence, Deputy Commissioner of Environment and Planning; and P. Josh Wilson, Coordinator - Pollution Prevention Program.

(5-0)

7. COMM. 15E-43 (2019)
COUNTY EXECUTIVE

WHEREAS, the County of Erie desires to remediate brownfield properties and clear former industrial sites for productive reuse; and

WHEREAS, the Buffalo and Erie County Industrial Land Development Corporation (ILDC), has as one of its goals and authorities, the ability to hold industrial property for management and improvement; and

WHEREAS, the ILDC has recently acquired approximately 150 acres of former Bethlehem Steel Site property (ILDC Property) from Tecumseh Redevelopment Inc. (Tecumseh) for redevelopment as a modern industrial park; and

WHEREAS, the Shoreline Trail is a walking and biking trail extending from the Niagara County line to the Buffalo/Lackawanna border immediately adjacent to the ILDC Property; and

WHEREAS, it is the goal of Erie County and New York State to continue the Shoreline Trail from the Buffalo/Lackawanna boarder to Dona Street in the City of Lackawanna and eventually to Woodlawn Beach State Park in the Town of Hamburg, said continuation to traverse along the ILDC Property within a certain fifty-foot wide right-of-way (Property) located within and upon the ILDC Property; and

WHEREAS, the ILDC land purchase agreement with Tecumseh that enabled the ILDC to take title to the ILDC Property as described above is subject to certain covenants and agreements set forth in the Declaration of Covenants (Declaration) that runs with the land and binds the ILDC and its successors and/or assigns requiring that all subsequent land owners be bound by the existing Brownfield Cleanup Program (BCP) and Brownfield Site Cleanup Agreement (BCA) affecting the both the ILDC Property and the Property; and

WHEREAS, real property subject to a BCA that is remediated in accordance with the BCP allows those entities that are parties to a BCA to obtain certain liability relief and protections from New York State; and

WHEREAS, to enable the continuation of the Shoreline Trail as described herein, Erie County must acquire title to the Property; and

WHEREAS, Erie County has completed construction of the Shoreline Trail upon the Property; and

WHEREAS, the Property is enrolled with the BCP and currently subject to a BCA executed by and between the ILDC, Tecumseh, and the New York State Department of Environmental Conservation (DEC); and

WHEREAS, Erie County has previously approved of the purchase of the Property pursuant to that certain resolution adopted by the Erie County Legislature on October 5, 2017 and more particularly described as Resolution No. COMM. 17E-5(2017); and

WHEREAS, to comply with the Declaration, and to obtain the protections provided to parties that are bound by the BCA and the BCP, it is necessary that Erie County becomes a party to the BCA affecting the Property.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to negotiate and execute any and all documents and agreements with the ILDC, Tecumseh, and the DEC, including but not limited to, a BCP "Application to Amend Brownfield Cleanup Agreement and Amendment" currently affecting

the Property, thereby permitting Erie County to become a party to the BCP and the BCA affecting the Property; and be it further

RESOLVED, that the County Executive, is authorized, on behalf of Erie County, to execute and submit any and all BCP related documents to the DEC to properly comply with the BCA and to obtain the protections of the BCP; 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 County Comptroller; the Director of Real Property Tax Services; the County Attorney; the Commissioner of the Department of Environment and Planning; and Christopher S. Pawenski in the Department of Environment and Planning.

(5-0)

TIMOTHY MEYERS
CHAIR

MR. MEYERS moved to approve item Number 4. MR. LORIGO seconded.

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

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

CARRIED UNANIMOUSLY.

Item 19 – MR. BRUSO presented the following report and moved for immediate consideration and approval. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 154

July 18, 2019	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 14D-2 (2019)
DEPARTMENT OF SOCIAL SERVICES: “CPS Statistical Report for May 2019”
(Chair’s Ruling)

2. COMM. 13E-10 (2019)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health Division of Services of Children with Special Needs is responsible for the operation of Preschool and Early Intervention Programs; and

WHEREAS, through the Pre-School Program for three and four year old children specialized education and therapeutic services are provided to children with special needs; and

WHEREAS, the Preschool Program serves over 2,000 children every year; and

WHEREAS, Erie County is required to contract with any New York State Education Department approved service agency that a child has been referred to by local school districts.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with Buffalo Public Schools for Section 4410 Services; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Budget and Management, the Department of Law and to Dr. Gale R. Burstein, Commissioner in the Erie County Health Department, 9th Floor, Rath Building.
(6-0)

3. INTRO. 14-1 (2019)
MEYERS

WHEREAS, nearly four million gallons of leftover paint are generated annually in New York State; and

WHEREAS, most leftover paint is currently disposed of in the garbage, despite the efforts of local governments to foster and support environmentally-friendly recycling and disposal; and

WHEREAS, local governments spend millions of dollars annually to collect and manage a small fraction of unwanted paint through household hazardous waste collection programs; and

WHEREAS, eight states and Washington, DC have passed their own paint stewardship laws which are estimated to have saved taxpayers over \$69 million, created over 200 jobs, and led to the recycling of over 17 million gallons of high-quality paint; and

WHEREAS, legislation has been introduced in the New York State Assembly (Bill A.6373 and Senate (Bill S.4351, sponsored by State Senator Timothy Kennedy) that would amend the state's environmental conservation law in order to establish a post-consumer paint collection program; and

WHEREAS, the Senate has passed the legislation and the bill is awaiting Assembly action; and

WHEREAS, the bill would establish a Post-Consumer Paint Collection Program to manage leftover household paint, with all architectural paint manufacturers selling in New York being

required to fund the program through a cost-based, independently audited assessment added to their current price of paint which would reduce local and state government costs, increase resident convenience, and create new jobs in recycling and manufacturing; and

WHEREAS, the bill has drawn the support of a range of environmental advocacy organizations, paint industry representatives, and municipal agencies, as well as the New York State Association of Counties.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for Assembly Bill A.6373, and urges the New York State Assembly to expeditiously approve the legislation in the best interests of consumers and the environment; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, New York State Assembly, New York State Senate, Sierra Club, The Product Stewardship Institute, the American Coatings Association, and to the New York State Association of Counties.

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

4. COMM. 15E-11 (2019)
COUNTY EXECUTIVE

WHEREAS, the Governor included, and the State Legislature approved, an additional \$15 million dollars in funding for the New York State Office for the Aging (NYSOFA) in the State's 2019-20 budget; and

WHEREAS, the additional monies are to increase services for eligible older adults, served by County Area Agencies on Aging (AAAs), whose needs have been previously unmet due to the lack of available funding; and

WHEREAS, NYSOFA has now awarded \$766,247 in Unmet Need grant funding to the Erie County Department of Senior Services, for the period April 1, 2019 to March 31, 2020; and

WHEREAS, no additional County funds are required to secure this new grant, as it is 100% funded by NYSOFA; and

WHEREAS, the Department plans on utilizing these funds to provide homecare, transportation and home delivered meal services to eligible older adults; and

WHEREAS, to address the additional workload necessitated by this new grant, the Department proposes to restructure staffing and transfer two employees from the CSE1920 grant to this new grant, Case Manager Senior Services position #873 and Community Resource Technician – Senior Services position #51012748, and utilize the budgeted payroll savings in the CSE1920 grant to increase funding for the Department's case management subcontract agencies; and

WHEREAS, the Unmet Need 1920 grant budget needs to be created and the 163CSE1920 grant budget now needs to be amended.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the NYSOFA Unmet Need grant funding for the period April 1, 2019 to March 31, 2020; and be it further

RESOLVED, effective April 1, 2019, as reflected on B100 #11471 Case Manager Senior Services position # 873 be transferred from the 163CSE1920 grant to the 163Unmetneed1920 grant; and be it further

RESOLVED, effective April 1, 2019, as reflected on B100 #11471 Community Resource Technician – Senior Services position # 51012748 be transferred from the 163CSE1920 grant to the 163Unmetneed1920 grant; and be it further

RESOLVED, that the budget for the Unmet Need Grant for the period April 1, 2019 to March 31, 2020 (163UNMETNEED1920) be established as follows:

REVENUES		INITIAL BUDGET
Account	Description	
409000	State Aid Revenues	\$766,247
417000	Contributions-Participant	2,500
419630	EISEP Cost Sharing	<u>21,000</u>
	TOTAL REVENUE	<u>\$789,747</u>

APPROPRIATIONS		INITIAL BUDGET
Account	Description	
500000	Full-Time Salaries	\$ 81,924
502000	Fringe Benefits	55,929
505000	Office Supplies	500
510000	Local Mileage Reimbursement	2,300
510200	Training & Education	500
516020	Professional Services & Fees	75,000
516026	Home Care Services	518,995
516027	Meal Preparation	50,000
530000	Other Expenses	500
561410	Lab & Tech Equipment	1,000
980000	ID DISS Services	<u>3,099</u>
	TOTAL APPROPRIATIONS	<u>\$789,747</u>

and be it further

RESOLVED, that the budget for the 163CSE1920 be amended as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS			
Full-Time Salaries	\$525,933	(\$81,924)	\$444,009

500000				
502000	Fringe Benefits	320,196	(55,929)	264,267
	Professional Services			
516020	Contracts and Fees	128,868	110,746	239,614
	ID Senior Services			
916390	Grants	(46,607)	30,206	(16,401)
980000	ID DISS Services	\$21,978	(3,099)	\$18,879
	Net change		\$0	

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 grantor awards; 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.

(6-0)

5. COMM. 15E-16 (2019)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services has experienced a budget shortfall in Account 510100 Out of Area Travel; and

WHEREAS, this account is primarily used to fund civil service employee travel expenses incurred while traveling for mandated orientation and training; and

WHEREAS, out-of-area expenses is now and will continue to be higher than in the past because OCFS is now requiring all counties to send employees for training at their new Human Services Training Center in East Greenbush, New York; and

WHEREAS, this required training has significantly increase the number of nights trainees will have to stay at a hotel in the Albany area; and

WHEREAS, the Department of Social Services has already taken steps to mitigate the increased costs, such as reducing the number of staff attending conferences and non-mandatory training; and

WHEREAS, approximately an addition \$60,000 is needed in Out of Area Travel to have adequate funds to send employees to training; and

WHEREAS, there is no 2019 fiscal impact to this resolution as funds are available to transfer from the Professional Service Contracts and Fees account.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2019 Adopted Budget:

Department of Social Services
Department 120 - Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
510100	Out of Area Travel	\$60,000
516020	Professional Svs Contracts	<u>(60,000)</u>
	Total Expenditure	<u>-0-</u>

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Commissioner of Social Services, the Erie County Comptroller, and the Director of the Division of Budget and Management.

(6-0)

6. COMM. 15E-17 (2019)
COUNTY EXECUTIVE

WHEREAS, Erie County is required to track Medicaid eligibility for children in care and bill for services received by the child appropriately; and

WHEREAS, Fidelity EHR is the software being used to support the High Fidelity Wraparound program that the Department is employing as part of its process of coming into compliance with the Families First legislation; and

WHEREAS, enhancements to the Fidelity EHR system is required to allow for tracking and to prevent services be obtained without an allowable funding source to pay for the services; and

WHEREAS, because this is an enhancement to software already in use in Erie County, the Department is requesting the Legislature waive the request-for-proposal requirement from Community Connections of New York, the organization who provides to the software to the County; and

WHEREAS, Community Connections of New York is a nonprofit organization that specializes in software development, program evaluation and quality improvement for local nonprofit organizations; and

WHEREAS, the Department of Social Services has adequate funds to pay for this enhancement in its preventive and protective services budget line.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the County Executive to enter into contract with Community Connections of New York for an amount not to exceed \$32,025 for enhancements to the Fidelity EHR system; and be it further

RESOLVED, the County Administrative Code requirement in section 19.08 Request for Proposals (RFP) is hereby waived as Community Connections of New York, Inc. is the sole source provider of this service, and be it further

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

(6-0)

7. COMM. 15E-19 (2019)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services is required to conduct an interview with applicants to the SNAP program at point of application and during recertification to verify eligibility for the program; and

WHEREAS, the Supplemental Nutrition Assistance Program would like to change its call center structure from a scheduled, out-bound system to an intake, on-demand system; and

WHEREAS, the Erie County Legislature approved the acceptance of \$899,264 from a SNAP High Performance Bonus Award to the Erie County Department of Social Services; and

WHEREAS, these funds could be used for technology enhancements to create an on-demand call center; and

WHEREAS, the Department of Social Services issued a request-for-proposal and Advocate Solutions scored the highest; and

WHEREAS, Advocate Solutions has implemented a similar solution for SNAP call centers in Ohio.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue a contract with Advocate Solutions to build a solution for the SNAP call center for \$579,056; and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2019 Adopted Budget:

Department of Social Services
Department 120 - Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
561410	Lab & Technical Equipment	<u>(\$579,056)</u>

516020	Professional Svs Contracts	<u>\$579,056</u>
	Total Expenditure	<u>-0-</u>

and be it further

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

(6-0)

8. COMM. 15E-20 (2019)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services has been awarded a \$100,000 grant in SNAP Education & Training funds from the New York State Office of Temporary and Disability Assistance to support employment services for limited English proficient individuals; and

WHEREAS, similar programming is currently available to native English and Spanish speakers but have not expanded this program to other languages due to resource constraints; and

WHEREAS, the Department of Social Services issued a request for proposal for this program and the only response was a joint proposal from Catholic Charities and the International Institute; and

WHEREAS, the response included a \$100,000 match which will be funded by Catholic Charities and the International Institute; and

WHEREAS, this program would allow the Department to refer limited English proficient cash assistance clients as a way to receive job readiness training; and

WHEREAS, this job readiness program would help participants improve job interviewing skills, reinforce appropriate workplace behaviors and promote the benefits of work; and

WHEREAS, this program will reduce the number of work requirement exemptions for cash grant, helping reinforce the Department's work first philosophy.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are hereby authorized to enter into contract with Catholic Charities for an amount not to exceed \$100,000; and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2019 Adopted Budget:

Department of Social Services
Department 120 - Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
516430	Catholic Charities	<u>\$100,000</u>
	Total Expenditures	<u>\$100,000</u>
410120	SNAP E&T 100%	<u>\$100,000</u>
	Total Revenues	<u>\$100,000</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any further budget adjustments required for this program in order to comply with final New York State approved allocations; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Commissioner of Social Services, the Erie County Comptroller, and the Director of the Division of Budget and Management.

(6-0)

9. COMM. 15E-39 (2019)
COUNTY EXECUTIVE

WHEREAS, Special Investigations Division investigates welfare fraud and works aggressively to recover funds wherever possible to reduce the cost of assistance programs for Erie County taxpayers; and

WHEREAS, the Special Investigation Division does not have a centralized system to track its investigations and collections operations, relying on a system of standalone Access databases and paper; and

WHEREAS, a centralized tracking system will allow the Division to run more efficiently and put in more management controls in place; and

WHEREAS, the Department of Social Services issues RFP# 1901VF for Software Development for the Special Investigations Division in January of 2019; and

WHEREAS, Gateway Consulting Group, a company from East Amherst, New York, that specializes in business process automation, scored the highest among the three respondents; and

WHEREAS, contracting with Gateway Consulting Group, Inc. will enable greater levels of accountability and coordination in the Special Investigations Division.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue a contract with Gateway Consulting Group to build a custom tracking system for SID; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments to Gateway Consulting Group from SAP Project A.00253, for an amount not to exceed \$70,000; and be it further

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

(6-0)

10. COMM. 15E-40 (2019)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services (DSS) utilizes mobile tablets for its Child Protective Services workforce, and wants similar functionality for its Children Services and Adult Protective Services workers; and

WHEREAS, a competitive Request-for-Proposal (RFP) was issued in 2017 to develop a custom solution that integrates mobile and desktop components which will allow workers to develop, create, access and update case files; and

WHEREAS, Diona (US) Inc. was the deemed the best proposal in that process; and

WHEREAS, DSS considered the need for future expansion as part of that process, with a goal for expanding the software to Children Services and Adult Protective Services; and

WHEREAS, Children Services and Adult Protective Services work is functionally similar to Child Protective Services work as employees spend the majority of their time in the field taking notes, filling out forms, and photographing evidence – which is what the software assists with; and

WHEREAS, Diona (US) Inc. is the only entity that can sell its software and customize the software to meet the needs of the purchaser; and

WHEREAS, DSS has no interest in using different software for Children Services and Adult Protective Services because it would take significant man-hours to provide support to another solution; and

WHEREAS, the application will include the ability to scan and photograph, provide short-term storage and retrieval of all necessary documents used in Children Services and Adult Protective Services intake and ongoing operations.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue a contract to Diona (US) Inc. to develop custom mobile and desktop software for Children Services and Adult Protective Services; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments to Diona (US) Inc. from SAP Project A.19029, for an amount not to exceed \$460,915; and be it further

RESOLVED, the County Administrative Code requirement in section 19.08 Request for Proposals (RFP) is hereby waived as Diona is the sole source provider of this service; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Division of Budget and Management, the Office of the Comptroller and the Department of Social Services.
(6-0)

11. COMM. 15E-41 (2019)
COUNTY EXECUTIVE

WHEREAS, On April 29, 2015, New York State released Blueprint to End AIDS, which contained the statewide task force’s recommended strategies to end the AIDS epidemic in New York State by reducing the number of annual new HIV infections to 750 by the year 2020; and

WHEREAS, the third point outlined in this plan is to provide access to PrEP as part of a strategy to prevent HIV infection among individuals at high risk; and

WHEREAS, by including access to PrEP as a major element in this initiative, New York State emphasizes the importance of PrEP as a safe and effective method to prevent HIV infection, demonstrating the use of PrEP as a strategy that should be adopted by all interested in ending the epidemic; and

WHEREAS, the Erie County Department of Health has received funding for and operated a program to encourage individuals at high risk of contracting HIV to take PrEP since 2016; and

WHEREAS, in the New York State Department of Health has released additional funding to enhance the Erie County Department of Health’s PrEP grant program by providing intensive medical case management; and

WHEREAS, these grant enhancements are 100% funded by the New York State Department of Health.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Health is authorized to receive a grant enhancement award to be budgeted as follows:

“Pre-Exposure Prophylaxis (PrEP)”
127HIVPREP1920
April 1, 2019 – March 31, 2020

SAP	REVENUE	BUDGET		
		Original	Additional	Final
409000	State Aid	<u>\$200,000</u>	<u>\$100,000</u>	<u>\$300,000</u>
	TOTAL	<u>\$200,000</u>	<u>\$100,000</u>	<u>\$300,000</u>

SAP	EXPENSES	BUDGET		
		Original	Additional	Final
500000	Full Time Salaries	\$108,152	\$ 35,060	\$143,212
500350	Other Employee Payments	1,366	0	1,366
502000	Fringe Benefits	79,450	36,267	115,717
505000	Office Supplies	0	600	600
505800	Medical & Health Supplies	20,000	5,395	25,395
510000	Local Mileage	0	500	500
510100	Out of Area Travel	0	3,000	3,000
516020	Pro Ser Cnt and Fees	24,824	(4,980)	19,844
530000	Other Expenses	11,044	(3,583)	7,461
561410	Lab & Tech Equipment	0	1,200	1,200
912700	ID Health Services	6,610	23,390	30,000
912790	ID Health Grant Srv	(51,446)	2,671	(48,775)
980000	DISS Charges	\$ 0	\$ 480	\$ 480
	TOTAL	<u>\$200,000</u>	<u>\$100,000</u>	<u>\$300,000</u>

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one position of Public Health Nurse, JG 9 (B100 11442), in the NYSNA bargaining unit; 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 be it further

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

(6-0)

12. COMM. 15E-44 (2019)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services just completed a move from 478 Main Street to the Appletree Business Park; and

WHEREAS, to make the workplace safe for Social Services employees, the Department desired security enhancements greater than what was covered in the lease, such as security cameras and swipe card access; and

WHEREAS, the costs for security enhancements for swipe card readers and cameras needed at the Appletree Business Park were higher than expected; and

WHEREAS, to move these projects ahead and provide a safe environment for employees moving to the facility, these expenses were paid using money originally budgeted for needed upgrades to technological equipment from the Lab & Technology Equipment budget line (Account 561410); and

WHEREAS, the Lab & Technology Equipment budget line is used by the Department of Social Services for needed technical equipment; and

WHEREAS, the Department budgeted for and anticipated a need for new equipment due to the upgrade from Windows 7 to Windows 10; and

WHEREAS, some equipment currently used by the Department will need to be replaced due to this upgrade; and

WHEREAS, with the required move from Windows 7 to Windows 10, the Department cannot defer upgrades to technological equipment and has a need for the money originally budgeted in 2019.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$180,587 from account 502000 Fringe Benefits to account 561410 Lab & Technical Equipment Account 561410 in the Department of Social Services; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, and the Department of Social Services.
(6-0)

JOHN BRUSO
CHAIR

Item 20 – MR. BRUSO presented the following report and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 155

July 18, 2019	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the follow items are hereby received and filed:
 - a. COMM. 11E-1 (2019)
COMPTROLLER: "Law Department Spending, 2/2019"
(Chair's Ruling)
 - b. COMM. 15E-5 (2019)
COMPTROLLER: "Report Detailing Apportionment & Distribution of Net Collections from Sales & Compensating Use Tax (4.75%) for Months of March, April & May 2019"
(Chair's Ruling)
 - c. COMM. 15D-2 (2019)
DIRECTOR OF BUDGET & MANAGEMENT: "Budget Monitoring Report for Period Ending May 2019"
(Chair's Ruling)
 - d. COMM. 15D-3 (2019)
DEMOCRATIC COMMISSIONER, EC BOARD OF ELECTIONS: "Letter to Chair Baskin Concerning Mid-Year Budget Hearing for BOE"
(Chair's Ruling)
 - e. COMM. 15D-5 (2019)
DIRECTOR OF BUDGET & MANAGEMENT: "Mid-Year Budget Hearing Data"
(Chair's Ruling)

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

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

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 219063 through 219070, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities:

FISCAL YEAR	2018	Petition No.	219,063.00
	ASSESSOR	Refund	\$484.04
S-B-L	108.00-2-31	2224 Crittenden Rd 142089	ALDEN
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$484.04	Town/SpecialDist/School

Charge To : 142089 ALDEN \$484.04
Relevy School \$484.04 142001 ALDEN CENTRAL

RPTL 550(2): Failed to apply vet exemption.
Refund to be issued to Edward & Jean Pytlik

FISCAL YEAR 2019 Petition No. 219,064.00

ASSESSOR Refund \$218.01
S-B-L 93.13-1-21 4 Anthony Dr 145201 DEPEW

Acct. No. 112 \$0.00 County
Acct. No. 132 \$218.01 Town/SpecialDist/School
Charge To : 145201 DEPEW \$218.01

Relevy Village \$218.01 Village of DEPEW

RPTL 550(2): Failed to apply vet exemption
Refund to be issued to Craig & Sandra Wiess

FISCAL YEAR 2019 Petition No. 219,065.00

ASSESSOR Refund \$95.91
S-B-L 47.16-2-25 33 Front St 145601 AKRON

Acct. No. 112 \$61.32 County
Acct. No. 132 \$34.59 Town/SpecialDist/School
Charge To : 145601 AKRON \$34.59

RPTL 550(2): Failed to calculate aged exemption properly.
Refund to be issued to Donna L. Reuter

FISCAL YEAR 2018 Petition No. 219,066.00

ASSESSOR Refund \$58.94
S-B-L 47.16-2-25 33 Front St 145601 AKRON

Acct. No. 112 \$0.00 County
Acct. No. 132 \$58.94 Town/SpecialDist/School
Charge To : 145601 AKRON \$58.94
Relevy School \$58.94 145601 AKRON CENTRAL

RPTL 550(2): Failed to calculate aged exemption properly
Refund to be issued to Donna L. Reuter

FISCAL YEAR 2019 Petition No. 219,067.00

ASSESSOR Cancel \$157.98
S-B-L 47.16-2-25 33 Front St 145601 AKRON
Acct. No. 112 \$0.00 County
Acct. No. 132 \$157.98 Town/SpecialDist/School
Charge To : 145601 AKRON \$157.98

Relevy Village \$157.98 Village of AKRON
RPTL 550(2): Failed to calculate aged exemption properly.
New tax bill to be issued.

FISCAL YEAR 2019 Petition No. 219,068.00

ASSESSOR Refund \$1,285.20
S-B-L 54.70-1-1 327 Fries Rd 146489 TONAWANDA
Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,285.20 Town/SpecialDist/School
Charge To : 146489 TONAWANDA \$1,285.20

RPTL 550(2): Incorrect sewer units
Refund to be issued to Danielle Parent

FISCAL YEAR 2019 Petition No. 219,069.00

ASSESSOR Cancel \$200.00
S-B-L 134.45-4-45 59 Harlem 146800 WEST SENECA
Acct. No. 112 \$0.00 County
Acct. No. 132 \$200.00 Town/SpecialDist/School
68008 Grass Cutting Admin \$200.00
Charge To : 146800 WEST SENECA \$0.00

RPTL 550(2): Grass cutting admin fee applied in error.
New tax bill to be issued.

FISCAL YEAR 2019 Petition No. 219,070.00

ASSESSOR Refund \$195.00
S-B-L 238.11-1-23 2724 Green St 144000 EDEN
Acct. No. 112 \$0.00 County
Acct. No. 132 \$195.00 Town/SpecialDist/School
Charge To : 144000 EDEN \$195.00

RPTL 550(2): Applied garbage district in error
Refund to be issued to Charles A Kumet

and be it further

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

(6-0)

3. COMM. 15E-13 (2019)
COUNTY EXECUTIVE

WHEREAS, the Erie County Personnel Department has been in violation of the collective bargaining agreement with CSEA; and

WHEREAS, an employee within the payroll department filed a grievance for out of title work on May 16, 2018; and

WHEREAS, after a desk audit regarding grievance 18-05-09 it was determined that the employee has been working out of title and will continue to do so in the Payroll. Department; and

WHEREAS, this Employee currently receives out of title pay for the position they are slotted in and so the salary adjustment would be budget neutral.

NOW, THEREFORE, BE IT

RESOLVED, that the position of Payroll Supervisor be upgraded to a Job Grade 13; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management, the Department of Personnel, and the Department of Social Services to make the necessary budgetary and personnel adjustments to effectuate this action; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, Director of Budget and Management, Comptroller, and the Personnel Department.

(6-0)

4. COMM. 15E-15 (2019)
COUNTY EXECUTIVE

WHEREAS, the several non-city school districts lying within the County of Erie will have adopted their school budgets for the current school year, determined the amount thereof to be raised by real property tax and will have fixed their school tax rates, said budgets, amounts and rates to be certified to and filed with the Real Property Tax Services Department of Erie County, no later than August 12, 2019; and

WHEREAS, the Real Property Tax Services Department will spread and extend said school tax amounts, at the school tax rates certified to him, against the taxable real property appearing on the respective school assessment rolls.

NOW, THEREFORE, BE IT

RESOLVED, that as of September 1, 2019, there is hereby levied and assessed upon the taxable real property appearing on the school assessment rolls for the respective school districts the amounts to be raised by school taxes, as spread and extended by the Real Property Tax Services Department, which amounts shall be collected from the persons and corporations liable therefore in accordance with and pursuant to the provisions of the statutes in such cases made and provided; and be it further

RESOLVED, that the Chairman and the Clerk of the Legislature are hereby directed to execute in the name and under the seal of the County of Erie, and to annex to the respective school district tax rolls as they are compiled by the Real Property Tax Services Department, a good and sufficient warrant, addressed to the proper tax collecting officials, commanding them to collect such school district taxes in accordance with applicable law; and be it further

RESOLVED, that the Real Property Tax Services Department is hereby directed to deliver such school district tax rolls and warrants to such tax collecting officials to be acted upon in accordance with applicable law; and be it further

RESOLVED, that each and every act of the Real Property Tax Services Department in connection with the foregoing is hereby ratified and confirmed; and be it further

RESOLVED, The Clerk of the Legislature is hereby directed to cause such non-city school district budgets, tax rates and resolutions to be printed in the journal of the proceedings of the Legislature when received; and be it further

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

(6-0)

5. COMM 15E-37 (2019)
COUNTY EXECUTIVE

WHEREAS, it is the mission of BENLIC to confront and alleviate the problems distressed properties cause to communities by supporting municipal and regional revitalization efforts and strategically acquiring, improving, assembling, and selling distressed, vacant, abandoned, and/or tax-delinquent properties; and

WHEREAS, section 1616(i) of the New York Not-for-Profit Corporation Law provides that New York Land banks, including BENLIC, may tender a pre-emptive bid at In Rem tax sales in an amount equal to the total amount of all municipal claims and liens which were the basis for the judgment and in the event of such tender by a land bank, the property shall be deemed sold to the land bank regardless of any bids by any other third parties; and

WHEREAS, the bid of the land bank shall be paid as to its form, substance, and timing according to such agreement as is mutually acceptable to the plaintiff and the land bank wherein the

obligation of the land bank to perform in accordance with such agreement shall be deemed to be in full satisfaction of the municipal claim which was the basis for the judgment; and

WHEREAS, it is anticipated that BENLIC will exercise its pre-emptive bid powers at the upcoming County In Rem 167 tax sale; and

WHEREAS, agreements between the County and BENLIC are necessary to outline the obligations of the Land Bank and the expected repayment, if any, of the County taxes which were the basis for the judgment.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County, acting by and through its Department of Real Property Tax Services, is hereby authorized to enter into agreements with BENLIC which outline the obligations of the Land Bank and the expected repayment, if any, of the County taxes which were the basis for the judgment consistent with the Property Tax and Maintenance/Foreclosure Cost Recapture Policy for In Rem 167 to be held on September 25, 2019 at the Buffalo Niagara Convention Center; and be it further

RESOLVED, that to the extent that such agreement results in the repayment of county taxes in the amount less than the amount of County taxes which were the basis for the judgment, pursuant to Section 12-1.0 of the Erie County Tax Act the Department of Real Property Tax Services is hereby authorized to cancel such past due real property taxes; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Erie County Comptroller, County Attorney, Department of Real Property Tax Services and the Buffalo Erie Niagara Land Improvement Corporation.

(6-0)

**JOHN BRUSO
CHAIR**

Item 21 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 156

July 18, 2019	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 13
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby tabled:

- a. COMM. 15E-30 (2019)
COUNTY EXECUTIVE: “Authorization of Short Term Detour for NYS DoT – Maple Rd. – Amherst”
(6-0)
2. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 15M-2 (2019)
NFTA: “2018-19 NFTA-Metro Annual Performance Report”
(Chair’s Ruling)
 - b. COMM. 15M-3 (2019)
NFTA: “Board Minutes from Meeting Held 5/23/19”
(Chair’s Ruling)
 - c. COMM. 15M-5 (2019)
NYSDEC: “Invitation for Public Comment on Draft Investigation Work Plan - 19 Doat St. & 9 Landsdale Pl., Buffalo”
(Chair’s Ruling)
3. COMM. 15E-12 (2019)
COUNTY EXECUTIVE
WHEREAS, the County of Erie is interested in the fostering of business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the sound re-use of urban brownfields for productive use, be it industrial, commercial, or recreational; and

WHEREAS, the former Bethlehem Steel site in the City of Lackawanna is now owned in part by the Buffalo and Erie County Industrial Land Development Corporation (ILDC), Tecumseh Redevelopment Inc. and Welded Tube USA Realty, LLC; and

WHEREAS, Tecumseh Redevelopment Inc., Welded Tube, the ILDC, the City of Lackawanna, South Buffalo Railway, and Erie County continue to work cooperatively toward the goal of the redevelopment of this underutilized site; and

WHEREAS, a phased approach to redevelopment of the site included building a new waterline, removal and relocation of railroad tracks, and construction of a new road known as the Dona Street extension; and

WHEREAS, the first two phases have been completed and the Dona Street extension is now underway; and

WHEREAS, in order to properly service the site, the design of the Dona Street extension includes the creation of a new at-grade railway crossing; and

WHEREAS, the County of Erie has coordinated the railroad crossing design with South Buffalo Railway who has accepted the design.

NOW, THEREFORE, BE IT

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

RESOLVED, that in accordance with New York State Railroad Law section 90, the County of Erie seeks approval and coordination of the proposed at-grade railroad crossing from the New York State Department of Transportation; and be it further

RESOLVED, that the County Executive be authorized to execute all necessary agreements or certifications on behalf of the County of Erie with the New York State Department of Transportation and/or South Buffalo Railway in connection with the advancement or approval of the project; 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 Department of Environment and Planning, Office of the County Executive, Office of the County Attorney, the Division of Budget and Management and the Office of the Comptroller. (6-0)

4. COMM. 15E-14 (2019)
COUNTY EXECUTIVE

WHEREAS, the hydronic heating mechanical joint pipe gaskets in the DNA lab at the Public Safety Campus exhibit deformation and degradation, resulting in a higher risk for leaks in this critical area; and

WHEREAS, complete rebuild and replacement of the pipe gaskets, fittings and various control valves will reduce the risk of water leaks in the DNA lab; and

WHEREAS, the County of Erie received bids for the Public Safety Campus – 5th Floor DNA Lab HVAC Piping Improvements project on June 7, 2019; and

WHEREAS, the Erie County Department of Public Works is recommending award of a contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Public Safety Campus – 5th Floor DNA Lab HVAC Piping Improvements project for an amount not to exceed as follows:

Mechanical Construction Work

MLP Plumbing & Mechanical, Inc. Base Bid: \$ 121,500

Total Award of Mechanical Construction Contract: \$ 121,500

Total Award of all Construction Contracts: \$ 121,500

and be it further

RESOLVED, that the sum of \$13,500 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from Capital Project accounts as follows:

A.18006 – 2018 Countywide Mechanical, Electrical, Plumbing, & Misc. Improvements	Fund 410	Funds Center 122	\$ 135,000
Total Payment not to Exceed:			\$ 135,000

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.

(6-0)

5. COMM. 15E-18 (2019)
COUNTY EXECUTIVE

WHEREAS, the Legislature authorized an engineering services agreement with Clark Patterson Lee (CPL) for the reconstruction of East West Road (CR 363) via Comm. 16E-29 (2017); and

WHEREAS, Clark Patterson Lee's engineering agreement needs to be amended to include extra engineering services related to the reduction of construction scope and the rebidding of the construction project; and

WHEREAS, there are funds available in Capital Projects B.16002 – 2016 Preservation of Roads – Design and B.17003 – 2017 Preservation of Roads – Design, Fund 420, Funds Center 123 in the total amount of \$87,000 for these services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to execute an amendment to Clark Patterson Lee's existing contract for design of East West Road (CR 363) in the amount of \$87000; and be it further

RESOLVED, that the funding for these services are available in the following Capital Projects in Fund 420, Funds Center 123:

B.16002	2016 Preservation of Roads – Design	\$67,087
<u>B.17003</u>	<u>2017 Preservation of Roads – Design</u>	<u>\$19,913</u>
	Total cost of the Amendment	\$87,000

and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive; the Director of the Division of Budget and Management; the Erie County Comptroller; the Commissioner of the Department of Public Works, William E. Geary, Jr.; and Assistant County Attorney Kristen M. Walder.

(6-0)

6. COMM. 15E-21 (2019)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature authorized an engineering services agreement with DiDonato Associates Engineering and Architecture, P.C. for the reconstruction of North/South Main St. (CR 009) via Comm. 6E-20 (2018); and

WHEREAS, DiDonato Associates engineering agreement needs to be amended to include extra engineering services related to the reduction of construction scope, the rebidding of the construction project, and the upgrading of storm sewers; and

WHEREAS, there are funds available in Capital Project B.17003 – 2017 Preservation of Roads, Design, Fund 420, Funds Center 123 to pay for these engineering services in the amount of \$88,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to execute an amendment to DiDonato Associates existing contract for design of North/South Main St. (CR 009) in the amount of \$88,000; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the amended design contract from Capital Project B.17003 – 2017 Preservation of Roads, Design, Fund 420, Funds Center 123 in the amount of \$88,000; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive; the Director of the Division of Budget and Management; the Erie County Comptroller; the Commissioner of the Department of Public Works, William E. Geary, Jr.; and Assistant County Attorney Kristen M. Walder.

(6-0)

7. COMM. 15E-23 (2019)

COUNTY EXECUTIVE

WHEREAS, the controls, software, and equipment supporting elevator cars No. 1 through No. 9 and No. 13 are becoming obsolete and are in need of modernization; and

WHEREAS, maintenance and repairs are becoming more frequent as well as more costly as time progresses due to the outdated controls, equipment, and software of the existing elevators; and

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

WHEREAS, Architectural Resources 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 with Architectural Resources for providing professional design services for an elevator modernization project located in the Rath Building utilizing the New York State Office of General Services (OGS) professional service Term Contract Number SC722.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to issue an Agreement Architectural Resources for providing professional design services for the elevator modernization project at the Rath Building for an amount not to exceed \$160,000, including design contingency; and be it further

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

A.19008 – Rath Building Improvements	\$ 160,000
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and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

8. COMM. 15E-24 (2019)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works desires to engage the services of an Electrical Engineer in order to comply with the requirements of electrical code and provide advisement on various County projects; and

WHEREAS, it has been determined that the best way to achieve the electrical code compliance is through the use of term contracts for On-Call Electrical Engineering services; and

WHEREAS, to address the anticipated scope of services required it has been determined that it was appropriate to award two term contracts; and

WHEREAS, the Department of Public Works advertised for Electrical Engineering firms and received proposals on May 15, 2019; and

WHEREAS, a review of proposals evaluated each firm's expertise, experience, and manpower to provide the required services; and

WHEREAS, the Department of Public Works is recommending award of the three (3) year term contract with the possibility of two (2) one (1) year extensions to Buffalo Engineering, P.C. and M/E Engineering via the County's consultant selection process to provide the required services; and

WHEREAS, each assignment will be billed on an hourly basis according to an approved rate schedule unless an agreed upon work scope and fee is negotiated with the assigned consultant prior to beginning any services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to enter into a three (3) year Term Agreement contract with the possibility of two (2) one (1) year extensions with the Buffalo Engineering, P.C. and M/E Engineering for the Erie County – On-Call Electrical Engineering Consultant for an amount not to exceed a total of \$250,000; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for services from Capital Project A.18004 – Code and Environmental Compliance, Funds Center 122, Fund 410 for a total amount not to exceed \$250,000; and be it further

RESOLVED, that two (2) certified copies each of this resolution be sent to the Department of Public Works, Commissioner's Office and one (1) copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.
(6-0)

9. COMM. 15E-26 (2019)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received no bids for the project bid previously, and must be re-bid; and

WHEREAS, the Department of Public Works will be receiving bids for the ECHC – Kitchen Floor Replacement & Kitchen/Laundry Domestic Hot Water Upgrades Re-bid project during the Legislative recess period; and

WHEREAS, the last Legislative meeting before summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization to award a contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the lowest responsible bidder, including a construction contingency for the ECHC – Kitchen Floor Replacement & Kitchen/Laundry Domestic Hot Water Upgrades Re-bid project in an amount not to exceed \$300,000.00; and be it further

RESOLVED, that the Department of Public Works will report to the Legislature the value of the contracts awarded and to whom; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the construction contingency fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the approved, as amended 2015, 2017, and 2018 Capital Budgets, Fund 410, Funds Center 122 as follows:

A.15028	2015 Sheriff Various Improvements to Holding Center and Correctional Facility	\$ 635.75
A.17026	2017 Improvements to Holding Center and Correctional Facility	\$ 203,061.92
A.18026	2018 Erie County Sheriff's Department – Misc. Renovations	\$ 96,302.33
Total Payment not to Exceed:		\$ 300,000.00

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.
(6-0)

10. COMM. 15E-27 (2019)
COUNTY EXECUTIVE

WHEREAS, on behalf of the Federal Bureau of Investigation (FBI), the Erie County Sheriff's Office has requested assistance from the Department of Public Works (DPW) to construct a gun cleaning room, separate from the training areas, within an existing building at the Erie County Firing Range to better control odors from gun cleaning solvents; and

WHEREAS, the FBI has offered to reimburse Erie County for the costs of materials required to construct the gun cleaning room; and

WHEREAS, the DPW Buildings and Grounds maintenance staff will provide the labor to construct the new gun cleaning room; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to accept the reimbursement from the FBI in an amount not to exceed \$17,000 and apply the reimbursement to GL Account 414010 – Federal Aid-Other, Funds Center 1222010, Fund 110.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute any and all agreements to accept the reimbursement from the FBI for the cost of materials required to construct the new gun cleaning room in an amount not to exceed \$17,000; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management and the Comptroller's Office to accept the reimbursement and allocate it into GL Account 414010 – Federal Aid-Other, Funds Center 1222010, Fund 110; and be it further

RESOLVED, the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with County funding requirements; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller, and one copy to the Federal Bureau of Investigation and the Erie County Sheriff's Office.

(6-0)

11. COMM. 15E-28 (2019)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received higher-than-expected bids for the project bid previously; and

WHEREAS, the consultant recommends to re-bid the project; and

WHEREAS, the Department of Public Works will be receiving bids for the Erie County Health Lab – 2018 Building 17-AA & BB Roof Top Unit Replacements Re-Bid project during the Legislative recess period; and

WHEREAS, the last Legislative meeting before summer recess will not allow for the normal award process of construction contracts after bids are received; and

WHEREAS, the County Executive is seeking prior authorization to award a contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the lowest responsible bidder, including a construction contingency for Erie County Health Lab – 2018 Building 17-AA & BB Roof Top Unit Replacements Re-Bid project in an amount not to exceed \$550,000; and be it further

RESOLVED, that the Department of Public Works will report to the Legislature the value of the contracts awarded and to whom; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the construction contingency fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from Fund 410, Funds Center 122, Capital Projects as follows:

A.18010 – 2018 Improvements to EC Health Department Building 17	\$ 100,000.00
A.18006 – 2018 Countywide Mechanical, Electrical, Plumbing, & Misc. Imp.	\$ 341,586.03
A.16026 – 2016 Improvements to Bldg 17	\$ 108,413.97
<hr/>	
Total Payment not to Exceed:	\$ 550,000.00

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.

(6-0)

12. COMM. 15E-29 (2019)
COUNTY EXECUTIVE

WHEREAS, the Department of Purchasing sold by auction surplus turf removed from New Era Field; and

WHEREAS, the proceeds from such auction total \$4,551; and

WHEREAS, the Erie County Legislature has recommended that all proceeds from the auction go towards a program that provides athletic opportunities to children with disabilities; and

WHEREAS, Special Olympics New York, Inc. provides year-round sports training and athletic competition in a variety of Olympic-style sports for individuals with intellectual disabilities; and

WHEREAS, the Erie County Division of Purchase is seeking approval to donate all auction proceeds totaling \$4,551 to the Special Olympics of New York, Inc. in order to support their programming and athletes.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Division of Purchase is authorized to donate auction proceeds totaling \$4,551 to Special Olympics New York, Inc.; and be it further

RESOLVED, the Division of Purchase will follow all pre-established guidelines of donating of County property; and be it further

RESOLVED, that certified copies of this Resolution be sent to the Erie County Executive, the Division of Purchase and the Erie County Department of Law.

(6-0)

13. COMM. 15E-36 (2019)
COUNTY EXECUTIVE

WHEREAS, per the Erie County Home and Infirmary transfer of ownership agreement, the County of Erie was responsible for removing underground storage tank (UST) #'s 100, 200, and 300, and ECMCC was responsible for removing UST #'s 400, 500, and 700; and

WHEREAS, the removal work is required to comply with the New York State Department of Environmental Conservation (NYSDEC) petroleum bulk storage closure requirements and the Erie County Home and Infirmary transfer of ownership agreement; and

WHEREAS, the County of Erie received bids for the Erie County Home – Fuel Tank Removals project on June 6, 2019; and

WHEREAS, the lowest responsible bidder, Empire State Mechanical Contractors, Inc., has provided sufficient evidence of an error and omission per General Municipal Law Section 103 (11), and has withdrawn their bid for the project; and

WHEREAS, the Erie County Department of Public Works, along with its consultant Wendel Architecture, Engineering, Surveying, & Landscaping Architecture, PC, are recommending award of a contract to the next lowest responsible bidder, Nature’s Way Environmental.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with Nature’s Way Environmental for the Erie County Home – Fuel Tank Removals project for an amount not to exceed as follows:

<u>General Construction Work</u>	
Nature’s Way Environmental	Base Bid: \$ 309,018
Total Award of General Construction Contract:	\$ 309,018
<hr/>	
Total Award of all Construction Contracts:	\$ 309,018

and be it further

RESOLVED, that the sum of \$30,982 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from the following Capital Project in the approved and adopted 2019 Capital Budget, Fund 410, Funds Center 122:

A.19019 2019 Erie County Home Decommissioning and Demolition	\$ 340,000
Total Payment not to Exceed:	\$ 340,000

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.
(6-0)

14. COMM. 15E-50 (2019)
COUNTY EXECUTIVE

WHEREAS, the GDZ Homes Project consists of 9-units of affordable housing project in the City of Buffalo located at 417 Massachusetts; and

WHEREAS, the project involves of rehabilitation and restoration of an existing vacant building; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for 417 Housing Development Fund Company, Inc. and Buffalo Neighborhood Stabilization Company, Inc. to operate the housing project it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with 417 Housing Development Fund Company, Inc. and Buffalo Neighborhood Stabilization Company, Inc., the City of Buffalo, and any other organizations necessary to conclude this PILOT Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.

SCHEDULE A
GDZ HOMES PILOT

	PILOT	City	County
Year 1	\$ 2,363.00	\$ 1,772.25	\$ 590.75
Year 2	\$ 2,433.89	\$ 1,825.42	\$ 608.47
Year 3	\$ 2,506.91	\$ 1,880.18	\$ 626.73
Year 4	\$ 2,582.11	\$ 1,936.59	\$ 645.53
Year 5	\$ 2,659.58	\$ 1,994.68	\$ 664.89
Year 6	\$ 2,739.36	\$ 2,054.52	\$ 684.84
Year 7	\$ 2,821.55	\$ 2,116.16	\$ 705.39
Year 8	\$ 2,906.19	\$ 2,179.64	\$ 726.55
Year 9	\$ 2,993.38	\$ 2,245.03	\$ 748.34
Year 10	\$ 3,083.18	\$ 2,312.38	\$ 770.79
Year 11	\$ 3,175.67	\$ 2,381.76	\$ 793.92
Year 12	\$ 3,270.94	\$ 2,453.21	\$ 817.74
Year 13	\$ 3,369.07	\$ 2,526.80	\$ 842.27
Year 14	\$ 3,470.15	\$ 2,602.61	\$ 867.54
Year 15	\$ 3,574.25	\$ 2,680.69	\$ 893.56

(6-0)

HOWARD J. JOHNSON, JR.
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 157

July 18, 2019	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 15M-4 (2019)
ASSOC. FOR A BUFFALO PRESIDENTIAL CENTER: “Requesting Opportunity for Presentation to the Community Enrichment Committee”
(Chair’s ruling)
2. COMM. 15E-32 (2019)
COUNTY EXECUTIVE
WHEREAS, SUNY Erie Community College (the College) has neglected to accurately maintain the physical space inventory database both with SUNY Central and internally resulting

in an unusable space inventory for the Academic and Facilities Master Plan process; and

WHEREAS, an accurate assessment of the College's facilities is vital to the meaningful completion of the Academic and Facilities Master Plan project currently underway; and

WHEREAS, JMZ Architects and Planners, P.C. (JMZ), the winning vendor in the Academic and Facilities Master Plan RFP, had attempted to do a simple update to the College's space inventory within the dollars already available; and

WHEREAS, it was discovered during the course of this attempt that the space inventory documents on hand were significantly different than the actual spaces being used at each campus, facilitating the need for a complete space audit for all three campuses including basic footprint measurements; and

WHEREAS, the College has already selected JMZ and their partners as the vendor for the Master Plan; and

WHEREAS, JMZ and their affiliated partners are already in place and intimately familiar with the College's campuses from this project and have already made good progress on identifying those campus areas that do not match inventory records; and

WHEREAS, the RFP proposal offered by JMZ stated it would use these records to keep the cost to complete the audit low; and

WHEREAS, if the College had known the space inventory records were not accurate this would have been a key deliverable of the RFP; and

WHEREAS, JMZ was the lowest bidder and best proposal of services vendor during the RFP; and

WHEREAS, going out with an RFP for a space audit would add months to the Master Plan project timeline and almost certainly result in JMZ winning since they already have a head start on any other vendors submitting a proposal (familiarity with the campuses, where the deficiencies are, and exiting documentation of their work); and

WHEREAS, based on the amount of work already done by JMZ related to this space audit need, and on average hourly rates for architectural work of this type, it is estimated that any other submissions for a new RFP would come in \$30,000 to \$40,000 higher than the not to exceed amount of \$70,000 being proposed by JMZ to provide the same updated space inventory records; and

WHEREAS, the SUNY Erie Community College Board of Trustees resolved at its last meeting, June 27, 2019, that having the current vendor, JMZ Architects and Planners, P.C., conduct the space audit would provide the best result for the College in terms of timely and cost effective completion of the Academic and Facilities Master Plan, a plan that will be at the core of the next SUNY Erie Community College Strategic Plan; and

WHEREAS, the Erie Community College Board of Trustees resolved to approve the addition of a contract change order for the current Academic and Facilities Master Plan for the space audit work in an amount not to exceed \$70,000 for JMZ Architects and Planners, P.C.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approve the addition of a contract change order for JMZ Architects and Planners, P.C., with the aforementioned monetary limits; and be it further

RESOLVED, that the College's President or his designee is authorized to sign said contract change order for the above-mentioned services; and be it further

RESOLVED, that copies of the resolution be forwarded to the Erie County Executive, the President of SUNY Erie, the Executive Vice President for Administration and Finance of SUNY Erie and Erie County's Department of Public Works.

(6-0)

3. COMM. 15E-33 (2019)
COUNTY EXECUTIVE

WHEREAS, as noted in the SUNY Erie Professional Services and Specialized Products RFP Policy, professional services or specialized products in excess of \$50,000 in addition to being subject to the formal RFP process and requiring the approval of the college's Board of Trustees, also require the approval of the Erie County Legislature. These approvals are required prior to the hiring of the professional or purchase of the product; and

WHEREAS, the determination of whether the professional service or specialized product exemption for bidding is applicable must be made on a case-by-case basis, examining the particular services or goods needed. Generally professional services include the specialized expertise of interpreters, consultants, lawyers, doctors, engineers and so forth. Specialized products include but are not limited to software and other technology related products; and

WHEREAS, SUNY Erie's City Campus has limited student parking available at 45 Oak Street and two agreements prepared from this Request for Proposal (RFP) will provide additional parking to accommodate the needs of students; and

WHEREAS, the SUNY Erie Board of Trustees has approved at its June 27, 2019 Regular Meeting a request for an annual expenditure of \$162,000 for the 2019-2020 academic year's parking which will provide an additional 200 reserved parking spaces at its City Campus. Ten of the spaces will be handicap-accessible and all will be available six (6) days a week from September 3, 2019 to May 31, 2020. The agreement may be extended for up to two additional one-year periods. SUNY Erie will make monthly payments of \$18,000 which is \$90 per parking space per month; and

WHEREAS, this service is funded directly through the College's mandatory student Transportation Fee.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the SUNY Erie President or his designee to award the proposed Standard Agreement to both Buffalo Motor Car, LLC and also Mike's Parking as outlined.

(6-0)

4. COMM. 15E-34 (2019)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works and the Buffalo & Erie County Public Library have identified various capital improvement projects at the Central Library requiring professional design services; and

WHEREAS, the Erie County Department of Public Works received A/E professional design qualifications and proposals for the Buffalo & Erie County Public Library – Various Capital Projects Term Agreement on May 21, 2019; and

WHEREAS, a review of qualifications evaluated each firm's expertise, experience, and manpower to provide the required services; and

WHEREAS, to address the anticipated scope of services required, it has been determined that it was appropriate to award two term contracts; and

WHEREAS, it has been determined via the County's consultant selection process that both Trautman Associates and Lothrop Associates LLP have the appropriate expertise and resources to provide such services as required; and

WHEREAS, the County Executive is requesting authorization to enter into a two (2) year Term Agreement each with the firms of Trautman Associates for both a lump sum and on-call basis and Lothrop Associates LLP for an on-call only basis for providing professional engineering services for the Buffalo & Erie County Public Library – Various Capital Projects, with the possibility of three (3) one (1) year extensions, such extensions being subject to Legislative approval.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a two (2) year Term Agreement with the firm of Trautman Associates, with the possibility of three (3) one (1) year extensions, for providing professional engineering services on a lump sum basis for the Buffalo & Erie County Public Library – Various Capital Projects for an amount not to exceed \$250,000, including a hazardous materials allowance, reimbursable costs, and a design contingency; and be it further

RESOLVED, that the County Executive is authorized to enter into two (2) year Term Agreements each with the firms of Trautman Associates and Lothrop Associates LLP, with the possibility of three (3) one (1) year extensions, for providing professional engineering services on

an on-call basis for the Buffalo & Erie County Public Library – Various Capital Projects for a combined amount not to exceed \$100,000; and be it further

RESOLVED, that such contract extensions are subject to Legislative approval; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from the following Capital Projects in the approved and adopted 2019 Capital Budget, Fund 490, Funds Center 122:

2019 BECPL Exterior Building Envelope and Site	
F.19001 Improvements	\$ 75,000
2019 Buffalo and Erie County Main Library MEP	
F.19002 Improvements	\$ 275,000
<hr/>	
Total Payment not to Exceed:	\$ 350,000

and be it further

RESOLVED, that two certified copies each of this resolution be sent to the Department of Public Works and one copy each to the Office of the County Executive, the Division of Budget and Management, the Buffalo & Erie County Central Library, Kenneth Stone and the Office of the Comptroller.
(6-0)

5. COMM. 15E-35 (2019)
COUNTY EXECUTIVE

WHEREAS, the SUNY Erie Community College Board of Trustees approved the Second Amendment to an existing Lease Agreement with Bell Atlantic Mobile Systems of Allentown, Inc. d/b/a Verizon Wireless (“Verizon Wireless”); and

WHEREAS, SUNY Erie Community College has an existing Lease Agreement for space on the North Campus cell tower with Verizon Wireless which is owned by the County of Erie for their purpose of transmission and reception of communication systems (COMM. 11E-14 (2008)); and

WHEREAS, the First Amendment to the existing Lease Agreement authorized six antenna replacements by Verizon Wireless with technological improvements (COMM. 12E-28 (2013)); and

WHEREAS, the Second Amendment will extend the Lease Agreement for an additional ten (10) years effective of retroactively effective of March 5, 2019; denial of this request would negatively impact the \$31,740 annual revenue stream provided to ECC thereunder during this second renewal with fifteen percent (15%) increase again after five years, as of March 5, 2024.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into the Second Amendment with Verizon Wireless which will extend the term of the Lease for an additional 10 years retroactively effective of March 5, 2019; and be it further

RESOLVED, that the under the Second Amendment, annual rent shall escalate fifteen percent (15%) as of March 5, 2019 and shall further escalate fifteen percent (15%) as of March 5, 2024, which the County has determined is fair market value; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner’s Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller, and one copy to SUNY Erie and Financial Officer.

(6-0)

6. COMM. 15E-42 (2019)
COUNTY EXECUTIVE

WHEREAS, the County of Erie received bids for the ECC Exterior Restoration – City Campus Old Post Office 2019 Transformer Vault Repairs (Rebid) project on Tuesday, June 24, 2019; and

WHEREAS, the lowest responsible bidder for the General Construction Work is Trason Development Corporation; and

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

WHEREAS, the Department of Public Works and Labella Associates DPC are recommending award of the contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the ECC Exterior Restoration – City Campus Old Post Office 2019 Transformer Vault Repairs (Rebid) project for an amount not to exceed as follows:

<u>General Construction Work</u>		
Trason Development Corporation	Base Bid:	\$ 409,000
<hr/>		
Total Award of General Construction Contract:		\$ 409,000

and be it further

RESOLVED, that the sum of \$57,400 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the approved, as amended 2011 capital budget, Fund 480, Funds Center 122, follows:

E.11004 – 2011 ECC – Masonry Project – City Campus \$466,400

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller, and one copy to SUNY Erie and Financial Officer.

(6-0)

THOMAS A. LOUGHRAN
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 158

July 18, 2019	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2E-5 (2019)
LORIGO: "Letter to County Attorney Regarding Notice of Claim"
(Chair's Ruling)
 - b. COMM. 7E-8 (2019)
COMPTROLLER: "Official FOIA Request for Book Deal Documents"
(Chair's Ruling)
 - c. COMM. 8E-23 (2019)
COMPTROLLER: "Paper Bag Tax Implications on SNAP Program"
(Chair's Ruling)

- d. COMM. 13E-17 (2019)
MILLS: “Certified Copy of Resolutions Opposing Providing Driver's Licenses to Undocumented Immigrants”
(Chair’s Ruling)
- e. COMM. 14E-20 (2019)
MILLS: “Town Board Resolutions Opposing Driver's Licenses to Undocumented Immigrants”
(Chair’s Ruling)
- f. COMM. 14D-1 (2019)
DEPARTMENT OF LAW: “Transmittal of New Claims Against Erie County”
(Chair’s Ruling)
- g. COMM. 14M-1 (2019)
TOWN OF NEWSTEAD: “Town Board Resolution Opposing Driver's Licenses to Undocumented Immigrants”
(Chair’s Ruling)
- h. COMM. 14M-3 (2019)
TOWN OF HOLLAND: “Town Board Resolution Opposing Driver's Licenses to Undocumented Immigrants”
(Chair’s Ruling)
- i. COMM. 15D-1 (2019)
DEPARTMENT OF LAW: “Transmittal of New Claims Against Erie County”
(Chair’s Ruling)

KEVIN R. HARDWICK
CHAIR

LEGISLATOR RESOLUTIONS

Item 24 – MR. BRUSO presented the following resolution and moved for immediate consideration. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 159

RE: Support for Homeowners Who
Purchase Compulsory Food
Insurance
(INTRO. 16-1)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS BRUSO, MEYERS & JOHNSON

WHEREAS, many homeowners in New York State live in areas in which their homes lie in flood plains or other locations and their property insurer or mortgage company require them to obtain compulsory flood insurance; and

WHEREAS, legislation has been introduced in the New York State Assembly and State Senate which would prohibit mortgagees from requiring mortgagors to purchase flood insurance exceeding a coverage amount that exceeds the outstanding mortgage thereon, or that includes coverage for contents; and

WHEREAS, the legislation would limit a homeowner's requirements when purchasing compulsory flood insurance and provide notice of the minimum insurance liability that is required. Under the bill, homeowners would not be required by law to buy flood insurance that exceeds the outstanding amounts owed to the bank or covers content within the home; and

WHEREAS, in notifying the homeowner of minimum flood insurance requirements, the notice would include a statement informing the homeowner that minimum flood insurance only covers the bank's interest and may not cover the full value of the home or the belongings inside; and

WHEREAS, that legislation, Assembly Bill A.4770 and Senate Bill S. 4629-A, expands the current real property law to include requirements to produce notice between mortgagee and mortgagor on the minimal purchase needed for compulsory flood insurance; and

WHEREAS, the legislation helps ensure homeowners are not burdened by additional coverage by insurance companies and banks when mandated to purchase flood insurance; and

WHEREAS, the Senate Bill was approved by the State Senate and the Assembly Bill is awaiting action by the State Assembly.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature expresses our support for Assembly Bill A.4770 and urges the State Assembly to approve this legislation to help protect homeowners who are required to purchase flood insurance and to help ensure that they are not required to purchase flood insurance coverage beyond the amount of the balance of their mortgage that protects their mortgagor; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, and the local delegation of the State Assembly and State Senate.

MR. BRUSO moved to amend the resolution by including Et Al Sponsorship. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 160

RE: Support for Electronics
Recycling in Erie County
(INTRO. 16-2)

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

WHEREAS, recently, an individual from our community published a ‘letter-to-the-editor’ of the Buffalo News lamenting the difficulty of finding electronic recycling events to recycle his old, unused electronic items, batteries, and televisions; and

WHEREAS, under New York State law, the State Department of Environmental Conservation has established regulations and policies for the recycling of consumer electronic waste, among which, consumers are barred from disposing of many types of electronic equipment in their trash/garbage and they are required to use either (1) a manufacturer’s takeback recycling program; or (2) go to an electronic waste collection site or participate in an electronic waste collection/recycling event, such as those often hosted by local governments in Western New York, like Erie County’s periodic e-waste collection events; and

WHEREAS, most consumers have absolutely no idea or understanding that State law requires manufacturers to take-back their items for recycling upon demand by the consumer, and that the manufacturer is also required, in some cases, to pay for the postage/shipping expense; and

WHEREAS, many retailers and manufacturers, however, require the consumer to pay a fee, such as \$20.00 or \$25.00 per item, to drop-off and recycle a television; and

WHEREAS, most of the non-retail collection sites and events – but not all – refuse to accept televisions, including older tube televisions (cathode-ray tubes) and tube computer monitors; and

WHEREAS, many of these events, if not all, are wildly popular and people line up for an hour or longer in their vehicles in lines in order to recycle their e-waste, with some people not being able to recycle their items when the collection event is full and cannot accept more items; and

WHEREAS, despite these constraints, history shows that local consumers want to recycle their electronic items, and we should support recycling; and

WHEREAS, Erie County, like other local governments, works with Sunnking, an approved electronic recycling vendor, to conduct e-recycling events around our county, in which many items are accepted for recycling, including monitors, and flat-screen and cathode-ray tube (CRT) televisions (but not broken or bare CRTs) and communicates those events on a special website at the

Erie County Department of Environment and Planning
(<http://www2.erie.gov/recycling/index.php?q=electronics-recycling>); and

WHEREAS, the Electronics Take Back Coalition also encourages and provides detailed information to consumers showing options for voluntary manufacturer takeback programs in which consumers can take used devices to partnering stores or collection sites for free, or receive a free mail-back (see <http://www.electronicstakeback.com/how-to-recycle-electronics/manufacturer-takeback-programs/>); and

WHEREAS, this Honorable Body desires to communicate to the public the importance of recycling their consumer electronic items through some of these mechanisms, and to underscore the availability of e-waste collection events, such as those coming up on Saturday, July 27, 2019 from 9 am-12 pm at Apple Tree Business Park in Cheektowaga and on August 10, 2019 from 9 am-12 pm at Tonawanda Senior High School in the City of Tonawanda; and

WHEREAS, this Honorable Body wishes to express our support and encouragement to the Erie County Department of Environment and Planning to work with our city, town and village governments to help conduct more no-charge e-waste collection events in our community and to conduct more public announcements and visibility to communicate these events to the public.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses our support for the County's electronic waste recycling programs and the Erie County Department of Environment and Planning's efforts to encourage and promote more e-recycling; and be it further

RESOLVED, that this Honorable Body expresses our support and encouragement to the Department of Environment and Planning to work with Sunnking and local town, city and village governments to conduct more e-recycling collection events and more publicity and visibility announcing such events to maximize consumer participation; and be it further

RESOLVED, that this Honorable Body expresses its intention to hold a discussion on this important issue at a forthcoming Energy and Environment Committee meeting; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Commissioner of Environment and Planning, and the Association of Erie County Governments.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 26 – MR. BRUSO moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 14E-6 (2019). MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 161

RE: Hope of Buffalo MOU
(COMM. 14E-6, 2019)

WHEREAS, Peaceprints of WNY and the Erie County Sheriff's Office (ECSO) collaborated on a grant to address recidivism and reintegration programs for individuals incarcerated in Erie County jails; and

WHEREAS, Project Blue seeks to reduce recidivism rates through a comprehensive, transitional support program aligned with the specific needs of individuals entering the criminal justice system; and

WHEREAS, Project Blue will expand Hope of Buffalo's current services to include comprehensive case management, education and training, housing, and mentoring services to men and women within the County's jail system; and

WHEREAS, the program will concentrate on individuals who are deemed to be at a medium to high risk of reoffending; and

WHEREAS, through this Memorandum of Understanding (MOU), the ECSO will provide a safe and secure area within the jail facilities to assist the Project Blue program; and

WHEREAS, the agreement states the ECSO provides access to the inmates as well as the inmate's assessments, classifications, criminal records, court records, and security for any related Project Blue activity; and

WHEREAS, this agreement ensures the ECSO assigns a dedicated Community Reintegration Deputy to coordinate all related programs for Project Blue; and

WHEREAS, the Community Reintegration Deputy will facilitate the development, implementation, execution, and evaluation of the program; and

WHEREAS, Hope of Buffalo Inc. will reimburse the Erie County Sheriff's Office and the County of Erie \$66,000.00 (\$55,000.00 salary and \$11,000.00 for fringe benefits) for each year of the agreement for the Community Reintegration Deputy salary; and

WHEREAS, the ECSO is not creating a new Deputy Sheriff position, rather it will designate a current sworn employee to the collaboration; and

WHEREAS, the MOU shall remain in effect for no longer 36-months from the date of its execution; and

WHEREAS, the MOU may be terminated, without cause, by either party with upon 30-days of written notice.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Sheriff's Office and the County Executive are authorized to enter into an agreement with Hope of Buffalo Inc., (D.B.A. Peaceprints of WNY), 660 Smith Street, Buffalo, New York, 14120, for a term of no longer than 36-months; and be it further

RESOLVED, the MOU may be terminated, without cause, by either party with upon 30-days of written notice; and be it further

RESOLVED, Hope of Buffalo Inc. will reimburse the Erie County Sheriff's Office and the County of Erie \$66,000.00 (\$55,000.00 salary and \$11,000.00 for fringe benefits) for each year of the agreement for the Community Reintegration Deputy salary; and be it further

RESOLVED, the Division of Budget and Management is authorized to make any technical adjustments necessary to transfer the funds; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Executive, County Attorney, Division of Budget and Management, Erie County Comptroller, the Sheriff's Administration Division, and the Sheriff's Jail Management Division for implementation.

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

CARRIED UNANIMOUSLY.

Item 27 – MR. BRUSO moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 15E-25 (2019). MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 162

RE: Authorization to Retain Consultant to Perform Engineering Assessment for Convention Center (COMM. 15E-25, 2019)

WHEREAS, it is recognized that having a competitive convention center is a valuable tool for creating economic growth and prosperity for a region; and

WHEREAS, in Erie County's Initiatives for a Smart Economy, the County committed to the goal of studying the Buffalo Niagara Convention Center (hereafter "BNCC"); and

WHEREAS, the 2018 BNCC Market and Feasibility Analysis concluded a significantly expanded BNCC would be competitive within the convention center industry sector; and

WHEREAS, the BNCC Market and Feasibility Analysis concluded that maintaining the existing BNCC in the current state will result in a future decline in convention center bookings;

WHEREAS, the BNCC Market and Feasibility Analysis concluded that in the near future the maintenance costs of the BNCC facility will increase significantly as building systems reach the end of their useful life; and

WHEREAS, the BNCC Market and Feasibility Analysis investigated eight alternative sites for a new BNCC and several potential expansion scenarios for the expanded BNCC and concluded that there are two viable options for a new or expanded BNCC; and

WHEREAS, the BNCC Market and Feasibility Analysis recommended that the County research both alternatives further to determine feasibility and refine cost estimates; and

WHEREAS, a 90 day public comment period on the BNCC Market and Feasibility Analysis was conducted; and

WHEREAS, the public comment period included the question whether Erie County should stay in the Convention Center business, which resulted in 86% of respondents favored staying in the convention center business; and

WHEREAS, the BNCC Market and Feasibility Analysis recommended that the County research both alternatives further to determine feasibility and refine cost estimates; and

WHEREAS, Erie County has solicited proposals from qualified firms for proposals to perform an Engineer Assessment for a New or Expanded Convention Center in Erie County; and

WHEREAS, Erie County has conducted a consultant selection process in conformance with Section 19.08 of the Erie County Administrative Code a consultant; and

WHEREAS, Erie County desires to work with TVS Design to perform an Engineering Assessment for a New or Expanded Convention Center; and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute a Contract for Architectural /Engineering Assessment services for an New or Expanded BNCC in an amount not to exceed \$236,000, with TVS New York, PC (TVS Design) or other entities as appropriate and be it further

RESOLVED that an amount of \$236,000 be allocated from Capital Project A.14011 and additional amount of \$59,000 be allocated for a Department of Environment and Planning contingency fund with authorization from the County Executive to approve contract amendments with TVS New York, PC (TVS Design) or other entities as necessary with the source of said funds also be allocated from Capital Project A.14011; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be it further

RESOLVED, that this Resolution takes effect from and after its date of adoption; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Director of the Division of Budget and Management; the Comptroller's Office; Commissioner of the Department of Environment and Planning, and the County Attorney.

MR. BRUSO moved to amend the item. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Amend the Sixth Whereas Clause to read as follows:

WHEREAS, the BNCC Market and Feasibility Analysis investigated eight alternative sites for a new BNCC and several potential expansion scenarios for the expanded BNCC and concluded that there are two viable options for a new or expanded BNCC, with one of the options, rehabilitation of the current site, having multiple scenarios to utilize the surrounding real estate to different degrees; and

Insert the following Resolved Clause after the Second Resolved Clause:

RESOLVED, that "New or Expanded BNCC" as used in this resolution shall be defined to include:

1. The HSBC site;
2. The Expanded BNCC HVS Proposal;
3. The Expanded BNCC Statler City Proposal;

and be it further

MR. BRUSO moved to approve the item as amended. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Item 28 – MR. BRUSO moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 15E-51 (2019). MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 163

RE: PILOT Agreement - Jill Joseph
Apartments Project, Buffalo
(COMM. 15E-51, 2019)

WHEREAS, the Jill Joseph Apartments Project consists of 127-units of affordable housing project in the City of Buffalo located at 66 Custer; and

WHEREAS, the project involves of rehabilitation of an existing building; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Jill Joseph Tower LLC and Jill Joseph Tower Housing Development Fund Corporation to operate the housing project it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Jill Joseph Tower LLC and Jill Joseph Tower Housing Development Fund Corporation, the City of Buffalo, and any other organizations necessary to conclude this PILOT Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.

**SCHEDULE A
JILL JOSEPH APARTMENTS PILOT**

	YEAR	PILOT	CITY	COUNTY
2020	1	\$ 53,043	\$ 39,782	\$ 13,261
2021	2	\$ 54,635	\$ 40,976	\$ 13,659
2022	3	\$ 56,274	\$ 42,205	\$ 14,068
2023	4	\$ 57,962	\$ 43,471	\$ 14,490
2024	5	\$ 59,701	\$ 44,776	\$ 14,925
2025	6	\$ 61,492	\$ 46,119	\$ 15,373
2026	7	\$ 63,336	\$ 47,502	\$ 15,834
2027	8	\$ 65,237	\$ 48,927	\$ 16,309
2028	9	\$ 67,194	\$ 50,395	\$ 16,798
2029	10	\$ 69,209	\$ 51,907	\$ 17,302
2030	11	\$ 71,286	\$ 53,464	\$ 17,821
2031	12	\$ 73,424	\$ 55,068	\$ 18,356
2032	13	\$ 75,627	\$ 56,720	\$ 18,907
2033	14	\$ 77,896	\$ 58,422	\$ 19,474
2034	15	\$ 80,233	\$ 60,175	\$ 20,058

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 29 - MR. BRUSO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 16E-20 from COMPTROLLER Re: Letter to County Executive Regarding Lead Concerns in County Parks

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 30 - MR. BRUSO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 16D-4 from COMMISSIONER OF HEALTH Re: Letter to Comptroller Regarding Lead Concerns in County Parks

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 31 - MR. BRUSO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 16E-21 from LORIGO, DIXON, MILLS & RATH Re: Letter Regarding Lead Concerns in County Parks

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 32 – (COMM. 16E-1) Letter to Legislature Regarding Appointment of Acting Director of Real Property Tax Services

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 33 – (COMM. 16E-2) ECSD No. 6 - Change Order - Well St. & Wilsmuth St. Pumping Stations Electrical Upgrade

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 164

RE: EC Holding Center - Heat Exchanger
Repairs
(COMM. 16E-3)

WHEREAS, it was discovered during a routine maintenance walk-through that the glycol levels within the existing heating system were found to be low; and

WHEREAS, it was determined upon further investigation by DPW Building and Grounds maintenance staff that repairs to the heat exchanger were required; and

WHEREAS, per General Municipal Law Section 103, if the work total is less than \$35,000 it does not have to be publicly bid; and

WHEREAS, proposals were solicited from four different contractors to perform the same scope of work; and

WHEREAS, Quackenbush Co., Inc. provided the lowest responsible proposal cost.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract in the amount of \$16,000 with the Quackenbush Co., Inc., the company that provided the lowest proposal cost to complete the required scope of work for repairs to the heat exchanger at the Erie County Holding Center; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from the 2018 Capital Budget, Funds Center 122, Fund 410, Capital Project A.18006 – DPW (Buildings and Grounds) – Mechanical, Electrical, Plumbing and Miscellaneous Improvements (Countywide); 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.

Item 35 – MR. BRUSO presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 165

RE: SUNY Erie - Burt Flickinger Athletic
Center Pre-Cast Concrete Panel
Stabilization Project
(COMM. 16E-4)

WHEREAS, two large pre-cast concrete panels at one bay of the Burt Flickinger Athletic Center are currently displaced as a result of water penetration and freeze-thaw action due to failing exterior building caulk; and

WHEREAS, per Section 19.08 of the Erie County Code, professional services not in excess of \$10,000 do not have to be publically advertised for Request for Proposal (RFP); and

WHEREAS, Bell & Spina Architects is currently providing Architectural/Engineering (A/E) design and construction document services for two roof replacement and repair projects at SUNY Erie North Campus, are building enclosure specialists with in-house structural expertise and possess the necessary qualifications for this emergency repair project; and

WHEREAS, the Department of Public Works is seeking authorization for the County Executive to create a new purchase order for the 2019 Concrete Panel Stabilization Project by Bell & Spina Architects for the SUNY Erie City Campus Burt Flickinger Athletic Center project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to create a new purchase order in the amount of \$10,000 for the 2019 Concrete Panel Stabilization Project by Bell & Spina Architects for the SUNY Erie City Campus Burt Flickinger Athletic Center project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from the previously approved, as adopted capital project as follows:

Funds Center 122 Fund 480 E.16002 2016 Erie Community College -	
Roof Replacement and Exterior	
Waterproofing (Collegewide)	\$10,000
Total Payment Not To Exceed:	\$10,000

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller, and one copy to SUNY Erie of the Chief Administrative and Financial Officer.

Item 36 – MR. BRUSO presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 166

RE: Domestic Water Backflow Preventer
Installations
(COMM. 16E-5)

WHEREAS, each potable water service to the Rath Building, Jesse E. Nash Health Center, and Lancaster Sign Shop is currently subject to cross-connection and high risk of contamination; and

WHEREAS, installation of backflow preventers at each facility are necessary to prevent back-siphoning and contamination of the potable water supply regulated by the designated water authority having jurisdiction; and

WHEREAS, the County of Erie received bids for the Rath Building, Jesse E. Nash Health Center, and Lancaster Sign Shop – Domestic Water Backflow Preventer Installations project on June 10, 2019; and

WHEREAS, the Erie County Department of Public Works is recommending award of a contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Rath Building, Jesse E. Nash Health Center, and Lancaster Sign Shop – Domestic Water Backflow Preventer Installations project for an amount not to exceed as follows:

Mechanical Construction Work

MLP Plumbing & Mechanical, Inc.	Base Bid:	\$ 249,300
	Alternate Bid #2:	\$ 126,300
Total Award of Mechanical Construction Contract:		\$ 375,600

Total Award of all Construction Contracts:	\$ 375,600
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and be it further

RESOLVED, that the sum of \$39,400 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from the approved and adopted 2018 Capital Budget, Fund 410, Funds Center 122 as follows:

A.18006	2018 Mechanical, Electrical, Plumbing, & Misc. Improvements	\$ 415,000
Total Payment not to Exceed:		\$ 415,000

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.

Item 37 – (COMM. 16E-6) Legal Aid Bureau - Partial Retention of 2017 Surplus to Resolve 2018 Deficit

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 38 – (COMM. 16E-7) Award of Construction Contract - Cedar St. Bridge Over Ledge Creek

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 39 – (COMM. 16E-8) Governor's Traffic Safety Pedestrian Safety Grant 2019 - 2020

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 40 – (COMM. 16E-9) ECSD No. 4 - Contract Close-Out - Electrical

Item 41 – (COMM. 16E-10) ECSD Nos. 3 & 8 - Engineer Term Contract Agreement

Item 42 – (COMM. 16E-11) ECSD Nos. 1-6 & 8 - Board of Managers Resolutions

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 167

RE: Agreement with Local Municipalities for
Snow & Ice Control on County Roads
(COMM. 16E-12)

WHEREAS, the County has contracted with local towns in Erie County for many years to provide ice and snow control on County owned roads and facilities during the snow season; and

WHEREAS, the said agreements will expire on August 31, 2019; and

WHEREAS, the County of Erie negotiated and entered into three (3) year agreements with local municipalities for the control of snow and ice on County roads by towns and incorporated villages for snow seasons 2019-2022; and

WHEREAS, it would be in the best interests of Erie County to execute an agreement at a lane mile reimbursement rate increasing three and half (3.5%) percent each year for the first two years and three percent (3%) the third year, ending August 31, 2022, and representatives of the affected municipalities have agreed to terms with the County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to sign and execute the new Snow and Ice Control Agreements, as modified and updated, at a lane mile reimbursement rate increasing three and a half percent (3.5%) each year for the first two years and three percent (3%) the third year, to expire August 31, 2022, payable from the adopted Division of Highways, Operating Budget, Fund 210, Funds Center 1231010, G/L 520060 Town and Village Snow Contracts, as set forth below:

September 1, 2019 through August 31, 2020	\$4,193.37 per lane mile
September 1, 2020 through August 31, 2021	\$4,340.14 per lane mile
September 1, 2021 through August 31, 2022	\$4,470.34 per lane mile

and be it further

RESOLVED, that the County Executive is hereby authorized and directed on behalf of Erie County to execute agreements with participating municipalities; and be it further

RESOLVED, that the Clerk of this Legislature is hereby directed to transmit four (4) certified copies of the foregoing resolution to the Commissioner of Public Works, one (1) certified copy each to the Office of the County Executive, the Division of Budget and Management, the County Attorney and the Office of the Comptroller.

FROM CHAIR BASKIN

Item 44 – (COMM. 16E-13) Letter to Sheriff Concerning RFPs Review Process & Funding for Body Camera System

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR BRUSO

Item 45 – (COMM. 16E-14) Request for Traffic Studies on County Roads in Lancaster

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 46 – MR. BRUSO presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 168

RE: NYSNA 2018-2023 Collective
Bargaining Agreement
(COMM. 16E-15)

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, NYSNA is an employee union organization which represents nurses employed by the County and the Erie County Sheriff's Department; and

WHEREAS, the existing collective bargaining agreement between Erie County and NYSNA expired on December 31, 2017, but has remained binding pursuant to the Taylor Law; and

WHEREAS, Erie County and NYSNA negotiated a collective bargaining agreement, covering the period between January 1, 2018 and December 31, 2023; and

WHEREAS, NYSNA membership recently ratified the agreement.

NOW, THEREFORE, BE IT

RESOLVED, the agreement between Erie County and NYSNA for the period January 1, 2018 through 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 \$275,000 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 NYSNA 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.

FROM LEGISLATOR MILLS

Item 47 – (COMM. 16E-16) Letter to Chair of Energy & Environment Committee Requesting Discussion on Industrial Wind Turbine Farms in Lake Erie

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR LORIGO

Item 48 – (COMM. 16E-17) Letter to Chair of Legislature Requesting Public Hearings on LL Intros. 3-1 (2019), 4-1 (2019), & 5-1 (2019)

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM CHAIR BASKIN

Item 49 – (COMM. 16E-18) Letter to Sheriff Regarding Compliance of FOIL Request of Body Camera Footage

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR BRUSO

Item 50 – (COMM. 16E-19) Letter to County Clerk Concerning Issue Involving Cheektowaga Auto Bureau Restrooms

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COMPTROLLER'S OFFICE

Item 51 – (COMM. 16D-1) Letter to Social Services Commissioner Regarding Audit of EC Youth Services - 01/2019 - 06/2019

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 52 – (COMM. 16D-2) Letter to Deputy Commissioner of Parks, Rec., & Forestry Concerning Audit of EC Parks, Rec., & Forestry - 01/2019 - 06/2019

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE DEPARTMENT OF LAW

Item 53 – (COMM. 16D-3) Opinion as to Form - Local Law Intro. 8-1 (2019)

Received, filed and printed.

July 18, 2019

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

Re: Opinion as to Form Local Law Intro No 8-1 – 2019

Dear Chairwoman Baskin:

In accordance with the obligations of the Erie County Attorney set forth in subsection 3, Section 204 of Article 2 of the Erie County Charter, this legal opinion concerns Local Law Intro No. 8-1-2019 (8-1).

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 Municipal Home Rule Law Section (NYSMHRL) 33 provides specific authority which permits counties to enact and amend county charters in order to establish and maintain a workable framework of government. Since the State Legislature has granted counties specific authority to enact local legislation on this topic, and the charter amendments contemplated by 8-1 do not fall within the limitations to such authority delineated in Section 34 of NYSMHRL, there is no preemption issue of concern.

Grammar

The stated purpose of 8-1 is to amend the Erie County Charter in order to create a Division of Consumer Protection within the Department of Public Advocacy which would be headed by a Director and to transfer the Erie County Division of Weights and Measures from the Department of Public Works to the newly created Division of Consumer Protection. We find the grammar and usage of 8-1 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, 8-1 does not present any facial ambiguities that would frustrate its implementation and enforcement.

Conclusion

We find that Local Law Intro. 8-1-2019 is sufficient as to form.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

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

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYSDEC

Item 54 – (COMM. 16M-1) Fact Sheet Regarding Brownfield Cleanup Program Application from Betlem Associates LLC

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LESLIE D. BISHOP

Item 55 – (COMM. 16M-2) Letter to Chair of Legislature in Support of "Less is More" Legislation

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE ASSIGNED COUNSEL PROGRAM

Item 56 – (COMM. 16M-3) Quarterly Report for Second Quarter of 2019

Item 57 – (COMM. 16M-4) Financial Report & Cash Basis for the Period 01/01/2019 - 12/30/2019

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

FROM THE BUFFALO NIAGARA PARTNERSHIP

Item 58 – (COMM. 16M-5) Letter to Chair of Economic Development Committee in Support of Comm. 15E-25 (2019)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM CITY OBSERVATORY

Item 59 – (COMM. 16M-6) Web Article Titled, "The Convention Center Business Turns Ugly"

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ANNOUNCEMENTS

Item 60 – Chair Baskin announced that the schedule for committee meetings to be held on Thursday, August 8, 2019, has been distributed.

Item 61 – Legislator Rath announced that this will be the final day for his legislative internship program, and thanked students Connor Levin and Jamison Garvey.

Item 62 – Legislator Dixon announced that this will be the final day for her legislative internship program, and thanked student Brice Winder.

MEMORIAL RESOLUTIONS

Item 63 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of James J. Crouch, Sr.

Item 64 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Elaine C. (Schunk) Hurst.

Item 65 – Legislator Meyers requested that when the Legislature adjourns, it do so in memory of Paul Humphrey.

Item 66 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Richard B. Washburn, and Ira M. Robbins, DDS.

Item 67 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Janet Lamparelli, Jim Bush, Paul Humphrey, Ronald Wessel, Dennis Chiari, Harold Staffehl, Peter Duchmann, and Dennis C. Gaughan.

Item 68 – Legislator Brusio requested that when the Legislature adjourns, it do so in memory of John Faller.

Item 69 – Chair Baskin requested that when the Legislature adjourns, it do so in memory of Jim Bush.

ADJOURNMENT

Item 70 - At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, September 12, 2019 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, September 12, 2019 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE