

**ERIE COUNTY LEGISLATURE
MEETING NO. 3
FEBRUARY 6, 2020**

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Mr. Meyers.

Item 1 – CHAIR BASKIN directed that the Rules of the Legislature for 2020 remain on the table.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MEYERS moved for the approval of the minutes for Meeting Number 2 from 2020. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. VINAL presented a proclamation Congratulating and Honoring Carl Geib on Celebrating 50 Years of Service with the North Bailey Fire Company.

Item 6 – MR. GILMOUR presented a proclamation Congratulating and Honoring Chief Gregory G. Wickett for His Dedicated Service and Retirement with the Hamburg Police Department.

Item 7 – CHAIR BASKIN presented a proclamation Remembering Agnes Bain, Longtime Leader and Icon in the Local Arts Community.

Item 8 – MS. VINAL presented a proclamation Celebrating the 75th Year of the Ellicott Creek Volunteer Fire Company.

Item 9 – MS. VINAL presented a proclamation Remembering Arthur C. Herdzik, Retired Buffalo Fire Department Deputy Commissioner and U.S. Navy Veteran.

Item 10 – MR. TODARO presented a proclamation Celebrating Ola "Beezee" Benzee on Her 106th Birthday.

Item 11 – MR. TODARO presented a proclamation Recognizing Lynne Ruda as an Exceptional Teacher and 2020 Grammy Music Educator Nominee.

Item 12 – MR. LORIGO presented a proclamation Recognizing and Congratulating Renee Masters on Her Retirement After 19 Years of Service to the Buffalo and Erie County Public Libraries.

Item 13 – MR. LORIGO presented a proclamation Recognizing and Congratulating Gail Sharp-Zawadzki on Her Retirement After 50 Years of Service to the County Health Department.

Item 14 – MR. RATH presented a proclamation Recognizing Western New York Farm Show on Its 10th Anniversary.

Item 15 – MR. LORIGO presented a proclamation Recognizing and Congratulating the Roycroft Inn on 25 years Since Its Completed Restoration.

Item 16 – MR. LORIGO presented a proclamation Recognizing and Congratulating Craig Ersing for Being Named the West Seneca Chamber of Commerce's 2020 Educator of the Year.

Item 17 – MR. LORIGO presented a proclamation Recognizing and Congratulating Friends of the Burchfield Nature & Art Center for Being Named the West Seneca Chamber of Commerce's 2020 Service Organization of the Year.

Item 18 – MR. LORIGO presented a proclamation Recognizing and Congratulating the GEICO Local Office West Seneca for Being Named the West Seneca Chamber of Commerce's 2020 Member of the Year.

Item 19 – MR. LORIGO presented a proclamation Recognizing and Congratulating Horizon Martial Arts for Being Named the West Seneca Chamber of Commerce's 2020 Business of the Year.

Item 20 – MR. LORIGO presented a proclamation Recognizing and Congratulating Michael Hughes for Being Named the West Seneca Chamber of Commerce's 2020 Citizen of the Year.

Item 21 – MR. RATH presented a proclamation Recognizing and Acknowledging Deputy Linda Gregori on Her Retirement from Service to the Sheriff's Office.

Item 22 – MR. RATH presented a proclamation Recognizing and Acknowledging Senior Investigator James Quigley on His Retirement from Service to the Amherst Police Department.

Item 23 – MR. MILLS presented a proclamation Honoring Timothy Czerwinski for Over Thirty-Four Years of Dedicated Service to the County Department of Public Works.

Item 24 – MR. MILLS presented a proclamation Honoring Angelo Rizzuto for His Commitment and Dedication to the Evans Center Volunteer Fire Company and to His Community.

Item 25 – MR. MILLS presented a proclamation Honoring Joseph P. Warner for Over Seventeen Years of Dedicated Service to the County Department of Sewers.

MR. MEYERS moved for consideration of the above twenty-one items. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved to amend the above twenty-one items by adding one for CHAIR BASKIN, one for MR. MEYERS, and by including Et Al Sponsorship. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above twenty-three items as amended. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 26 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 27 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 28 – CHAIR BASKIN directed that Local Law No. 4 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 29 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 30 – CHAIR BASKIN directed that Local Law No. 9 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 31 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2020 remain on the table and in the PUBLIC SAFETY COMMITTEE.

COMMITTEE REPORTS

Item 32 – MR. MEYERS presented the following report, moved to separate item Number 3, and approve the balance of the report. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 17

January 23, 2020	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the follow item is hereby received and filed:
 - a. COMM. 2E-1 (2020)
COMPTROLLER: “Report of Apportionment & Distribution of Net Collections from Sales Tax – 09/2019 – 11/2019”
(Chair’s Ruling)
2. COMM. 2E-8 (2020)
COUNTY EXECUTIVE
WHEREAS, the Department of Public Works and Division of Budget and Management have been reviewing capital projects and have identified a number of projects where work has been completed and are ready to wholly or partially close; and

WHEREAS, this Honorable Body approved of the closure of dormant capital projects in the 2020 Adopted Budget, of which three received additional Federal/New York State aid and other revenue contributions which was not previously budgeted.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to accept the indicated Federal/New York State aid and other revenue contributions in the following capital projects, adjust the project budgets accordingly, and to then close these projects as designated within the 2020 Budget Resolutions in Budget Book B:

B.13016 – 2013 Capital Overlay Program
\$16,000 in Federal Aid

B.14008 – 2014 Swift Mills Bridge 5757.29 Construction
\$51,917.29 in Marchiselli (State) Aid
\$7,669.15 in Federal Aid

E.20904 – 2009 ECC Energy Performance Contract/City Campus
\$55,925.70 in Other Contributions

and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management and the Comptroller's Office to make any and all adjustments and budgetary and financial entries required to effectuate the capital project closing; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management and the Comptroller's Office to make any and all budgetary and financial entries required to implement these transfers and funds utilization; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Office of the Comptroller, the Director of the Division of Budget and Management, the County Attorney, and the Department of Public Works.

(6-0)

3. COMM. 2E-21 (2020)
COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature does hereby confirm the appointment, on the recommendation of the County Executive, of Scott Bylewski to the position of the Director of Real Property Tax Services effective Tuesday, January 14, 2020.

(4-2) Legislator Lorigo & Legislator Mills voted in the negative.

TIMOTHY MEYERS
CHAIR

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

MR. LORIGO moved to enter the Legislature into recess. MR. RATH seconded.

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

AYES: MR. LORIGO, MR. MILLS, MR. RATH, MR. TODARO, MS. BASKIN, MR. GILMOUR, and MR. MEYERS. NOES: MS. CHIMERA, MR. HARDWICK, MR. JOHNSON, and MS. VINAL. (AYES: 7; NOES: 4)

CARRIED.

*****CHAIR BASKIN declared the Legislature recessed for three minutes at 2:18 P.M.

*****CHAIR BASKIN reconvened the Legislature at 2:38 P.M.

All members present.

MR. JOHNSON moved the previous question.

MR. JOHNSON withdrew the motion.

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

AYES: CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON, MR. MEYERS, and MS. VINAL. NOES: MR. LORIGO, MR. MILLS, MR. RATH, and MR. TODARO. (AYES: 7; NOES: 4)

CARRIED.

Item 33 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 18

January 23, 2020	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 2
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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. 26M-1 (2019)
NYSDEC: “Invitation for Public Comment - Brownfield Cleanup Program Application for 3875 River Rd., Town of Tonawanda”
(Chair’s Ruling)
 - b. COMM. 1M-5 (2020)
NYSDEC: “Fact Sheet - Completion of Brownfield Cleanup Program at 837 Bailey Ave., City of Buffalo”
(Chair’s Ruling)
 - c. COMM. 1M-6 (2020)
NYSDEC: “Fact Sheet - Completion of Brownfield Cleanup Program at 1155 Main St., City of Buffalo”
(Chair’s Ruling)
 - d. COMM. 1M-7 (2020)
NYSDEC: “Fact Sheet - Completion of Brownfield Cleanup Program at 68 Tonawanda St., City of Buffalo”
(Chair’s Ruling)
 - e. COMM. 1M-8 (2020)

NYSDEC: “Fact Sheet - Completions of Brownfield Cleanup Program at Chandler St., City of Buffalo”
(Chair’s Ruling)

f. COMM. 1M-9 (2020)

NYSDEC: “Invitation for Public Comment - Brownfield Cleanup Program Application for Huntley Power South Parcel Site, Town of Tonawanda”
(Chair’s Ruling)

g. COMM. 1M-18 (2020)

NYSDEC: “Fact Sheet - Completion of Brownfield Cleanup Program at Former Trico Plant, City of Buffalo”
(Chair’s Ruling)

h. COMM. 2E-11 (2020)

COUNTY EXECUTIVE: “ECSD No. 6 - Change Order - Well St. & Wilmuth Ave. Pumping Station Electrical Upgrade”
(Chair’s Ruling)

i. COMM. 2E-13 (2020)

COUNTY EXECUTIVE: “ECSD No. 3 - Engineer Term Contract Agreement”
(Chair’s Ruling)

2. COMM. 2E-9 (2020)

COUNTY EXECUTIVE

WHEREAS, Erie County has a Household Hazardous Waste (HHW) Collection Program to provide residents with a safe, effective, and cost-free opportunity to dispose of household generated hazardous waste; and

WHEREAS, Erie County also organizes Conditionally Exempt Small Quantity Generator (CESQG) collections to service municipalities, small businesses and school districts enabling them to access low-cost hazardous waste disposal without a cost to the County; and

WHEREAS, every year, Erie County hosts periodic household hazardous waste events to properly dispose of chemicals that pose a health and safety hazard and might otherwise contaminate our water, land, or air; and

WHEREAS, these events service approximately 2,000 households per year and 30 CESQG participants; and

WHEREAS, Erie County would realize a fiscal benefit from up to fifty percent New York State reimbursement for expenses associated with the collection and disposal of household hazardous waste; and

WHEREAS, the Department of Environment and Planning (DEP) issued a Request for Proposals (RFP) on October 4, 2019 seeking proposals from qualified firms interested in providing Erie County with HHW and CESQG Collection and Management Services; and

WHEREAS, the following four (4) firms submitted proposals by the November 7, 2019 RFP deadline: CARE Environmental (CARE); MXI Environmental Services, LLC (MXI); Clean Harbors (CH); and The Environmental Service Group (ESG); and

WHEREAS, Erie County assembled a Proposal Selection Committee, which has conducted a review and selection process for the proposals that have been received to conduct the Study; and

WHEREAS, considering the scope of specified services, and the results from the tallied matrix, it was the unanimous recommendation of the Committee members to award the contract to MXI.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to enter into a contract with MXI Environmental Services, LLC (MXI) to provide Erie County with HHW and CESQG Collection and Management Services; and be it further

RESOLVED, funding is provided within the Hazardous Waste Days Account # 517629 in Fund 110; Funds Center 16200 for HHW services for 2020; 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; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.
(6-0)

**TIMOTHY MEYERS
CHAIR**

Item 34 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 19

January 23, 2020	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received, filed and printed:
 - a. COMM. 2E-2 (2020)

COUNTY EXECUTIVE: "Appointment of EC Director of Workforce Development & Executive Director, Buffalo & EC Workforce Investment Board"
(Chair's Ruling)

January 2, 2020

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

Charles G. Jones, Jr., Chairman
Buffalo and Erie County Workforce Investment Board, Inc.
726 Exchange Street, Suite 630
Buffalo, New York 14210

Lavon Stephens, Administrative Director
Buffalo and Erie County Workforce Development Consortium, Inc.
726 Exchange St #630
Buffalo, New York 14210

Re: Appointment of Erie County Director of Workforce Development and Executive Director, Buffalo and Erie County Workforce Investment Board

Dear Honorable Members and Messrs. Jones and Stephens:

Pursuant to my authority as Erie County Executive, I hereby appoint Geoffrey M. Szymanski as Director of Workforce Development as well as Executive Director of the Buffalo and Erie County Workforce Investment Board.

Thank you in advance for your courtesies.

Sincerely yours,

Mark C. Poloncarz
Erie County Executive

2. COMM. 2E-10 (2020)
COUNTY EXECUTIVE

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

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

WHEREAS, the Erie County Community Development Block Grant Consortium and HOME Consortium is slated to approve the 2020-2024 Consolidated Plan and 2020 Annual Action Plan at their session to be held on January 23, 2020.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit this resolution to the United States Department of Housing and Urban Development (HUD) as supportive material to the 2020-2024 Consolidated Plan and 2020 Annual Action Plan for the Community Development Block Grant, Emergency Solutions, and HOME Investment Partnership Programs having estimated dollar amounts as indicated:

- | | |
|--|-------------|
| 1. Erie County Consortium Community Development Program: | \$3,047,317 |
| 2. Emergency Solutions Program: | \$ 231,429 |
| 3. HOME Investment Partnership Program: | \$ 825,749 |
| 4. Town of Hamburg Community Development Program: | \$ 405,000 |

and be it further

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

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

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

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

(6-0)

3. COMM. 2E-12 (2020)

COUNTY EXECUTIVE

WHEREAS, the Pedestrian Safety Action Plan (PSAP) Improvement Projects in the Town of Amherst (PIN 5762.68 and PIN 5762.70), Town of Cheektowaga (PIN 5762.69), and Town of Tonawanda (PIN 5762.73) (the “Projects”) are eligible for funding under the Highway Safety Improvement Program (HSIP) administered by the New York State Department of Transportation (NYSDOT) that calls for the costs of such program to be 100% borne by Federal funds; and

WHEREAS, such funding is allocated for pedestrian safety improvements at signalized intersections and uncontrolled crosswalks, including improved signage and striping; and

WHEREAS, such treatments will occur on both Town and Erie County Rights-of-Way, permission from Erie County is required to allow the Towns to access Erie County roads for such construction; and

WHEREAS, it is necessary to enter into Inter-Municipal Agreements with the three participating municipalities (the Towns of Amherst, Cheektowaga, and Tonawanda) identified for the Project improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Pedestrian Safety Action Plan (PSAP) Improvement Projects in the Town of Amherst (PIN 5762.68 and PIN 5762.70), Town of Cheektowaga (PIN 5762.69), and Town of Tonawanda (PIN 5762.73) (the “Projects”); and be it further

RESOLVED, that the County Executive be authorized to enter into the necessary Inter-Municipal Agreements with the Towns of Amherst, Cheektowaga, and Tonawanda; and be it further

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation; and be it further

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

(6-0)

4. **COMM. 2E-14 (2020)**

COUNTY EXECUTIVE

WHEREAS, a swimming pool audit was completed by aquatic consultant Councilman-Hunsaker identifying pool related code and life safety upgrades, end-of-life-cycle replacement of pool systems and ancillary equipment, repair of the competition pool structure and finishes, pool related A/V upgrades (COMM. 8E-3 (2019)); and miscellaneous building repairs and ADA code compliance items as identified by JMZ Architects’ Existing Condition Assessment; and

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

WHEREAS, the County Executive is requesting authorization to enter into an Agreement with CHA Consulting, Inc. to provide professional design and construction administration services for the SUNY Erie City Campus 2019 Burt Flickinger Athletic Center Pool Upgrades and Miscellaneous Repairs project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with CHA Consulting, Inc. to provide professional design and construction administrative services for the SUNY Erie City Campus 2019 Burt Flickinger Athletic Center Pool Upgrades and Miscellaneous Repairs project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from the approved and amended 2011, 2016 and 2017 Erie County capital budgets, Funds Center 122, Fund 480 as follows:

E.11002	2011 Erie Community College Burt Flickinger Athletic Center Renovations (Buffalo)	\$ 24,337.51
E.16002	2016 Erie Community College Roof Replacement & Waterproofing Collegewide	\$ 16,150.00
E.17006	2017 Erie Community College Mechanical, Electrical, Plumbing and Miscellaneous Improvements Collegewide	\$184,512.49
<hr/> Total Payments not to Exceed:		\$225,000.00

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, SUNY Erie Director of Finance, and the Office of the Comptroller.

(6-0)

HOWARD J. JOHNSON, JR.
CHAIR

Item 35 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 20

January 23, 2020	PUBLIC SAFETY COMMITTEE REPORT NO. 2
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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. 2D-3 (2020)
OFFICE OF SHERIFF: “Email & Correspondence Regarding Protection From Harm & Environmental Health & Safety Compliance”
(Chair’s Ruling)
 - b. COMM. 2D-6 (2020)
OFFICE OF SHERIFF: “Monitoring Report for Period 10/1/2019 – 10/4/2019”
(Chair’s Ruling)
2. COMM. 2E-5 (2020)
SHERIFF
WHEREAS, the Erie County Sheriff’s Office (ECSO) recently trained and certified new narcotics detection K9s for the Police Services Division; and

WHEREAS, since the handler/canine relationship is special and unique, it is appropriate to transfer ownership to the handler; and

WHEREAS, the Sheriff’s Office, the County, and the Legislature have granted K9 transfers in the past which allows the dog to remain with the family it has lived with for many years.

NOW, THEREFORE, BE IT

RESOLVED, the Legislature hereby authorizes the Erie County Executive and the Erie County Sheriff’s Office to enter into an agreement with Deputy Joel Arney for the consideration of one (1) U.S. Dollar for the transfer of ownership of Havoc; and be it further

RESOLVED, the Legislature hereby authorizes the Erie County Executive and the Erie County Sheriff’s Office to enter into an agreement with Deputy Bradford Ballantyne for the consideration of one (1) U.S. Dollar for the transfer of ownership of Cali; and be it further

RESOLVED, the Legislature hereby authorizes the Erie County Executive and the Erie County Sheriff’s Office to enter into an agreement with Deputy Robert Galbraith for the consideration of one (1) U.S. Dollar for the transfer of ownership of Apollo; and be it further

RESOLVED, the Legislature hereby authorizes the Erie County Executive and the Erie County Sheriff’s Office to enter into an agreement with Deputy Richard Lundberg for the consideration of one (1) U.S. Dollar for the transfer of ownership of Haso; and be it further

RESOLVED, the Legislature hereby authorizes the Erie County Executive and the Erie County Sheriff's Office to enter into an agreement with Deputy Eric Szkatulski for the consideration of one (1) U.S. Dollar for the transfer of ownership of Monty; and be it further

RESOLVED, the aforementioned Deputies shall assume full responsibility for the respective canine under such agreement and shall further hold the County of Erie and the Erie County Sheriff's Office harmless against any and all liability; 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, and the Sheriff's Administration Division for implementation.

(6-0)

3. COMM. 2E-6 (2020)
SHERIFF

WHEREAS, School Resource Officers (hereinafter "SROs") are vital to the safety of students and surrounding communities, in that they help promote a safe environment in schools so the focus can be on the delivery of instruction; and

WHEREAS, SROs serve a multifaceted purpose in our schools including serving as first responders for any and all incidents on a school district's campus whether it's violence between students/staff, an individual in a school or on the campus without permission, or a medical emergency; and

WHEREAS, the North Collins Central School District is desirous of obtaining the services of a full-time SRO in an attempt to deter criminal behavior through positive interactions with students, staff and the public during school hours; and

WHEREAS, the Sheriff is desirous of providing law enforcement and related services to the District; and

WHEREAS, the Sheriff has conferred with the District and all parties agree that it is in the best interests of the District, the Sheriff and the citizens to establish this program; and

WHEREAS, the Sheriff has agreed to provide and assign one full time uniformed Road Patrol Deputy to be utilized as an SRO; and

WHEREAS, to enable the Sheriff to provide a full time SRO, the District will compensate the Sheriff as provided herein; and

WHEREAS, the District and the County, acting through its Sheriff, desire to set forth in this Agreement the specific terms and conditions of the services to be performed and provided by the SRO in the District; and

WHEREAS, this resolution will have a positive impact to the 2020, 2021, and 2022 county budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does authorize the County Executive and the Erie County Sheriff's Office to enter into a contract with North Collins Central School District for an SRO from January 1, 2020 to June 30, 2020, September 1, 2020 to June 30, 2021, and September 1, 2021 to June 2022; and be it further

RESOLVED, North Collins Central School District will compensate the Erie County Sheriff's Office at least \$93,186.00 for each school year defined in the agreement; and be it further

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

(6-0)

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

Item 36 – MR. HARDWICK presented the following report, moved to separate item Number 2, and approve the balance of the report. MS. CHIMERA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 21

January 23, 2020	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 1
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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. INTRO. 6-7 (2018)
LORIGO, MILLS, RATH, HARDWICK & DIXON: "Support for Increased Notification Related to Protection of Private Information about Pistol Permit Ownership from Public Disclosure"
(Chair's Ruling)
 - b. INTRO. 3-5 (2019)
RATH & MILLS: "Opposition to Single Payer Healthcare System in New York State"
(Chair's Ruling)
 - c. INTRO. 3-6 (2019)
RATH: "Urging NYS to Require Replacement of Mailboxes Damaged During Snow Removal"

(Chair's Ruling)

- d. INTRO. 4-1 (2019)
LORIGO & MILLS: "Support for NYS Legislation to Allow the State's Authorities Budget Office to Suspend Local Authority Board Members Who Have Failed to File Required Annual Reports"
(Chair's Ruling)
- e. COMM. 19E-20 (2019)
DIXON: "Letter to County Clerk Regarding Creation of Driver Safety Program in EC"
(Chair's Ruling)
- f. COMM. 20E-1 (2019)
HARDWICK: "Request for Information from Western Regional Off-Track Betting Corporation"
(Chair's Ruling)
- g. COMM. 22E-5 (2019)
COUNTY EXECUTIVE: "2020 EC Shared Services Initiative Panel - Proposed Plan"
(Chair's Ruling)
- h. COMM. 26D-1 (2019)
DEPARTMENT OF LAW: "Transmittal of New Claims Against Erie County"
(Chair's Ruling)
- i. COMM. 26M-2 (2019)
TOWN OF BOSTON: "Certified Copy of Resolution Supporting State Legislation to Restore AIM Funding"
(Chair's Ruling)
- j. COMM. 26M-3 (2019)
TOWN OF WALES: "Certified Copy of Resolution Supporting State Legislation to Restore AIM Funding"
(Chair's Ruling)
- k. COMM. 26M-4 (2019)
VILLAGE OF ORCHARD PARK: "Certified Copy of Resolution Supporting State Legislation Requesting Reconsideration of 2020 Bail Reform"
(Chair's Ruling)
- l. COMM. 26M-5 (2019)
VILLAGE OF ORCHARD PARK: "Certified Copy of Resolution Supporting State Legislation to Restore AIM Funding"
(Chair's Ruling)
- m. COMM. 26M-7 (2019)

TOWN OF COLDEN: “Certified Copy of Resolution Supporting State Legislation Requesting Reconsideration of 2020 Bail Reform”
(Chair’s Ruling)

n. COMM. 26M-8 (2019)

TOWN OF WALES: “Certified Copy of Resolution Supporting State Legislation Requesting Reconsideration of 2020 Bail Reform”
(Chair’s Ruling)

o. COMM. 26M-9 (2019)

ASSOC. OF EC GOVERNMENTS: “Certified Copy of Resolution Supporting State Legislation Requesting Reconsideration of 2020 Bail Reform”
(Chair’s Ruling)

p. COMM. 1E-5 (2020)

COMPTROLLER: “Law Department Spending - 11/2019”
(Chair’s Ruling)

q. COMM. 1M-3 (2020)

VILLAGE OF WILLIAMSVILLE: “Certified Copy of Resolution Supporting State Legislation to Restore AIM Funding”
(Chair’s Ruling)

r. COMM. 2D-2 (2020)

DEPARTMENT OF LAW: “Transmittal of New Claims Against Erie County”
(Chair’s Ruling)

2. COMM. 2E-18 (2020)
COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature does hereby confirm the reappointment, on the recommendation of the County Executive, of Rebecca Town to the Erie County Board of Ethics for a term that expires on December 31, 2024.

(4-2) Legislators Lorigo and Todaro voted in the negative.

3. COMM. 2E-25 (2020)
COUNTY CLERK

WHEREAS, the Erie County Clerk’s Office continues to meet the mandates and service demands of the Office of the County Clerk; and

WHEREAS, existing vacancies and filling of those vacancies at a lower step create savings of \$28,062.00; and

WHEREAS, the County Clerk has developed and enhanced existing programs, technology and initiatives to better serve and educate the residents; and

WHEREAS, the County Clerk’s Office seeks to enhance technological conveniences for its customers through the analysis and implementation of network considerations; and

WHEREAS, a restructuring of the Actions and Proceedings Division will permit comprehensive supervision of the skilled and expert staff to serve the maximum number of customers; and

WHEREAS, the personnel adjustments requested will maintain a positive fiscal impact.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the deletion of Senior Document Clerk (Job Group 6 – Step 5) (Position #8729) (pro-rated annual salary \$34,833.00) in Fund Center 1131020; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the deletion of Senior Technical Support Service Specialist (Job Group 13 – Step C/D) (Position #51012810) (pro-rated annual salary \$67,971.00) in Fund Center 1131010; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the creation of one full time position of Senior Cashier (Job Group 7 – Step 5) in the CSEA bargaining unit (pro-rated annual salary \$37,833.00) in Fund Center 1131020; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the creation of one full time non-competitive promotion position of Principal Technical Support Services Specialist (Job Group 14 – Step C/D) in the CSEA bargaining unit (pro-rated annual salary \$75,816.00) in Fund Center 1131010; and be it further

RESOLVED, that the Director of Budget and Management, and the Commissioner of Personnel are hereby authorized and directed to make all necessary changes necessary to effectuate the implementation of this resolution; and be it further

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

KEVIN R. HARDWICK
CHAIR

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

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

AYES: CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON, MR. MEYERS, and MS. VINAL. NOES: MR. LORIGO, MR. MILLS, MR. RATH, and MR. TODARO. (AYES: 7; NOES: 4)

CARRIED.

Item 37 – MS. CHIMERA presented the following report and moved for immediate consideration and approval. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 22

January 23, 2020	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby tabled by a majority vote:
 - a. COMM. 2E-24 (2020)
COUNTY EXECUTIVE: “Contract Extension – Aging by Design Planning Grant”
(6-0)
2. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2E-16 (2020)
COUNTY EXECUTIVE: “Appointments to Youth Services Board”
(Chair’s Ruling)
 - b. COMM. 2E-17 (2020)
COUNTY EXECUTIVE: “Appointments & Reappointments to EC Mental Hygiene
Community Services Board”
(Chair’s Ruling)
 - c. COMM. 2E-19 (2020)
COUNTY EXECUTIVE: “Reappointment to EC Board of Health”
(Chair’s Ruling)
 - d. COMM. 2D-5 (2020)
DEPT. OF SENIOR SERVICES: “Letter to Legislature Concerning Ruthie’s Law”
(Chair’s Ruling)

**LISA CHIMERA
CHAIR**

LEGISLATOR RESOLUTIONS

Item 38 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

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

AYES: MR. LORIGO, MR. MILLS, MR. RATH, MR. TODARO, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON, MR. MEYERS, and MS. VINAL. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 23

RE: Support for Buffalo Public
Schools' Continued Participation
in Section VI Football Games
(INTRO. 3-1)

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

WHEREAS, Section VI of the New York State Public High School Athletic Association (NYSPHSAA) is an independent non-profit corporation and one of eleven sections comprising the membership of NYSPHSAA, which was formed 75 years ago to provide a wholesome athletic experience for all student athletes; and

WHEREAS, the Constitution of Section VI states that the public high schools in Section VI work together in association to attain the following objectives:

- To strengthen the educational goals of the public schools by developing good sportsmanship and high ideals among contestants and teams.
- To promote a sound athletic program for secondary students and make recommendations in the interest of the general welfare of Section VI athletes.
- To recognize, strengthen and unify eligibility rules governing participation in inter-school athletics in each league of the Section.
- To plan for and conduct all sectional athletic activities through its appointed leaders and governing body and arrange, when necessary, entrance to participation in inter-sectional and statewide competition.

and

WHEREAS, approximately ten years ago, the Buffalo Public Schools dissolved its internal football league and 105-year-old prized Harvard Cup to join the Football Federation within Section VI, thus allowing Buffalo schools' football teams to compete against other Section VI teams; and

WHEREAS, the Section VI Football Federation recently announced the approval of a proposal that shifted the decades-old responsibility for game scheduling and division alignment from the Section VI football federation back to the respective leagues in Section VI; and

WHEREAS, Football Federation leaders said the goal was to cut down on team travel and increase attendance by reigniting old rivalries; and

WHEREAS, this change was problematic because the five Buffalo Public Schools that have football teams are members only of the Buffalo League, which only includes Buffalo Public Schools, and Buffalo teams are not members of a wide league within Section VI (such as the Erie County Interscholastic Conference, Niagara Frontier League, Niagara-Orleans League, and the Chautauqua Cattaraugus Athletic Association); and

WHEREAS, Buffalo asked Section VI for permission to the Erie County Interscholastic Conference (ECIC), the league in which the county's other teams play, but was denied; and

WHEREAS, one of the issues associated with the Section VI committee's 19-11 vote on the changes was the fact that Buffalo has only four committee member appointments (out of 32) and some of those committee slots for Buffalo are often vacant or unrepresented and Buffalo representatives often do not fully participate in internal dialogue and policymaking; and

WHEREAS, Buffalo also has no seat on the Section VI Executive Committee, helping hamper dialogue and inclusion; and

WHEREAS, the Section VI decision would mean that the Bennett, Burgard, Hutch-Tech, McKinley and South Park football teams would not be able to compete in league play with other high schools in Section VI outside of the City of Buffalo; and

WHEREAS, this would be to the detriment of Buffalo Public School football teams, players and coaches, and would seemingly run contrary to the stated aims and goals of Section VI; and

WHEREAS, this realignment would effectively prohibit Buffalo Public School teams from qualifying for playoff and championship games due to their inability to gain sufficient points to qualify; and

WHEREAS, since joining Section VI ten years ago, all Buffalo Public Schools have made drastic strides in becoming competitive teams, with many teams reaching Section VI championships and one team, South Park, winning a state championship; and

WHEREAS, on January 13, 2020, Buffalo residents including parents, athletes, and sports professionals met to discuss this matter under the leadership of Charley H. Fisher III, forming the Coalition for Fair, Free and Equitable Athletics, and two-days later brought this matter before the Buffalo Board of Education via verbal testimony and a proposed legislative resolution, thereby raising this matter to the forefront of our community; and

WHEREAS, opponents of the Section VI decision said that the actions were tantamount to racial injustice because students of color in Buffalo would suffer most from a lack of competition and less exposure to college recruiters; and

WHEREAS, on January 20, 2020, Section VI held a meeting of its Executive Committee and then announced that they voted to suspend "any implementation of league-based play in order to

allow for further communication, input and guidance with regard to this matter, while alleviating any disruption and uncertainty with regard to the upcoming [2020-2021] football season" and as a result, "Section VI high school football will continue under its federation-based alignment for the 2020-21 football season".

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its concern and opposition to the Section VI proposal to return to league scheduling and not allow Buffalo schools to be in a league, such as the ECIC, in which they could compete with other suburban and rural football teams; and be it further

RESOLVED, that this Honorable Body commends Section VI for its decision to suspend any implementation of league-based football games in 2020-2021, and urges continued mutual respect and dialogue between the Section, its members, and the Buffalo Public Schools to address scheduling and league play beyond the 2020-2021 season; and be it further

RESOLVED, that this Honorable Body urges the Buffalo Public Schools to become more active in the internal deliberations and policymaking within Section VI, to more proactively engage Section VI in discussions and governance with an active Buffalo athletic director presence and leadership, and to seek further representation in Section VI, including on its Executive Committee; and be it further

RESOLVED, the Erie County Legislature urges Section VI to be more inclusionary and open in decision making; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Buffalo Board of Education, and to Adam Stoltman, President of the Executive Committee of Section VI's Athletic Council.

Item 39 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 24

RE: Expressing Concern &
Opposition to State-Imposed
Measures to Shift Mandated
Medicaid Expenses to County
Governments
(INTRO. 3-2)

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

WHEREAS, in 2005, under Chapter 58 of the Laws of 2005, the State agreed to “cap” growing Medicaid expenses borne by county governments and then later, the State agreed to absorb all new Medicaid expense growth and not keep transferring it to counties as they had been doing for decades; and

WHEREAS, since 2013, the State has paid for all cost increases incurred by the counties and New York City’s Medicaid programs; and

WHEREAS, in the past decade, the State has seen growth in Medicaid clients and costs, driven by State policy decisions to expand Medicaid eligibility and provide increases in payments to healthcare providers; and

WHEREAS, for instance, according to the Erie County Executive, nearly 55,000 more Erie County residents receive health insurance through Medicaid due to the Affordable Care Act; and

WHEREAS, under the Affordable Care Act, across the state, nearly 33% of New Yorkers, or 6 million people, are now on Medicaid; and

WHEREAS, this has resulted in New York having one of the lowest uninsured rates in the country, and was one of only three states nationally to experience a decrease in its uninsured population in 2018, with Erie County having one of the lowest uninsured rates (only 3.2% of residents are without insurance), which is positive for the community and public health; and

WHEREAS, Erie County Executive Mark Poloncarz recently told the Buffalo News that Medicaid expense is growing because of senior citizens on Medicaid, due to the expensive services they utilize, with him stating that in 2019, the average annual costs in Erie County for a child on Medicaid was \$3,572, for an adult, \$9,876 and for a senior citizen the cost averaged \$18,583; and

WHEREAS, in the State’s 2020-2021 fiscal year, there is a \$6.1 billion budget gap, allegedly largely caused by \$4 billion in extra Medicaid costs, and the Governor has issued initial, unclear proposals for addressing that State budget gap; and

WHEREAS, the Governor’s proposal appears to address the rising costs of Medicaid, said to be a large source of the State’s budget deficit, by shifting Medicaid expenses back onto county governments, which is a tactic long used by governors of both political parties to balance their budgets; and

WHEREAS, the Governor’s proposal appears to argue that counties have created the Medicaid cost problem in how they administer and manage Medicaid, which is not accurate or true; and

WHEREAS, counties follow specific rules and regulations and procedures promulgated by the State on the Medicaid-MMIS program and the Erie County Department of Social Services has very little discretion or flexibility on client eligibility, costs, programmatic services, and provider payments; and

WHEREAS, the Governor's budget proposal would require Erie County to remain under the State-mandated property tax cap as well as pay 25% of any new, additional Medicaid costs beyond a 3% annual increase; and

WHEREAS, historically, Medicaid costs have been increasing by 5%-7% each year, which would functionally mean Erie County could face new, additional annual Medicaid costs of millions of dollars; and

WHEREAS, the County Executive estimated that Erie County taxpayers would have had to pay an additional \$8 million annually in 2017 and 2018, had Cuomo's 3% Medicaid growth cap plan been in effect then; and

WHEREAS, in announcing his 2020-2021 State Budget, the Governor said because the State pays for Medicaid expense growth, county governments do not have an incentive to hold the line on costs, and he called that alleged situation "the blank-check syndrome", adding, "local governments have to have a financial stake in the game"; and

WHEREAS, Robert Mujica, the State Budget Director, told the Buffalo News: "We're not saying they're [counties] the source of rising Medicaid costs. But they also do not have skin in the game to partner with us to control the costs because they don't have to pay (cost increases) anymore", but he also was forced to concede that the State has no evidence to suggest that counties have put people into Medicaid who are not eligible; and

WHEREAS, while decrying county governments alleged lack of interest in proper management and administration of Medicaid, including growing Medicaid expense, the State Budget Director was forced by a Buffalo News reporter to acknowledge that a State proposal to assume all remaining Medicaid administrative functions that began in 2015 has not gone anywhere due to State problems and failures; and

WHEREAS, the Governor said he will reconvene a Medicaid redesign commission to recommend ways to cut \$2.5 billion from the State's Medicaid budget by April 1, 2020, which may not be successful or real, as the State has repeatedly over the years created Medicaid Redesign Teams (MRT) or panels to address the growing costs of Medicaid and healthcare in New York state, to little effect; and

WHEREAS, so far, the members of the MRT are a hospital executive who used to work for Governor Mario Cuomo, and a health union leader with long ties to Albany's political elite, leading County Executive Poloncarz to tell the Buffalo News: "I don't believe either chair is going to have the counties' best interests at heart because they're coming at it from a different health care perspective"; and

WHEREAS, the MRT process will also minimize State Legislature involvement and oversight, as the State's Medicaid redesign proposals will not be ready until late March, which will be too late for state legislators to effectuate changes during the 2020-2021 State Budget process; and

WHEREAS, this situation led Assemblyman Richard Gottfried, Chairman of the State Assembly's Health Committee to state: "We are largely shut out of the process in developing the

proposal. The big difficulty is the public and Legislature have much less time to see what's in the package and respond effectively"; and

WHEREAS, Senator Gustavo Rivera, Chair of the State Senate's Health Committee stated: "I'm incredibly concerned that the governor's office has yet to release the necessary details we need to assess the potential impact on our localities' Medicaid share," and criticized the Governor for leaving so many things vague about the MRT process like he did with a prior Cuomo MRT process in 2011; and

WHEREAS, in a similar vein, Erie County Executive Mark Poloncarz said: "It's tough to determine what the impact is going to be if we don't know the direction they're going"; and

WHEREAS, while Mr. Mujica told the Buffalo News that the State proposal targeted at counties "is not a punitive thing. This is not trying to shift costs," other analysts and healthcare experts are rightly skeptical; and

WHEREAS, a healthcare analyst for the conservative-leaning fiscal watchdog group the Empire Center for Public Policy, told media outlets that the factors leading to the State's large Medicaid cost burden are not the fault of county governments and they "did not cause the rise in Medicaid costs," adding, "Penalizing them or giving them skin in the game is not an effective way of reducing costs"; and

WHEREAS, County Executive Poloncarz said in a statement he and other county executives are concerned and noted that county governments are constrained from reducing Medicaid costs since the State administers the program; and

WHEREAS, Assemblyman Gottfried told media that county governments should be worried about the Governor's proposal, noting that counties "are going to be punished for things that are not their fault and that they do not control."

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its strong concerns about the Governor's proposals which appear to shift Medicaid expenses back to county governments; and be it further

RESOLVED, that this Honorable Body urges the New York State Legislature to reject any proposals that shift additional, new Medicaid expenses to county governments, as these governments do not set, or establish the Medicaid rules, regulations nor eligibility, and follow strict State rules and guidelines on Medicaid administration; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, the State Assembly Speaker, the President of the State Senate, the local delegation to the New York State Legislature, the New York State Association of Counties, and the Erie County Executive.

Item 40 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 25

RE: Opposition to Governor Cuomo's
Abrupt Elimination of Video
Lottery Terminal State Aid to
Town of Hamburg & EC
(INTRO. 3-3)

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

WHEREAS, since 2006, New York State has provided annual financial assistance – revenue – towns or cities and counties that host State-approved raceways/gaming facilities with Video Lottery Terminals (“VLT”); and

WHEREAS, in Erie County, Hamburg Gaming at the Hamburg Raceway and Fairgrounds, is the designated facility that allows for State aid to the Town of Hamburg and Erie County; and

WHEREAS, several times in the past decade, the Cuomo Administration has attempted, with some success, to either reduce the State VLT aid payments, or to eliminate them altogether, with no prior notice to local governments that have already adopted their annual budgets premised on receipt of the State aid; and

WHEREAS, the State VLT aid program is intended to help subsidize local governments’ direct provision of services to the gaming facilities, such as water/sewer, police and emergency services response, which Hamburg provides daily to the facility; and

WHEREAS, the Cuomo Administration has proposed a 2020-2021 State Budget that eliminates State VLT aid to the Town of Hamburg, which, if successful, would result in a \$865,679 hole in the Town’s budget for 2020; and

WHEREAS, the Cuomo Administration has proposed a 2020-2021 State Budget that eliminates State VLT aid to Erie County, which, if successful, would result in a \$288,560 gap in the County’s 2020 budget; and

WHEREAS, these State planned actions are concerning and follow other actions by this administration to try and force new, additional State mandated-Medicaid costs down to county governments in 2020 and future years, due to the State’s budget deficit which would cost Erie County many millions of dollars annually in new costs, if not more; and

WHEREAS, this Cuomo Administration plan is similar to its 2019 proposal cutting the State’s long-standing Aid and Incentives for Municipalities (“AIM”) program and shifting that aid program from State funding to coming out of each county’s sales tax revenue – another State cost shift down to counties that negatively affects counties; and

WHEREAS, the New York State Association of Counties (“NYSAC”) has expressed concern at the Governor’s proposal and at their annual legislative conference last week, county leaders across the state discussed the State proposal and NYSAC leaders pledged to make restoring or retaining this State aid as a 2020 priority for county governments; and

WHEREAS, the Governor’s decision to attempt to balance his budget on the back of the Town of Hamburg and Erie County is unfair and could be disastrous to the Town of Hamburg, which relies on this revenue to support its operations, including police and highway services; and

WHEREAS, recently James Shaw, the Town of Hamburg Supervisor, stated that "Video lottery terminal revenue is the second largest source of revenue we have," adding that if the aid is not restored, the Town will be forced to cut services, eliminate jobs, or raise property taxes more than 9.65%; and

WHEREAS, Erie County residents spend and recreate at Hamburg Gaming, which contributes millions of dollars in sales tax revenue to the State’s coffers, and this VLT aid elimination to the local host governments, especially at a time when the County is still not receiving the Seneca Gaming Compact revenue, is completely unacceptable.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby calls on the New York State Legislature to reverse the Governor’s proposed elimination of State VLT aid for 2020, as local governments have already established their 2020 budgets and would face negative consequences from this unilateral State action; and be it further

RESOLVED, that this Honorable Body joins with the Town of Hamburg, and its Supervisor, as well as our local State Delegation in the New York State Legislature, and Assemblyman Sean Ryan, who represents Hamburg, to oppose the Governor’s plan to halt State VLT aid; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, the State Senate President, the State Assembly Speaker, the local delegation in the New York State Legislature, to the Supervisor of the Town of Hamburg, and to the New York State Association of Counties.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 41 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 26

RE: Directing Development of New Protocol for Annual Review & Certification of Property Tax Levy, Tax Warrants & Tax Bills (INTRO. 3-4)

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

WHEREAS, in January 2009, and again in January 2020, the County's Department of Real Property Tax Services created, issued and disseminated to Town Clerks and via them, to Erie County property owners, erroneous property tax bills related to community college chargeback expenses levied on tax bills; and

WHEREAS, in both instances, the Erie County Legislature immediately acted to seek answers, demand accountability, and hold a legislative hearing to understand what happened, and how the problem was being corrected; and

WHEREAS, the two incidents reflected some form of problems and certification or a lack of additional review and sign-off on the part of the Department of Real Property Tax Services and the Division of Budget and Management, to ensure the property tax bills were accurate and correct; and

WHEREAS, regarding the most recent incident, at a Finance and Management Committee hearing, the Deputy County Executive pledged action and stated that new procedures or policies, including some form of a new certification process would be created; and

WHEREAS, this Honorable Body needs and desires to go on the record as requiring additional measures and review steps to be conducted, as well as to be codified in written procedures that will be followed annually by the Department of Real Property Tax Services and the Division of Budget and Management, prior to the issuance of tax warrants to the County Legislature for signature by the Chair and Clerk of the Legislature and dissemination of the tax bills to the Town Clerks for issuance.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby directs the Director of the Erie County Department of Real Property Tax Services and the Director of the Division of Budget and Management, working with the Department of Law, to develop new written procedures and policies for (1) their review and sign-off of the annual adopted County property tax levy, (2) the creation and printing of the annual County property tax bills, (3) the issuance of the County tax warrants to the Legislature Clerk and Chair, and (4) the issuance to, and coordination with Town Clerks of the annual County property tax bills, including a protocol for allowing for immediate communication with those officials in the event an error or problem is found with the bills; and be it further

RESOLVED, that the Deputy County Executive is directed to review and approve this new policy, and to then attend a future Finance and Management Committee meeting with the Directors of Real Property Tax Services and Budget and Management to explain the new written protocols and procedures; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Deputy County Executive, Director of Real Property Tax Services, Director of Budget and Management, County Attorney, the Erie County Association of Governments, and the Erie County Clerks Association (c/o Darlene Schweikert, Town of Concord Clerk).

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved to approve the resolution as amended. MS. CHIMERA seconded.

CARRIED UNANIMOUSLY.

Item 42 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 27

RE: Re-Designation of 2020 Public
Benefit Funding
(INTRO. 3-5)

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

WHEREAS, in the 2020 Erie County Budget both the Buffalo Niagara Heritage Village and the Bornhava School were funded; and

WHEREAS, due to a typographical error, the funding for the Buffalo Niagara Heritage Village was provided to the Bornhava School; and

WHEREAS, both organizations are valuable to our community and both deserve consideration when it comes to the provision of funding on the part of Erie County; and

WHEREAS, to that end it is the desire of this body to provide the intended funding to Buffalo Niagara Heritage Village.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer \$7,500 of the available 2020 funding in Funds Center #1332010 in Account 518237, as directed to the Bornhava School, to the Buffalo Niagara Heritage Village in Funds Center #1332020 and Account #518196; and be it further

RESOLVED, that while the agency allocation is changing the overall budget line amount is to remain the same for fiscal year 2020; and be it further

RESOLVED, that this honorable body hereby authorizes the Director of the Division of Budget and Management to make any adjustments necessary to effectuate the intent of this resolution or any other changes identified by the Office of the Erie County Comptroller; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Executive, the Erie County Comptroller, the Director of Budget and Management, and any other party deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 43 – CHAIR BASKIN directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

INTRO. 3-6 from LORIGO, MILLS, TODARO & RATH. Opposition to NYS DMV Ban on the Transfer of DMV Information Between Local & Federal Law Enforcement Agencies

MR. LORIGO challenged the ruling of the chair. MR. MILLS seconded.

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

AYES: MR. LORIGO, MR. MILLS, MR. RATH, and MR. TODARO. NOES: CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON, MR. MEYERS, and MS. VINAL. (AYES: 4; NOES: 7)

FAILED.

Item 44 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 28

RE: Opposition to the Infringement
of the New York State Fair on
the Erie County Fair
(INTRO. 3-7)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR LORIGO, MILLS, RATH & TODARO**

WHEREAS, last year the Erie County Fair had record attendance with over 1.2 million visitors. This attendance record put the Erie County Fair as the 12th most attended fair in the nation, just three places behind New York's state fair. For 2020, the Erie County Fair intends to be in operation August 12-23; and

WHEREAS, with over 100,000 guests attending the fair each day, the fair's social and economic impact to not just the Town of Hamburg but to the County of Erie as a whole cannot be overstated; and

WHEREAS, for 2020, without any warning, Governor Cuomo stated he will provide additional funding to the New York State fair to extend its days of operation to a total of eighteen (18). The increased time will overlap with the end of the Erie County Fair, which is typically the time the fair sees the most attendance; and

WHEREAS, it is a finding of this body that the time overlap between the state and county fairs will create a substantial hardship for vendors and agricultural displays that traditionally show at both fairs; and

WHEREAS, it is a further finding of this body that the impact to the vendors will be carried over to the residents who attend the fair, as many of the vendors that would typically attend both events may now be forced to choose one fair or the other; and

WHEREAS, prior to the decision being made by the Governor's office, there was little to no communication with the representatives of the local fairs nor was there any information shared with the New York State Association of Agricultural Fairs in an effort to find a compromise that works for everyone; and

WHEREAS, both the Erie County Fair and the Association of Agricultural Fairs issued a joint release expressing their concerns, shared by this honorable body, about the extension of the timing for the state fair and its impact on the Erie County Fair and the vendors who would prefer to attend both fairs.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby urges the Governor of New York to reconsider an extension to the New York State Fair that would overlap with the times and dates of the Erie County Fair; and be it further

RESOLVED, that this honorable body goes on record requesting the New York State Legislature act to prevent the encroachment of the New York State Fair, held in Syracuse, on the dates and times of the Erie County Fair, held in Hamburg New York; and be it further

RESOLVED, that, in the event the Governor or the Legislature cannot come to an agreement regarding the operation of the state fair, this honorable body urges the Director of the New York's state fair to take action to mitigate the potential harm to the Erie County fair and its vendors; and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Andrew Cuomo, the Western New York Delegation to the New York State Legislature, the Director of the state fair Troy Waffner, and any other party deemed necessary and proper.
Fiscal Impact: None for Resolution

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 45 – MR. MEYERS moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 2E-24 (2020). MS. CHIMERA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 29

RE: Contract Extension – Aging by Design Planning Grant (COMM. 2E-24, 2020)

WHEREAS, the Erie County Department of Senior Services in conjunction with the Pride Center of Western New York, Inc. (Pride Center) had previously been awarded, by the Health Foundation for Western and Central New York (Health Foundation), a \$32,647 Aging By Design Planning grant for the period October 1, 2017 through November 15, 2019; and

WHEREAS, the Department of Senior Services has successfully met the initial grant requirements and assisted in developing prototype projects designed to meet the needs of LGBTQ seniors; and

WHEREAS, the Health Foundation now desires to extend the grant contract, through the period June 30, 2020 to allow the Department of Senior Services to utilize the remaining \$11,928.14 of grant funds to continue its collaboration with the Pride Center and refine and implement the

LGBTQ Cultural Competency Training and Client Advocacy project successfully prototyped during the first phase of the grant; and

WHEREAS, the grant is 100% funded and does not require a local share.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into an Aging by Design Planning grant contract extension, through June 30, 2020, with the Health Foundation; and be it further

RESOLVED, that, the Director of Budget and Management is hereby authorized to adjust the budget as required to comply with the Health Foundation's approved funding levels; 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 of Senior Services.

MR. MEYERS moved to approve the item. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 46 – MR. LORIGO moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of INTRO. 2-1 (2020). MR. RATH seconded.

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

AYES: MR. LORIGO, MR. MILLS, MR. RATH, MR. TODARO, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON, MR. MEYERS, and MS. VINAL. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 30

RE: Support to Reexamine the 2019
Bail Reform Laws
(INTRO. 2-1, 2020)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS LORIGO, RATH, MILLS, AND TODARO**

WHEREAS, the 2019 New York State Budget included significant changes to the state's laws on cash bail, criminal discovery, and access to a speedy trial; and

WHEREAS, effective January 1, 2020, criminal justice laws were implemented eliminating pretrial detention and cash bail as an option for an estimated 90 percent of arrests, including most misdemeanors and nonviolent felonies, accounting for more than 400 offenses (see Appendix A); and

WHEREAS, pursuant to the new law judges must release individuals charged with most misdemeanors and nonviolent felonies without imposing cash bail, simply releasing them on their own recognizance or with conditions to ensure they return to court; and

WHEREAS, a defendant's criminal history, or the fact that they may pose a clear physical threat to another person, cannot be considered by the judge with regard to bail under the current bail reform provisions; and

WHEREAS, due to the elimination of cash bail, according to the USA Today, courts "are in the process of releasing at least 3,800 inmates in county prisons"; and

WHEREAS, the 2019 laws were intended to prevent penalizing a suspect for being unable to afford bail; however, this new process has led to numerous examples of dangerous suspects being immediately released back into the community; and

WHEREAS, across the state individuals who are arrested and charged with misdemeanors following a potentially violent encounter or after a pattern of disturbing behavior are being released, without bail, pre-trial pursuant to the new law. In too many of these instances, the defendant has proceeded to return to their initial victim or another victim to perpetrate more harm; and

WHEREAS, there is an overwhelming need to revisit numerous aspects of the 2019 criminal justice reforms, especially the severe limitations placed on a judge's discretion when setting bail.

NOW, THEREFORE, BE IT

RESOLVED, this Honorable Body is in support of the New York State Legislature immediately revisiting the criminal justice reforms that became effective January 1, 2020 as they pertain to restricting the use of cash bail; and be it further

RESOLVED, this Honorable Body is in support of judicial discretion when it comes to setting bail for a suspect in police custody if a victim dies as a result of a crime; and be it further

RESOLVED, this Honorable Body is further in support of judicial discretion in setting bail for a suspect in police custody who is charged under the aggravated family offense statute, which include domestic violence and sex crimes; and be it further

RESOLVED, this Honorable Body is further in support of judicial discretion in setting bail for a suspect in police custody who is charged with a hate crime; and be it further

RESOLVED, this Honorable Body is in support of a judge having the ability to consider a suspect's dangerousness and previous criminal history when considering bail; and be it further

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

****Appendix A:

Beginning on January 1, 2020, judges will be required to release defendants from custody without bail for the following crimes, including:

- Manslaughter in the second degree
- Aggravated vehicular homicide
- Criminally negligent homicide
- Assault in the third degree
- Aggravated vehicular assault
- Making a terroristic threat
- Criminal possession of a gun on school grounds/criminal possession of a firearm
- Criminal sale of a firearm to a minor
- Arson in the third and fourth degree
- Money laundering in support of terrorism in the third and fourth degree
- Promoting or possessing an obscene sexual performance by a child
- Aggravated cruelty to animals, overdriving, torturing and injuring animals, animal fighting
- Unlawful imprisonment in the first degree
- Coercion in the first degree
- Grand larceny in the first degree
- Criminal possession of a controlled substance in the first and second degree
- Criminal sale of a controlled substance in the first and second degree, or near/on school grounds
- Specified felony drug offenses involving the use of children, including the use of a child to commit a controlled substance offense and criminal sale of a controlled substance to a child
- Criminal solicitation in the first degree and criminal facilitation in the first degree
- Patronizing a person for prostitution in a school zone
- Failure to register as a sex offender
- Obstructing governmental administration in the first and second degree, or by means of a self-defense spray device
- Bribery and bribe receiving in the first degree, bribe giving for public office
- Promoting prison contraband in the first and second degree
- Resisting arrest
- Hindering prosecution
- Tampering with a juror and tampering with physical evidence
- Aggravated harassment in the first degree
- Directing a laser at an aircraft in the first degree
- Criminal possession of a weapon in the fourth degree
- Enterprise corruption and money laundering in the first degree

MR. GILMOUR moved to amend the resolution. MS. VINAL seconded.

MR. LORIGO moved to amend the amendment. MR. RATH seconded.

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

AYES: MR. LORIGO, MR. MILLS, MR. RATH, and MR. TODARO. NOES: CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON, MR. MEYERS, and MS. VINAL. (AYES: 4; NOES: 7)

FAILED.

MR. LORIGO moved to amend the amendment. MR. RATH seconded.

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

AYES: MR. LORIGO, MR. MILLS, MR. RATH, and MR. TODARO. NOES: CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON, MR. MEYERS, and MS. VINAL. (AYES: 4; NOES: 7)

FAILED.

CHAIR BASKIN moved the previous question (the motion to amend), and directed that a roll-call vote be taken.

AYES: MR. LORIGO, MR. MILLS, MR. RATH, MR. TODARO, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON, MR. MEYERS, and MS. VINAL. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

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

WHEREAS, this Honorable Body unanimously passed a resolution in December of 2018 supporting an end to cash bail for low-level offenses and allowing for non-incarceration options for those awaiting trial in Erie County; and

WHEREAS, extensive discussion on this topic has taken place in the Public Safety Committee which included testimony and support from public defenders and the Erie County District Attorney's Office who was in many cases already using alternatives to incarceration prior to New York State's adoption of official bail reform policies; and

WHEREAS, New York State passed their bail reform law as part of the 2019-2020 State Budget and not as a stand-alone resolution or law which would have allowed for more nuanced discussion and deliberation; and

WHEREAS, effective January 1, 2020, the bail reform measures took effect, eliminating pre-trial detention and cash bail for most misdemeanors and non-violent felony offenses; and

WHEREAS, pursuant to the new law, judges must release individuals charged with most misdemeanors and non-violent felony offenses without imposing cash bail, releasing them on their own recognizance or with conditions to ensure that return to court and judges may not consider a suspect's criminal record with regard to bail; and

WHEREAS, numerous towns and municipalities along with police departments and prosecutors, across the state and including in Erie County, have expressed concern about the lack of discretionary power allowed to judges when making decisions about potentially dangerous individuals, including those accused of certain categories of manslaughter and homicide, being allowed to leave the custody of law enforcement; and

WHEREAS, the 2019 law was intended to prevent penalizing a suspect for being unable to afford bail, but the new process has led to examples of potentially dangerous suspects being released back into the community; and

WHEREAS, this Honorable Body believes certain categories of crime should be treated with more consideration than others including but not limited to sex crimes, hate crimes, domestic violence, terroristic threats, aggravated assault, and burglary; and

WHEREAS, there is a need to revisit numerous aspects of the 2019 criminal justice reforms, especially the limitations imposed on judicial discretion when setting bail; and

WHEREAS, in addition, on April 1, 2019, New York State passed sweeping criminal justice reform legislation, including discovery reform, requiring prosecutors to disclose their evidence to the defense earlier in case proceedings effective January 1, 2020; and

WHEREAS, discovery reform replaced New York State's then-existing discovery law, dubbed the "blindfold" law, with a new statute: Article 245 of the Criminal Procedure Law, which requires significantly greater openness and establishes specific timeframes for the sharing of evidence between the prosecution and defense during the pretrial period, and by enacting discovery reform, New York joined 46 other states that have adopted comparable "open discovery" laws; and

WHEREAS, the State's pre-trial discovery reforms are necessary but as currently in place will also put tremendous pressure on local police and the District Attorney's office to meet often unattainable evidentiary standards in the 15-day discovery window; and

WHEREAS, this practice could actually have negative consequences for both victims and the accused by limiting pre-trial negotiations and the ability to accurately obtain evidence from crime scenes; and

WHEREAS, there is concern on the part of both police agencies, prosecutors, and defense counsel alike about the timelines for discovery reform and the ability for local agencies to timely and fully meet deadlines.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recommend that the New York State Legislature revise its criminal justice reforms expeditiously to address concerns voiced by local police departments, prosecutors, members of the local State Delegation, the Senate Majority Leader, the Attorney General of the State of New York, and Governor Cuomo; and be it further

RESOLVED, that this Honorable Body supports the overarching goal of this criminal justice reform legislation while only seeking to address and amend the issues that pose a threat to our public safety and the rights of those both victimized and accused; and be it further

RESOLVED, this Honorable Body is in support of judicial discretion concerning setting bail for a suspect in custody if (1) a victim dies as a result of the crime, (2) a suspect is charged under the aggravated family offense statute for domestic violence and sex crimes, and (3) a suspect is charged with a hate crime; and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to the Governor, Western New York Delegation to the New York State Legislature, the New York State Attorney General, the New York State Senate Majority Leader, the New York State Assembly Speaker, the Erie County District Attorney's Office, and the New York State Association of Counties.

MR. MEYERS moved to approve the resolution as amended.

MR. RATH moved to send the resolution as amended to committee for further consideration.
MR. TODARO seconded.

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

AYES: MR. LORIGO, MR. MILLS, MR. RATH, and MR. TODARO. NOES: CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON, MR. MEYERS, and MS. VINAL. (AYES: 4; NOES: 7)

FAILED.

CHAIR BASKIN returned to the previous question (the motion to approve as amended).
MR. GILMOUR seconded.

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

AYES: MR. LORIGO, MR. MILLS, MR. RATH, MR. TODARO, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. MEYERS. NOES: CHAIR BASKIN, MR. JOHNSON, and MS. VINAL. (AYES: 8; NOES: 3)

CARRIED.

SUSPENSION OF THE RULES

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

GRANTED.

COMM. 3D-1 from COUNTY ATTORNEY Re: Letter to Legislator Chimera Concerning Ruthie's Law

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

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

GRANTED.

COMM. 3E-40 from MEYERS Re: Letter to Commissioner of Environment & Planning Concerning Committee Discussion on PACE Local Law

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

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

MS. VINAL objected to its immediate consideration.

INTRO. 3-8 from LORIGO, RATH, MILLS & TODARO Re: Urging New York to Reconsider the Green Light Law in Light of the Department of Homeland Security Policy Blocking Trusted Traveler Enrollment from NY

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 50 – (COMM. 3E-1) Bond Sale Notification - 2019

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE SHERIFF

Item 51 – (COMM. 3E-2) Additional Deputy Sheriff - Criminal Positions

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR JOHNSON

Item 52 – (COMM. 3E-3) Letter Regarding Creation of Full-Time SWAT Team for EC

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR HARDWICK

Item 53 – (COMM. 3E-4) Letter to Comptroller Concerning 2015 & 2018 External Quality Reviews

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 54 – (COMM. 3E-5) Audit of Capital Projects Administered by DPW for Period of 1/1/2014 - 12/31/2016

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR CHIMERA

Item 55 – (COMM. 3E-6) Letter to County Attorney Regarding Ruthie's Law Compliance & Enforcement

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM CHAIR BASKIN

Item 56 – (COMM. 3E-7) Letter to Directors of Real Property Tax Services & Division of Budget & Management Regarding Erroneous 2020 EC Property Tax Bills

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE SHERIFF

Item 57 – (COMM. 3E-8) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, Filed and Printed.

January 27, 2020

Mr. Robert Graber
Clerk of the Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Dear Mr. Graber:

In accordance with the Disclosure of Interest in County Business, Section 5-c, please see the list below of family members employed by any government organization in any capacity:

Susan C. Howard (Spouse)	Erie County Sheriff's Mounted Reserve Unit P/T Deputy Sheriff Security Reserve Seasonal
Lori Locker (Daughter)	Rockland School District
Daniel Howard (Son)	Senior Investigator, NYS Police
Michelle Howard (Daughter-in-Law)	Investigator, NYS Police
David Howard (Son)	Sergeant, NYS Police
Joe Cino (Son-in-Law)	Sergeant, NYS Police
Brian Howard (Nephew)	Investigator, NYS Police
Seth Howard (Nephew)	Court Officer, NYS Office of Court Administration
Bill Brennan (Son-in-Law)	Attorney, NYS Liquor Authority
Sean Connelly (Nephew)	Counsel, City of Dunkirk
Kevin Bentley (Nephew)	Trooper, NYS Police

To my knowledge, there are no other family members as defined by Section 5-c presently employed by any government organization.

Respectfully submitted,

**TIMOTHY B. HOWARD
SHERIFF OF ERIE COUNTY**

FROM CHAIR BASKIN

Item 58 – (COMM. 3E-9) Informational Meeting of the Finance & Management Committee
- 1/31/2020

Received and Filed.

FROM THE COUNTY EXECUTIVE

Item 59 – (COMM. 3E-10) Appointments to the EC Emergency Fire Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 60 – (COMM. 3E-11) Reappointments to the EC MWBE Utilization Advisory Board

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

FROM LEGISLATOR MEYERS

Item 61 – (COMM. 3E-12) Letter to County Attorney Regarding Necessary Legislative Action on Erroneous 2020 Property Tax Bills

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 62 – (COMM. 3E-13) Appointment to the EC MWBE Utilization Advisory Board

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

Item 63 – (COMM. 3E-14) Acceptance of FY 19 Public Safety Answering Point Operations Grant

Item 64 – (COMM. 3E-15) Authorization to Accept Grant Funding - FY 19 Statewide Interoperable Communications Grant

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

Item 65 – (COMM. 3E-16) Appointment to the EC Board of Health

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 66 – (COMM. 3E-17) EC Household Hazardous Waste Implementation Project - Selection of Household Hazardous Waste Contractor

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 67 – (COMM. 3E-18) Authorization for DISS to Contract for Application Support Services

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 68 – (COMM. 3E-19) Granting Temporary Easements on County-Owned Land - Town of Concord

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 69 – (COMM. 3E-20) ECSD No. 6 - Engineering Planning Grant

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 70 – (COMM. 3E-21) NYS Municipal 104b Guidelines for Purchase Process Under Formal Bid Dollar Threshold

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 71 – (COMM. 3E-22) Acceptance of Caregiver Support Planning Grant - Dept. of Senior Services

Item 72 – (COMM. 3E-23) Acceptance of Funds Expanded Under Child Care Assistance Program - Dept. of Social Services

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

Item 73 – (COMM. 3E-24) ECSD No. 1 - Engineering Term Contract Agreement

Item 74 – (COMM. 3E-25) ECSD Nos. 2, 3 & 8 - Construction Inspection Term Contract Agreement

Item 75 – (COMM. 3E-26) ECSD Nos. 1, 4 & 5 - Construction Inspection Term Contract Agreement - GPI-1

Item 76 – (COMM. 3E-27) ECSD Nos. 1, 4 & 5 - Construction Inspection Term Contract Agreement - WSA-1

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

Item 77 – (COMM. 3E-28) SUNY Erie City Campus Burt Flickinger Athletic Center 2019 Exterior Recaulking

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 78 – (COMM. 3E-29) NYSDOH - Response After Overdose Budget - Year 2

Item 79 – (COMM. 3E-30) Opioid Mortality Review Board Budget - Year 2

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

Item 80 – (COMM. 3E-31) ECSD No. 3 - Southtowns AWTF ORF Rehabilitation - Contract 59, Change Order No. 2

Item 81 – (COMM. 3E-32) ECSD No. 3 - Southtowns AWTF ORF Rehabilitation - Contract 59, Change Order No. 1

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

Item 82 – (COMM. 3E-33) Addendum to Resolution COMM. 23E-19 (2013)

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 83 – (COMM. 3E-34) Personnel Modifications for 2020 - DPW, DoH & CPS

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY CLERK

Item 84 – (COMM. 3E-35) Acceptance of Donated Billboard Space for Purpose of Advertising REAL ID Awareness

Item 85 – (COMM. 3E-36) Dealer Portal Fee - Pistol Permit Dept.

Item 86 – (COMM. 3E-37) Fee for Notification of Sale or Transfer of Ownership of Real Property

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

FROM THE COMPTROLLER

Item 87 – (COMM. 3E-38) State Authorization for Private Sale of Bonds by Negotiated Agreement

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 88 – (COMM. 3E-39) Authorization to Contract/Issue PO

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

There are none.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYS AGRICULTURE & MARKETS DEPT.

Item 89 – (COMM. 3M-1) Notice of Mandatory Review Process of EC Agricultural District
No. 1

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYSDEC

Item 90 – (COMM. 3M-2) Fact Sheet - Completion of Brownfield Cleanup Program at Former Buffalo Forge Property Site

Item 91 – (COMM. 3M-3) Fact Sheet - Completion of Brownfield Cleanup Program at Former Trico Site, Buffalo

Item 92 – (COMM. 3M-4) Fact Sheet - Completion of Brownfield Cleanup Program at 1155 Main St., Buffalo

Item 93 – (COMM. 3M-5) Fact Sheet - Completion of Brownfield Cleanup Program at 2424 Hamburg Turnpike, Lackawanna

Item 94 – (COMM. 3M-6) Fact Sheet - Completion of Brownfield Cleanup Program at MOD-PAC Site, Buffalo

Item 95 – (COMM. 3M-7) Fact Sheet - Completion of Brownfield Cleanup Program at Pierce Arrow Site, Buffalo

Item 96 – (COMM. 3M-8) Fact Sheet - Completion of Brownfield Cleanup Program at Chandler Incubator Site, Buffalo

Item 97 – (COMM. 3M-9) Fact Sheet - Completion of Brownfield Cleanup Program at 837 Bailey Ave., Buffalo

Item 98 – (COMM. 3M-10) Invitation for Public Comment - Proposal for No Further Action at Brownfield Site at 441 Elmwood Ave, Buffalo

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

FROM THE TOWN OF EDEN

Item 99 – (COMM. 3M-11) Certified Copy of Resolution Supporting State Legislation Requesting Reconsideration of 2020 Bail Reform

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE TOWN OF TONAWANDA

Item 100 – (COMM. 3M-12) Request of EC to Make Direct Payment to the Town of Tonawanda for the Town's Portion of Sales Tax Revenue

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NYSDEC

Item 101 – (COMM. 3M-13) Public Notice - Brownfield Cleanup Program Application for 8 St. Louis Pl., Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE MINORITY & WOMEN BUSINESS ENTERPRISES UTILIZATION ADVISORY BOARD

Item 102 – (COMM. 3M-14) Meeting Minutes for Meeting Held on 11/18/2019

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

FROM THE NFTA

Item 103 – (COMM. 3M-15) 17A Report & Capital Expenditure Reports for Third Quarter of FY Ending 3/31/2020

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ASSIGNED COUNSEL PROGRAM

Item 104 – (COMM. 3M-16) Quarterly Report for 4th Quarter of 2019

Item 105 – (COMM. 3M-17) Financial Report & Cash Basis for the Period 07/01/2019 - 12/30/2019

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

FROM THE NFTA

Item 106 – (COMM. 3M-18) NFTA Board Minutes for Meeting Held on 12/19/2019

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYSDEC

Item 107 – (COMM. 3M-19) Fact Sheet - Completion of Brownfield Cleanup Program at ENRX Annex Site, Buffalo

Item 108 – (COMM. 3M-20) Fact Sheet - Completion of Brownfield Cleanup Program at ExxonMobil Oil Former Buffalo Terminal Operable Unit 3, Buffalo

Item 109 – (COMM. 3M-21) Fact Sheet - Completion of Brownfield Cleanup Program at ExxonMobil Oil Former Buffalo Terminal Operable Unit 2 West, Buffalo

Item 110 – (COMM. 3M-22) Fact Sheet - Completion of Brownfield Cleanup Program at ExxonMobil Oil Former Buffalo Terminal Operable Unit 2 East, Buffalo

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

FROM THE EC SOIL & WATER CONSERVATION DISTRICT

Item 111 – (COMM. 3M-23) 2020 Budget Submission - Pursuant to 2019 Budget Accountability Act

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ECWA

Item 112 – (COMM. 3M-24) Detailed Financial Report for Years Ended 12/31/2019 & 2018

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

ANNOUNCEMENTS

Item 113 – Chair Baskin announced that City of Buffalo School Board Member Terrance Heard is in attendance at this session of the Legislature. Chair Baskin further announced that the schedule for committee meetings to be held on Thursday, February 13, 2020, has been distributed.

MEMORIAL RESOLUTIONS

Item 114 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Lauren C. “Cuppy” Whiting, Caroline L. Stoll (Feldman), Datta G. Wagle, M.D., and Esther M. Sierson.

Item 115 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Concettina Campanella and Robert “Bob” Golata.

Item 116 – Chair Baskin requested that when the Legislature adjourns, it do so in memory of Agnes M. Bain.

ADJOURNMENT

Item 117 - 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, February 20, 2020 at 2:00 p.m. Eastern Standard Time. MR. TODARO seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, February 20, 2020 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE