

**ERIE COUNTY LEGISLATURE
MEETING NO. 2
JANUARY 17, 2019**

The Legislature was called to order by Chair Savage.

All members present.

An Invocation was held, led by Ms. Miller-Williams, who offered a prayer.

The Pledge of Allegiance was led by Mr. Rath.

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

GRANTED.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MS. BASKIN moved for the approval of the minutes for Meeting Number 1 from 2019. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. DIXON, MR. LORIGO, MR. RATH, MR. MILLS, CHAIR SAVAGE, MS. BASKIN, MR. LOUGHRAN, MR. BRUSO, MR. HARDWICK, MR. MEYERS & MS. MILLER-WILLIAMS presented a proclamation Proclaiming January 2019 as "Slavery & Human Trafficking Prevention & Awareness Month" in Erie County.

Item 6 – MS. MILLER-WILLIAMS presented a proclamation Remembering Betty Edmunds Norward.

Item 7 – MS. DIXON presented a proclamation Celebrating the 50th Anniversary of Stan Figiel's Service to the Big Tree Volunteer Fire Company.

Item 8 – MR. MEYERS presented a proclamation Remembering Frank Wilczak.

Item 9 – MR. RATH presented a proclamation Recognizing Firefighter Michael Burkhardt for 55 Years of Service to the Clarence Fire Company.

Item 10 – MR. RATH presented a proclamation Recognizing Firefighter Robert McGinley for 50 Years of Service to the Ellicott Creek Volunteer Fire Company.

Item 11 – MS. MILLER-WILLIAMS presented a proclamation Honoring Maureen Bartley as January 2019 Citizen of the Month.

Item 12 – CHAIR SAVAGE, MS. BASKIN, MR. LORIGO, MS. MILLER-WILLIAMS, MR. HARDWICK, MR. LOUGHRAN, MR. RATH, MR. MEYERS, MR. BRUSO, MS. DIXON & MR. MILLS presented a proclamation Recognizing David A. Palmer for his Service as EC Commissioner of Labor Relations & Commissioner of Personnel.

Item 13 – MS. DIXON presented a proclamation Celebrating Global Concepts Charter School's 15th Anniversary.

Item 14 – CHAIR SAVAGE, MS. BASKIN, MR. LORIGO, MS. MILLER-WILLIAMS, MR. HARDWICK, MR. LOUGHRAN, MR. RATH, MR. MEYERS, MR. BRUSO, MS. DIXON & MR. MILLS presented a proclamation Recognizing Charles Sickler for His Lifetime of Service to the ECDPW.

Item 15 – MR. LORIGO presented a proclamation Honoring the Life of Edward W. Vidler.

Item 16 – CHAIR SAVAGE, MS. BASKIN, MR. LORIGO, MS. MILLER-WILLIAMS, MR. HARDWICK, MR. LOUGHRAN, MR. RATH, MR. MEYERS, MR. BRUSO, MS. DIXON & MR. MILLS presented a proclamation Encouraging All Residents to Wear Red on February 1, 2019, in Celebration of National Go Red for Women.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 17 – CHAIR SAVAGE directed that Local Law No. 1 (Print #2) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 18 – CHAIR SAVAGE directed that Local Law No. 12 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 19 – CHAIR SAVAGE directed that Local Law No. 14 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 20 – CHAIR SAVAGE directed that Local Law No. 15 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 21 – CHAIR SAVAGE directed that Local Law No. 17 (Print #1) 2017 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 22 – CHAIR SAVAGE directed that Local Law No. 20 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 23 – CHAIR SAVAGE directed that Local Law No. 3 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 24 – CHAIR SAVAGE directed that Local Law No. 6 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 25 – CHAIR SAVAGE directed that Local Law No. 8 (Print #1) 2018 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 26 – MS. BASKIN moved to take Local Law No. 9 (Print #1) 2018 from the table. MR. BRUSO seconded.

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

AYES: MR. MILLS, MS. BASKIN, MR. BRUSO, MR. HARDWICK, MR. LOUGHRAN, MR. MEYERS, MS. MILLER-WILLIAMS and CHAIR SAVAGE. NOES: MS. DIXON, MR. LORIGO and MR. RATH. (AYES: 8; NOES: 3)

CARRIED.

COUNTY OF ERIE
LOCAL LAW INTRO. NO. 9-1 -2018
LOCAL LAW NO. ____-2018

A Local Law entitled the “Energize NY Benefit Financing Program Law of Erie County” in relation to establishing a sustainable energy loan program in Erie County.

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

Section 1 Legislative Findings, Intent and Purpose, and Authority

- A. It is the policy of both the County of Erie (“County”) and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The County finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This chapter establishes a program that will allow the Energy Improvement Corporation (“EIC”), a local development corporation, acting on behalf of the County pursuant to the municipal agreement to be entered into between the County and EIC pursuant to Article 5-G of the New York General Municipal Law (the “Municipal Agreement”), to make funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this law and fulfilling an important public purpose.
- B. The County is authorized to implement this Energize NY Benefit Financing Program pursuant to the Municipal Home Rule Law and Article 5-L of the New York General Municipal Law.

Section 2 Definitions

For purposes of this law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Authority – The New York State Energy Research and Development Authority, as defined by subdivision two of section eighteen hundred fifty-one of the Public Authorities Law, or its successor.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section fourteen hundred eleven of the Not-For-Profit Corporation Law, authorized hereby on behalf of the County to implement the Energize NY Benefit Financing Program by providing funds to qualified property owners (as defined in this law) and providing for repayment of such funds from monies collected by the County tax collecting officer as a charge to be levied on the real property and collected in the same manner and same form as the County taxes.

Energy Audit – A formal evaluation or “assessment” of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

Energy Efficiency Improvement – Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weatherstripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the Authority, not including lighting measures or household appliances that are not permanently fixed to real property.

Qualified Property Owner – An owner of residential or commercial real property located within the boundaries of the County that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this law.

Renewable Energy System – An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, except when the Qualified Property Owner is a commercial entity in which case the system may be used for other properties in addition to the subject property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority not including the combustion or pyrolysis of solid waste.

Renewable Energy System Feasibility Study – A written study, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of determining the feasibility of installing a renewable energy system.

Section 3 Establishment of an Energize NY Benefit Financing Program

- A. An Energize NY Benefit Financing Program is hereby established by the County, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may provide funds to Qualified Property Owners in accordance with the procedures set forth under this law, to finance the acquisition, construction and installation of Renewable Energy Systems and Energy Efficiency Improvements and the verification of the installation of such systems and improvements.
- B. For funds provided to a Qualified Property Owner which is a commercial entity, not-for-profit organization, or entity other than an individual, EIC shall have the authority to impose requirements on the maximum amount of funds to be provided, which may consider factors including but not limited to the property value, projected savings, project cost, and existing indebtedness secured by such property.
- C. For financings made to a Qualified Property Owner who is an individual, the funds provided shall not exceed the lesser of: (i) ten percent of the appraised value of the real property where the Renewable Energy Systems and/or Energy Efficiency Improvements will be located, or (ii) the actual cost of installing the Renewable Energy Systems and/or Energy Efficiency Improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

Section 4 Procedures for Eligibility

- A. Any property owner in the County may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the County offices.
- B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the County, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in section 5 of this law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC acting on behalf of the County, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under section 6 of this law; provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of Energy Efficiency Improvements and/or Renewable Energy Systems be deemed a Qualified Property Owner.

Section 5 Application Criteria

Upon the submission of an application, EIC acting on behalf of the County, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems are determined to be cost effective based on guidelines issued by the Authority;
- B. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- C. The amount financed under the Energize NY Benefit Financing Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- D. Sufficient funds are available from EIC to provide financing to the property owner;
- E. The property owner is current in payments on any existing mortgage;
- F. The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and
- G. Such additional criteria, not inconsistent with the criteria set forth above, as the County, or EIC acting on its behalf, may set from time to time.

Section 6 Opt-in, Energize NY Finance Agreement

- A. A Qualified Property Owner may participate in the Energize NY Benefit Financing Program through the execution of an energize NY finance agreement made by and between the Qualified Property Owner and EIC, acting on the behalf of Erie County (the “Energize NY Finance Agreement”).
- B. Upon execution of the Energize NY Finance Agreement, the Qualified Property Owner shall be eligible to receive funds from EIC acting on behalf of Erie County, for the acquisition, construction, and installation of qualifying Renewable Energy Systems and Energy Efficiency Improvements; provided the requirements of Section 7 of this law have been met.
- C. The Energize NY Finance Agreement shall include the terms and conditions of repayment set forth under section 8 of this law.

Section 7 Energy Audit, Renewable Energy System Feasibility Study

- A. No funds shall be made available for Energy Efficiency Improvements unless determined to be appropriate through an Energy Audit as defined in Section 2.
- B. No funds shall be made available for a Renewable Energy System unless determined to be feasible through a Renewable Energy System Feasibility Study as defined in Section 2.
- C. The cost of such Energy Audit and/or Renewable Energy System Feasibility Study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

Section 8 Terms and Conditions of Repayment

The Energize NY Finance Agreement between the Qualified Property Owner and EIC acting on behalf of the County, shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds paid to the Qualified Property Owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on their Erie County tax bill and shall be levied and collected at the same time and in the same manner as County property taxes, provided that such charge shall be separately listed on the tax bill. Erie County shall make payment to EIC or its designee in the amount of all such separately listed charges within 30 days of the date the payment is due to be made to the County.
- B. The term of such repayment shall be determined at the time the Energize NY Finance Agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the County.
- C. The rate of interest for the charge shall be fixed by EIC acting on behalf of the County at the time the Energize NY Finance Agreement is executed by the property owner and EIC.

- D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program as set forth in Article 5-L of the General Municipal Law and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

Section 9 Verification and Report

- A. EIC shall be responsible for verifying and reporting to the County on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by such Program.
- B. The County shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Energize NY Benefit Financing Program in such form and manner as the Authority may establish.

Section 10 Effective Date

This Local Law shall take effect upon passage by the Legislature.

Section 11 Severability

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

Sponsored By:

Legislator John Bruso

MS. BASKIN moved to approve Local Law No. 9 (Print #1) 2018. MR. BRUSO seconded.

MR. LORIGO moved to table Local Law No. 9 (Print #1) 2018. MR. RATH seconded.

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

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

FAILED.

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

AYES: MS. BASKIN, MR. BRUSO, MR. HARDWICK, MR. LOUGHRAN, MR. MEYERS, MS. MILLER-WILLIAMS and CHAIR SAVAGE. NOES: MS. DIXON, MR. LORIGO and MR. MILLS. ABSTAINS: MR. RATH. (AYES: 7; NOES: 3; ABSTAINS: 1)

CARRIED.

Item 27 – CHAIR SAVAGE directed that Local Law No. 10 (Print #1) 2018 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 28 – MR. BRUSO presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 2

January 10, 2019	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 9-4 (2018)
BURKE: “Ensuring Healthcare for All New Yorkers through the New York Health Act”
(Chair’s ruling)
 - b. LL INTRO. 10-1 (2018)
BURKE: “A LL Entitled "Restriction of Paraphernalia From Grocers"”
(Chair’s ruling)
2. INTRO. 18-1 (2018)
BRUSO
WHEREAS, in recent years, there has been an explosion in the growth of electronic cigarettes across the country, as “vape” shops and e-cigarette sellers have proliferated; and

WHEREAS, e-cigarette companies argue that their products are safer than traditional tobacco products, which feature tar and cause cancer, and many long-standing tobacco users and smokers have switched to vaping as a safer alternative to tobacco products; and

WHEREAS, David Abrams, a professor at N.Y.U.'s College of Global Public Health and former director of the Office of Behavioral and Social Sciences Research, at the National Institutes of Health believes that vaping is an important public-health innovation, and that the benefits for adult smokers will far outweigh the harm from youth vaping; and

WHEREAS, a 2016 study led by researchers at Roswell Park Comprehensive Cancer Center examining smokers who switched to e-cigarettes for two weeks reported that nicotine exposure remained the same, while exposure to specific carcinogens and toxicants is reduced, among smokers who switch from tobacco cigarettes to electronic cigarettes; and

WHEREAS, a recent study by a Georgetown oncology professor concluded that 6.6 million lives would be saved if 10% of American smokers switched to e-cigarettes every year in the next ten years; and

WHEREAS, e-cigarettes heat liquid, known as e-juice, which contains flavorings, propylene glycol, glycerin and nicotine -- though many users are unaware of this final addictive ingredient -- and turns the ingredients into vapor, which a user inhales and then exhales in a puffy cloud; and

WHEREAS, some schools and public health advocates contend that the vaping industry is the latest incarnation of Big Tobacco, developing and promoting its products to create new markets for a younger generation; and

WHEREAS, e-cigarette companies have asserted the so-called "healthier" side of vaping and this has led to a mindset in the minds of teenagers and young people that while cigarettes are "not okay", it is "cool" or safe to vape; and

WHEREAS, among the devices being used by teens are "Juuls", a type of vaporizer designed so discreetly that most people don't even recognize them as an e-cigarette; and

WHEREAS, not only are Juul vaporizers small enough to fit in the palm of your hand, they can be charged when plugged into a laptop's USB slot, making it easy for students to pass them off as flash drives at schools; and

WHEREAS, an August 2018 USA Today article noted that teachers across the country have noticed students routinely disappearing for 15-20 minutes at a time, ostensibly to use the bathroom, but in reality, they were using Juul devices and vaping; and

WHEREAS, along with being small and easy to charge, Juul pods come in flavors like crème brulee, 'cool cucumber', mint, and mango, which has led these e-cigarettes to become very popular with kids, with Juuls becoming the best-selling e-cigarette on the market, gaining up to 60% of the market in early 2018 according to Wells Fargo; and

WHEREAS, an analyst at Wells Fargo projects that this year the American vaporizer market will grow to \$5.5 billion dollars, an increase of more than 25% from 2017; and

WHEREAS, the market's "growth appears to be due to growth with the 18 to 24 year old age group," according to a Wells Fargo report; and

WHEREAS, while Juuls are supposed to be only available for purchase on its website by persons aged 21 or older, many teenagers are buying Juuls online by lying about their age and using a prepaid debit card and young people are exchanging, sharing or selling these devices and pods to others; and

WHEREAS, public health experts and some lawmakers believe Juul and its rivals are really marketing the products to persons younger than 21; and

WHEREAS, one Juul pod contains the same amount of nicotine as a pack of cigarettes, according to the company's website; and

WHEREAS, a new study issued by researchers at Roswell Park Comprehensive Cancer Center found that nicotine levels in the pods nearly match those of traditional combustible cigarettes while the users, often teenagers, do not understand or know that; and

WHEREAS, the Roswell Park researchers studied the habits of more than 500 e-cigarette users aged 12 to 21 at three outpatient clinics on Long Island, and found that all reported vaping with the newer pod devices that Juul and others have used to capture the e-cigarette market; and

WHEREAS, health advocates and experts are deeply concerned that these "fun-flavored" pods have gotten teens across the country addicted to nicotine and while the company says it markets the product to adults, its use of the USB-drive and flavors appeals to teens who openly admit to using the product, including at school; and

WHEREAS, in a survey that the anti-tobacco advocacy group Truth Initiative conducted of persons aged 15-24, 25% recognized a Juul e-cigarette when shown a photo, and 63% of users did not know the product contained nicotine; and

WHEREAS, while tobacco use is banned in public places and inside buildings across most of the US, students are using e-cigarettes and Juuls in schools, in bathrooms, and in dorm rooms; and

WHEREAS, Juuls also produce less smoke than many similar devices, making them even more discreet and easy to use (and hard to detect), and the problem has grown widespread enough that school districts in states including Kentucky, Wisconsin, California and Massachusetts have voiced their concerns and, in some cases, begun amending school policy to address the issue; and

WHEREAS, educators and public health officials are concerned that young people may mistake the fruity flavors of Juul pods for a safe product, when in fact the pods contain nicotine and can also be reloaded with substances such as THC oil, an extract of marijuana, or other unregulated substances which may be dangerous; and

WHEREAS, some educators have warned that vapes might contain "cocaine liquid" or other liquids, as it is possible, although difficult, to crack open a Juul pod and fill it with your own liquid; and

WHEREAS, high schools have been holding informational sessions about vaping, sending letters home to parents, investing in vape detectors, removing doors in stalls in bathrooms (due to students vaping in the stalls) and even banning flash drives to try and address the growth in such smoking; and

WHEREAS, the rapid spread of vaping was highlighted by a 2016 report from the US Surgeon General that cited a 900% increase in e-cigarette use by high school students from 2011 to 2015, and the 2016 National Youth Tobacco Survey noted that 1.7 million high school students said they had used e-cigarettes in the previous 30 days, demonstrating a troubling trend; and

WHEREAS, in September 2018 the FDA Commissioner stated that more than 2 million middle and high school students were regular users of e-cigarettes in 2017; and

WHEREAS, according to Monitoring the Future, an annual survey done for the National Institute on Drug Abuse, part of the National Institutes of Health, in 2017, 19% of 12th graders, 16% of 10th graders and 8% of 8th graders reported vaping nicotine in the past year; and

WHEREAS, the New York State Department of Health has reported that the number of students using pod electronic nicotine delivery systems doubled from 10.5% in 2014 to 20.6% in just two years; and

WHEREAS, according to a 2017 study by the Centers for Disease Control, about 50% more high school and middle school students vape than smoke; and

WHEREAS, increasingly, young persons have used the e-cigarette technology that was supposed to help adults stop smoking and invented a new habit of vaping; and

WHEREAS, a 2018 study published in the journal Pediatrics found that teenagers who smoked e-cigarettes had higher levels of cancer-causing chemicals in their bodies than non-smokers, and Michael Blaiss, M.D., the executive medical director of the American College of Allergy, Asthma and Immunology, has said that “This is not a safe alternative” adding, “The problem is that nicotine itself can have major effects;” and

WHEREAS, while e-cigarettes contain fewer toxic substances than traditional cigarettes, and public health experts say that they do not yet know what the long term health effects of exposure to e-cigarettes may be, they are troubled, and the US Centers for Disease Control warns that vaping may still expose people to cancer-causing chemicals, as the heating of e-liquid flavors in e-cigarettes and pods generates chemicals that have not been studied in depth; and

WHEREAS, as vaping products contain nicotine, health specialists say vaping can cause side effects including dizziness, headaches, nausea, racing heart, anxiety and difficulty with sleep; and

WHEREAS, nicotine is extremely addictive and it can act as a gateway drug, and health experts say that teenagers who begin with e-cigarettes are more likely to transition to combustible cigarettes, putting them at higher risk for health issues; and

WHEREAS, Ilona Jaspers, a professor in the Departments of Pediatrics and Microbiology and Immunology at the University of North Carolina at Chapel Hill, says there is emerging evidence of potential adverse health effects associated with e-cigarette use and her research has shown that certain e-cigarette flavor chemicals significantly reduce the function of immune cells; and

WHEREAS, Jonathan Winickoff, a pediatrician at Massachusetts General Hospital, professor at Harvard Medical School and the former chair of the American Academy of Pediatrics Tobacco Consortium, which is trying to end youth smoking, recently said “Juul is already a massive public-health disaster—and without dramatic action it’s going to get much, much, much worse”; and

WHEREAS, Dr. Winickoff stated “If you were to design your ideal nicotine-delivery device to addict large numbers of United States kids, you’d invent Juul. . . It’s absolutely unconscionable. The earlier these companies introduce the product to the developing brain, the better the chance they have a lifelong user”; and

WHEREAS, in March 2018, the American Heart Association, the American Lung Association, and several other groups sued the Food and Drug Administration (FDA), arguing that an agency delay in imposing certain rules on e-cigarette companies to submit a premarket tobacco application in order to keep their products on the market needlessly exposed consumers to “lethal and addictive” substances; and

WHEREAS, Maciej Goniewicz, a researcher in the Tobacco Research Laboratory at Roswell Park and the first author of the recent Roswell Park study has noted that recent electronic nicotine delivery systems research surveys of nearly 70,000 Americans of all ages already has shown that daily use of an e-cigarette doubles the odds of a heart attack; and

WHEREAS, the FDA did not regulate e-cigarettes as tobacco products until 2016, and previously, under the former presidential administration, it attempted to regulate them as “drug-delivery devices,” but that approach was struck down in federal court; and

WHEREAS, recognizing what it called “the troubling reality” that electronic cigarettes have become “wildly popular with kids,” in late April 2018 the FDA announced a major crackdown on the vaping industry, particularly on the trendy Juul devices, aimed at curbing sales to young people; and

WHEREAS, as part of its actions, the FDA demanded that Juul Labs turn over company documents about the marketing and research behind its products, including reports on focus groups and toxicology, to determine whether Juul is intentionally appealing to the youth market despite its statements to the contrary and despite knowing its addictive potential; and

WHEREAS, the FDA Commissioner stated in late April 2018 that the measures are the first of several steps the agency would be taking as part of a new Youth Tobacco Prevention Plan to get manufacturers to stop marketing e-cigarettes to young people; and

WHEREAS, the FDA has stated it is concerned and will examine whether Juul and other manufacturers are allowing bulk purchases of the products via their own websites, which could then allow a buyer to later sell pods and e-cigarettes to minors; and

WHEREAS, on September 12, 2018, the FDA Commissioner announced that the agency is considering restrictions, or tighter guidelines, on five major manufacturers and 1,300 retailers; and he said the agency fears these devices have fanned a growing “epidemic” of teen use, and FDA Commissioner Scott Gottlieb has given Juul and the other manufacturers 60 days to provide plans to curb youth sales before the agency decides how it will take action.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its concern over e-cigarette products, including Juuls, that have nicotine and which are increasingly being consumed by young persons in middle and high school without adequate knowledge of their risks and adverse health effects, and have the potential to create new public health problems in our society; and be it further

RESOLVED, that this Honorable Body expresses alarm about the potential for persons to also insert THC oil, cocaine, or other unregulated liquids or products into e-cigarettes and Juul pods and in so doing creating new public health evils in our country; and be it further

RESOLVED, that this Honorable Body calls on the US Food and Drug Administration to take further steps to regulate and enforce the manufacture, sale and use of e-cigarettes and Juul or related devices and to limit or prohibit their use by persons under age 21; and be it further

RESOLVED, that certified copies of this resolution be transmitted to Dr. Scott Gottlieb, Commissioner of the Food and Drug Administration, the American Heart Association, the American Lung Association, the Campaign for Tobacco-Free Kids, American Academy of Pediatrics Tobacco Consortium, the American Medical Association, NYS Department of Health Commissioner Howard Zucker and Erie County Commissioner of Health Gale Burstein.

(6-0)

3. COMM. 24E-12 (2018)
COUNTY EXECUTIVE

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

WHEREAS, the Erie County Department of Mental Health has been awarded \$330,000 annually for a 5-year period beginning 9/30/18 by SAMHSA in order to enhance and/or expand an existing Erie County Crisis Intervention Team (CIT) Model for pre-booking diversion of adults with co-occurring disorders (CODs) in partnership with police departments and treatment networks; and

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

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

NOW, THEREFORE, BE IT

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

Erie County Department of Mental Health
Grant Fund 281, Fund Center 12410
September 30, 2018 - September 29, 2023
124SAMHSAEDEP1823

Revenue	Increase
Account 414000 – Federal Revenue	\$1,650,000
Appropriation	Increase
Account 517818 – Suicide Prevention OMH	\$1,650,000

and be it further

RESOLVED, that to the extent this subcontract may constitute a professional, technical or other consultant service, the County Administrative Code requirement in Section 19.08 for a Request for Proposal (RFP) is hereby waived, as this Honorable Body has previously approved of the County’s entering into contracts with the aforementioned providers on December 7, 2017; and be it further

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

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

(6-0)

**JOHN BRUSO
CHAIR**

Item 29 – MR. BRUSO presented the following report and moved for immediate consideration and approval. MS. BASKIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 3

January 10, 2019	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. LL INTRO. 1-2 (2017)
BURKE: “A LL to Prevent Medical Waste from Entering the Great Lakes, Also Known as the Erie County Pharmaceutical Water Pollution Act”
(Chair’s Ruling)
 - b. LL INTRO. 15-1 (2017)
BURKE: “A LL Amending Local Law No. 1-1959, Constituting the Erie County Charter, as Amended, Amending Article 10, in Relation to Establishing an "Erie County Water Quality Commission””
(Chair’s Ruling)
 - c. COMM. 24D-4 (2018)
DEPARTMENT OF ENVIRONMENTAL PLANNING: “Buffalo & EC Botanical Gardens Restoration”
(Chair’s Ruling)
 - d. COMM. 24M-1 (2018)
NYSDEC: “Brownfield Cleanup Program Fact Sheet - Northland Ave., Buffalo”
(Chair’s Ruling)
 - e. COMM. 24M-2 (2018)
NYSDEC: “Brownfield Cleanup Program Fact Sheet - Jefferson Ave., Buffalo”
(Chair’s Ruling)
 - f. COMM. 24M-6 (2018)
NYSDEC: “Invitation for Public Comment on Brownfield Cleanup Plan - Main St., Buffalo”
(Chair’s Ruling)
 - g. COMM. 1E-5 (2019)
COUNTY EXECUTIVE: “ECSD No. 6 - Well St. & Wilmuth Ave. Pumping Stations Electrical Upgrades”
(Chair’s Ruling)
 - h. COMM. 1D-2 (2019)
CLERK OF THE LEGISLATURE: “Written Communications Submitted During Public Hearing Held on December 20, 2018, Concerning Local Law Intro. 9-1 (2018)”
(Chair’s Ruling)
 - i. COMM. 1M-1 (2019)
NYSDEC: “Cleanup Action Completed at Brownfield Site - 1111 Elmwood Ave., Buffalo”
(Chair’s Ruling)

- j. COMM. 1M-2 (2019)
NYSDEC: "Cleanup Action Completed at Brownfield Site - 1585 Hertel Ave., Buffalo"
(Chair's Ruling)
- k. COMM. 1M-3 (2019)
NYSDEC: "Cleanup Action Completed at Brownfield Site - 166 Chandler St., Buffalo"
(Chair's Ruling)
- l. COMM. 1M-4 (2019)
NYSDEC: "Cleanup Action Completed at Brownfield Site - 1550 Harlem Rd.,
Cheektowaga"
(Chair's Ruling)
- m. COMM. 1M-5 (2019)
NYSDEC: "Cleanup Action Completed at Brownfield Site - 975 & 1005 Fuhrmann Blvd.,
Buffalo"
(Chair's Ruling)
2. COMM. 1E-3 (2019)
COUNTY EXECUTIVE
WHEREAS, pursuant to Legislative Comm. 17E-7 (2013), Contract 20 was awarded to
Milherst Construction, Inc. to construct the Bryant Stratton Pumping Station Upgrades Project in
Erie County Sewer District No. 5; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all
scheduled improvements have been completed; and

WHEREAS, the Erie County Department of Environment and Planning recommends the
acceptance and close-out of Contract No. 20, in the final contract amount of \$73,506.30.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 20 between the County of Erie and Milherst Construction,
Inc. (10025 County Road, P.O. Box 430, Clarence Center, New York 14032-0430) is accepted in the
final contract amount of \$73,506.30; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each
to the County Executive, the Erie County Comptroller, the Director of Budget and Management, and
Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph
L. Fiegl, P.E., Department of Environment and Planning.
(6-0)

JOHN BRUSO
CHAIR

Item 30 – MS. BASKIN presented the following report and moved for immediate
consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 4

January 10, 2019	PUBLIC SAFETY COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 19E-19 (2018)
SHERIFF: "Access Agreement with Big Fish Entertainment LLC"
(Chair's ruling)
 - b. COMM. 23E-24 (2018)
BASKIN: "Letter to Sheriff - Invitation to Appear at Public Safety Committee Meeting"
(Chair's ruling)
2. COMM. 24E-13 (2018)
COUNTY EXECUTIVE
WHEREAS, more than 300 pedestrians are killed and 15,000 injured each year in New York State due to being struck by motor vehicles; and

WHEREAS, pedestrians comprise more than 25% of the fatalities due to motor vehicle crashes in New York State; and

WHEREAS, the Governor's Traffic Safety Committee (GTSC) has designated Buffalo and Erie County as a Focus Community in its Pedestrian Safety Action Plan; and

WHEREAS, GTSC has awarded Erie County a grant in the amount of \$37,000 to fund a public education and awareness campaign on the risks to vulnerable road users; and

WHEREAS, the grant will be used to fund a part-time Data Entry Operator to gather pedestrian safety data and purchase materials for pedestrian safety awareness events; and

WHEREAS, all expenses under Traffic Safety Program are 100% reimbursable by New York State; and

WHEREAS, no local matching dollars are required to receive this grant.

NOW, THEREFORE, BE IT

RESOLVED, that the following transactions are authorized to permit receipt of GTSC funding and establish the Pedestrian Traffic Safety Grant:

CENTRAL POLICE SERVICES
PEDESTRIAN SAFETY PROGRAM
Cost Center #1650060 STOP-DWI/TRAFFIC SAFETY
GRANT #165ROADSAFETY1819

<u>APPROPRIATIONS</u>		<u>AMOUNT</u>
ACCT. #500010	Part-Time Wages	20,000
ACCT. #502000	Fringe Benefits	9,150
ACCT. #505000	Office Supplies	800
ACCT. #505200	Clothing Supplies	500
ACCT. #510000	Local Mileage	400
ACCT. #510100	Out of Area Travel	800
ACCT. #530000	Other Expense	1,350
ACCT. #980000	DISS Services	4,000
TOTAL APPROPRIATIONS		<u>37,000</u>
REVENUE		
ACCT. #414000	Federal Revenue	<u>37,000</u>
TOTAL REVENUE		<u>37,000</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of County Executive, the Office of the Comptroller, Division of Budget, Management, and Finance, the STOP-DWI Office and Central Police Services attention: Brian Speers.

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

3. COMM. 1E-6 (2019)
COUNTY EXECUTIVE

WHEREAS, the Paul Coverdell Forensic Science Improvement Grant has been awarded to Erie County Central Police Services Forensic Laboratory in the amount of \$128,912; and

WHEREAS, Paul Coverdell Forensic Science Improvement Grant funds will be used for overtime work to be performed to mitigate the firearms backlog and purchase comparison microscopes; and

WHEREAS, the grant will also be used to fund ANSI-ASQ National Accreditation Board (ANAB) Auditor Training and subsequent administrative and management work associated with the grant program.

NOW, THEREFORE, BE IT

RESOLVED, that the following authorization is hereby provided to accept and establish the grant in the budget of the Department of Central Police Services as follows:

CENTRAL POLICE SERVICES
PAUL COVERDELL FORENSIC SCIENCE IMPROVEMENT GRANT
Funds Center #1650040
Fund 281
Grant Period 1/1/2019–12/31/2019
GRANT #165FIREARMBACKLOG19

<u>REVENUE</u>		<u>AMOUNT</u>
ACCT. #414000	Federal Aid	<u>128,912</u>
	TOTAL REVENUE	<u>128,912</u>
<u>APPOPRIATIONS</u>		<u>AMOUNT</u>
ACCT. #501000	Overtime	41,365
ACCT. #502000	Fringe Benefits	10,758
ACCT. #510100	Out of Area Travel	2,400
ACCT. #510200	Training & Education	1,700
ACCT. #561410	Lab & Tech Equipment	72,689
	TOTAL	
	APPROPRIATIONS	<u>128,912</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of County Executive, the Office of the Comptroller, Division of Budget, Management, and Finance, and Central Police Services attention: Brian Speers.
(6-0)

4. COMM. 1E-7 (2019)
COUNTY EXECUTIVE

WHEREAS, Greater Buffalo Metropolitan Crime Stoppers, Inc. assists law enforcement agencies in their efforts to apprehend wanted individuals and getting tips on older unsolved crimes; and

WHEREAS, data gathered by the New York State Department of Criminal Justice Services indicates there has been an increase in non-fatal shootings in Erie County over the past year; and

WHEREAS, feedback from partner agencies and other experts indicates increased rewards can contribute to more community assistance in the reporting of violent crimes; and

WHEREAS, Greater Buffalo Metropolitan Crime Stoppers, Inc. (Crime Stoppers) requests authorization to enter into an agreement with Erie County Central Police Services to fund qualifying tips for homicides, non-homicide shootings, and firearms possession; and

WHEREAS, Central Police Services has funds reserved in its 2019 budget in Fund 110, Cost Center 16500, Acct #516020, Professional Services Contracts & Fees.

NOW, THEREFORE, BE IT

RESOLVED, that the authorization is hereby provided for Central Police Services to enter into an agreement with Greater Buffalo Metropolitan Crime Stoppers; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Office of the Comptroller, and the Department of Central Police Services, attention: Brian Speers.

(6-0)

**APRIL N.M. BASKIN
CHAIR**

Item 31 – MS. BASKIN presented the following report and moved for immediate consideration and approval. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 5

January 10, 2019	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. LL INTRO. 14-1 (2017)
BURKE: “A LL in Relation to Erie County Investing in Local Businesses and Residents, and in Doing so Investing in American Produced Products and Citizens, Also Known as "The Invest in Erie, Invest in America Act"”
(Chair’s ruling)
 - b. COMM. 7E-48 (2018)
COUNTY EXECUTIVE: “Open Item - Economic Development Committee - Remaining Road, Bridge & Infrastructure Projects for 2018”
(Chair’s ruling)
 - c. COMM. 21E-2 (2018)
RATH: “Letter to County Executive Concerning Tonawanda Creek Rd. Construction Public Meeting”
(Chair’s ruling)

- d. COMM. 23M-2 (2018)
NFTA: "NFTA's Annual 17A Report FYE 2018"
(Chair's ruling)
- e. COMM. 24E-7 (2018)
COUNTY EXECUTIVE: "ECSD No. 1 - Engineering Term Contract Agreement"
(Chair's ruling)

2. COMM. 24E-17 (2018)
COUNTY EXECUTIVE
WHEREAS, the existing 35 year old roof system at Erie County Community College North Campus Spring Student Center is leaking, causing damage to the building interior spaces and systems; and

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

WHEREAS, the County of Erie received bids for the Erie Community College North Campus – 2017 – Spring Student Center Roof Replacement project on October 30, 2018; and

WHEREAS, the Department of Public Works and Bell & Spina Architects Planners P.C. are recommending award of contracts to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the lowest responsible bidders for the Erie Community College North Campus – 2017 – Spring Student Center Roof Replacement project for an amount not to exceed, as follows:

General Construction Work

Jameson Roofing Company	Base Bid:	\$ 2,535,000
	Add Alternate No. G-1:	(\$ 63,400)
	Add Alternate No. G-2:	(\$ 88,400)
	Add Alternate No. G-3:	\$ 6,900
	Add Alternate No. G-4:	\$ 30,600
Total Award of General Construction Contract:		\$ 2,420,700

Mechanical Construction Work

Parise Mechanical Inc.	Base Bid:	\$ 276,000
	Add Alternate No. M-1:	(\$ 11,000)
	Add Alternate No. M-2:	(\$ 1,000)
	Add Alternate No. M-3:	\$ 122,000
Total Award of Mechanical Construction Contract:		\$ 386,000

and be it further

RESOLVED, that the sum of \$343,300 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency fund; and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the approved, as amended 2014, 2015 and 2017 Capital Budgets, Fund 480, Funds Center 122, follows:

E.14002	2014 ECC Roofs North Campus Amherst	\$ 62,584.18
E.15003	2015 Erie Community College Roof Replacement & Waterproofing Collegewide	\$ 2,965,415.82
E.17006	2017 Erie Community College Mechanical, Electrical, Plumbing and Miscellaneous Improvements Collegewide	\$ 122,000.00
	Total Payment not to Exceed	\$ 3,150,000.00

and be it further

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

(6-0)

3. COMM. 1E-4 (2019)
COUNTY EXECUTIVE

WHEREAS, the Unified Court System Eight Judicial District ("UCS") has requested that the Erie County Department of Public Works replace carpeting on the third and seventh floors of the Family Court Building County Court Building and in the center courtrooms, Parts 7, 12, 17, and 22 (including robing room areas and adjacent hallways) at the Erie County Courthouse at 25 Delaware Avenue along with wall patching and painting similar to the work recently performed on the north and south courtrooms; and

WHEREAS, this work will greatly improve the aesthetics in the Erie County Family Court Building and 25 Delaware, and the cost of the project is 100% reimbursable to the county from the UCS as a tenant-request line item within the Chapter 686 cleaning and minor maintenance contract with the County for the New York State fiscal year beginning April 1, 2018 through March 31, 2018; and

WHEREAS, the budget for capital project A.18076, Fund 410, Funds Center 122 must be increased in the amount not to exceed \$250,000 for the cost of the carpet replacement; and

WHEREAS, the original capital project was previously approved by your Honorable Body via Comm. 9E-17 (2018), May 24, 2018.

NOW, THEREFORE, BE IT

RESOLVED, that in order to comply with the Unified Court System Eighth Judicial District's request to replace carpeting on the third and seventh floors of the Family Court Building County Court Building and in the center courtrooms, Parts 7, 12, 17, and 22 (including robing room areas and adjacent hallways) at the Erie County Courthouse at 25 Delaware Avenue along with wall patching and painting similar to the work recently performed on the north and south courtrooms, authorization is hereby given to increase the budget in capital project A.18076 – UCS 2018-2019 Tenant Work Improvements, Fund 410, Funds Center 122 in an amount not to exceed \$250,000; and be it further

RESOLVED, that the County Executive is authorized to accept reimbursement in an amount not to exceed \$250,000 from the UCS after said improvements are made; and be it further

RESOLVED, that the Division of Budget and Management is authorized to make the following budgetary changes in capital project A.18076, Fund 410, Funds Center 122, as well as any necessary budgetary and accounting entries to facilitate the acceptance of revenue and outlay of expenditures:

	Original Budget	Adjustments	Revised Budget
REVENUE			
405170 State Aid Court Facility	<u>\$300,000</u>	<u>\$250,000</u>	<u>\$550,000</u>
TOTAL REVENUE	\$300,000	\$250,000	\$550,000
EXPENSE			
Capital Project Expense	<u>\$300,000</u>	<u>\$250,000</u>	<u>\$550,000</u>
TOTAL EXPENDITURES	\$300,000	\$250,000	\$550,000

and be it further

RESOLVED, that the Comptroller's Office is directed to effectuate the release of funds for this project based on requests from the Department of Public Works from the above-noted funding sources; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller and the Unified Court System Eighth Judicial District c/o Andrew Isenberg.
(6-0)

**APRIL N.M. BASKIN
CHAIR**

Item 32 – MS. MILLER-WILLIAMS presented the following report and moved for immediate consideration and approval. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 6

January 10, 2019	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. LL INTRO. 17-1 (2017)
BURKE: "A LL Entitled, "SPRAWL PREVENTION ACT" Otherwise known as "MUNICIPAL AND REGIONAL INFRASTRUCTURE ACT" for the Creation of an Erie County Planning Board"
(Chair's ruling)
 - b. COMM. 4D-1 (2018)
REAL PROPERTY TAX SERVICES: "Open Item in Finance & Management Committee - Correction of Errors/NYS Real Property Tax Law"
(Chair's ruling)
 - c. COMM. 9E-30 (2018)
BURKE: "Letter to Chair Savage Concerning Erie County's Fraternalization Policy"
(Chair's ruling)
 - d. COMM. 24E-18 (2018)
COUNTY EXECUTIVE: "2019-2022 Revised EC Four Year Financial Plan"
(Chair's ruling)
 - e. COMM. 24E-21 (2018)
COMPTROLLER: "Letter to Chair of Legislature Concerning 2019 Erie County Budget"
(Chair's ruling)
 - f. COMM. 24D-5 (2018)
DIRECTOR OF BUDGET & MANAGEMENT: "Budget Monitoring Report for Period Ending October 2018"
(Chair's ruling)
 - g. COMM. 24D-6 (2018)
MINORITY COUNSEL: "Review of Legislative Budget Amendments Concerning 2019 Budget"
(Chair's ruling)
2. COMM. 24E-11 (2018)
COUNTY EXECUTIVE
WHEREAS, the SUNY Erie Community College Board of Trustees approved OmniUpdate and iFactory as vendors at their April 26, 2018 Board Meeting; and

WHEREAS, after RFP submission review, OmniUpdate and iFactory were chosen as the vendor team for the Consultation, Design and Configuration of the College Content Management System and Website Design; and

WHEREAS, OmniUpdate was the vendor approved for the design, configuration and maintenance of the content management system a maximum contract not to exceed \$120,000 over a three-year period; and

WHEREAS, iFactory was the vendor approved for the website design for a maximum contract not to exceed \$85,000 over a one-year period; and

WHEREAS, the Erie County Legislature must approve contracts in excess of \$50,000 for the College; and

WHEREAS, Erie Community College has adequate funds available in its operating budget to cover the cost of this consultation, design and configuration.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves awarding a contract to OmniUpdate and iFactory for the purpose Consultation, Design and Configuration of the College Content Management System and Website Design at a cost not to exceed \$205,000 over a three year period; and be it further

RESOLVED, the President is authorized to enter a contract with OmniUpdate and iFactory for the above-mentioned services; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the President of SUNY Erie Community College, and the Chairman of the SUNY Erie Community College Board of Trustees.

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

**BARBARA MILLER-WILLIAMS
CHAIR**

LEGISLATOR RESOLUTIONS

Item 33 – MS. BASKIN presented the following resolution and moved for immediate consideration and approval. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 7

RE: Opposition to the EPA's
Proposed Rule Easing
Regulations on Dangerous

Mercury Emissions from Coal-
Burning Power Plants
(INTRO. 2-1)

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

WHEREAS, in late December 2018, the US Environmental Protection Agency proposed major changes to the way the federal government calculates the benefits, in human health and safety, of restricting mercury emissions from coal-burning power plants under the federal Mercury and Air Toxics Standards; and

WHEREAS, in 2011, the EPA established rules concerning mercury designed to weigh the costs of new anti-pollution regulations against the benefits to the public from reduced mercury poisoning and exposure, with the rule requiring power plants to reduce emissions of mercury and other toxic pollutants by more than 90% over five years; and

WHEREAS, mercury is a neurotoxin that can damage the brain and nervous system in young children, leading to lower I.Q. and impaired motor skills; and

WHEREAS, the EPA rules promulgated were the first to restrict some of the most hazardous pollutants emitted by coal-burning power plants; and

WHEREAS, the 2011 rules requiring new pollution controls on coal-burning power plants estimated \$80 billion in health benefits a year from lowered emissions, while the Trump Administration says that the costs to industry in installing pollution controls range from \$7.4 billion to \$9.6 billion annually and the health benefits of cutting mercury only range from \$4 million to \$6 million annually and therefore, the Obama era rule should be revised to allow greater emissions; and

WHEREAS, the EPA then estimated that the measure would prevent 4,700 heart attacks and 130,000 asthma attacks as well as 11,000 premature deaths by also eliminating fine particulate matter linked to those ailments, not from curbing mercury itself, but from what is known as a co-benefit, the reduction in particulate matter linked to heart and lung disease that also occur when a plant reduces its mercury emissions; and

WHEREAS, while the EPA proposal technically leaves the mercury restrictions in place, by revising the underlying justifications for them, the Trump Administration has established a way for coal mining companies, which have long opposed the rules, to challenge them in court; and

WHEREAS, the ruling could impact regulations for other environmental hazards, and in a New York Times article, Robert N. Stavins, a professor of environmental economics at Harvard University said that the EPA rule “will make it much more difficult for the government to justify environmental regulations in many cases;” and

WHEREAS, as the New York Times reported, the EPA rule is not necessarily even supported within the industry, with most utility companies saying the proposed changes are

meaningless because they have already spent the billions of dollars needed to come into compliance, and have urged the Trump administration to leave the mercury measure in place; and

WHEREAS, once the EPA rule is promulgated on the Federal Register, the public will have 60 days to comment on it before a final rule is issued.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, noting the dangerous and deadly air pollution legacy of the now-shuttered Tonawanda Coke and Huntley Generating Station plants in the Town of Tonawanda, expresses its strong opposition to the proposed new EPA rule concerning mercury under the federal Mercury and Air Toxics Standards and urges the Trump Administration to rescind the proposed new rule; and be it further

RESOLVED, that the Erie County Legislature hereby expresses its support for the existing rules on mercury and urges its retention in the interests of public health, safety and well-being; and be it further

RESOLVED, that a certified copy of this resolution shall be transmitted to the EPA signifying the Erie County Legislature's public comment on the proposed rule; and be it further

RESOLVED, that certified copies of this resolution be transmitted to President Donald Trump, Acting EPA Administrator Andrew Wheeler, EPA Region 2 Administrator Peter Lopez, Governor Andrew Cuomo, DEC Commissioner Basil Seggos, Region 9 DEC Administrator Abby Snyder, Erie County Executive Mark Poloncarz, Town of Tonawanda Supervisor Joseph Emminger, Town of Grand Island Supervisor Nate McMurray, City of Tonawanda Mayor Rick Davis, Rebecca Newberry of the Clean Air Coalition, and Jackie James-Creedon of Citizen Science Community Resources.

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

RESOLUTION NO. 8

RE: Confidential & Anonymous
Listing of Human Trafficking
Shelters in EC
(INTRO. 2-2)

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

WHEREAS, according to the Polaris Project, a non-profit organization, human trafficking is the business of stealing freedom for profit in which traffickers trick, defraud or physically force victims into providing commercial sex or victims are lied to, assaulted, threatened or manipulated into working under inhumane, illegal or otherwise unacceptable conditions; and

WHEREAS, human trafficking does not always involve kidnapping or otherwise physically forcing someone into a situation and most human traffickers use psychological means such as,

tricking, defrauding, manipulating or threatening victims into providing commercial sex or exploitative labor; and

WHEREAS, people from all backgrounds, ethnicities, races, creeds, sexes and immigration status are forced into trafficking and slavery, with tens of thousands of cases of trafficking involving foreign nationals who are legally living and/or working in the United States; and

WHEREAS, human trafficking or slavery is a multi-billion dollar criminal industry that denies freedom to tens of millions of people around the world, second to drug trafficking and ranging 40 million victims world-wide; and

WHEREAS, all victims of human trafficking deserve the right to safety during their time of rehabilitation and trauma treatment when residing in trafficking shelters and safe houses where human trafficking victims safely and securely live, occasionally in hiding from the criminals who perpetuated the trafficking crimes and trying to rebuild their lives and move forward; and

WHEREAS, the Domestic Violence Prevention Act was signed into law as Chapter 838 of the Laws of 1987 and was enacted to enhance the delivery of services to victims of domestic violence and their families throughout New York State and states: *“in order to maintain the safest atmosphere possible for victims of domestic violence, the street address of any residential program for victims of domestic violence shall be confidential and may be disclosed only to persons designated by the rules and regulations of the NYS Office of Children and Family Services. A victim may give the post office box or the office address of the program in which he or she is temporarily residing”*; and

WHEREAS, victims of human trafficking deserve the same confidentiality rights as victims of domestic violence; and

WHEREAS, various state human trafficking laws provide for "trafficking shelters" defined as confidential locations which provide emergency housing for victims of human trafficking; and

WHEREAS, in 2018, the New York State Legislature passed and the Governor signed into law A.9566 and S.8305, that established "culturally competent" short-term safe house residential facilities and long-term safe house residential facilities and services operated by not-for-profit agencies for victims of human trafficking; and

WHEREAS, there remains a need to help safeguard and support these shelters for victims of human trafficking in much the same way as we protect and provide resources to domestic violence shelters.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its strong support for additional measures in Erie County to provide confidentiality for human trafficking shelters; and be it further

RESOLVED, that this Honorable Body expresses support for a local law with regulations that will protect shelters and domiciles where human trafficking victims are residing to help protect

the victims, their caregivers and the dwellings and establish penalties for offenders who trespass or engage in prohibited activity against the occupants, buildings or tenants; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the New York State Governor, Erie County Executive, the Erie County Commissioners of Social Services, Health and Public Advocacy, the International Institute of Buffalo, Haven House, and Mona's House Buffalo.

MS. MILLER-WILLIAMS moved to amend the resolution by adding Et Al Sponsorship.
MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

RESOLUTION NO. 9

RE: Calling for Federal Superfund
Designation of the Tonawanda
Coke Site
(INTRO. 2-3)

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

WHEREAS, in October 2018, after years of contributing to air and ground pollution in the Tonawandas and downwind, and after a 2014 conviction for violating federal environmental laws (only the second criminal prosecution ever in the United States for federal environmental laws), Tonawanda Coke ceased operations, leaving behind many hazards and contaminants on the site; and

WHEREAS, the company was under federal, state and local government pressure and concern, as well as community outrage over its emissions of benzene into the air and the closure followed a September 2018 ruling by US District Court Judge William Skretny finding Tonawanda Coke guilty of violating its probation by breaking environmental laws associated with its heat stack emissions; and

WHEREAS, as the plant closed, the US Environmental Protection Agency (EPA) and the New York State Department of Environmental Conservation (DEC) immediately began investigating the site and its contaminants; and

WHEREAS, while the matter is not settled, there are concerns that the plant's owner will not contribute financially or assist in the remediation of the toxic site, as the plant owner filed for Chapter 11 bankruptcy three months ago and has not made its required payments to the federal government under its probation agreement from 2014; and

WHEREAS, there are many governmental and community concerns about the plant, such as the toxic disorder left on the property by its owners, Paul Saffrin and the late J.D. Crane, concerns about how much they will pay for cleanup and rehabilitation of the site (if at all), and anxiety about where the site may rank with the federal and state governments in the order of priority for remediation; and

WHEREAS, as a recent article in the Buffalo News noted, it took 17 years just to add a closed coke plant in West Virginia to the federal Superfund list and it cost more than \$75 million to clean up a site in Ohio nearly 38 years after the EPA first investigated contamination; and

WHEREAS, analysts who have worked on closed coke plant and similar industrial sites have stated that even under the best circumstances, the Tonawanda Coke site will likely still be present 20 years from now and not fully remediated or cleaned-up due to the regulatory, legal, financial and environmental challenges; and

WHEREAS, as the Buffalo News reported, J.D. Crane, the late owner of Tonawanda Coke, whose grandson Paul Saffran now owns the company, has a history of shutting down a coke plant in St Louis and walking away from the site without cleaning it up or addressing the hazards, including benzene, asbestos and other toxic chemical compounds, and not paying for any of the eventual government clean-up of the property; and

WHEREAS, the DEC has been working at the plant since September-October 2018 monitoring and overseeing some form of a shut-down and taking limited steps to safeguard the site, but so far has not yet said whether it will seek a Superfund designation for Tonawanda Coke on the National Priorities List as they work on assessments and a site investigation, which could take a year or longer; and

WHEREAS, the Buffalo News reported that Judith Enck, the former EPA regional administrator for the northeastern US during the Obama administration, who is now a senior adviser at the Institute for Governance and Sustainable Development, said that it is imperative to get the Tonawanda Coke site designated as a federal Superfund site in order to effectively start the years or decades-long process of remediating the property and returning it to productive and safe use; and

WHEREAS, Ms. Enck believes that based on past history at other sites, any so-called limited 'voluntary cleanup' or Brownfield-type approaches will not sufficiently address the site; and

WHEREAS, while the federal Superfund program may be slow and unwieldy, as proved to be the case in the West Virginia and Ohio examples, the federal program provides much-needed financial and technical resources and allows for a comprehensive investigation into the contamination and development of a solid cleanup plan; and

WHEREAS, as reported in the Buffalo News, the EPA has stated that: "whenever possible, the EPA forces those responsible for contaminating a site to clean it up."

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby requests the New York State Department of Environmental Conservation expedite its site investigations and assessment of the Tonawanda Coke property to help protect the community and help hold Tonawanda Coke accountable; and be it further

RESOLVED, that the Erie County Legislature hereby requests the New York State Department of Environmental Conservation formally request that the US Environmental Protection Agency designate Tonawanda Coke as a federal Superfund program; and be it further

RESOLVED, that certified copies of this resolution be transmitted to President Donald Trump, Acting EPA Administrator Andrew Wheeler, EPA Region 2 Administrator Peter Lopez, Governor Andrew Cuomo, DEC Commissioner Basil Seggos, Region 9 DEC Administrator Abby Snyder, Erie County Executive Mark Poloncarz, Town of Tonawanda Supervisor Joseph Emminger, Town of Grand Island Supervisor Nate McMurray, City of Tonawanda Mayor Rick Davis, Rebecca Newberry of the Clean Air Coalition, and Jackie James-Creedon of Citizen Science Community Resources.

MS. BASKIN moved to amend the resolution by adding Et Al Sponsorship. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

MS. MILLER-WILLIAMS moved to approve the resolution as amended. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

Item 36 – CHAIR SAVAGE directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 2-4 from SAVAGE. Citizens Salary Review Commission.

Item 37 – MR. RATH presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

MS. BASKIN moved to send the resolution to committee for further consideration. MR. BRUSO seconded.

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

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

CARRIED.

CHAIR SAVAGE directed that the resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 2-5 from RATH. Urging NYS to Allow for Public Input for Election Law Reforms.

Item 38 – CHAIR SAVAGE directed that the following resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO. 2-6 from MILLER-WILLIAMS. Raising the Age for the Legal Purchase of Tobacco & E-Cigarettes to 21.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 39 – MS. BASKIN moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 24E-6 (2018). MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 10

RE: Authorization to Contract with
Lingualinx Language Solutions, Inc.
(COMM. 24E-6, 2018)

WHEREAS, the Department of Social Services is required by Title VI of the Civil Rights Act of 1964 to have vital documents translated into the non-English language of each regularly encountered limited English proficient group eligible to be served or likely to be affected by the program or activity; and

WHEREAS, as Erie County has become home to limited English proficient groups, the Department has experienced an increase in the number of vital documents it needs translated; and

WHEREAS, in response to this growing need, and related growing cost, the Department issued a request for proposal to select a highly reliable vendor at a competitive cost; and

WHEREAS, the Department of Social Services issued RFP# 1827VF for Document Translation Services in 2018 and received eighteen responses; and

WHEREAS, a committee scored the proposals, reviewed the costs, contacted references, and had a Burmese speaker review a sample of a document translated from English to Burmese; and

WHEREAS, the committee determined Lingualinx Language Solutions, Inc submitted the highest scoring proposal with the best translation rates; and

WHEREAS, contracting with Lingualinx Language Solutions, Inc. will save Erie County an average of 25% per word over existing document translation contracts available through New York State; and

WHEREAS, the funds necessary to cover the costs of this contract have been appropriated in the 2019 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with Lingualinx Language Solutions, Inc., for translation services; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive; the Director of the Division of Budget and Management; and the Commissioner of Social Services.

MS. BASKIN moved to amend the item. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Attach the following:

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Social Services
Re: Authorization to contract with Lingualinx Language Solutions, Inc. for Document Translation Services (Comm. 24E-6)
Date: January 10, 2019

SUMMARY

The Department of Social Services is required by Title VI of the Civil Rights Act of 1964 to have vital documents translated into the non-English language of each regularly encountered limited English proficient group eligible to be served or likely to be affected by the program or activity. As Erie County has become home to several limited English proficient groups, the Department has experienced an increase in the number of vital documents it needs translated. The increase in translation needs has resulted in increased costs from the Department over the last several years. In response to this growing need, the Department issued a request for proposal to select a highly reliable vendor at a competitive cost. Lingualinx Language Solutions, Inc. was deemed the best proposal. This resolution will allow the Department to enter into a contract with Lingualinx Language Solutions, Inc., for its ongoing translation needs.

FISCAL IMPLICATIONS

Positive. Contracting with Lingualinx Language Solutions, Inc. would enable the Department of Social Services to save between \$0.05-\$0.06 per translated word, or approximately 25% savings over the existing document translation contract with New York State.

Below is a comparison of the cost between Lingalinx Language Solutions, Inc. and the vendor currently on state contract, Language Line.

Language	Cost per English Word	
	Lingualinx	Language Line
Spanish	\$0.14	\$0.19
Arabic	\$0.18	\$0.24
Russian	\$0.18	\$0.19
Chinese	\$0.14	\$0.19
Karen	\$0.18	\$0.24
Burmese	\$0.18	\$0.24
French	\$0.18	\$0.19
Somali	\$0.18	\$0.24
Swahili	\$0.18	\$0.24
Nepali	\$0.18	\$0.24

REASONS FOR RECOMMENDATION

The Department issued a request-for-proposal for this service and received 18 responses. A committee scored the proposals, reviewed the costs, contacted references, and had a Burmese speaker review a sample of a document translated from English to Burmese. After the exhaustive process, Lingualinx Lanaguage Solutions, Inc. was deemed the best provider.

The eighteen responders were:

Terra Translations, LLC
2141 N Swan Blvd
Wauwatosa, WI 53226

Transperfect
700 6th Street, NW
5th Floor
Washington, DC 20001

JR Language Translation Services, Inc.
2112 Empire Blvd.
Suite 1C
Webster, NY 14580

Effectiff, LLC
1990 NE 163rd Street
Suite 233
North Miami Beach, FL 33162

Language Translation Services
34726 31st Place SW
Federal Way, WA 98023

Natural Languages, LLC
924 Bergen Ave #286
Jersey City, NJ 07306

Flix Translations Group, LLC
201 South Biscayne Blvd,
28th Floor
Miami, FL 33131

Nuestro Terreno Comun, LLC
321 Dante Court, Suite 6
Holbrook . NY 11741

LinguaLinx Language Solutions, Inc.
433 River St.
Suite 6001
Troy, NY 12180

Bromberg & Associates
3141 Caniff St
Hamtramck, MI 48212

CyraCom International, Inc.
5780 N Swan Rd
Tucson, AZ 85718

Interpreters and Translators, Inc
232 Williams St E
Glastonbury, CT 06033

Linguistica International, Inc.
PO Box 95010
South Jordan, UT 84095

Journey's End Refugee Services, Inc.
2495 Main St.
Suite 530
Buffalo NY 14214

International Institute of Buffalo
864 Delaware Ave
Buffalo, NY 14209

Indus Translation Services
7 Lincoln Highway,
Suite 227
Edison, NJ 08820

Geneva Worldwide, Inc.
256 West 38th St
10th Floor
New York, NY 10018

Interpreters Unlimited, Inc.
10650 Trenea St
Suite 308
San Diego CA 92131

The RFP Committee initially reviewed the RFP on its face to determine the eighteen responses on its face (without financial analysis). They agencies were scored on capability, capacity, expertise and M/WBE. The Committee then chose to do an in-depth analysis of the agencies that scored in the top five.

Agency	RFP Initial Score	Initial Rank
Lingua Linx Language Solutions, Inc.	75	1
Transperfect	70	2
Geneva Worldwide, Inc.	64	3
Interpreters Unlimited, Inc	64	4
CyraCom International, Inc.	40	5
Flix Translations Group LLC	32	6
Linguistica International	32	7
Bromberg & Associates, LLC	29	8
JR Language Translation Services, Inc.	29	9
Languages Translation Services	28	10
International Institute of Buffalo	27	11
Interpreters and Translators, Inc.	26	12
Terra Translation	25	13
Journey's End Refugee Services	24	14
Natural Languages	23	15
Indus Translation Services, Inc.	22	16
Nuestro Terreno Comun, LLC	19	17
Effectuff LLC	12	18

While the RFP Committee scored the responses, the Department of Social Services Fiscal Division analyzed the fiscal portions of the responses. The Fiscal Division also analyzed Language Line, the current vendor under state contract.

Agency	Pricing for Document Translation Only (Per English Word)	Hourly Rates for Modification (Hourly)	Pricing for Document Formatting Only (Hourly)	Hourly Rate for Formatting Modifications (Ongoing)	Pricing for Same Work Day Translation (Ongoing)
Bromberg & Associates, LLC	\$.11 - \$.19	\$ 35.00	\$ 35.00	\$ 35.00	\$35 - \$52
CyraCom International, Inc.	\$.13 - \$.25	\$ 60.00	\$ 65.00	\$ 60.00	\$130 - \$175
Effectuff LLC	\$.14 - \$.25	\$ 45.00	\$ 45.00	\$ 45.00	
Flix Translations Group LLC	\$.075 - \$.24	\$22 - \$45	\$25 - \$35	\$18 - \$25	\$30- \$65
Geneva Worldwide, Inc.	\$.15 - \$.17	\$ 20.00	\$ 35.00	\$ 35.00	\$ 25.00
Indus Translation Services, Inc.	\$.14 - \$.25	\$ 40.00	\$ 40.00	\$ 40.00	\$.16 - \$.27
International Institute of Buffalo	\$.25 - \$.40 Standard \$.50 - \$.80 Rush	N/A	Included with translation rates	Included with translation rates	\$100 - \$140
Interpreters and Translators, Inc.	\$.19 - \$.28	\$.19 - \$.28	\$ 40.00	\$ 40.00	\$.19 - \$.28 + 20% Rush Charge
Interpreters Unlimited, Inc	\$.15 - \$.18	\$ 10.00	\$ 20.00	\$ 10.00	\$45 - \$62.50
Journey's End Refugee Services	\$.20 - \$.30	\$ 60.00	\$ 45.00	\$ 30.00	N/A
JR Language Translation Services, Inc.	\$.13 - \$.27	\$ 65.00	\$ 65.00	\$ 65.00	
Language Line Services	\$.19 - \$.24	Not included in state contract	Not included in state	Not included in state contract	Not included in state contract

			contract		
Languages Translation Services	\$.14 - \$.27	\$40 - \$65	\$40 - \$50	\$40 - \$50	\$45 - \$85
Lingua Linx Language Solutions, Inc.	\$.14 - \$.18	N/A	45	N/A	\$35 - \$45
Linguistica International	\$.13 - \$.17	\$ 15.00	\$ 15.00	\$ 15.00	\$50 - \$60
Terra Translation (Spanish Only)	\$0.12	\$ 25.00		\$ 25.00	\$ 36.00
Natural Languages	\$.17 - \$.22	\$ 38.74	\$ 38.74	\$ 38.74	20% Up-Charge
Nuestro Terreno Comun, LLC (Spanish Only)	\$0.15	\$ 50.00	\$ 50.00	\$ 50.00	\$120
Transperfect	\$.09 - \$.25	\$ 65.00	\$.09 - \$.28	\$ 65.00	

To determine the quality of translation services, the RFP Committee had each of the top five initial scorers translate a document from English into Burmese. A Burmese member of the County’s New Americans Committee reviewed the translation to determine its quality. In addition, reference checks were conducted. The fiscal analysis was also reviewed. The top five initial agencies were then scored again and ranked.

Agency	RFP Initial Score	RFP Performance	Total RFP Score	Final Rank
Lingua Linx Language	75	150	225	1
Transperfect	70	140	210	2
Interpreters Unlimited, Inc	64	142	206	3
Geneva Worldwide, Inc.	64	127	191	4
CyraCom International, Inc.	40	81	121	5

CONSEQUENCES OF NEGATIVE ACTION

The Erie County Department of Social Services will be required to use most costly translation services for its translation needs.

STEPS FOLLOWING APPROVAL

Upon approval of this resolution, the County Executive will authorize the Commissioner of Social Services to contract with Lingualinx Language Solutions, Inc. for Document Translation Services. The contract would be an annual contract. It will be put out for a RFP at least once every three years. If we were unsatisfied with performance after one year, the Department of Social Services would issue a new RFP after one year.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 40 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 2-7 from LORIGO Re: Directing the Government Affairs Committee to Conduct Public Hearings on the Salary Review Commission's Recommendations

MR. LORIGO moved for approval of the resolution. MR. RATH seconded. MS. BASKIN objected.

CHAIR SAVAGE directed that the resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 41 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 2-8 from MEYERS, SAVAGE & BASKIN Re: Support for the Child Victims Act

RESOLUTION NO. 11

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

WHEREAS, sexual abuse of children has long been a problem, irrevocably damaging the victims' lives and leading them to feel shame and embarrassment; and

WHEREAS, frequently, it takes years or decades for the victims to psychologically address their abuse, tell their family or appropriate responders, and to confront their perpetrators and the institutions that enabled them; and

WHEREAS, New York has long precluded victims from later filing lawsuits against their alleged perpetrators or seeking law enforcement action; and

WHEREAS, as a result of restrictive and burdensome state laws, the alleged perpetrators of abuse in New York state have frequently not been held accountable civilly or criminally for their actions; and

WHEREAS, for many years, legislation to address this injustice has been introduced in the New York State Assembly and the State Senate, and has been approved by the State Assembly, but has not been approved by the State Senate; and

WHEREAS, this legislation, referred to as the Child Victims Act, eliminates the statutes of limitation for prosecuting child sexual abuse crimes and filing civil lawsuits for damages against individuals, public institutions, and private institutions related to child sexual abuse; and

WHEREAS, the current state law requires that child victims must file a civil lawsuit or act for a criminal lawsuit by the time they turn 23 years old, while the proposed law would allow victims to bring lawsuits up to their 50th birthday for civil litigation and to their 28th birthday for felony criminal cases; and

WHEREAS, the proposed law creates a one-year “look-back” period for previously time-barred civil actions concerning sexual offenses in which, if passed, a one-year period would begin six months after the bill is signed and during that year, victims would be able to seek civil relief from individuals or institutions no matter when the abuse occurred or their current age; and

WHEREAS, victims of sexual abuse argue that this look back process is about more than just allowing civil lawsuits to obtain monetary damages for victims, but also will compel public and private institutions to act responsibly and not hide or shield the perpetrators of abuse, as has happened locally in Western New York with trusted institutions; and

WHEREAS, in Governor Andrew M. Cuomo’s proposed 2018-2019 State Budget, he included provisions of the Child Victims Act, including the look-back measure, which was not acted on by the State Senate, although the measure was approved by the State Assembly; and

WHEREAS, the State Senate has expressed their intention to pass the Child Victims Act in 2019 and to provide redress and justice for childhood victims of sex abuse who could now bring civil charges and litigation against their perpetrators; and

WHEREAS, in his State of the State address on January 15, 2019, Governor Cuomo expressed support for the Child Victims Act, said he was including its provisions in his 2019-2020 State Budget and he asked the State Legislature to approve the law in 2019; and

WHEREAS, Spectrum News reported on January 15, 2019 that Erie County District Attorney John Flynn said he plans to go to Albany to advocate for its passage; and

WHEREAS, on March 15, 2018, in Intro. 6-9 (2018), this Honorable Body unanimously co-sponsored and approved a similar resolution to this, supporting passage of the Child Victims Act.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its strong support for the victims of child sexual abuse and its support for the Child Victims Act and the need for justice for the victims; and be it further

RESOLVED, that this Honorable Body urges the New York State Assembly and Senate to expeditiously approve the Child Victims Act; and be it further

RESOLVED, that certified copies of this resolution be transmitted to Governor Andrew Cuomo, and the Western New York delegation of the New York State Legislature.

MS. BASKIN moved for approval of the resolution. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

Item 42 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 2E-28 from the SHERIFF Re: New Emergency Dispatcher Terminal

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR BRUSO

Item 43 – MS. BASKIN presented the following resolution and moved for immediate consideration and approval. MR. MEYERS seconded. MR. BRUSO abstained.

CARRIED. (10-0-1)

RESOLUTION NO. 12

RE: Lease Agreement for Legislative
Office Space
(COMM. 2E-1)

RESOLVED, the Erie County Executive is hereby authorized to sign a Twelve (12) Month Lease Agreement with Anthony J. Batog for Legislative office space for John M. Brusio, located at 5135 Transit Rd, Depew, NY 14043 for a monthly rate of \$925.

FROM CHAIR SAVAGE

Item 44 – (COMM. 2E-2) 2019 Committee Assignments

Received, Filed & Printed.

2019 Committee Assignments

Finance & Management

Chair: Barbara Miller-Williams
Vice Chair: John Bruso
Members: Timothy Meyers
Joseph C. Lorigo
John J. Mills

Energy & Environment

Chair: John Bruso
Vice Chair: Timothy Meyers
Members: April N.M. Baskin
John J. Mills
Edward A. Rath, III

Health & Human Services

Chair: John Bruso
Vice Chair: Barbara Miller-Williams
Members: Thomas A. Loughran
Lynne M. Dixon
Joseph C. Lorigo

Public Safety

Chair: April N.M. Baskin
Vice Chair: Thomas A. Loughran
Members: John Bruso
Lynne M. Dixon
Edward A. Rath, III

Government Affairs

Chair: Kevin R. Hardwick
Vice Chair: Barbara Miller-Williams
Members: Timothy Meyers
Joseph C. Lorigo
Lynne M. Dixon

Community Enrichment

Chair: Thomas A. Loughran
Vice Chair: Kevin R. Hardwick
Members: Barbara Miller-Williams
Edward A. Rath, III
John J. Mills

Economic Development

Chair: April N.M. Baskin
Vice Chair: Timothy Meyers
Members: Kevin R. Hardwick
Joseph C. Lorigo
Edward A. Rath, III

Minority & Women Business Enterprise

Chair: April N.M. Baskin
Vice Chair: John Bruso
Members: Barbara Miller-Williams
John J. Mills
Lynne M. Dixon

FROM THE COMPTROLLER

Item 45 – (COMM. 2E-3) ECDoH Performance Audit of the Purchase & Disbursement of Gift Cards

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM LEGISLATOR MEYERS

Item 46 – MS. BASKIN presented the following resolution and moved for immediate consideration and approval. MR. BRUSO seconded. MR. MEYERS abstained.

CARRIED. (10-0-1)

RESOLUTION NO. 13

RE: Lease Agreement for Legislative
Office Space
(COMM. 2E-4)

RESOLVED, the Erie County Executive is hereby authorized to sign a Twelve (12) Month Lease Agreement with 3485 Harlem Rd., Inc. for Legislative office space for Timothy Meyers, located at 3485 Harlem Rd., Cheektowaga, NY 14225 for a monthly rate of \$950.

FROM LEGISLATOR LORIGO

Item 47 – (COMM. 2E-5) Letter to County Attorney Regarding Notice of Claim

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 48 – (COMM. 2E-6) Letter to Legislator Brusco Concerning the Rural Outreach Center

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 49 – (COMM. 2E-7) Reappointment to the EC Board of Health

Item 50 – (COMM. 2E-8) Group Respite - YMCA Buffalo Niagara Contract

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

Item 51 – (COMM. 2E-9) ECSD Nos. 1, 4, & 5 - Engineer Term Contract Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 52 – (COMM. 2E-10) Transfer of Surplus County-Owned Land

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 53 – (COMM. 2E-11) 2019 Annual Action Plan for the Community Development Block Grant, Emergency Solutions, & HOME Investment Partnership Programs

Item 54 – (COMM. 2E-12) Elmwood Pedestrian & Bicycle Improvements Project - Supplemental Contract Amendment

Item 55 – (COMM. 2E-13) Rath Building - Sub-Basement Asbestos Abatement Project

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

Item 56 – (COMM. 2E-14) Indigent Legal Services Grant Amendment

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 57 – (COMM. 2E-15) Transfer of Homeland Security Trailers to Southtowns Hazmat Team

Item 58 – (COMM. 2E-16) Transfer of Homeland Security Trailer to ALERT Team

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

Item 59 – (COMM. 2E-17) State Aid for Snowmobile Development, 2018-2019

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 60 – (COMM. 2E-18) Authorization to Accept Grant Funding & Amend Contract - Substance Abuse & Mental Health Services Administration - Year 2 of 5

Item 61 – (COMM. 2E-19) Authorization to Accept Grant Funding & Amend Contract - Substance Abuse & Mental Health Services Administration - Year 3 of 3

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

Item 62 – (COMM. 2E-20) Acceptance of FY 18-19 Public Safety Answering Point Operations Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 63 – (COMM. 2E-21) Project Funding for Construction & Inspection Services for Safety Improvements - Genesee Rd., Route 240 & Sibley Rd., Intersection, Town of Concord

Item 64 – (COMM. 2E-22) Award of Construction & Construction Engineering Services - Bridge NY Project - Amsdell Rd.

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

Item 65 – (COMM. 2E-23) Appointments to the EC Mental Hygiene Community Services Board

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 66 – (COMM. 2E-24) Appointments to the EC Emergency Fire Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE SHERIFF

Item 67 – (COMM. 2E-25) Replace Obsolete Supervisory Tour & Recording System at the Correctional Facility

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 68 – MS. BASKIN presented the following resolution and moved for immediate consideration and approval. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 14

RE: Asset Forfeiture Appropriations
(COMM. 2E-26)

WHEREAS, pursuant to 21 U.S.C. § 881(e) and 19 U.S.C. § 1616 the US Department of Justice’s guidelines for expenditure of seized assets allows for the support of investigations and operations that further the agency’s law enforcement goals or missions; and

WHEREAS, the Erie County District Attorney’s Office is requesting to partner with Greater Buffalo Metropolitan Crime Stoppers, Inc. (Crime Stoppers) to fund qualifying tips for felony crimes; and

WHEREAS, the source of funds for the above mentioned items will be paid from the District Attorney’s asset forfeiture proceeds, and it is necessary to transfer funds from the Erie County District Attorney’s Asset Forfeiture Trust Fund prior to their being expended.

NOW, THEREFORE, BE IT

RESOLVED, that the authorization is hereby provided for the District Attorney’s Office to enter into an agreement with Greater Buffalo Metropolitan Crime Stoppers; and be it further

RESOLVED, that \$5,000 in available balances in the Erie County District Attorney’s Assets Forfeiture Trust Fund are hereby transferred to the District Attorney’s Assets Forfeiture Program, Funded Program “SAFDA”; and be it further

RESOLVED, that the following appropriations are hereby authorized:

DISTRICT ATTORNEY ASSET FORFEITURE PROGRAM
BUSINESS AREA: 114 COST CENTER: 1140010
FUNDED PROGRAM /WBS ELEMENT: SAFDA

<u>Revenue</u>	
421550 Forfeiture Crime Proceeds	<u>\$5,000</u>
Total Revenue	<u>\$5,000</u>
 <u>Appropriation</u>	
516010 Contract Payments – Non-Profit	<u>\$5,000</u>
Total Appropriations	<u>\$5,000</u>

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes direct payments as needed to Crime Stoppers Buffalo to be paid out for successful tips from account 516010 Non-Profit Subsidy; and be it further

RESOLVED, that the Director of Budget and Finance is hereby authorized to adjust SAFDA budgets as necessary in order for the District Attorney's Office to enhance its investigative, surveillance and prosecutorial efforts, as the forfeiture regulations dictate; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Comptroller and the Director of Budget and Management.

FROM LEGISLATORS RATH, DIXON, LORIGO & MILLS

Item 69 – (COMM. 2E-27) Letter Regarding Amendments to Erie County's Four-Year Fiscal Plan

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DIRECTOR OF
BUDGET & MANAGEMENT

Item 70– (COMM. 2D-1) Letter Regarding Comm. 24E-4 - Re-Appropriation & Carry Forward of 2018 Funds

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPARTMENT OF LAW

Item 71 – (COMM. 2D-2) Opinion as to Form Local Law Intro. No. 9-1 – 2018

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 72 – (COMM. 2D-3) Filing Documents for Local Law No. 2 (2014) - Amendment to Social Host Law

Item 73 – (COMM. 2D-4) Filing Documents for Local Law No. 6 (2018) - The Public Health Protection Act of 2018

The above two items were Received and Filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM SOLAR LIBERTY

Item 74 – (COMM. 2M-1) Letter of Support for Local Law Intro. 9-1 (2018) - Energize NY Benefit Financing Program Law of Erie County

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ORANGE COUNTY LEGISLATURE

Item 75 – (COMM. 2M-2) Certified Copy of Resolution - "Calling for NYS Legislative Action to Classify as Controlled Substances Certain Fentanyl 'Analogues' that are Responsible for Opioid Overdose Deaths"

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NYSDEC

Item 76 – (COMM. 2M-3) Public Comment Invitation - Brownfield Application & Draft Investigation Plan for Site on Southwestern Blvd., Town of Orchard Park

Item 77 – (COMM. 2M-4) Certification Concerning Cleanup Requirements - Brownfield Site on Harlem Rd., Cheektowaga

Item 78 – (COMM. 2M-5) Certification Concerning Cleanup Requirements - Six Brownfield Sites in Buffalo

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

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 79 – (COMM. 2M-6) Proposed Agenda for Meeting to be Held January 17, 2019

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO NIAGARA CONVENTION CENTER

Item 80 – (COMM. 2M-7) Submission Pursuant to the 2019 Budget Accountability Act

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

ANNOUNCEMENTS

Item 81 – Chair Savage announced that the schedule for committee meetings to be held on Thursday, January 24, 2019, has been distributed.

MEMORIAL RESOLUTIONS

Item 82 – Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of Blondine Harvin, and Tamara Matthews.

Item 83 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Mark A. Doane.

Item 84 – Legislator Meyers requested that when the Legislature adjourns, it do so in memory of Frank Wilczak.

Item 85 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Virginia R. Cody; Thomas J. Guttuso, Sr., MD; and Rollin J. Reading.

Item 86 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Thomas Bleb; Mary Ann Gunning; John Jordan, Esq.; Patricia Eustace; and Barbara Rossi.

Item 87 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Doris Elizabeth Kostecky.

Item 88 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Edward W. Vidler, and Dorothy C. Juda.

Item 89 – Chair Savage requested that when the Legislature adjourns, it do so in memory of Jean M. Tripi.

ADJOURNMENT

Item 90 - At this time, there being no further business to transact, CHAIR SAVAGE announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, February 7, 2019 at 2:00 p.m. Eastern Standard Time. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

CHAIR SAVAGE declared the Legislature adjourned until Thursday, February 7, 2019 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE