

SUSPENSION



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 20, 2015

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

Re: **WNY Stormwater Coalition: Newly Designated Urbanized Area Project**

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Environment and Planning requesting authorization for the Deputy County Executive to enter into the necessary agreements to accept grant funding for the *WNY Stormwater Coalition (WNYSC): Newly Designated Urbanized Area Project* and establish a grant budget and staffing for the project. The resolution also requests authorization for the Deputy County Executive to enter into an agreement with the Research Foundation of SUNY at Buffalo State College for student intern services.

The New York State Department of Environmental Conservation has granted Erie County \$417,228 to assist the regulated municipalities that belong to the WNYSC with stormwater permit compliance in newly designated areas.

Should your Honorable Body require further information, I encourage you to contact Deputy Commissioner Thomas R. Hersey, Jr. at the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in black ink that reads "Mark C. Poloncarz". The signature is written in a cursive style with a long, sweeping tail.

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/cw  
Enclosure

Cc: Maria R. Whyte, Commissioner

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## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** WNY Stormwater Coalition: Newly Designated Urbanized Area Project  
**Date:** March 20, 2015

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### **SUMMARY**

The Department of Environment and Planning (DEP) is seeking authorization for the Deputy County Executive to enter into the necessary agreements to accept \$417,228 in grant funding from the New York State Department of Environmental Conservation (NYSDEC) to commence the WNY Stormwater Coalition (WNYSC): Newly Designated Urbanized Area Project. The new grant effort will include GIS mapping of the storm sewer systems and outfalls in the new areas, training for employees, and extending the public education program to the new areas. There are two full-time staff positions created under this grant. One position will be filled by a current grant-funded employee and the other will be a new position dedicated to field data collection and assistance with GIS mapping. The agreement with the Research Foundation of SUNY at Buffalo State College will secure the services of student interns to assist with the project.

### **FISCAL IMPLICATIONS**

The NYSDEC grant will provide \$417,228 in funding for the WNYSC: Newly Designated Urbanized Area Project. The local match is 25% and will be provided through indirect costs and in-kind services from the regulated municipalities and Erie County staff. The County does not need to make a cash contribution to this project.

### **REASONS FOR RECOMMENDATION**

Approval of this resolution will enable Erie County to access the \$417,228 in State funding and assist regulated municipalities with mapping their storm sewer systems and outfalls in the new areas, training employees, and extending their public education program to the new areas.

### **BACKGROUND INFORMATION**

In 2002, the Erie County Department of Environment and Planning initiated a regional strategy to assist local municipal governments in Erie and Niagara County in understanding and complying with the U.S. Environmental Protection Agency's Phase II stormwater regulations. This strategy included formation of the WNYSC, a group consisting of representatives from Erie County, Niagara County, several local and state government agencies, 43 regulated entities, and environmental consultants. For the past twelve years, the members of the WNYSC have met on a regular basis to collaborate on a comprehensive stormwater management program that complies with State and Federal regulations. The Phase II stormwater requirements include illicit discharge detection and elimination, and public education in accordance with the NYSDEC's Stormwater General Permit (GP-0-15-003). The WNYSC: Newly Designated Urbanized Area Project grant program is structured to assist the WNYSC membership with meeting those requirements.

### **CONSEQUENCES OF NEGATIVE ACTION**

Without approval of the attached resolution, Erie County will be unable to access the \$417,228 in State grant funding earmarked for stormwater compliance assistance in newly designated

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urbanized areas.

### **STEPS FOLLOWING APPROVAL**

The Deputy County Executive will enter into an agreement with the New York State Department of Environmental Conservation to receive \$417,228 in grant funding. The Deputy County Executive will also enter into an agreement with the Research Foundation at SUNY Buffalo State College for student intern services. A grant budget will be established within the Department of Environment and Planning.

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## A RESOLUTION SUBMITTED BY: DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: WNY Stormwater Coalition: Newly  
Designated Urbanized Area Project

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, the State of New York, through its Department of Environmental Conservation, provides financial aid for stormwater compliance assistance projects; and

WHEREAS, the State of New York, through its Department of Environmental Conservation, granted Erie County \$417,228 to commence the WNY Stormwater Coalition (WNYSC): Newly Designated Urbanized Area Project; and

WHEREAS, the local match will be provided by Erie County DEP staff and the WNYSC membership in in-kind services; and

WHEREAS, execution of the project work plan in accordance with the contractual requirements set forth by the granting agency necessitates the following grant funded staff positions:

Junior Environmentalist (JG 7);  
Existing Planner – Geographic Information Systems (JG 11); and

WHEREAS, the new MS4 Mapping Project grant budget will also support 25% of the existing Principal Environmental Compliance Specialist (JG 14) position that has been created in the WNYSC: MS4 Assistance Project 2011/12 SAP Grant Account 62WNYSCMS4AP1112 (approved by Comm. 19E-10, dated December 9, 2010) through 03/31/15 to provide overall management of the mapping project; and

WHEREAS, it is necessary that a contract by and between the people of the State of New York, herein called the "State", and Erie County be executed for such State aid; and

WHEREAS, it necessary for the County of Erie to enter into an agreement with the Research Foundation of SUNY at Buffalo State College for student interns to assist with the WNYSC: MS4 Mapping Project; and

WHEREAS, the County of Erie, herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith.

NOW, THEREFORE, BE IT

Comm. 6E-13  
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RESOLVED, that the Deputy County Executive is the representative authorized to act on behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance; and be it further

RESOLVED, that the Deputy County Executive is authorized to enter an agreement with the Research Foundation of SUNY at Buffalo State College for student interns to assist with the WNYSC: Newly Designated Urbanized Area Project in an amount not to exceed \$15,500 in grant resources; and be it further

RESOLVED, that the grant budget and project period for the WNY Stormwater Coalition: Newly Designated Urbanized Area Project is hereby created in the Department of Environment and Planning, Business Area 162, Fund 281 as follows:

WNY Stormwater Coalition: Newly Designated Urbanized Area Project  
(Grant Period: 10/1/15 – 3/31/18), SAP Grant Account #162WNYSCNDUAP1518

**REVENUE:**

<u>Account</u>	<u>Description</u>	<u>Budget</u>
409000	State Aid Revenue	(\$417,228)
<b>TOTAL REVENUE</b>		<b>(\$417,228)</b>

**APPROPRIATIONS:**

<u>Account</u>	<u>Description</u>	<u>Budget</u>
500000	Personnel Services	\$189,713
502000	Fringe Benefits	\$123,314
530000	Other Expenses	\$800
561410	Lab & Technical Equipment	\$7,000
516020	Professional Service Contract	\$15,500
916290	ID Env. & Planning Services	<u>\$80,901</u>
		\$417,228
<b>TOTAL APPROPRIATIONS</b>		<b>\$417,228</b>

and be it further

RESOLVED, that the following position which is 100% grant funded will be transferred from the WNY Stormwater Coalition: MS4 Mapping Project (162WNYSCMS4MP1115). Business Area 162 (Fund 281, SAP Grant Account #162WNYSCMS4MP1115) upon consumption of the current budget:

Planner – Geographic Information Systems (JG 11)  
B-100 No. B0000008164 (Effective 10/1/2015)  
Budgeted Annual Salary: \$51,765

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and be it further

RESOLVED, that the following position, which is 100% grant funded, will be created:

Junior Environmental Compliance Specialist (JG 7)  
B-100 No. B0000008165  
Budgeted Annual Salary: \$31,822

and be it further

RESOLVED, that in order to allow the mapping grant to reimburse 25% of the time of the existing Principal Environmental Compliance Specialist (JG 14) position, the grant budget for the WNY Stormwater Coalition: MS4 Assistance Project Grant is hereby revised in the Department of Environment and Planning, Business Area 162, Fund 281 as follows:

WNY Stormwater Coalition: MS4 Assistance Project 2011/12 (Grant Period: 01/01/11-12/31/12), SAP Grant Account #162WNYSCMS4AP1112

## REVENUE:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
420499	Other Local Source Revenue	(\$318,000)	(\$243,714)	(\$561,714)
TOTAL REVENUE		(\$318,000)	(\$243,714)	(\$561,714)

## APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
500000	Full Time Salaries	\$254,453	\$196,736	\$451,189
502000	Fringe Benefits	\$145,303	\$127,879	\$273,182
916290	ID Env. & Planning Services	(\$81,756)	(\$80,901)	(\$162,657)
TOTAL APPROPRIATIONS		\$318,000	\$243,714	\$561,714

and be it further

RESOLVED, that the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation; and be it further

RESOLVED, that this Resolution take effect immediately; and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Maria R. Whyte, Commissioner of the Department of Environment and Planning; Thomas Hersey, Jr., Deputy Commissioner of the Department of Environment and

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Planning; and the Albany office of the New York State Department of Environmental Conservation.

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CERTIFICATE OF RECORDING OFFICER

That the attached Resolution is a true and correct copy of the Resolution, as regularly adopted at a legally convened meeting of the Erie County Legislature duly held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_; and further that such Resolution has been fully recorded in the \_\_\_\_\_ in my office.

(Title of Record Book)

In witness thereof, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of Recording Officer

If the Applicant has an Official Seal, Impress here.

\_\_\_\_\_  
Title of Recording Officer