

September 13, 2018

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 12

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR BURKE.
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 7-2 (2018)
LOUGHRAN “A Resolution to Hold a Public Referendum on the Dissolution of the ECWA”
(Chair’s ruling)
 - b. COMM. 11E-4 (2018)
LORIGO & LOUGHRAN “Letter to Legislator Brusio Regarding ECWA”
(Chair’s ruling)
 - c. COMM. 13E-1 (2018)
SAVAGE “Letter to Legislator Brusio Regarding Interviews for Position of Commissioner of the Erie County Water Authority”
(Chair’s ruling)
 - d. COMM. 13E-2 (2018)
SAVAGE “Letter to Majority Leader Regarding Position of Commissioner of the Erie County Water Authority”
(Chair’s ruling)
 - e. COMM. 13E-3 (2018)
SAVAGE “Letter to Legislator Lorigo Regarding Position of Commissioner of the Erie County Water Authority”
(Chair’s ruling)
 - f. COMM. 13E-4 (2018)
SAVAGE “Letter to Conservative Party Member Regarding Position of Commissioner of the Erie County Water Authority”
(Chair’s ruling)
 - g. COMM. 13E-5 (2018)
SAVAGE “Letter to Independence Party Member Regarding Position of Commissioner of the Erie County Water Authority”
(Chair’s ruling)

- h. COMM. 13E-6 (2018)
SAVAGE “Letter to Clerk of Legislature Regarding Letters of Interest and Resumes for Position of Commissioner of the Erie County Water Authority”
(Chair’s ruling)
- i. COMM. 13E-7 (2018)
SAVAGE “Letter to Clerk of Legislature Regarding Public Notice for Position of Commissioner of the Erie County Water Authority”
(Chair’s ruling)
- j. COMM. 13E-23 (2018)
LOUGHRAN “Letter to County Attorney Concerning ECWA”
(Chair’s ruling)
- k. COMM. 13E-32 (2018)
BRUSIO “Letter to ECWA Chair - Invitation to Appear Before EC Legislature Energy & Environment Committee”
(Chair’s ruling)
- l. COMM. 13D-1 (2018)
CLERK OF LEGISLATURE “Public Notice - Letters of Interest and Resumes for Position of Commissioner of the Erie County Water Authority”
(Chair’s ruling)
- m. COMM. 13M-3 (2018)
LATRENDIA PERRY “Letter of Interest for Commissioner of the Erie County Water Authority”
(Chair’s ruling)
- n. COMM. 13M-6 (2018)
NYS AUTHORITIES BUDGET OFFICE “Operational Review of ECWA - June 8, 2018”
(Chair’s ruling)
- o. COMM. 14M-3 (2018)
RONALD J. PILOZZI “Letter of Interest for Commissioner of the Erie County Water Authority”
(Chair’s ruling)

- p. COMM. 14M-4 (2018)
DALE KEPNER “Letter of Interest for Commissioner of the Erie County Water Authority”
(Chair’s ruling)
- q. COMM. 14M-5 (2018)
E. THOMAS JONES, ESQ. “Letter of Interest for Commissioner of the Erie County Water Authority”
(Chair’s ruling)
- r. COMM. 14M-6 (2018)
ALAN K. GETTER “Letter of Interest for Commissioner of the Erie County Water Authority”
(Chair’s ruling)
- s. COMM. 15E-7 (2018)
COUNTY EXECUTIVE “ECSD Nos. 1-6 & 8 - Section 271 Resolutions”
(Chair’s ruling)
- t. COMM. 15E-8 (2018)
COUNTY EXECUTIVE “ECSD Nos. 1, 4, & 5 - Construction Inspection Term Contract Agreement”
(Chair’s ruling)
- u. COMM. 15M-3 (2018)
NYS DEC “Public Notice Fact Sheet - 441 Elmwood Ave., Buffalo”
(Chair’s ruling)
- v. COMM. 16E-25 (2018)
COUNTY EXECUTIVE “ECSD Nos. 1, 4, & 5 - Construction Inspection Agreement”
(Chair’s ruling)
- w. COMM. 16M-3 (2018)
NYS DEC “Public Notice Fact Sheet - Tecumseh Phase III-9”
(Chair’s ruling)
- x. COMM. 16M-6 (2018)
NYS AGRICULTURE & MARKETS “Notice to Initiate Agricultural District Review”
(Chair’s ruling)

- y. COMM. 16M-8 (2018)
NYS DEC “Public Notice Fact Sheet - 188 West Utica St.”
(Chair’s ruling)
- z. COMM. 16M-11 (2018)
SECRETARY, ECWA “Minutes of the Governance Committee Meeting held on August 16, 2018”
(Chair’s ruling)
2. COMM. 15E-5 (2018)
COUNTY EXECUTIVE
WHEREAS, new developments in the Erie County Sewer Districts (ECSDs) are required to comply with the “Rules and Regulations for Erie County Sewer Districts” and must demonstrate there is sufficient capacity to advance their projects; and
- WHEREAS, some projects have contributed monies towards construction work in the ECSDs to meet these requirements; and
- WHEREAS, various payments totaling \$137,499.83 have been received between 2/19/2009 and 2/8/2017 toward the Aurora North Pumping Station Elimination Project in ECSD No. 4; and
- WHEREAS, those payments were deposited into ECSD No. 4 Capital Reserve Project C.00034; and
- WHEREAS, ECSD No. 4 has completed construction of the Aurora North Pumping Station Elimination Project; and
- WHEREAS, funding for the Aurora North Pumping Station Elimination Project has previously been authorized from ECSD No. 4, Capital Project C.00072; and
- WHEREAS, various payments totaling \$60,000.00 have been received between 4/10/2014 and 6/12/2018 to perform infiltration/inflow (I/I) remedial work in ECSD No. 5; and
- WHEREAS, those payments were deposited into ECSD No. 5 Capital Reserve Project C.00005; and
- WHEREAS, ECSD No. 5 has completed collection system renewal and I/I remediation through cured-in-place pipe lining construction projects; and

WHEREAS, funding for the cured-in-place pipe lining has previously been authorized from ECSD No. 5, Funds Center 181, Fund 220, Account 516020 – Professional Services Contracts & Fees.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the partial closure of \$137,499.83 from ECSD No. 4 Capital Reserve Project C.00034; and be it further

RESOLVED, that authorization is hereby provided for the Division of Budget and Management to process a residual equity transfer of up to \$137,499.83 from ECSD No. 4 Capital Reserve Project C.00034, Funds Center 181, Fund 430, GL 570000 – Inter-fund Transfer-Subsidy to Capital Project C.00072, Funds Center 181, Fund 430, GL 486000 – Inter-fund Revenue Subsidy; and be it further

RESOLVED, that authorization is hereby provided for the partial closure of \$60,000 from ECSD No. 5 Capital Reserve Project C.00005; and be it further

RESOLVED, that authorization is hereby provided for the Division of Budget and Management to process a residual equity transfer of up to \$60,000 from ECSD No. 5 Capital Reserve Project C.00005, Funds Center 181, Fund 430, GL 570000 – Inter-fund Transfer-Subsidy to ECSD No. 5, Funds Center 1811050, Fund 220, Account 486010 – Residual Equity Transfer-In; and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to implement any budget adjustments necessary to facilitate these transfers; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this Resolution to the County Executive, the County Comptroller, and the Director of Budget and Management; and two (2) certified copies to Joseph L. Fiegl, P.E. Department of Environment and Planning, Division of Sewerage Management.
(5-0)

3. COMM. 15E-6 (2018)

COUNTY EXECUTIVE

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 5 of the County of Erie, New York, has heretofore been established; and

WHEREAS, the Board of Managers of Erie County Sewer District No. 5 has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of Erie County

Sewer District No. 5 on April 9, 2018 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District, consisting of improvements to the sanitary sewers, manholes, and other collection system assets, improvements to the Transit Valley and Bryant and Stratton Pumping Stations, and preparation of a capacity analysis to evaluate current flows and future service requirements; all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$1,000,000, to be apportioned in accordance with applicable flat charges and charges based on units, assessed value and footage specified in the District's benefit assessment formula and rates, as such formulas currently exist and as amended from time to time; and

WHEREAS, pursuant to Section 268 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the expenditure of funds for said increase and improvement because the \$10.87 cost thereof to the Typical Property (as defined in the County Law) does not exceed the applicable threshold for Average Estimated Cost for County Districts on similar types of expenditures, which was computed by the State Comptroller to be \$11.00 for calendar year 2018; and

WHEREAS, said County Legislature duly adopted Resolution No. 115 on May 24, 2018, calling a meeting of the County Legislature for the purpose of holding a public hearing on said increase and improvement of facilities in accordance with said report and estimate of cost; and

WHEREAS, such Resolution authorized and directed the Clerk of said County Legislature to publish the notice of public hearing and file a certified copy of such notice with the office of the State Comptroller; and

WHEREAS, said public hearing was duly held at the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on June 26, 2018, at 6:00 P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published and filed in the manner provided by law and proof thereof was submitted to said County Legislature; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to proceed with the expenditure for the increase and improvement of the facilities of Erie County Sewer District No. 5, all as more fully described in the preambles hereof, and such increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$1,000,000.

Section 2. The cost of the aforesaid increase and improvement of the facilities of the District is to be apportioned in accordance with applicable flat charges and charges based on units, assessed value and footage specified in the District's benefit assessment formula and rates, as such formulas currently exist and as amended from time to time.

Section 3. This resolution shall take effect immediately.
(5-0)

4. COMM. 16E-17 (2018)

COUNTY EXECUTIVE

WHEREAS, the Erie County Soil and Water Conservation District has New York State Department of Environmental Conservation (NYSDEC) grant funding to form and implement the Lake Erie Watershed Protection Alliance (LEWPA), a three-county collaborative effort to improve Lake Erie water quality; and

WHEREAS, the Erie County Soil and Water Conservation District has a need for the services of a LEWPA Coordinator; and

WHEREAS, the LEWPA Coordinator has taken on increasing responsibilities to achieve LEWPA's mission of making improvements to water quality along the Lake Erie shoreline in New York State, as well as the associated watershed; and

WHEREAS, the Erie County Soil and Water Conservation District, which funds the current LEWPA Coordinator position as an Environmental Compliance Specialist (JG-9) has approved an upgrade to a Senior Environmental Compliance Specialist (JG-12); and

WHEREAS, this promotion to a Senior Environmental Compliance Specialist (JG-12) will not impact the county budget as it will be paid for through a current New York State Department of Environmental Conservation grant the entitled "Lake Erie Watershed Protection Alliance Project" (162LEWPA1718).

NOW, THEREFORE, BE IT

RESOLVED, that the following position, for which sufficient funding from a New York State Department of Environmental Conservation grant funding through Erie County Soil & Water Conservation for personal services and fringe benefits exists, will be created in the above grant:

Senior Environmental Compliance Specialist (JG-12) position
B-100 No. 10681
Budgeted Annual Salary: \$68,962

and be it further

RESOLVED, that the following position be deleted from the above grant budget:

Environmental Compliance Specialist (JG-9)
B-100 No. 000 000 9432
Budgeted Annual Salary: \$54,300

and be it further

RESOLVED, that Ms. Panasiewicz will be provisionally promoted to the position of Senior Environmental Compliance Specialist (JG-12); 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 be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.
(5-0)

5. COMM. 16E-20 (2018)

COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation and Forestry wishes to apply to the New York State Department of Environmental Conservation for a grant under the "Trees for Tribes" Grant Program for Replanting New York's Riparian Areas. The project will be located at Erie County-owned Isle View Park, located at 796 Niagara Street, Tonawanda, New York; and

WHEREAS, as a requirement of this grant application, Erie County Department of Parks and Recreation must obtain "approval/endorsement of the governing body of the municipality in which the project will be located".

NOW, THEREFORE, BE IT

RESOLVED, that that the Erie County Legislature hereby does approve and endorse the application by the Department of Parks, Recreation and Forestry for a grant under the “Trees for Tribs” Grant Program for Replanting New York’s Riparian Areas for a project known as the Isle View Tree Planting Project and located within Erie County; and be it further

RESOLVED, that certified copies of this resolution shall be provided for the County Executive; the County Attorney; and Daniel J. Rizzo, Commissioner of Parks Recreation and Forestry. (5-0)

6. COMM. 16E-21 (2018)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning (DEP) has played a crucial role in water quality issues throughout the region for decades and continues to lead and manage many initiatives that protect and preserve our natural water resources; and

WHEREAS, DEP is committed to coordinate, oversee, and support work towards the delisting of the Buffalo River as a Great Lakes Area of Concern (AOC); and

WHEREAS, the United States Environmental Protection Agency (USEPA) Great Lakes Restoration Initiative provides grant assistance to municipalities to implement projects to improve the quality of the Great Lakes; and

WHEREAS, DEP provides technical assistance regarding the management of the Buffalo River Remedial Action Plan (RAP); and

WHEREAS, Buffalo Niagara Waterkeeper through their past experience successfully managing and coordinating the Buffalo River RAP and previous Wildlife Survey was identified in the USEPA approved work plan as a Sub-Awardee to Erie County to provide these professional services; and

WHEREAS, additional professional services will be utilized for competitive bidding of invasive species management and maintenance; and

WHEREAS, Erie County DEP will receive a yearly administrative fee to oversee and administer the USEPA GLRI grant funding for the Wildlife Survey.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept a grant up to \$200,000 for the purpose of establishing an “Erie County US EPA Great Lakes Restoration Initiative (GLRI) Grant for 3-Year Wildlife Survey 10/1/18 through 9/30/21” project; and be it further

RESOLVED, that the grant budget and project period for the “Erie County US EPA Great Lakes Restoration Initiative (GLRI) Grant for 3-Year Wildlife Survey 10/1/18 through 9/30/21” project is hereby created in the Department of Environment and Planning, Business Area 162, as follows:

US EPA Great Lakes Restoration Initiative (GLRI) Grant for
3-Year Wildlife Survey 10/1/18 through 9/30/21
SAP Grant Account #162GLR1WS1821

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
409000	Federal Aid Revenue	(\$200,000)
TOTAL REVENUE		(\$200,000)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
516020	Professional Services	\$200,000
TOTAL APPROPRIATIONS:		\$200,000

and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning. (5-0)

**JOHN BRUSO
CHAIR**