

September 19, 2019

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 10

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7D-2 (2019)
DEPARTMENT OF ENVIRONMENT & PLANNING: “SEQR Solicitation for Lead Agency Status”
(Chair’s Ruling)
 - b. COMM. 14E-1 (2019)
MILLS: “Letter to Chair Baskin Concerning the NYS Fish & Wildlife Management Board Region 9”
(Chair’s Ruling)
 - c. COMM. 15E-3 (2019)
BASKIN: “Letter to County Executive Concerning Appointment to the NYS Fish & Wildlife Management Board for Region 9”
(Chair’s Ruling)
 - d. COMM. 15M-1 (2019)
LOCAL ENVIRONMENTAL ORGANIZATIONS: “Letter to Chair Baskin Urging EC to Opt-In on NY’s 5-cent Fee on Carryout Paper Bags”
(Chair’s Ruling)
 - e. COMM. 16E-2 (2019)
COUNTY EXECUTIVE: “ECSD No. 6 – Change Order – Well St. & Wilsmuth St. Pumping Stations Electrical Upgrade”
(Chair’s Ruling)
 - f. COMM. 16E-10 (2019)
COUNTY EXECUTIVE: “ECSD Nos. 3 & 8 – Engineer Term Contract Agreement”
(Chair’s Ruling)
 - g. COMM. 16E-11 (2019)
COUNTY EXECUTIVE: “ECSD Nos. 1-6 & 8 – Board of Managers Resolution”
(Chair’s Ruling)
 - h. COMM. 16E-16 (2019)
MILLS: “Letter to Chair of Energy & Environment Committee Requesting Discussion on Industrial Wind Turbine Farms in Lake Erie”
(Chair’s Ruling)
 - i. COMM. 16D-2 (2019)
COMPTROLLER’S OFFICE: “Letter to Deputy Commission of Parks, Rec., & Forestry Concerning Audit of EC Parks, Rec., & Forestry – 01/2019 – 06/2019”
(Chair’s Ruling)
 - j. COMM. 16M-1 (2019)
NYSDEC: “Fact Sheet Regarding Brownfield Cleanup Program Application from Betlem Associates LLC”
(Chair’s Ruling)
 - k. COMM. 18E-1 (2019)
COMPTROLLER: “Report on Capital Projects at EC Parks”
(Chair’s Ruling)
 - l. COMM. 18E-26 (2019)
COUNTY EXECUTIVE: “ECSD No. 5 – Engineer Term Contract Agreement”
(Chair’s Ruling)
 - m. COMM. 18E-35 (2019)
COUNTY EXECUTIVE: “ECSD No. 3 – Engineer Term Contract Agreement”
(Chair’s Ruling)
 - n. COMM. 18M-2 (2019)
NYSDEC: “Invitation for Public Comment – Brownfield Application & Draft Work Plan on Jefferson Ave., Buffalo”
(Chair’s Ruling)
 - o. COMM. 18M-5 (2019)
NYS DEPARTMENT OF PUBLIC SERVICE: “Invitation for Public Input on Companies’ Proposals Regarding Increases in Electric & Gas Rates”
(Chair’s Ruling)
 - p. COMM. 18M-8 (2019)
NYSDEC: “Fact Sheet – Brownfield Cleanup Program Application & Draft Remedial Investigation – 1200 Jefferson Ave., Buffalo”
(Chair’s Ruling)

- q. COMM. 18M-10 (2019)
NYSDEC: “Invitation for Public Comment – Proposed Remedy for Brownfield Site Contamination at 50 Hannah St., Buffalo”
(Chair’s Ruling)
- r. COMM. 18M-12 (2019)
NYSDEC: “Invitation for Public Comment – Draft Plan of Contamination Investigation at the Former Bisonite Paint Company Site in Tonawanda”
(Chair’s Ruling)
- s. COMM. 18M-14 (2019)
NYSDEC: “Fact Sheet – Brownfield Cleanup Program Application & Draft Remedial Investigation – 130 Main St., Buffalo”
(Chair’s Ruling)
- t. COMM. 18M-15 (2019)
PHIL WILCOX: “Letter Regarding Environmental Impact of a Lake Erie Wind Farm”
(Chair’s Ruling)
2. COMM. 16E-9 (2019)
COUNTY EXECUTIVE
WHEREAS, pursuant to Legislative Comm. 3E-11 (2018), Contract 42-D (Electrical) was awarded to Ferguson Electric Construction Company, Inc. to construct the Iroquois Pumping Station Rehabilitation Project in Erie County Sewer District No. 4; and
- WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and
- WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 42-D (Electrical), in the final contract amount of \$217,620 which includes Change Order No. 1 (final), a decrease of (\$5,380), and recommends approval for final payment.
- NOW, THEREFORE, BE IT
- RESOLVED, that Contract No. 42-D (Electrical) between the County of Erie and Ferguson Electric Construction Company, Inc. (333 Ellicott Street, Buffalo, New York 14203) is accepted in the final contract amount of \$217,620 which includes Change Order No. 1 (final), a decrease of (\$5,380), and is allocated in Erie County Sewer District No. 4 Capital Project C.00072; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 42-D (Electrical), to Ferguson Electric Construction Company, Inc. for a total contract amount of \$217,620; and be it further

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

3. COMM. 18E-18 (2019)
COUNTY EXECUTIVE
WHEREAS, the County of Erie advertised for and received responses to a request for proposals from firms to provide solar photovoltaic (PV) systems for power purchase by Erie County; and

WHEREAS, a review committee consisting of representatives from Erie County Department of Public Works and the Division of Environment and Planning ranked the responses using a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends retaining Montante Solar, LLC for these services; and

WHEREAS, Montante Solar proposed the lowest power purchase agreement rates of the eight firms submitting proposals; and

WHEREAS, the nominal net benefit for the PV systems proposed is estimated to be \$494,000 in savings over a 20-year term.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body endorses the proposal review committee recommendation to retain Montante Solar, LLC to install solar PV systems on County lands for power purchase by Erie County; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute power purchase agreements with Montante Solar, LLC, subject to approval as to content by either the Commissioner of the Department of Public Works and approval as to form by the County Attorney’s office; and be it further

RESOLVED, prior to any construction work associated with the power purchase agreements, passage of a Local Law allowing for the lease of County land for a term longer than five (5) years shall be required; and be it further

RESOLVED, that the Clerk of the Legislature send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Erie County Director of Budget and Management, the Commissioner of Public Works, and Kristen Walder, Assistant County Attorney.
(6-0)

4. COMM. 18E-19 (2019)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, the County of Erie wishes to identify the most effective means to reduce energy consumption and costs by energy efficient measures; and

WHEREAS, pursuant to that goal, a Request for Proposals (RFP) was issued to provide architectural and engineering services for a multi-facility building energy consumption reduction plan, also known as an Energy performance Contract (EPC), and such proposals were received; and

WHEREAS, the first step towards beginning the EPC process was to conduct an investment grade energy audit which was finalized during the summer of 2019; and

WHEREAS, an array of cost effective facility improvement measures have been found at various facilities; and

WHEREAS, the Department of Public Works worked diligently to narrow the focus of the audit results and has decided on a set of projects that it feels warrants the most immediate attention.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into an Agreement with John W. Danforth Company (“Danforth”) in the form of an Energy Performance Contract (EPC); and be it further

RESOLVED, that given that the John W. Danforth Company performed an investment grade energy audit and cost effective facility improvement measures (FIM) have been found at multiple facilities, it is the desire of the Department of Public Works that construction move forward under the stipulations of the EPC, the cost of the said EPC will be paid for as follows:

Fund 410, Funds Center 164:

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|------------------------|------------------------------|---------------|
| A.18016 | Countywide Park Improvements | \$225,000 |
| Total Funds Center 164 | | \$225,000 |

Fund 410, Funds Center 122:

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|--|---|---------------|
| A.11004 | Countywide Roof Replacement & Exterior Waterproofing | \$14,950 |
| A.12004 | Countywide Roof Replacement & Exterior Waterproofing | \$35,264.32 |
| A.13005 | Countywide Roof Replacement & Exterior Waterproofing | \$1,155 |
| A.13027 | Highway Building Facility Improvements (Countywide) | \$26,900 |
| A.16005 | Rath Building Back-Up Boiler System (Buffalo) | \$265,957.41 |
| A.16006 | Countywide Roof Replacement & Exterior Waterproofing | \$11,038 |
| A.16008 | Energy Conservation Implementation Initiatives (Countywide) | \$50 |
| A.16010 | Preservation of Countywide Buildings & Facilities | \$10,762.51 |
| A.17007 | Energy Conservation Implementation Initiatives | \$189,573.79 |
| A.17009 | Preservation Of County Highway Facilities (Countywide) | \$11,499.36 |
| A.18004 | Countywide Code And Environmental Compliance | \$620,831.45 |
| A.18007 | Energy Conservation Implementation Initiatives | \$250,000 |
| A.18012 | Preservation Of Countywide Buildings & Facilities | \$640,535.84 |
| A.18013 | Preservation Of County Highway Facilities (Countywide) | \$158,143.64 |
| A.19002 | Countywide Roof Replacement & Exterior Waterproofing | \$363,411.68 |
| A.19015 | Mechanical, Electrical, Plumbing And Miscellaneous Imp. | \$1,267,706 |
| A.19016 | Energy Conservation Implementation Initiatives | \$400,000 |
| Total Funds Center 122 | | \$4,267,779 |
| Total Funds from Funds Centers 122 and 164 | | \$4,492,779 |

and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this Resolution to the Department of Public Works, and also one copy each to the Department of Environment and Planning, Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.
(6-0)

5. COMM. 18E-20 (2019)
COUNTY EXECUTIVE

WHEREAS, Erie County has forty-two high-pressure sodium streetlights in National Grid territory; and

WHEREAS, newer street-lighting technology, such as LED streetlights, provide an equivalent amount of light while using a quarter to half as much energy as their traditional counterparts; and

WHEREAS, energy costs will continue to increase making energy-efficiency upgrades increasingly important; and

WHEREAS, National Grid will provide the design, installation, and maintenance of all converted streetlights at a cost not to exceed \$2,481.18; and

WHEREAS, National Grid will provide an energy-efficiency incentive, estimated to be \$3,115, to assist with the conversion costs.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract and amendments with National Grid for the design, installation and maintenance of LED streetlights at a cost not to exceed \$2,481.18; and be it further

RESOLVED, that the Comptroller's Office is authorized to make payments for this project from Capital Project A.17007 – 2017 Energy Conservation, Fund 410, Funds Center 122; and be it further

RESOLVED, that the Erie County Legislature authorizes the Department of Public Works to accept all related grants, incentives and awards related to this to assist with the conversion costs; and it be further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the Erie County Executive; the Division of Budget and Management; the Office of the Comptroller; and the Department of Public Works.

(6-0)

6. COMM. 18E-27 (2019)
COUNTY EXECUTIVE

WHEREAS, the Division of Sewerage Management identified that additional funds will be needed to pay for highway supplies in Erie County Sewer District (ECSD) No. 3 for the remainder of the 2019 fiscal year; and

WHEREAS, the Division of Sewerage Management analyzed the budget and expenses and determined that a surplus will exist in ECSD No. 3 account 516020 – Professional Services; and

WHEREAS, a transfer of funds from an account with surplus funds will allow ECSD No. 3 to maintain daily operations with no net impact on the 2019 budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the following transactions within the accounts of ECSD No. 3:

DIVISION OF SEWERAGE MANAGEMENT
ERIE COUNTY DISTRICT NO. 3
FUND CENTER – 18310

| <u>INCREASE:</u> | <u>AMOUNT:</u> |
|------------------------------|-----------------|
| 506400 Highway Supplies | <u>\$15,000</u> |
| Total | <u>\$15,000</u> |
| | |
| <u>DECREASE:</u> | <u>AMOUNT</u> |
| 516020 Professional Services | <u>\$15,000</u> |
| Total | <u>\$15,000</u> |

and be it further

RESOLVED, that the County Comptroller and/or Director of Budget and Management is hereby authorized to make any required budgetary adjustments to implement the actions and appropriations in this resolution; and be it further

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

(6-0)

7. COMM. 18E-28 (2019)
COUNTY EXECUTIVE

WHEREAS, Article 5-A, Sections 270 and 271 of County Law requires your Honorable Body to hold a Public Hearing on the Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and

WHEREAS, notice of said Public Hearing shall be published at least once in the official County newspapers prior to holding the Public Hearing.

NOW, THEREFORE, BE IT

RESOLVED, that the Sewer District assessment rolls be open for public inspection after October 1, 2019 in the offices of the Division of Sewerage Management, 95 Franklin Street, Buffalo, New York 14202; and be it further

RESOLVED, that a Public Hearing be held in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, NY, at 6:00 p.m., local time, on November 7, 2019 for the purpose of meeting to hear and consider any objections which may be made to the 2019 Sewer District Assessment Rolls (2020 Levy) for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to have published in the official County Newspapers, and the Buffalo News, a Notice of Public Hearing no later than the week of October 21, 2019; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment & Planning.
(6-0)

8. COMM. 18E-29 (2019)
COUNTY EXECUTIVE

WHEREAS, a contract with Erie County Soil & Water Conservation District (ECS&WCD) for Stream Maintenance and Technical Services was approved by your Honorable Body via Comm. 24E-16 on December 20, 2018; and

WHEREAS, it is necessary to execute an amendment to that contract to permit ECS&WCD to address stream scour and the associated slope failure on Mill Street (CR 82) adjacent to Spring Brook (the "Project"); and

WHEREAS, it is estimated that the cost of the necessary work will not exceed \$81,000 which is available from the Capital Projects hereinafter identified.

NOW, THEREFORE, BE IT

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

RESOLVED, the County Executive is authorized to execute a contract amendment for the Project with the ECS&WCD in the not to exceed amount of \$81,000; and be it further

RESOLVED, that funding for this project is hereby appropriated and made available for the Project in Fund 420, Fund Center 123 as follows:

| | | |
|---------|--|----------|
| B.13012 | 2013 Preservation of Roads – Mill Street | \$9,000 |
| B.17050 | 2017 Capital Overlay | \$72,000 |
| Total | | \$81,000 |

and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Division of Highways, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

9. COMM. 18E-37 (2019)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) has played a crucial role in pollution prevention and sustainability issues throughout the region for decades; and

WHEREAS, DEP is committed to promoting pollution prevention, energy conservation, climate change mitigation, and resiliency to impacts from climate change within the County; and

WHEREAS, New York State Department of Environmental Conservation (NYSDEC) has established a program called Climate Smart Communities to recognize local governments that achieve specified sustainability criteria; and

WHEREAS, in 2014 Erie County pledged to become a Climate Smart Community (COMM 12-E-5); and

WHEREAS, Erie County has been awarded \$79,968 by NYSDEC to support efforts to certify Erie County as a Silver level Climate Smart Community; and

WHEREAS, execution of the project work plan in accordance with the contractual requirements set forth by the granting agency necessitates the following new grant funded staff position: Senior Environmental Compliance Specialist (JG 12); and

WHEREAS, this necessitates the execution of a contract with NYSDEC, the adoption of a new grant budget, and the transfer of an existing Senior Environmental Compliance Specialist (JG-12) position within DEP, which will be 100 % grant funded.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$79,968 from NYSDEC for the purpose of establishing a “Climate Smart Communities Certification Actions” project; and be it further

RESOLVED, that the grant budget and project period for the “Climate Smart Communities Certification Actions” project is hereby created in the Department of Environment and Planning, Business Area 162, as follows:

Erie County Climate Action and Sustainability Plan (March 15, 2019 to March 14, 2024),
Grant #162ECCSCA1924

REVENUE:

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|----------------|--------------------|-------------------|
| 409000 | State Aid Revenue | <u>(\$79,968)</u> |
| TOTAL REVENUE | | (\$79,968) |

APPROPRIATIONS:

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|-----------------------|-----------------------|---------------|
| 500000 | Personnel Services | \$ 58,887 |
| 502000 | Fringe Benefits | \$ 21,081 |
| 510100 | Out of Area Travel | \$ 0 |
| 516020 | Professional Services | \$ 0 |
| 530000 | Other | <u>\$ 0</u> |
| TOTAL APPROPRIATIONS: | | \$79,968 |

and be it further

RESOLVED, that the following position which is 100% grant-funded will be transferred from the Erie County Climate Smart Community Certification Project (Grant 162ECCSCC1722) upon consumption of the budget for that project:

Senior Environmental Compliance Specialist (JG-12)
B-100 No. 11567
Budgeted Annual Salary: \$70,887

and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; Bonnie Lawrence, Deputy Commissioner of Environment and Planning; and P. Josh Wilson, Coordinator – Pollution Prevention Program.
(6-0)

10. COMM. 18E-38 (2019)
COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature does hereby confirm the appointment, on recommendation of the County Executive, of Legislator John J. Mills to the Region 9 New York State Fish and Wildlife Management Board.
(6-0)

TIMOTHY MEYERS
CHAIR