

December 12, 2019

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 15

ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

- 1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 14-2 (2019)
MILLS & DIXON: “Opposition to Construction of Wind Turbine Farm on Lake Erie”
(Chair’s Ruling)
 - b. INTRO. 18-13 (2019)
MILLS & DIXON: “Support for Legislation Mandating Referenda Prior to Authorizing Construction of Wind Turbines in Lake Erie”
(Chair’s Ruling)
 - c. COMM. 19E-3 (2019)
MILLS: “Documentation Relating to the Energy & Environment Committee Discussion Regarding Lake Erie Wind Turbine Farms”
(Chair’s Ruling)
 - d. COMM. 19M-4 (2019)
THOMAS HALLIGAN: “Additional Information for Testimony Given to Energy & Environment Committee - 9/19/19”
(Chair’s Ruling)
 - e. COMM. 19M-5 (2019)
CLARKE GOCKER: “Testimony Given to Energy & Environment Committee - 9/19/19”
(Chair’s Ruling)
 - f. COMM. 19M-6 (2019)
WILLET KEMPTON: “Testimony Given to Energy & Environment Committee - 9/19/19”
(Chair’s Ruling)
 - g. COMM. 19M-7 (2019)
BRIAN SMITH: “Testimony Given to Energy & Environment Committee - 9/19/19”
(Chair’s Ruling)

- h. COMM. 20D-4 (2019)
DEPARTMENT OF ENVIRONMENT & PLANNING: “2019 Annual Report - EC Commits to Paris”
(Chair’s Ruling)
- i. COMM. 20M-6 (2019)
ROBERT M. CIESIELSKI: “Letter to Legislature Concerning Projects in EC Involving Wind, Solar & Hydro Energy”
(Chair’s Ruling)
- j. COMM. 23E-5 (2019)
COUNTY EXECUTIVE: “ECSD No. 5 - Engineer Term Contract Agreement”
(Chair’s Ruling)
- k. COMM. 23D-3 (2019)
CLERK OF LEGISLATURE: “ECSD Nos. 1-6 & 8 - Minutes of Public Hearing on 2019 Assessment Rolls”
(Chair’s Ruling)
- l. COMM. 23M-2 (2019)
NYSDEC: “Fact Sheet - Brownfield Cleanup Program Application for 225 Louisiana St., City of Buffalo”
(Chair’s Ruling)
- m. COMM. 23M-3 (2019)
NYSDEC: “Public Notice - Brownfield Cleanup Program Application for 3077 Union Rd., Town of Orchard Park”
(Chair’s Ruling)
- n. COMM. 23M-4 (2019)
ECWA: “2020 Operating & Maintenance & Capital Budgets”
(Chair’s Ruling)
- o. COMM. 23M-5 (2019)
NYSDEC: “Invitation for Public Comment - Brownfield Cleanup Program Application for Buffalo RiverWorks, City of Buffalo”
(Chair’s Ruling)

p. COMM. 23M-6 (2019)
NYSDEC: “Invitation for Public Comment - Brownfield Cleanup Program Application for 3077 Union Rd., Town of Orchard Park”
(Chair’s Ruling)

q. COMM. 23M-7 (2019)
NYSDEC: “Invitation for Public Comment - Brownfield Cleanup Program Application for 225 Louisiana St., City of Buffalo”
(Chair’s Ruling)

2. COMM. 18E-34 (2019)
COUNTY EXECUTIVE **AS AMENDED**
WHEREAS, the Board of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5, 6 and 8 have a system of Sewer District User Charges or Fees; and

WHEREAS, as has been done in past years, the Boards have requested and are desirous of collecting said User .Charges or Fees in 2020 for properties in the same manner and fashion as the regular sewer district taxes.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Real Property Tax Services is hereby authorized and directed to spread said 2020 Sewer District User Charges or Fees against properties serviced by Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 & 8 as provided by law; and be it further

RESOLVED, that the following amounts be collected:

Sewer District No. 1	\$ 5,134,996.60
Sewer District No. 2	\$ 3,624,365.81
Sewer District No. 3	\$ 9,716,213.93
Sewer District No. 4	\$ 5,065,605.56
Sewer District No. 5	\$ 1,008,699.20
Sewer District No. 6	\$ 2,298,357.60
Sewer District No. 8	\$ 912,271.00

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Real Property Tax

Services, the Director of Budget and Management, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.
(5-0) Chair Baskin not present for vote.

3. COMM. 20E-8 (2019)
COUNTY EXECUTIVE
WHEREAS, the Erie County Parks System contains nearly 10,000 acres of land on 38 sites throughout Erie County: and

WHEREAS, the Erie County Parks System include large heritage parks, beaches, recreational trails, urban parks, and forestry sites; and

WHEREAS, Erie County last prepared a Parks Master Plan in 2003; and

WHEREAS, new demands have been placed on the Parks system not present in 2003; and

WHEREAS, recreational preferences, resources available, and maintenance techniques have changed significantly in the 16 years since the last Parks Master Plan was produced; and

WHEREAS, Erie County was desirous of a new analysis and Parks strategy; and

WHEREAS, Erie County commissioned the production of a Parks Master Plan update to provide updated guidance for County capital budgeting, recreational programing and operational maintenance of the Parks System through the year 2030; and

WHEREAS, the Park’s Master Plan development was developed with extensive public involvement; and

WHEREAS, the updated Plan was recently completed; and

WHEREAS, the Erie County Parks Master Plan Update will serve as an important tool for County officials when making decisions affecting the County Parks System; and

WHEREAS, pursuant to NYS New York State Environmental Quality Review Act an environmental review of the Plan was completed and a negative declaration was issued on April 22, 2019.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby accepts the Erie County Parks Master Plan Update as the primary County planning document within Erie County on matters affecting the Erie County Parks System; and be it further

RESOLVED, that the Erie County Legislature shall undertake actions affecting physical development in the County Parks System in a manner that is consistent with the principles, policies, and action strategies described in the Plan; and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Comptroller; the County Attorney; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Parks, Recreation, and Forestry; and the Commissioner of the Department of Public Works.
(6-0)

4. COMM. 23E-3 (2019)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, the County Executive has made appointments to the Erie County Sewer District Boards of Managers pursuant to the power vested to him by Article 5-A of the County Law and Section 2204 of the County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the following appointments to the Erie County Sewer District Boards of Managers are hereby confirmed:

<u>Erie County Sewer District No. 1</u>	<u>Term Expires</u>
Hon. Diane Benczkowski (Reappointment) Supervisor, Town of Cheektowaga 3301 Broadway Cheektowaga, New York 14227	12/31/21
Mr. Patrick Bowen, P.E. (Reappointment) Town Engineer, Town of Cheektowaga 275 Alexander Avenue Cheektowaga, New York 14211	12/31/21
Hon. Gary Dickson (Appointment) Supervisor-Elect, Town of West Seneca 1250 Union Road West Seneca, New York 14224	12/31/21
Hon. William Hanley, Jr. (Reappointment) Councilman, Town of West Seneca 1250 Union Road West Seneca, New York 14224	12/31/21

Mr. Mutasem Salah, P.E. (Reappointment) Sr. Coordinator Construction Projects Department of Environment and Planning 95 Franklin Street - Room 1034 Buffalo, New York 14202	12/31/21
<u>Erie County Sewer District No. 2</u>	<u>Term Expires</u>
Hon. Howard Frawley (Reappointment) Mayor, Village of Angola 41 Commercial Street Angola, New York 14006	12/31/21
Hon. Vincent George (Reappointment) Mayor, Village of North Collins 10543 Main Street P.O. Box459 North Collins, New York 14111	12/31/21
Hon. Mary Hosler (Appointment) Supervisor, Town of Evans 8787 Erie Road Angola, New York 14006	12/31/21
Ms. Anna Knack (Reappointment) 2505 W. Church Street Eden, New York 14057	12/31/21
Ms. Angela Horton, P.E. (Reappointment) Sr. Coord. Sewer Construction Projects Department of Environment and Planning 95 Franklin Street- Room 1034 Buffalo, New York 14202	12/31/21
<u>Erie County Sewer District No. 3</u>	<u>Term Expires</u>
Mr. Mark Cavalcoli (Reappointment) 6253 Heltz Road Lakeview, New York 14086	12/31/21

Mr. Jason Cozza (Appointment) Administrator, Village of Hamburg 100 Main Street Hamburg, New York 14075	12/31/21
Hon. Melissa Hartman (Reappointment) Supervisor, Town of Eden 2795 East Church Street Eden, New York 14057	12/31/21
Mr. David Kaczor (Reappointment) 23 Silent Meadow Orchard Park, New York 14127	12/31/21
Hon. Michael Kasprzyk (Reappointment) Supervisor, Town of Holland 47 Pearl Street Holland, New York 14080	12/31/21
Hon. Jason Keding (Appointment) Supervisor, Town of Boston 8500 Boston State Road Boston, New York 14025	12/31/21
Mr. David Rood (Reappointment) 59 North Lincoln Orchard Park, New York 14127	12/31/21
Mr. Emery Wittmeyer (Appointment) Crew Chief, Village of Orchard Park Department of Public Works 4415 South Buffalo Street Orchard Park, New York 14127	12/31/21
Mr. David Millar, P.E. (Reappointment) Assistant Deputy Commissioner Department of Environment and Planning 95 Franklin Street - Room 1034 Buffalo, New York 14202	12/31/21

<u>Erie County Sewer District No. 4</u>	<u>Term Expires</u>
Mr. William Cansdale (Reappointment) Superintendent, Village of Lancaster Department of Public Works 5200 Broadway Lancaster, New York 14086	12/31/21
Ms. Kristin McCracken (Reappointment) 41 Bloomfield Avenue Depew, New York 14043	12/31/21
Hon. Kevin Peterson (Appointment) Mayor - Village of Depew 85 Manitou Street Depew, New York 14043	12/31/21
Mr. Edward Shiller, P.E. (Reappointment) Town of Lancaster Engineering Consultant Wm. Schutt & Associates, P.C. 37 Central Avenue Lancaster, New York 14086	12/31/21
Ms. Nadine Wetzel, P.E. (Reappointment) Sanitary Engineer Department of Environment & Planning 95 Franklin Street - Room 1034 Buffalo, New York 14202	12/31/21
<u>Erie County Sewer District No. 5</u>	<u>Term Expires</u>
Mr. Brian Armstrong (Reappointment) Assistant Municipal Engineer, Town of Amherst 1100 N. Forest Road Williamsville, New York 14221	12/31/21
Mr. Jeffrey Burroughs, P.E. (Reappointment) Town Engineer, Town of Amherst 1100 N. Forest Road Williamsville, New York 14221	12/31/21

Mr. James Callahan (Reappointment) Director of Community Development, Town of Clarence One Town Place Clarence, New York 14031	12/31/21
Mr. Timothy Lavocat, P.E. (Reappointment) Town Engineer, Town of Clarence 6221 Goodrich Road Clarence Center, New York 14032	12/31/21
Mr. Kevin Zynda, P.E. (Reappointment) Sanitary Engineer Department of Environment and Planning 95 Franklin Street - Room 1034 Buffalo, New York 14202	12/31/21
<u>Erie County Sewer District No. 6</u>	<u>Term Expires</u>
Mr. James Balcarczyk (Reappointment) 59 Michelle Drive Lackawanna, New York 14218	12/31/21
Mr. Mark Kuwik (Appointment) Executive Director, Lackawanna Municipal Housing Authority 135 Odell Street Lackawanna, New York 14218	12/31/21
Mr. Garry Pecak, P.E. (Reappointment) Assistant Deputy Commissioner Department of Environment and Planning 95 Franklin Street - Room 1034 Buffalo, New York 14202	12/31/21
<u>Erie County Sewer District No. 8</u>	<u>Term Expires</u>
Hon. Susan Friess (Reappointment) Councilwoman, Town of Aurora 7 Ravine Court East Aurora, New York 14052	12/31/21

Mr. Matthew Hoeh (Reappointment) Superintendent of Public Works, Village of East Aurora 571 Main Street East Aurora, New York 14052	12/31/21
Mr. Bryan Smith (Reappointment) Town of Aurora, Town Engineer 21 Westgate East Aurora, New York 14052	12/31/21
Ms. Cathryn Thomas (Appointment) Administrator, Village of East Aurora 571 Main Street East Aurora, New York 14052	12/31/21
Ms. Mary Plesh, P.E. (Reappointment) Sanitary Engineer Department of Environment and Planning 95 Franklin Street - Room 1034 Buffalo, New York 14202	12/31/21
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 appointees, and Joseph Fiegl, Deputy Commissioner of the Department of Environment and Planning. (6-0)	
5. COMM. 23E-7 (2019) COUNTY EXECUTIVE WHEREAS, the Department of Environment and Planning held five Household Hazardous Waste Collection Events in 2019; and	
WHEREAS, the expenses for these events exceeded the 2019 Budget; and	
WHEREAS, the Department of Environment and Planning will receive partial reimbursement for these events from the New York State Department of Environmental Conservation; and	
WHEREAS, the New York State reimbursement for 2019 Household Hazardous Waste Program activities will exceed the budgeted amount.	

NOW, THEREFORE, BE IT

RESOLVED, the following budgetary adjustments are made to the Department of Environment and Planning’s 2019 Budget:

Department of Environment and Planning, Business Area 162
Fund 110 – Funds Center 16200

REVENUE	Increase
409000 – State Aid Revenues	\$27,000
EXPENSE	Increase
517629 – Hazardous Waste Days	\$27,000

and be it further

RESOLVED, that the Office of Budget and Management is authorized to make all necessary budgetary adjustments; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, County Comptroller, the Director of Budget and Management and Commissioner of Environment and Planning.
(5-0) Chair Baskin not present for vote.

6. COMM. 25E-11 (2019)
COUNTY EXECUTIVE
WHEREAS, the 2019 Assessment Rolls for Erie County Sewer District Nos. 1-6 and 8 describing each lot or parcel of land have been prepared by the Division of Sewerage Management; and
- WHEREAS, the Division of Sewerage Management has also assessed the estimate of expenditures and proportioned them to the lots and parcels of land as nearly as may be to the benefit which each lot or parcel will derive therefrom; and
- WHEREAS, the Clerk of the Legislature had a Notice of Public Hearing published in the official County newspapers prior to the date of the Public Hearing which informed the public that the Assessment Rolls would be open for public inspection; and
- WHEREAS, said Public Hearing was held in the Chamber of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, New York, at 6:00 p.m., local time on November 7, 2019 and that all persons desiring to be heard were duly heard and that all objections have been heard and considered; and
- WHEREAS, said Assessment Rolls, estimate of expenditures, and Public Hearing were carried out in accordance with Article 5A, Sections 270 and 271 of County Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby affirm and adopt the 2019 Assessment Rolls 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 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 L. Fiegl, P.E., Deputy Commissioner, Department of Environment & Planning.
(5-0) Chair Baskin not present for vote.

TIMOTHY MEYERS
CHAIR