

February 8, 2018

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3E-10 (2018)
COUNTY EXECUTIVE: "Erie County Sewer District No. 3 – Engineer Term Contract Agreement
(Chair’s ruling)
 - b. COMM. 3D-1 (2018)
CLERK OF LEGISLATURE: "NYS Dept. of Environmental Conservation – Documents Received"
(Chair’s ruling)
 - c. COMM. 3M-1 (2018)
NYS AGRICULTURE & MARKETS: "Letter Concerning Agricultural District No. 12"
(Chair’s ruling)
2. COMM. 3E-5 (2018)
COUNTY EXECUTIVE
WHEREAS, the Department of Parks, Recreation & Forestry desires to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for Snowmobile Trail Development during the 2017-2018 snowmobile season in the amount not to exceed \$178,906; and

WHEREAS, this agreement with the State shall pertain to such maintenance as performed by the individual snowmobile clubs of Erie County on club trails located outside County-owned lands as well as on trails located in Erie County Parks and Forestry lots.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount not to exceed \$178,906 as pertains to snowmobile trail maintenance performed during the 2017-2018 snowmobile season; and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the individual snowmobile clubs of Erie County for a total amount not to exceed \$178,906 for the purpose of snowmobile trail maintenance on club trails during the 2017-2018 snowmobile season, provided that the clubs meet all insurance and other requirements deemed necessary by the County, in amounts as follows:

| | |
|------------------------------------|-----------|
| Colden Trail Riders Inc. | \$ 17,108 |
| Eden Trail Blazers Inc. | \$ 10,075 |
| Grand Island Snowmobile Club Inc. | \$ 5,525 |
| Hamburg Snowmobile Club Inc. | \$ 20,384 |
| Holland Sno-Rascals Inc. | \$ 26,598 |
| Marilla Sno-Mob Inc. | \$ 14,066 |
| Northern Erie SnoSeekers Inc. | \$ 19,825 |
| Pioneer Sno-Surfers Inc. | \$ 13,234 |
| Southern Tier Snowdrifters Inc. | \$ 20,319 |
| WNY Snowmobile Club of Boston Inc. | \$ 31,772 |
| | \$178,906 |

and be it further

RESOLVED, that the Erie County Legislature hereby approves the appropriation of anticipated State Aid revenue in the Division of Parks, Fund 110, Funds Center 16410, Account 409010, in the amount of \$178,906, as well as an increase in appropriations in the amount of \$178,906, in the Division of Parks, Fund 110, Funds Center 16410, Account 516020, in order that funds may be available to make payment to the individual clubs of the Erie County Federation of Snowmobile Clubs; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget, Management and Finance, the Office of the Erie County Comptroller and Assistant County Attorney, Kristen Walder, of the Law Department.
(6-0)

3. COMM. 3E-7 (2018)
COUNTY EXECUTIVE
WHEREAS, Erie County on behalf of Erie County Sewer District No. 3 entered into an agreement with URS Corporation (now AECOM) on April 15, 2003 (Legislative Communication 4E-24) to provide design and construction phase services associated with the Rush Creek Interceptor project; and

WHEREAS, URS Corporation as part of the 2003 agreement provided General Engineering and Resident Engineer Services during construction of the Rush Creek Interceptor project; and

WHEREAS, construction of the Rush Creek Interceptor project is now complete; and

WHEREAS, Erie County on behalf of Erie County Sewer District No. 3 entered into an engineering services term agreement with AECOM (Legislative Communication 22E-4 (2016)); and

WHEREAS, AECOM was issued Work Orders under the term agreement to finalize design, and provide General Engineering and Resident Engineering during construction of the Boston Valley Pumping Station Improvements project (Contract BVPS#3); and

WHEREAS, the time of completion for the construction of Contract BVPS#3 was extended by six months via addendum during the bid process; and

WHEREAS, the original Work Orders issued to AECOM for General Engineering and Resident Engineering Services on Contract BVPS#3 did not take into account the extended construction schedule; and

WHEREAS, there are sufficient funds remaining under the 2003 agreement for AECOM to extend the same General Engineering and Resident Engineering Services for Contract BVPS#3; and

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management recommends the approval of Change Order No. 6 to the April 15, 2003 URS Corporation agreement to modify the scope to extend the General Engineering and Resident Engineering Services for Contract BVPS#3.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 6 to the County of Erie/URS Corporation Agreement, dated April 15, 2013, be approved to allow for completion of this additional scope of services for Contract BVPS#3, with no modification to the overall cost; and be it further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management is hereby authorized to execute and process the necessary Change Order; 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, Kristen Walder, Assistant County Attorney and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Division of Sewerage Management.

(6-0)

4. COMM. 3E-9 (2018)

COUNTY EXECUTIVE

WHEREAS, Erie County has played a crucial role in energy procurement and affordability issues throughout the region for decades and continues to lead and manage many initiatives that protect energy insecure households and drive energy savings for local government; and

WHEREAS, Erie County committed to coordinate, oversee, and support work towards the Western New York Regional Economic Development Council (WNY REDC) strategic goal of positioning the region as a global energy hub; and

WHEREAS, the Erie County Low Income Program for Sustainable Energy (ECLIPSE) Project will support New York State's ambitious energy and environmental economic development goals as outlined in the 2015 New York State Energy Plan; and

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) Cleaner Greener Communities program provides grant assistance to municipalities to implement sustainability projects to encourage smart growth and reduce local environmental impacts; and

WHEREAS, NYSERDA strongly encouraged innovative projects to deliver community-wide clean energy services or sustainability projects to accelerate community-wide demand for clean energy with a focus on low-income residents; and

WHEREAS, Erie County coordinates a utility aggregation fund for the benefit of nearly two dozen municipalities and thousands of low-income residents across Erie County; and

WHEREAS, Buffalo State College through their past experience successfully managing and coordinating data collection and program evaluation efforts was identified in the NYSERDA approved work plan as a Sub-Awardee to Erie County to provide these professional services; and

WHEREAS, additional professional services will be contracted through competitive solicitation to perform technical and financial analysis of energy infrastructure and business models to achieve the Project's goals; and

WHEREAS, NYSERDA awarded Erie County a Cleaner Greener Communities grant of \$1,500,000 to complete a three-year Erie County Low Income Program for Sustainable Energy Project; and

WHEREAS, the required local match was committed and will be provided through indirect costs and in-kind staff time; and

WHEREAS, the following in-kind resources will be dedicated to the project for the full 3 year project period: Energy Development Director (25% of FTE); Coordinator – Pollution Prevention Program (10% of FTE); Deputy Commissioner – Environmental Compliance Services (5% of FTE); and

WHEREAS, several Department of Social Services Energy Assistance workers will provide in-kind resources during the final year of the project: Energy Crisis Assistance Worker #3 (6 FTE at 100%); 5 Energy Crisis Assistance Worker #2 (5 FTE at 100%), Energy Crisis Assistance Worker #2 (1 RPT at 100%), Energy Crisis Assistance Worker #2 (6 PT at 100%), and Energy Crisis Assistance Worker #2 (5 Seasonal at 100%); and

WHEREAS, the addition of this Erie County Low Income Program for Sustainable Energy Project necessitates the execution of a contract with NYSERDA and Buffalo State College; the adoption of a grant budget; the creation of a Senior Energy Development Specialist (JG-12) position and the creation of a Senior Administrative Assistant – Social Services (JG-09).

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 \$1,500,000 from NYSERDA for the purpose of establishing the three-year ECLIPSE Project; and be it further

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to contract with Buffalo State College for a sub-award not to exceed \$222,000 from NYSERDA for the purpose of developing and managing a multi-level data collection and program evaluation plan during the grant period; and be it further

RESOLVED, that the grant budget and project period for the ECLIPSE Project grant is hereby created in the Department of Environment and Planning, Business Area 162, as follows:

Erie County Low Income Program for Sustainable Energy
SAP Grant Account [#162ECLIPSE1820]
January 1, 2018 – March 31, 2021

REVENUE

| Account | Description | Amount |
|---------|--------------------------|--------------------|
| | 409000 State Aid Revenue | \$1,500,000 |
| | TOTAL REVENUE | \$1,500,000 |

APPROPRIATIONS

| Account | Description | Amount |
|-----------------------------|-----------------------------|--------------------|
| 500000 | Full Time Salaries | \$ 210,000 |
| 502000 | Fringe Benefits | \$136,500 |
| 516020 | Professional Services | \$826,000 |
| 561410 | Lab Tech & Equipment | \$9,750 |
| 561420 | Office Furniture & Fixtures | \$500 |
| 510100 | Out of Area Travel | \$15,000 |
| 510000 | Local Mileage Reimbursement | \$5,000 |
| 505000 | Office Supplies | \$7,500 |
| 505400 | Food & Kitchen Supplies | \$7,500 |
| 530000 | Other Expenses | \$10,000 |
| | | |
| 916400 | ID Social Services | \$ 272,250 |
| | | |
| TOTAL APPROPRIATIONS | | \$1,500,000 |

and be it further

RESOLVED, that the following position, which is 100% grant-funded, will be created in the Department of Environment and Planning into the newly created grant 162ECLIPSE1820 in Fund 281:

Senior Energy Development Specialist (JG-12)
B-100 # 10082, Budgeted Annual Salary: \$70,000

and be it further

RESOLVED, that the following position, which will be 100% reimbursed via ID billing from the newly created grant 162ECLIPSE1820, be created in the Department of Social Services in Fund 110 for 2018 and the duration of the grant commitment:

Administrative Assistant (JG-09)
B-100 # 9711, Budgeted Annual Salary: \$55,000

and be it further

RESOLVED, that the Operating Budget for the Department of Social Services be increased as follows:

Fund 110 – 2018 Budget
Department of Social Services- Funds Center 120

APPROPRIATIONS

| Account | Description | Amount |
|----------------------|--------------------|------------|
| 500000 | Full Time Salaries | \$55,000 |
| 502000 | Fringe Benefits | \$ 35,750 |
| 916400 | ID Social Services | (\$90,750) |
| TOTAL APPROPRIATIONS | | \$0 |

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; Albert Dirschberger, Commissioner of the Department of Social Services; and William Geary, Commissioner of the Department of Public Works.
(6-0)

5. COMM. 3E-12 (2018)
COUNTY EXECUTIVE
RESOLUTION NO. _____

RESOLUTION DATED _____, 2018.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE
PURPOSE OF CONSIDERING A PROPOSED MODIFICATION OF
PLANS FOR THE IMPROVEMENT OF THE
FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 8
IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2018.

(Adopted) _____, 2018

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. 8 of the County of Erie, New York, has heretofore been established and a plan for improvement of facilities for such District has been authorized by the County Legislature of the County of Erie, New York on January 25, 2008; and

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, plans for extensions of such District have been authorized by such County Legislature on October 24, 2013 and April 27, 2017; and

WHEREAS, such County Legislature has heretofore 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 modification of plans for the improvement of the facilities of said District No. 8 which report and estimate of cost have been approved by the Board of Managers of said District No. 8 on December 5, 2017 and filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for improvement of the facilities of said District No. 8 in said County, consisting of upgrades to the filters, reactor tanks, piping, the physical plant, and energy improvements at the water resource recovery facility, collection system upgrades, and related engineering and administration costs, all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, it is now desired to call a public hearing to consider said modification of plans for such improvements in accordance with the provisions of Section 254 of the County Law.

NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK,
AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at Erie County Hall, 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 6th day of March, 2018, at 6 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal for modification of plans for such improvement of the facilities of Erie County Sewer District No. 8 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at Erie County Hall, 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 6th day of March, 2018, at 6 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed modification of plans for improvement of the facilities of Erie County Sewer District No. 8 in said County.

The modification of plans for improvement of the facilities consists of upgrades to the filters, reactor tanks, piping, the physical plant, and energy improvements at the water resource recovery facility, collection system upgrades, and related engineering and administration costs, all as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Erie County Sewer Agency, pursuant to a written report dated December 5, 2017. Dated: Buffalo, New York,

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the "Amherst Bee" and in the "Challenger", official newspapers of said County, and in the "East Aurora Bee", not less than ten nor more than twenty days before the date set herein for said public hearing.

Section 4. This resolution shall take effect immediately.

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the "Amherst Bee" and in the "Challenger", official newspapers of said County, and in the "East Aurora Bee", not less than ten nor more than twenty days before the date set herein for said public hearing.

Section 4. This resolution shall take effect immediately.

(6-0)

**JOHN BRUSO
CHAIR**