

July 20, 2017

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 12

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

1. COMM. 13E-16 (2017)  
**COUNTY EXECUTIVE**

WHEREAS, pursuant to the Legislative Comm. 6E-15 (2015), the County awarded a contract known as the “Rush Creek Interceptor / Blasdell Milestrip Wet Weather Relief Pumping Station and Force Main Project” (hereinafter referred to as “the Project”); and

WHEREAS, part of the Project included construction of a new sanitary sewer in Miriam Avenue and Commercial Street in the Village of Blasdell; and

WHEREAS, the Village of Blasdell requested a betterment to box out the intersection of Miriam Avenue and Commercial Street and replace base and binder outside the areas disturbed by the Project (hereinafter referred to as the “additional work”); and

WHEREAS, the County and the Village desire to enter into a cooperative agreement to reimburse the County for the additional work in order to achieve cost containment / efficiency and to further improve the roadway infrastructure for local businesses and residents; and

WHEREAS, the Village of Blasdell has agreed to reimburse the County for costs associated with the additional work.

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Intermunicipal Agreement between the County of Erie and the Village of Blasdell for the aforementioned additional work, subject to approval as to form by the County Attorney’s office and approval as to content by the Commissioner of Environment and Planning; 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 Director of Budget and Management, the County Comptroller, Kristen Walder, Assistant County Attorney; and two (2) certified copies to Joseph L. Fiegl, P.E., Department of Environment and Planning, Rath Building, 10<sup>th</sup> Floor.  
(6-0)

2. COMM. 13E-17 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the County Executive has made the below appointment to the Erie County Sewer District Board of Managers pursuant to the power vested to him by Section 2204 of the County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the following appointment to the Erie County Sewer District Board of Managers is hereby confirmed:

<u>Erie County Sewer District No. 6</u>	<u>Term Expires</u>
Mr. David C. Millar, P.E. (Appointment)	
Asst. Deputy Commissioner	
Erie County Dept. of Environment and Planning	12/31/17
95 Franklin Street, Room 1034	
Buffalo, New York 14202	

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the appointee, and Joseph Fiegl, P.E. – Deputy Commissioner of the Department of Environment and Planning.  
(6-0)

3. COMM. 13E-18 (2017)  
**COUNTY EXECUTIVE**

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 (NYSDEC), provides financial aid for Stormwater compliance assistance projects of which Erie County was granted \$388,054 to commence the Western New York Stormwater Coalition (WNYSC): Gap Analysis and Mapping Project; and

WHEREAS, a 25% local match is required and will be provided by WNYSC membership dues and Erie County DEP staff in-kind; and

WHEREAS, the WNYSC, comprised of 44 municipalities in both Erie and Niagara County, requires a coordinator, filled by Ms. Mary Rossi since 2004, to assist with regulatory requirements; and

WHEREAS, the WNYSC unanimously voted at its April 12, 2017 meeting to increase its budget commitment to support a promotion for Ms. Rossi from a Principal Environmental Compliance Specialist (JG 14) to a Chief Environmental Compliance Specialist (JG 15); and

WHEREAS, the promotion to a Chief Environmental Compliance Specialist (JG-15) will not impact the county budget as it will be paid for by dues from the WNYSC and grant funding from the New York State Department of Environmental Conservation grant entitled, WNYSC: Gap Analysis and Mapping Project (162WNYSCGAMP1719); 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: Gap Analysis and 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

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 hereby authorized to enter into a contract and accept \$388,054 in funding from the New York State Department of Environmental Conservation (NYSDEC); 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: Gap Analysis and Mapping Project in an amount not to exceed \$5,000 in grant resources; and be it further

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

WNY Stormwater Coalition: Gap Analysis and Mapping Project  
SAP Grant 162WNYSCGAMP1719  
Grant Period: 6/1/17– 12/31/19

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
409000	State Aid Revenue	(\$388,054)
TOTAL REVENUE		(\$388,054)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
500000	Full Time Salaries	\$169,780
502000	Fringe Benefits	\$97,531
530000	Other Expenses	\$550
510000	Local Mileage	\$500
561410	Lab & Technical Equipment	\$1,000
516020	Professional Service Contract	\$5,000
916290	ID Env. & Planning Grant Services	<u>\$113,693</u>
TOTAL APPROPRIATIONS		\$388,054

and be it further

RESOLVED, that the following position which is 100% grant funded will be transferred from the WNY Stormwater Coalition: Newly Designated Urbanized Area Project –grant 162WNYSCNDUAP1518, business area 162, fund 281 into the newly created grant 162WNYSCGAMP1719 upon consumption of the current budget:

Environmental Compliance Specialist (JG 9) – B100 # 9432  
Budgeted Annual Salary: \$42,400

and be it further

RESOLVED, that the following adjustments be made to the positions in grant 162WNYSCMS4AP1112, for which there will be sufficient funding through WNYSC membership dues

and NYSDEC grant funding through ID Billing from 162WNYSCGAMP1719 for personal services and fringe benefits:

B100 # 9451:

Add: Chief Environmental Compliance Specialist (JG-15)  
Budgeted Annual Salary: \$93,000

Delete: Principal Environmental Compliance Specialist (JG 14)  
Budgeted Annual Salary: \$83,000

and be it further

RESOLVED, that Ms. Rossi will be provisionally promoted to the position of Chief Environmental Compliance Specialist (JG-15); and be it further

RESOLVED, that in order to allow the new mapping grant to reimburse 50% of the time of the Chief Environmental Compliance Specialist (JG-15) position, the grant budget for the WNY Stormwater Coalition: MS4 Assistance Project grant is hereby revised in the DEP, business area 162, fund 281 as follows:

WNY Stormwater Coalition: MS4 Assistance Project 2011/12  
SAP Grant Account #162WNYSCMS4AP1112  
Grant Period: 01/01/11-12/31/19

REVENUE				
Account	Description	Current Budget	Revision	Revised Budget
420499	Other Local Source	<u>(\$561,714)</u>	<u>\$0</u>	<u>(\$561,714)</u>
TOTAL REVENUE		(\$561,714)	\$0	(\$561,714)

APPROPRIATIONS				
Account	Description	Current Budget	Revision	Revised Budget
500000	Full Time Salaries	\$451,189	\$69,750	\$520,939
502000	Fringe Benefits	\$273,182	\$43,943	\$317,125
916290	ID Env & Plan Grants	<u>(\$162,657)</u>	<u>(\$113,693)</u>	<u>(\$276,350)</u>
TOTAL APPROPRIATIONS		\$561,714	\$0	\$561,407

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; Thomas R. Hersey, Jr., Commissioner of the Department of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of the Division of Environmental Compliance Services.  
(6-0)

4. COMM. 13E-19 (2017)

**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, it is vital that the LEWPA project does not lose momentum as it is crucial to securing funds to make 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 has a need for the services of a LEWPA Coordinator; and

WHEREAS, the Erie County Soil and Water Conservation District would like to contract with Erie County to have an Environmental Compliance Specialist (JG-9) fulfill the role of LEWPA Coordinator for the NYSDEC grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with the Erie County Soil and Water Conservation District to coordinate the Lake Erie Watershed Protection Alliance and to accept funding in an amount not to exceed \$102,400 in grant resources; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management to establish a grant in the Department of Environment and Planning, Cost Center 1620020, Fund 281 as follows:

Lake Erie Watershed Protection Alliance Project

162LEWPA1718  
9/01/2017 – 3/31/2019

<u>Revenue</u>	Increase
Account 409000 State Aid (NYSDEC)	<u>\$102,400</u>
Total Revenue	\$102,400
<u>Appropriations</u>	Increase
Account 500000 Full Time – Salaries	\$64,000
Account 502000 Fringe Benefits	<u>\$38,400</u>
Total Appropriations	\$102,400

and be it further

RESOLVED, that the Environmental Compliance Specialist (JG-9) position, currently in grant 162RNRLEWMP1417, which is due to expire in September 2017, will be transferred from that grant to the new grant 162LEWPA1718 at the end of 162RNRLEWMP1417 (B-100 9432); 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.  
(6-0)

5. COMM. 13E-20 (2017)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning (DEP) has identified events resulting from climate change as an increasing risk to life and property within the County; and

WHEREAS, the Erie County Legislature resolved to become a Climate Smart Community and plan for adaption to unavoidable climate change (Comm. 12E-5, 2014); and

WHEREAS, the DEP has individual projects and initiatives to address severe weather events, but has not conducted a comprehensive vulnerability assessment or planning related to risks from climate change; and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has issued a Request for Applications for grant moneys to conduct vulnerability assessment and planning; and

WHEREAS, the NYSDEC would require a fifty percent (50%) local match which can be met through in-kind services such as overhead, salary and fringe in the event of a grant award; and

WHEREAS, the DEP would use the grant award to fund a contractor to facilitate the efforts and no new staff would be hired or paid for by the grant.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby granted for the Erie County Department of Environment and Planning (DEP) to apply for grant funding from the New York State Climate Smart Communities Grant Program to conduct climate change vulnerability assessment and adaption planning; and be it further

RESOLVED, that in the event of a grant award, the DEP can make resources available to the project to meet the required fifty percent (50%) match through in-kind services; and be it further

RESOLVED, that certified copies of this resolution shall be provided for the County Executive; the County Attorney; the Director of the Division of Budget and Management; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.  
(6-0)

6. COMM. 13E-21 (2017)

**COUNTY EXECUTIVE AS AMENDED**

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 2 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) July 20, 2017.

(Adopted) July 27, 2017.

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. 2 of the County of Erie, New York, has heretofore been established, 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 increase and improvement of the facilities of said District No. 2 which report and estimate of cost have been approved by the Board of Managers of said District on July 11, 2017 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 said District No. 2 in said County, consisting of the following projects: (i) improvements to the Big Sister Creek Water Resource Recovery Facility at the estimated maximum cost of \$800,000; (ii) improvements to the Sweetland Road Pumping Station and other pumping stations at the estimated maximum cost of \$1,500,000; and improvements to various collection system components at the estimated maximum cost of \$500,000; all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the total maximum estimated cost of the aforesaid increase and improvement of the facilities of said Sewer District No. 2 is \$2,800,000 will 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 applicable provisions of 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 \$13.28 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 \$14.00 for calendar year 2017; and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement 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 24th day of August, 2017, at 6:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No. 2 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 24<sup>th</sup> day of August, 2017, at 6:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of facilities of Erie County Sewer District No. 2 in said County.

The increase and improvement of such facilities consisting of the following projects: (i) improvements to the Big Sister Creek Water Resource Recovery Facility at the estimated maximum cost of \$800,000; (ii) improvements to the Sweetland Road Pumping Station and other pumping stations at the estimated maximum cost of \$1,500,000; and improvements to various collection system components at the estimated maximum cost of \$500,000; 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 Board of Managers of said District on July 11, 2017 (the "Report").

The maximum estimated cost of such increase and improvement of facilities is \$2,800,000, will 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.

The expenditures for such increase and improvement of facilities will not cause additional costs for property owners in the District for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is \$13.28 for the District. The County Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Erie County Legislature, a detailed explanation of how such costs were computed, as incorporated in the Report.

Dated: Buffalo, New York,  
August 9, 2017

BY ORDER OF THE COUNTY  
LEGISLATURE OF THE COUNTY OF  
ERIE, NEW YORK

By Karen M. McCarthy  
Clerk, County Legislature

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*”, the official newspapers of said County, and in the “*Angola Pennysaver*”, not less than ten nor more than twenty days before the date set herein for said public hearing. The Clerk is hereby further authorized and directed to file a certified copy of the Notice of Public Hearing with the Comptroller of the State of New York on or about the date of the publication of the Notice of Public Hearing.

Section 4. This resolution shall take effect immediately.

(6-0)

7. COMM. 13E-21 (2017)

**COUNTY EXECUTIVE AS AMENDED**

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 3 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) July 20, 2017.

(Adopted) July 27, 2017.

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. 3 of the County of Erie, New York, has heretofore been established, 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 increase and improvement of the facilities of said District No. 3 which report and estimate of cost have been approved by the Board of Managers of said District on July 11, 2017 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 said District No. 3 in said County, consisting of improvements to the Southtowns Water Resource Recovery Facility, existing pumping stations, and the sanitary sewer collection system all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the total maximum estimated cost of the aforesaid increase and improvement of the facilities of said Sewer District No. 3 is \$10,500,000 will be apportioned in accordance with applicable flat charges and charges based on units, assessed value and footage specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, pursuant to applicable provisions of 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 \$13.73 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 \$14.00 for calendar year 2017; and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement 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 24th day of August, 2017, at 6:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No. 3 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 24<sup>th</sup> day of August, 2017, at 6:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of facilities of Erie County Sewer District No. 3 in said County.

The increase and improvement of such facilities consisting of improvements to the Southtowns Water Resource Recovery Facility, existing pumping stations, and the sanitary sewer collection system; 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 Board of Managers of said District on July 11, 2017 (the "Report").

The maximum estimated cost of such increase and improvement of facilities is \$10,500,000, will be apportioned in accordance with applicable flat charges and charges based on units, assessed value and footage specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

The expenditures for such increase and improvement of facilities will not cause additional costs for property owners in the District for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is \$13.73 for the District. The County Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Erie County Legislature, a detailed explanation of how such costs were computed, as incorporated in the Report.

Dated: Buffalo, New York,  
August 9, 2017, 2017.

BY ORDER OF THE COUNTY  
LEGISLATURE OF THE COUNTY OF  
ERIE, NEW YORK

By\_Karen M. McCarthy  
Clerk, County Legislature

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", the official newspapers of said County, and in the "Hamburg Sun", not less than ten nor more than twenty days before the date set herein for said public hearing. The Clerk is hereby further authorized and directed to file a certified copy of the Notice of Public Hearing with the Comptroller of the State of New York on or about the date of the publication of the Notice of Public Hearing.

Section 4. This resolution shall take effect immediately.

(6-0)

**TED B. MORTON**  
**CHAIR**