

July 21, 2016

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 13

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

1. COMM. 13E-17 (2016)
COUNTY EXECUTIVE

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 administer 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; 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 Erie County Natural Habitat Parks; and

WHEREAS, the USEPA approached DEP to apply for the USEPA’s Great Lakes Restoration Initiative funding for continuing local coordination of the Buffalo River Remedial Action Plan and implementing habitat restoration projects; and

WHEREAS, Buffalo Niagara Riverkeeper through their past experience successfully managing and coordinating the Buffalo River Remedial Action Plan (RAP) was identified in the USEPA approved work plan as a specific sub-contractor to Erie County to provide these services; and

WHEREAS, United States Environmental Protection Agency (USEPA) awarded Erie County a Great Lakes Restoration Initiative of \$1,948,464.00 to complete a three-year “Buffalo River RAP Project Management: Bailey/Smith Habitat Restoration Delisting Project”; and

WHEREAS, on September 26, 2013 the Erie County Legislature approved a resolution to execute a grant contract with the USEPA, the adoption of a grant budget; the creation of an Environmental Compliance Specialist (JG-9) position within the DEP which is 100% grant funded; and the execution of a contract with Buffalo Niagara Riverkeeper; and

WHEREAS, the USEPA has approved a no-cost extension to continue this work through December 2017;

WHEREAS, the USEPA has approved the budget revision including the promotion of the existing 100% grant-funded project manager, an Environmental Compliance Specialist (JG-9), to a Senior Environmental Compliance Specialist (JG-12) position to manage the work on the habitat sites, as well as fund contractual work with Buffalo Niagara Riverkeeper to continue their management of the Buffalo River RAP.

NOW, THEREFORE, BE IT

RESOLVED, that the grant budget and project period for the United States Environmental Protection Agency Great Lakes Restoration Initiative Grant is revised in the Department of Environment and Planning, Business Area 162, as follows:

United States Environmental Protection Agency Great Lakes Restoration Initiative Grant: “Buffalo River RAP Project Management: Bailey/Smith Habitat Restoration Delisting Project” (Grant Period: 10/1/2013 – 12/31/2017), SAP Grant Account #162BRRPM0916

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
414000	Federal Aid Revenue	(\$1,948,464)	\$0	(\$1,948,464)
TOTAL REVENUE				(\$1,948,464)

APPROPRIATIONS

500000	Full Time Salaries	\$139,200	\$ 73,729	\$ 212,929
502000	Fringe Benefits	\$ 93,264	\$ 47,930	\$ 141,194
505000	Office Supplies	\$0	\$ 2,000	\$ 2,000
510000	Local Mileage Reimbursement	\$0	\$0	\$ 0
510100	Out of Area Travel	\$ 600	\$3,000	\$ 3,600
516020	Professional Services Contract	\$1,715,400	(\$126,659)	\$1,588,741
TOTAL APPROPRIATIONS		\$1,948,464	\$0	\$1,948,464

and be it further

RESOLVED, that the following position, for which sufficient funding through United States Environmental Protection Agency grant funding for personal services and fringe benefits exists, will be created in the above grant:

Senior Environmental Compliance Specialist (JG-12)
B-100 #8731
Budgeted Annual Salary: \$63,203

; and be it further

RESOLVED, that the following position be eliminated in the above grant:

Environmental Compliance Specialist (JG-9)
B-100 #7402
Budgeted Annual Salary: \$46,400

; and be it further

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to extend the necessary agreements with Buffalo Niagara Riverkeeper for a contract total of \$435,659 to manage the Buffalo River RAP over the project period; 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 Hersey, Jr., Commissioner of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.
(6-0)

2. **COMM. 13E-18 (2016)**
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Parks, Recreation and Forestry is requesting authorization to accept the donation of one parcel of land from the Western New York Land Conservancy to be converted into a County forestry lot; and

WHEREAS, the "Lakeview Pocket Preserve" in Derby, New York, Erie County, would allow Erie County residents to access this lot on the Lake Erie shoreline as public parkland in perpetuity.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Department of Parks, Recreation and Forestry is authorized to enter into an agreement with the Western New York Land Conservancy to accept the donation of one parcel, approximately 8.2 acres of land, SBL-206.00-1-8.11, located at 6892 Lakeshore Road, Derby, New York 14047 to become a forestry lot; and be it further

RESOLVED, that any funds in an amount not to exceed \$3,000 necessary to effectuate this property transfer, including but not limited to a title search shall be appropriated from Fund 110, Funds Center 16200 and Account 516020, Professional Services Contracts and Fees; and be it further

RESOLVED, that certified copies of this Resolution be sent to the Erie County Executive, the Commissioner of Parks, Recreation and Forestry, the Commissioner of Environment and Planning, the Erie County Division of Budget and Management and the Erie County Department of Law.
(6-0)

3. **COMM. 13E-19 (2016)**
COUNTY EXECUTIVE

WHEREAS recycling organic materials by composting reduces the generation of greenhouse gases; creates soil amendments, energy and jobs; and reduces reliance on waste disposal; and

WHEREAS Erie County's Green Team is integral in creating the Climate Action and Sustainability Plan as part of the NYSERDA contract granted April 16, 2015 (COMM.6E-8 (2015)); and

WHEREAS the Erie County Sheriff's Office is in full support of the application to begin composting of food waste at the Erie County Correctional Facility in Alden, NY; and

WHEREAS, the Jail Management Division's Service Action Corp and participating inmates will assist with site's development, management, and maintenance; and

WHEREAS, the program will train Service Action Corps inmates in the process of composting while providing education about the importance of food waste reduction; and

WHEREAS, the material produced through the composting process will be utilized by the Service Action Corps, the Inmate Horticultural program, the Inmate Urban Garden Program at the correctional facility, and various county departments can utilize the material at County owned parks and facilities; and

WHEREAS, there is adequate acreage at the Erie County Correctional Facility to support a composting site.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support the Department of Environment and Planning's application for grant funding for a food composting project at the Erie County Correctional Facility through the Climate Smart Communities initiative; and be it further;

RESOLVED, that Erie County commits that if awarded the grant, it will agree to the use of property for the purpose of composting food waste; and be it further

RESOLVED, that certified copies of this resolution shall be provided for the County Executive; the County Attorney; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; Bonnie Lawrence, Deputy Commissioner of Environment and Planning, Erie County Sheriff's Office.
(6-0)

4. COMM. 13E-20 (2016)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Ontario & Park Sanitary Sewer Cured-in-Place Pipe Lining Project, Erie County Sewer District No.3, Contract No. 58 at 2:00p.m. on Wednesday, June 22, 2016:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 58	Kenyon Pipeline Inspection LLC 68 Park Rd. Queensbury, NY 12804	\$615,510.00

; and

WHEREAS, the aforementioned lowest responsible bidder is recognized as a reputable contractor capable of completing this project; and

WHEREAS, the Division of Sewerage Management has determined that this project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law; and

WHEREAS, there are adequate cash reserves in Erie County Sewer District No.3 Capital Reserve Account C.00007.

NOW, THEREFORE, BE IT,

RESOLVED, that the Ontario & Park Sanitary Sewer Cured-in-Place Pipe Lining Project, Erie County Sewer District No.3, Contract No. 58 be awarded as follows

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 58	Kenyon Pipeline Inspection LLC 68 Park Rd. Queensbury, NY 12804	\$615,510.00

; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder, 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 County Comptroller is authorized and directed to allocate \$615,510.00 from Sewer Capital, Erie County Sewer District No.3, Account C.00007 for Contract No. 58; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized and directed to transfer \$615,510.00 from Erie County Sewer District No.3 Capital Reserve Account C.00007 to Sewer District No.3 Capital Account C.00062 and establish the budgets necessary to facilitate the transfer; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to increase estimated revenue and appropriations in Erie County Sewer District No. 3 Capital Account C.00062 by \$615,510.00 for this project; 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, and Kristen Walder, Assistant County Attorney; and two (2) certified copies to Joseph L. Fiegl, P.E., Department of Environment and Planning, Rath Building, 10th Floor.
(6-0)

TED B. MORTON
CHAIR