

February 2, 2017

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 2

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

1. COMM. 2E-11 (2017)
 COUNTY EXECUTIVE
 WHEREAS, the County of Erie (County) owns Nine (9) dams and the part of the Ellicott Creek Flood Control Project within Ellicott Creek Park (the “Dams”); and

 WHEREAS, large vegetation such as trees have the potential for degrading the performance of the dams by compromising the integrity of the dams in various ways; and

 WHEREAS, the dams are subject to periodic inspection resulting in the identification of maintenance needs, including the removal and/or trimming of trees and other large vegetation; and

 WHEREAS, Erie County Soil and Water has the necessary experience and environmental expertise to properly complete the vegetation control work (the “Work”) on an as directed basis; and

 WHEREAS, it is desired to engage Erie County Soil and Water to complete the Work; and

 WHEREAS, the cost of the Work is estimated to not exceed \$20,000 which sum is available from the SAP project hereinafter identified.

 NOW, THEREFORE, BE IT

 RESOLVED, that the Erie County Legislature hereby approves engaging Erie County Soil and Water to complete the Work; and be it further

 RESOLVED, that the County Executive be authorized to execute an amendment to the County’s existing contract with Erie County Soil and Water for the above referenced work on an as directed basis in an amount not to exceed \$20,000 which is available from Fund 420, BA 123, SAP Project B.14020 – 2014 Dam Preservation and Rehab; and be it further

 RESOLVED, that three (3) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.
(6-0)

2. COMM. 2E-12 (2017)
 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 2016-2017 snowmobile season in the amount not to exceed \$156,565; 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 \$156,565 as pertains to snowmobile trail maintenance performed during the 2016-2017 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 \$156,565 for the purpose of snowmobile trail maintenance on club trails during the 2016-2017 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.	\$ 15,370
Eden Trail Blazers Inc.	\$ 8,835
Grand Island Snowmobile Club Inc.	\$ 4,845
Hamburg Snowmobile Club Inc.	\$ 18,050
Holland Sno-Rascals Inc.	\$ 23,075
Marilla Sno-Mob Inc.	\$ 12,300
Northern Erie Snowseekers Inc.	\$ 17,385
Pioneer Sno-Surfers Inc.	\$ 11,495
Southern Tier Snowdrifters Inc.	\$ 17,650
WNY Snowmobile Club of Boston Inc.	<u>\$ 27,560</u>
	\$156,565

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, cost center 1641010, account 409010, in the amount of \$156,565, as well as an increase in appropriations in the amount of \$156,565, in the Division of Parks,

fund 110, cost center 1641010, 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. 2E-13 (2017)
COUNTY EXECUTIVE

WHEREAS, The Erie County Department of Parks, Recreation & Forestry received a donation for \$200 from Fleet Feet Sports Rochester; and

WHEREAS, Fleet Feet Sports Rochester wishes to help with trail maintenance and similar projects.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Parks, Recreation and Forestry is authorized to accept this \$200 donation from Fleet Feet Sports Rochester and deposit the funds into the revenue GL 418430 - Donated Funds, funds center 1641010, fund 110; and be it further

RESOLVED, the Erie County Department of Parks, Recreation and Forestry is also authorized to increase their appropriations in the expense GL 506200 – Maintenance and Repair Supplies, funds center 1641010, fund 110 by \$200 to enable additional trail maintenance and similar park improvement work; 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 Erie County Division of Budget and Management and the Erie County Department of Law.
(6-0)

4. COMM. 2E-14 (2017)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 11E-9 (2014) Contract 37 STP-A, General was awarded to Kandey Company, Inc. for work associated with the “Influent Pumping Station and ORF Improvements” at the Southtowns Advanced Wastewater Treatment Facility; 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. 37 STP-A, General in the final contract amount of \$7,427,997.04 which includes Change Order No. 3 (final), an increase of \$12,898.04, and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 37 STP-A, General between the County of Erie and Kandey Company, Inc. (19 Ransier Drive, West Seneca, NY 14224) is accepted in the final contract amount of \$7,427,997.04 which includes Change Order No. 3 (final), an increase of \$12,898.04, and is allocated in Erie County Sewer District No. 3 Bond Account C.00012; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 37 STP-A, General to Kandey Company, Inc. for a total contract amount of \$7,427,997.04 and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management, and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(6-0)

5. COMM. 2E-15 (2017)
COUNTY EXECUTIVE

WHEREAS, Bonnie J. Cloutier (hereinafter “Cloutier”), is the current owner of 63 Vanderbilt Avenue, Depew, New York 14043, also known as SBL 103.12-12-3; and

WHEREAS, the County of Erie (hereinafter “County”), currently owns parcels located behind 63 & 67 Vanderbilt Avenue, Depew New York 14043 SBL No. 103.12-6-22.41 and SBL 103.12-6-22.22 for the Vanderbilt Pumping Station; and

WHEREAS, this Honorable Body approved execution of a Revocable Permit with Cloutier for use of SBL 103.12-6-22.41; and

WHEREAS, Cloutier desires to use and maintain part of the County’s premise (SBL No. 103.12-6-22.22, filed in the Erie County Clerk’s Office under Liber 11223, Page 6012) that is behind 63 Vanderbilt Avenue and outside of the fence line for the County’s Pumping Station.

NOW, THEREFORE BE IT

RESOLVED, that an Amended Revocable Permit for use of an approximately seventeen feet by twenty feet area of Parcel SBL No. 103.12-6-22.22 be granted to Bonnie J. Cloutier; and be it further

RESOLVED, that the County Executive be authorized to sign said Amended Revocable Permit subject to approval by the County Attorney; and be it further

RESOLVED, that (1) certified copy of this resolution sent to the County Executive and Kristin Walder, Assistant County Attorney; and two (2) certified copies of this resolution be sent to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(6-0)

6. COMM. 2E-16 (2017)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 13E-10 (2015) Contract 49 was awarded to Yarussi Construction, Inc. for sanitary sewer rehabilitation on Stony Road 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. 49, in the final contract amount of \$170,000.00 which includes Change Order No. 1 (final), a decrease of \$45,000.00 and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 49 between the County of Erie and Yarussi Construction, Inc. (5650 Simmons Avenue, Niagara Falls, New York 14304) is accepted in the final contract amount of \$170,000.00 which includes Change Order No. 1 (final), a decrease of \$45,000.00 and is allocated in Erie County Sewer District No. 4 Capital Account C.15401; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 49, to Yarussi Construction, Inc. for a total contract amount of \$170,000.00 and return all unused funds to Erie County Sewer District No. 4 Capital Reserve Account C.00034; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Kristen

Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(6-0)

7. COMM. 2E-17 (2017)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 5E-19 (2015) Contract 21 was awarded to CMH Company, Inc. for sanitary sewer rehabilitation with cured-in-place pipe in Erie County Sewer District No. 5; 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. 21, in the final contract amount of \$174,096.00 which includes Change Order No. 1 (final), a decrease of \$35,964.00 and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 21 between the County of Erie and CMH Company, Inc. (12704 North Road, Alden, New York 14004) is accepted in the final contract amount of \$174,096.00 which includes Change Order No. 1 (final), a decrease of \$35,964.00 and is allocated in Erie County Sewer District No. 5 Bond Account C.00035; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 21, to CMH Company, Inc. for a total contract amount of \$174,096.00 and return any unused funds to Erie County Sewer District No. 5 Capital Reserve Account C.00005; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(6-0)

8. COMM. 2E-18 (2017)
COUNTY EXECUTIVE

WHEREAS, the State of New York through its DEC and EFC provides financial assistance through the Engineering Planning Grant program; and

WHEREAS, the State of New York has awarded Erie County a maximum of \$100,000 to commence the ECSD No. 6 Flow Monitoring Pilot enhanced & Infiltration/Inflow (I/I) remedial improvements; and

WHEREAS, a 20% minimum local match is required for the grant award; and

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to review under the Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie hereby determines that the proposed Flow Monitoring Pilot on Project is a Type II action in accordance with 6 NYCRR Section 617.5 (c) (18) and (21) and therefore is not subject to further review under 6 NYCRR Part 617; and be it further

RESOLVED, that the County Executive is authorized to execute a Grant Agreement with the DEC or EFC for the project; and be it further

RESOLVED, that the Deputy Commissioner or Deputy County Executive in the Division of Sewerage Management be authorized to execute all other contracts, documents and instruments with the DEC or EFC to bring about the Project and to fulfill the obligations under the Engineering Planning Grant Agreement; and be it further

RESOLVED, that a minimum of 20% local match as required by the Engineering Planning Grant Program for the project will be provided through ECSD No. 6 Accounts; and be it further

RESOLVED, that upon award of an Engineering Agreement for the project and a determination of final scope and budget, the grant budget shall be adjusted with the understanding that the local match share shall be at a minimum 20%; 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 County Comptroller, the Director of the Division of Budget and Management, Kristen Walder, Assistant County Attorney, Joseph L. Fiegl, P.E., Deputy Commissioner of the Department of Environment and Planning; and the Albany offices of the New York State DEC and EFC.

(6-0)

9. COMM. 2E-19 (2017)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management concluded that reorganization of staffing is necessary and beneficial for the effectiveness of the important public services provided; and

WHEREAS, the Division of Sewerage Management has determined that the aforementioned reorganization will improve the efficiency of its operations in a cost effective manner and contribute to succession planning.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one (1) Sanitary Engineer - RPT (Job Grade 14, Step 0/1) at a cost of \$36,250 per B-100 9111; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the deletion of one (1) Sewer Inspector – RPT (Job Grade 9, Step E) at a cost of \$36,508; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management, the Department of Personnel, and the Department of Environment and Planning to make the necessary budgetary and personnel adjustments to effectuate this action; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this resolution to the County Executive and the Director of Budget and Management; and send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.

(6-0)

10. COMM. 2E-20 (2017)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) provides technical assistance to municipalities to facilitate compliance with State environmental waste regulations; and

WHEREAS, the ECDEP has previously been contracted by the County’s two solid waste management boards to assist with compliance with the New York State Department of Environmental Conservation approved Solid Waste Management Plans (SWMP); and

WHEREAS, Erie County’s two solid waste management boards have signed separate two-year Memorandums of Understanding (MOU) for the ECDEP to provide the necessary administrative, logistical and technical assistance and services to comply with the SWMP; and

WHEREAS, execution of the MOUs provide \$20,250 annually in local source funding from the two Solid Waste Management Boards; and

WHEREAS, an appropriate and efficient use of these funds made available through the MOUs through the three-year Waste Reduction and Recycling Coordination Grant budget established by resolution on October 20, 2016 (COMM. 19E-10 (2016) SAP Account #162WRRCG-1619) has accounted for these funds; and

WHEREAS, the Household Hazardous Waste program is a critical and valued service to the community; and

WHEREAS, these MOUs serve as an outline of the roles and responsibilities for cooperative planning, funding and implementation between the ECDEP and the Boards for these events.

NOW THEREFORE BE IT

RESOLVED, that the County Executive or his designee is authorized to enter into separate two-year MOU agreements with the Northeast Southtowns Solid Waste Management Board (NEST) and the Northwest Solid Waste Management Board (NWSWMB) to provide services in 2017 and 2018 and accept the combined funds; and be it further

RESOLVED, that DEP will provide services related to organizing and running the HHW collection program; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to implement any budget amendments as required to comply with federal, state and other local source 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; Thomas R. Hersey, Jr., Commissioner of the Department of Environment and Planning; Bonnie Lawrence, Deputy Commissioner of the Division of Environmental Compliance; and Paul B. Kranz, P.E. Associate Environmental Quality Engineer of Environmental Compliance Division.
(6-0)

11. COMM. 2E-21 (2017)
COUNTY EXECUTIVE

WHEREAS, Erie County owns land including and adjacent to Big Sister Creek and Bennett Beach and including the site of the Big Sister Wastewater Treatment Plant; and

WHEREAS, Big Sister Creek and Bennett Beach have been identified as having impaired water quality resulting in frequent beach closures and other impacts; and

WHEREAS, the Erie County Department of Environment and Planning (DEP) has identified the need for a feasibility study and design project to identify and assess mitigation measures to address the impaired water quality at Big Sister Creek; and

WHEREAS, New York Sea Grant (NYSG) is a cooperative program of the State University of New York and Cornell University which provides grant assistance to county governments to conduct water quality improvement studies; and

WHEREAS, Erie County applied for to NYSG for a grant to support a study for County owned parcels that include and are adjacent to Big Sister Creek; and

WHEREAS, Erie County received a NYSG award for \$25,000 in funding to conduct a Big Sister Creek feasibility study and design project; and

WHEREAS, Stony Brook University is designated by NYSG to administer the grant on behalf of NYSG; and

WHEREAS, this necessitates the execution of a contract between Erie County and Stony Brook University, and the adoption of a grant budget.

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 \$25,000 with Stony Brook University for the purpose of establishing a “Big Sister Feasibility Study and Design Project”; and be it further

RESOLVED, that the grant budget and project period for the “Big Sister and Feasibility Study and Design Project” is hereby created in the Department of Environment and Planning, Business Area 162, Fund 281 as follows:

Big Sister Feasibility Study and Design Project (March 1, 2017 –May 31, 2018),
SAP Grant Account #162-BSFSADP1718

<u>REVENUE:</u>		
<u>Account</u>	<u>Description</u>	<u>Amount</u>
409000	State Aid	(\$25,000)
TOTAL REVENUE		(\$25,000)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
516020	Professional Services	<u>\$25,000</u>
TOTAL APPROPRIATIONS:		\$25,000

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 the grantor funding requirements; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Deputy 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 Josh Wilson, Coordinator – Pollution Prevention Program.
(6-0)

TED B. MORTON
CHAIR