

April 22, 2021

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 6-1 (2021)
CHIMERA, HARDWICK, BASKIN, MEYERS, GILMOUR, JOHNSON & VINAL:
“Support for Municipal Recycling Programs & Manufacturer Responsibility for Recycling”
(Chair’s Ruling)
 - b. COMM. 6M-6 (2021)
MICHELE M. IANNELLO-WARD: “Letter of Interest & Resume for Consideration for Appointment to the Position of Commissioner of the ECWA”
(Chair’s Ruling)
 - c. COMM. 8E-20 (2021)
COUNTY EXECUTIVE: “ECSD No. 4 - Engineer Term Contract Agreement”
(Chair’s Ruling)
 - d. COMM. 8E-21 (2021)
COUNTY EXECUTIVE: “ECSD No. 3 - Engineering Term Contract Agreement”
(Chair’s Ruling)
 - e. COMM. 8M-3 (2021)
NYSDEC: “Invitation for Public Comment - Brownfield Cleanup Application at 255 Ship Canal Pkwy., Buffalo”
(Chair’s Ruling)
 - f. COMM. 8M-4 (2021)
NYSDEC: “Invitation for Public Comment - Draft Plan to Investigate Contamination at 1095 Niagara St., Buffalo”
(Chair’s Ruling)
 - g. COMM. 8M-9 (2021)
NYSDEC: “Invitation for Public Comment - Proposal to Address Contamination at 225 Louisiana St., Buffalo”
(Chair’s Ruling)

- h. COMM. 8M-10 (2021)
NYSDEC: “Invitation for Public Comment - Proposal to Address Contamination at Former Pilgrim Village Senior Apartments, Ellicott St., Buffalo”
(Chair’s Ruling)
 - i. COMM. 8M-11 (2021)
NYSDEC: “Invitation for Public Comment - Proposal to Address Contamination at Former Pilgrim Village Senior Apartment, Michigan Ave., Buffalo”
(Chair’s Ruling)
2. COMM. 8E-18 (2021)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Environment and Planning (DEP) provides support to the Northwest and the Northeast-Southtowns Solid Waste Management Boards for solid waste and recycling planning, regulatory reporting and program implementation; and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) provides grant assistance to municipalities to implement projects to reduce solid waste in New York; and

WHEREAS, the NYSDEC awarded Erie County a one-year recycling grant of \$86,978.00 for a Municipal Waste Reduction and Recycling Coordination Program (MWRRP); and

WHEREAS, the acceptance of this funding necessitates the execution of a grant contract with the NYSDEC, as well as the creation of a grant budget and continuing a Senior Environmental Compliance Specialist (JG-12) position; and

WHEREAS, NYSDEC identified Recycle Coach as a sub-awardee in the approved work plan to provide customized web interface to assist municipalities with recycling education and outreach; and

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) provides technical assistance to municipalities to facilitate compliance with State environmental waste regulations and implementation of the approved Local Solid Waste Management Plan (LSWMP); and

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

WHEREAS, execution of the MOUs provides \$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 one-year Waste Reduction and Recycling Coordination Grant budget established by this resolution has accounted for these funds.

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 (contract number C01296GG) of \$86,978.00 from the NYSDEC for the purpose of continuing the County's MWRRP; and be it further

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to sign Memorandum of Understandings with the Northwest Solid Waste Management Board, and the Northeast-Southtowns Solid Waste Management Board and accept payment for service rendered by Erie County to the Boards; and be it further

RESOLVED, that the County Executive or the Deputy County Executive execute a contract with grant sub-awardee, Recycle Coach, in the amount of \$19,900 to provide customized web interface to assist municipalities with recycling education and outreach; and be it further

RESOLVED, that the grant budget and project period for the NYSDEC Waste Reduction and Recycling Coordination Program is hereby created in the Department of Environment and Planning, Business Area 162, as follows:

New York State Department of Environmental Conservation Waste Reduction and Recycling Coordination Grant (Grant Period: 1/1/2021 - 12/31/2021),
SAP Grant 162MWRRCG2021

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
402499	Other Local Source Revenue (Solid Waste Boards)	\$20,250.00
409000	State Aid Revenue	\$86,978.00
559000	County Share Grants	\$66,728.00
TOTAL REVENUE		\$173,956.00

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Regular Full Time Wages	\$72,105.00
502000	Fringe Benefits	\$43,551.00
510100	Out of Area Travel	\$ 1,000.00
516020	Professional Services	\$33,900.00
530000	Other (Promotional)	\$18,000.00
54500	Rental	\$ 6,400.00
TOTAL APPROPRIATIONS		\$173,956.00

and be it further

RESOLVED, that the following position, for which sufficient funding for personnel services and fringe benefits exists, will be funded in the above program:

Senior Environmental Compliance Specialist (JG-12)
B-100 No. 11961
Budgeted Annual Salary: \$72,105

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 Department of Environment and Planning.
(6-0)

3. **COMM. 8E-19 (2021)**
COUNTY EXECUTIVE

WHEREAS, Erie County wants to develop effective outreach programs to institutions about food waste reduction, diversion, donation, composting, and disposal in accordance with the New York State (NYS) Food Donation and Food Scraps Recycling Law; and

WHEREAS, Erie County applied to New York State Department of Environmental Conservation (NYSDEC) for a grant to implement the Erie County Food Waste Reduction Program to develop needed experience and data during the implementation of the Food Donation and Food Scraps Recycling Law, with enforcement scheduled to begin in February 2022; and

WHEREAS, Erie County received a NYSDEC award for \$200,000 in funding to conduct such a project; and

WHEREAS, to best complete the work outlined in the Erie County Food Waste Reduction Program a revision of resolution COMM 19E-14(2020) to create a part-time Junior Environmental Compliance Specialist (JG 7) position is necessary.

NOW, THEREFORE, BE IT

RESOLVED, that the grant budget and project period for the “Erie County Food Waste Reduction Program” Comm 19E-14 (2020) is hereby revised to include the part-time Junior Environmental Specialist position in the Department of Environment and Planning, Business Area 162, as follows:

Erie County Food Waste Reduction Program
 SAP Grant Account 162ECFWRP1923
 October 1, 2019 – September 30, 2023

REVENUE:

<u>Account</u>	<u>Description</u>	Current Budget	Revision	Revised Budget
409000	State Aid	\$200,000	\$0	\$200,000
TOTAL REVENUE				\$200,000

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	Current Budget	Revision	Revised Budget
916290	ID Env & Planning Grants	\$24,246	(\$24,246)	\$0
500010	Part-Time Wages	\$0	\$18,000	\$18,000
502000	Fringe Benefits	\$0	\$ 6,246	\$ 6,246
516020	Professional Services	\$70,000	\$0	\$70,000
545000	Rental Charges	\$99,150	\$0	\$99,150
510100	Travel	\$ 4,000	\$0	\$4,000
530000	Other (promotional materials)	\$ 2,604	\$0	\$2,604
TOTAL APPROPRIATIONS:		\$200,000	\$0	\$200,000

and be it further

RESOLVED, that the following position, for which sufficient funding for personnel services and fringe benefits exists, will be funded in the above program:

Part-time Junior Environmental Compliance Specialist (JG-7)
 B-100 No. 12238
 Budgeted Annual Salary: \$18,000

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 Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.

(6-0)

4. COMM. 8E-24 (2021)

COUNTY EXECUTIVE

WHEREAS, the storm surge and seiche that occurred on October 31, 2019 was declared a Federal disaster and designated by the Federal Emergency Management Agency (FEMA) as DR 4472; and

WHEREAS, DR 4472 damaged facilities under the jurisdiction of Erie County Department of Parks, Recreation and Forestry (Parks) at Times Beach Nature Preserve and Isle View Park; and

WHEREAS, FEMA has approved a project cost of \$100,179 to reconstruct the dock at Isle View Park that was destroyed by high water as PW 205, while approval of the project related to Times Beach Nature Preserve is still forthcoming; and

WHEREAS, restoration work approved by FEMA is eligible for Federal reimbursement of 75% of the FEMA approved project cost; and

WHEREAS, New York State Emergency Management Office (SEMO) has agreed to reimburse the County for 50% of the non-federal share for the Isle View project; and

WHEREAS, Erie County will be responsible for the 50% of the non-federal share of approved project cost and 100% of any overruns; and

WHEREAS, it is desired to accept Federal and State reimbursement funds as they become available for FEMA approved projects.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept \$75,134.47 in FEMA and \$12,522.41 in SEMO aid, as well as any additional aid from FEMA or SEMO specific to the Disaster Relief DR 4472 Isle View Park project PW 205 as it is made available; and be it further

RESOLVED, that excess revenue in Fund 110, Funds Center 14010, Account 400010 – Exemption Removal be made available as Interfund Revenue Subsidy to cover the \$12,522.41 County share of DR 4472, PW 205 project; and be it further

RESOLVED, that authorization is hereby given to create a new capital project in Fund 410, Funds Center 164 for the DR 4472, PW 205 project as follows:

Project A.211XX – DR4472 Isle View Dock Reconstruction
Fund 410, Funds Center 164

REVENUES

412540 FEMA	\$(75,134.47)
405150 State Emergency Mgmt Office (SEMO)	(12,522.41)
486000 Interfund Revenue Subsidy	<u>(12,522.41)</u>
TOTAL	<u>\$(100,179.29)</u>

APPROPRIATIONS

Capital Project Expense	\$100,179.29
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and be it further

RESOLVED, that the Division of Budget and Management is authorized to make any technical adjustments necessary to effectuate this transfer; and be it further

RESOLVED, that the County Executive is hereby authorized to execute agreements for design and construction of FEMA authorized projects within the project amounts so authorized; and be it further

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

TIMOTHY J. MEYERS
CHAIR