

May 17, 2018

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 8E-8 (2018)
COUNTY EXECUTIVE "ECSD No. 3 - Contract Agreement"
(Chair's ruling)
 - b. COMM. 9E-7 (2018)
COUNTY EXECUTIVE "ECSD No. 5 - Increase & Improvement of Facilities - Sewer Agency Report"
(Chair's ruling)
 - c. COMM. 9M-2 (2018)
EMPIRE STATE DEVELOPMENT "Negative Declaration - Buffalo Blueway Capital Initiative"
(Chair's ruling)
2. COMM. 9E-4 (2018)
COUNTY EXECUTIVE

EXTRACT OF MINUTES

Meeting of the County Legislature of
the County of Erie, New York.

May __, 2018

A regular meeting of the County Legislature of the County of Erie, New York, was held at the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on May __, 2018, at 2 o'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: Robert M. Graber, Clerk of the Legislature
* * *

Legislator _____ offered the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DATED May __, 2018.

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. 5 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. 5 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. 5 which report and estimate of cost have been approved by the Board of Managers of said District on April 9, 2018 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. 5 in said County, consisting of improvements to the sanitary sewers, manholes, and other collection system assets, improvements to the Transit Valley and Bryant and Stratton Pumping Stations, and preparation of a capacity analysis to evaluate current flows and future service requirements, 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. 5 is \$1,000,000 and will be apportioned in accordance with applicable flat charges, hook-up 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 \$10.87 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 \$11.00 for calendar year 2018; 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 12th day of June, 2018, 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. 5 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 12th day of June, 2018, 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. 5 in said County.

The increase and improvement of such facilities consisting of improvements to the sanitary sewers, manholes, and other collection system assets, improvements to the Transit Valley and Bryant and Stratton Pumping Stations, and preparation of a capacity analysis to evaluate current flows and future service requirements; 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 April 9, 2018 (the "Report").

The maximum estimated cost of such increase and improvement of facilities is \$1,000,000, will be apportioned in accordance with applicable flat charges, hook-up 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 \$10.87 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, _____, 2018.

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

By _____
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 "Clarence Bee", 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.

The adoption of the foregoing resolution was seconded by Legislator _____ and duly put to a vote, which resulted as follows:

AYES:

NOES:

The resolution was thereupon declared duly adopted.

Dated: Buffalo, New York, _____, 2018.

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

I, the undersigned Clerk of the Erie County Legislature, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the County Legislature of said County, including the resolution contained therein, held on the _____ day of _____, 2018, with the original minutes thereof as originally recorded in the Minute Book of said Erie County Legislature and the same is a true and correct copy of said original minutes and of the whole of said original so far as the same relates to the subject matters referred to in said extract.

I FURTHER CERTIFY that all members of said Legislature had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media _____ Date given _____

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public locations(s) on the following dates:

Designated Locations(s) _____

of posted notice _____ Date of Posting _____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Legislature this _____ day of _____, 2018.

Clerk, Erie County Legislature

(5-0)

3. COMM. 9E-5 (2018)
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 de-listing 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 United States Environmental Protection Agency (USEPA) awarded Erie County a Great Lakes Restoration Initiative grant in the amount of \$ 831,000 to complete a "Buffalo River AOC Habitat Restoration – Erie County-NFTA 61 Smith Street Project"; and

WHEREAS, on December 21, 2017 the Erie County Legislature approved a resolution for a no-cost extension to continue this work through December 2018; and

WHEREAS, it is necessary to revise the existing budget and create three seasonal employee positions in accordance with the current work plan and contractual requirements of the granting agency.

NOW, THEREFORE, BE IT

RESOLVED, that the grant budget for the Buffalo River AOC Habitat Restoration – Erie County-NFTA 61 Smith Street Project is hereby revised in DEP Business Area 162, Fund 281 as follows:

Buffalo River AOC Habitat Restoration – Erie County-NFTA 61 Smith Street Project
SAP Grant # 162BRRPMPH21516

APPROPRIATIONS:

Revised

<u>Account Description</u>	<u>Budget</u>	<u>Revision</u>	<u>Budget</u>
500000 Full Time – Salaries	\$ 45,080	(45,080)	\$ 0
500030 Seasonal Empl. Wages	\$ 0	30,003	\$30,003

502000 Fringe Benefits	\$ 29,920	(22,412)	7,508
506200 Maintenance & Repair	\$ 3,000	0	3,000
516020 Pro Ser Cnt and Fees	\$753,000	37,489	\$790,489
TOTAL APPROPRIATIONS	\$831,000		\$831,000

and be it further

RESOLVED, that the following three (3) seasonal positions be created in the above grant:
 Three (3) Seasonal Interns (JG-01)
 B-100 No. 10201
 Budgeted Annual Salary: \$ 30,003

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 Federal, 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.
 (5-0)

4. COMM. 9E-6 (2018)
COUNTY EXECUTIVE

EXTRACT OF MINUTES

Meeting of the County Legislature of
 the County of Erie, New York.

_____, 2018

* * *

A regular meeting of the County Legislature of the County of Erie, New York, was held at the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on _____, 2018, at 2 o'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: Robert M. Graber, Clerk of the Legislature

* * *

_____ offered the following resolution and moved its adoption:

RESOLUTION NO. ____

RESOLUTION DATED _____, 2018

A RESOLUTION APPROVING A MODIFICATION OF PLANS FOR THE INCREASE AND IMPROVEMENT OF 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 (the "District"), has heretofore been established and a plan for improvement of facilities for the District has been authorized by the County Legislature of the County of Erie, New York on January 24, 2008; and

WHEREAS, such County Legislature has heretofore received 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 a portion of the increase and improvement of the facilities for the District; and

WHEREAS, such report and estimate of cost have been approved by the Board of Managers of the District on December 5, 2017 and filed with the County Legislature; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for a portion of such increase and improvement of the facilities of the District, 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 herein referred to; and

WHEREAS, the maximum estimated cost of the aforesaid portion of the increase and improvement of the facilities of said District, as modified, is \$674,636; and

WHEREAS, said County Legislature duly adopted Resolution No. 50-2018 on the 15th day of February, 2018, calling a meeting of the County Legislature for the purpose of holding a public hearing to consider said modification of plans for such increase and improvement of facilities in accordance with the provisions of Section 253-b of the County Law; and

WHEREAS, said public hearing was duly 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; and

WHEREAS, notice of said public hearing was duly published in substantially the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature had duly considered the evidence given at such public hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to modify the plans for a portion of the increase and improvement of facilities for Erie County Sewer District No. 8 in the County of Erie, New York, all as more fully described in the recitals hereof, and such modification of plans for a portion of the increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$674,636.

Section 2. This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was seconded by _____ and duly put to a vote, which resulted as follows:

AYES:

NOES:

The resolution was thereupon declared duly adopted.

Dated: Buffalo, New York,
_____, 2018.

STATE OF NEW YORK

:SS.

COUNTY OF ERIE)

I, the undersigned Clerk of the Erie County Legislature, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the County Legislature of said County, including the resolution contained therein, held on the ____ day of _____, 2018, with the original minutes thereof as originally recorded in the Minute Book of said Erie County Legislature and the same is a true and correct copy of said original minutes and of the whole of said original so far as the same relates to the subject matters referred to in said extract.

I FURTHER CERTIFY that all members of said Legislature had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

Newspaper and/or other news media

Date given

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public locations(s) on the following dates:
Designated Locations(s)

of posted notice

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County Legislature this ____ day of _____, 2018.

Clerk, Erie County Legislature

(5-0)

5. COMM. 9E-26 (2018)

COUNTY EXECUTIVE

WHEREAS, the existing waterline serving the Clarence Highway Facility is planned to be replaced; and

WHEREAS, your Honorable Body previously authorized the County Executive to enter into a contract with Ledge Creek Development, Inc. for the Erie County Clarence Highway Facility – Waterline Replacement project on April 26, 2018, Comm. 7E-18; and

WHEREAS, under their jurisdiction, the Erie County Water Authority (ECWA) is the utility company responsible to provide a new private fire protection/domestic water service connection to the site; and

WHEREAS, the Erie County Department of Public Works received a Private Fire Protection/Domestic Service Agreement from the ECWA estimating the amount of the service to be \$16,900; and

WHEREAS, under this agreement, the Erie County Department of Public Works would have to pay the actual cost of the service if the difference is above or below the estimated cost; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement with the ECWA for providing utility company services for the Project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into an Agreement with the ECWA for providing utility company services for the Project for the estimated amount of \$16,900; and be it further

RESOLVED, that the sum of \$3,100 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the amount of the Contingency Fund; and be it further

RESOLVED, that change order reductions will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP Project A.17009 – 2017 Preservation of County Highway Facilities (Countywide) for a total amount not to exceed \$20,000; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the comptroller.
(5-0)

JOHN BRUSO
CHAIR