

September 16, 2021

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 13

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:

- a. COMM. 11M-1 (2021)
LEAGUE OF HUMANE VOTERS: “Statement Related to LL Intro. 1-1 (2021)”
(Chair’s Ruling)
- b. COMM. 11M-2 (2021)
MAUREEN SCHIENER: “Statement Related to LL Intro. 1-1 (2021)”
(Chair’s Ruling)
- c. COMM. 11M-9 (2021)
POLLA MILLIGAN: “Statement Related to LL Intro. 1-1 (2021)”
(Chair’s Ruling)
- d. COMM. 11M-10 (2021)
LAUREN WESP: “Statement Related to LL Intro. 1-1 (2021)”
(Chair’s Ruling)
- e. COMM. 14M-2 (2021)
EC AGRICULTURAL & FARMLAND PROTECTION BOARD: “2021 AFPB Report Regarding Modification & Consolidation of Marilla, Wales & Elma Agricultural Districts”
(Chair’s Ruling)
- f. COMM. 14M-7 (2021)
GUN SENSE NEW YORK: “Letter Concerning LL Intro. 1-1 (2021)”
(Chair’s Ruling)
- g. COMM. 15E-11 (2021)
BASKIN: “Notice of Public Hearing Concerning LL Intro. 1-1 (2021)”
(Chair’s Ruling)
- h. COMM. 15D-6 (2021)
DEPT. OF ENVIRONMENT & PLANNING: “Public Hearing Minutes for Agricultural District Modification”
(Chair’s Ruling)

- i. COMM. 15D-7 (2021)
CLERK OF LEGISLATURE: “Notice of Public Hearing Concerning LL Intro. 1-1 (2021)”
(Chair’s Ruling)
- j. COMM. 16E-8 (2021)
COMPTROLLER: “Letter to Parks Commissioner Regarding Public Access to Park Amenities”
(Chair’s Ruling)
- k. COMM. 16E-22 (2021)
COUNTY EXECUTIVE: “ECSD No. 3 - Engineering Term Contract Agreement”
(Chair’s Ruling)
- l. COMM. 16E-23 (2021)
COUNTY EXECUTIVE: “ECSD No. 8 - Engineering Term Contract Agreement”
(Chair’s Ruling)
- m. COMM. 16E-24 (2021)
COUNTY EXECUTIVE: “ECSD Nos. 1 & 4 - Engineering Agreement Dated 1/21/2021”
(Chair’s Ruling)
- n. COMM. 16E-25 (2021)
COUNTY EXECUTIVE: “ECSD No. 4 - Engineer Term Contract Agreement”
(Chair’s Ruling)
- o. COMM. 16E-26 (2021)
COUNTY EXECUTIVE: “ECSD No. 1 - Engineering Term Contract Agreement”
(Chair’s Ruling)
- p. COMM. 16D-10 (2021)
DEPARTMENT OF LAW: “Opinion as to Form LL Intro. 1-1 (2021)”
(Chair’s Ruling)
- q. COMM. 16M-3 (2021)
NYS CONSERVATION FUND ADVISORY BOARD: “Letter Concerning LL Intro. 1-1 (2021)”
(Chair’s Ruling)
- r. COMM. 16M-5 (2021)
CHRISTINE COLLINS: “Letter Concerning LL Intro. 1-1 (2021)”
(Chair’s Ruling)

- s. COMM. 16M-6 (2021)
KATE BOROWIAK: “Letter Concerning LL Intro. 1-1 (2021)”
(Chair’s Ruling)
- t. COMM. 16M-7 (2021)
JAMES BURNETTE: “Letter Concerning LL Intro. 1-1 (2021)”
(Chair’s Ruling)
- u. COMM. 16M-8 (2021)
JINA GENTRY: “Letter Concerning LL Intro. 1-1 (2021)”
(Chair’s Ruling)
- v. COMM. 16M-9 (2021)
EC FEDERATION OF SPORTSMAN'S CLUB, INC.: “Letter Concerning LL Intro. 1-1 (2021)”
(Chair’s Ruling)
- w. COMM. 16M-10 (2021)
RICH DAVENPORT: “Letter Concerning LL Intro. 1-1 (2021)”
(Chair’s Ruling)
- x. COMM. 16M-11 (2021)
MAUREEN SCHIENER: “Letter Concerning LL Intro. 1-1 (2021)”
(Chair’s Ruling)
- y. COMM. 16M-12 (2021)
LESLIE WHEELER: “Letter Concerning LL Intro. 1-1 (2021)”
(Chair’s Ruling)
2. COMM. 16E-13 (2021)
COUNTY EXECUTIVE
RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Daniel Castle to the position of Commissioner of Environment and Planning effective immediately.
(5-0)

3. COMM. 16E-27 (2021)
COUNTY EXECUTIVE
WHEREAS, pursuant to Legislative Comm. 13E-4 (2020), Contract 54 (General) was awarded to Lupini Construction, Inc. to construct the Depew Overflow Retention Facility (ORF) Rehabilitation Project 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 recommends closeout of Contract No. 54 (General) and requests approval to issue final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 54 (General) between the County of Erie and Lupini Construction, Inc. (6081 Trenton Road, Utica, New York 13502) is accepted in the final contract amount of \$108,972.32 which includes Change Order No. 1 (final), a decrease of (\$9,046.68) and is allocated in Erie County Sewer District No. 4 Capital Account C.17401; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 54 (General), to Lupini Construction, Inc. for a total contract amount of \$108,972.32; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Budget and Management, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.
(5-0)

4. COMM. 16E-28 (2021)
COUNTY EXECUTIVE
WHEREAS, Article 5-A, Sections 270 and 271 of County Law requires your Honorable Body to hold a Public Hearing on the Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and

WHEREAS, notice of said Public Hearing shall be published at least once in the official County newspapers prior to holding the Public Hearing.

NOW, THEREFORE, BE IT

RESOLVED, that the Sewer District assessment rolls be open for public inspection after October 1, 2021 in the offices of the Division of Sewerage Management, 95 Franklin Street, Buffalo, New York 14202; and be it further

RESOLVED, that a Public Hearing be held in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, NY, at 4:00 p.m., local time, on November 4, 2021 for the purpose of meeting to hear and consider any objections which may be made to the 2021 Sewer District Assessment Rolls (2022 Levy) for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to have published in the official County Newspapers, and the Buffalo News, a Notice of Public Hearing no later than the week of October 18, 2021; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment & Planning.
(5-0)

5. COMM. 16E-29 (2021)
COUNTY EXECUTIVE

WHEREAS, Erie County has a Household Hazardous Waste (HHW) Collection Program to provide residents with a safe, effective, and cost-free opportunity to dispose of household generated hazardous waste; and

WHEREAS, every year, Erie County hosts periodic household hazardous waste events to properly dispose of chemicals that pose a health and safety hazard and might otherwise contaminate our water, land, or air; and

WHEREAS, these events service approximately 2,000 households per year; and

WHEREAS, the Erie County Department of Environment and Planning (DEP) has completed a feasibility study to identify how it could effectively and efficiently increase the number of households it serves through this program; and

WHEREAS, New York State Department of State (DOS) provides competitive funding for Local Government Efficiency Grants for local government to better consolidate and share services; and

WHEREAS, Erie County applied to DOS for a grant to support an implementation project to improve the HHW Collection Program and establish a permanent HHW site(s) for the County; and

WHEREAS, Erie County received a DOS award for \$1,000,000 in funding to conduct such a project; and

WHEREAS, to best complete the work outlined in the Household Hazardous Waste Implementation Project a revision of resolution COMM. 21E-26 (2019) to extend the grant to 2024, revise the budget, and create seven Intern Seasonal (JG-01) positions (one intern per semester for the remainder of the project) is necessary.

NOW, THEREFORE, BE IT

RESOLVED, that the grant budget and project period for the “Household Hazardous Waste Implementation Project” is hereby revised in the Department of Environment and Planning, Business Area 162, as follows:

Household Hazardous Waste Implementation Project
SAP Grant Account #162HHWIP1823
April 1, 2018 – March 31, 2023

REVENUE:

<u>Account</u>	<u>Description</u>	Current Budget	Revision	Revised Budget
409000	State Aid	\$1,000,000	\$0	<u>\$1,000,000</u>
TOTAL REVENUE				\$1,000,000

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	Current Budget	Revision	Revised Budget
500000	Personnel Services	\$127,571	\$0	\$127,571
500030	Seasonal Wages	\$0	\$75,278	\$75,278
502000	Fringe Benefits	\$80,370	\$0	\$80,370
516020	Professional Services	\$700,000	(\$75,278)	\$624,722
561410	Equipment	\$92,000	\$0	<u>\$92,000</u>
TOTAL APPROPRIATIONS:				\$1,000,000

and be it further

RESOLVED, that the following positions, which are 100% grant funded, will be funded under the Household Hazardous Waste Implementation Project grant #162HHWIP1823, business area 162, fund 281:

Intern Seasonal Positions (JG-01)

B-100 Nos. 12370 (2021), 12451 (2022) 12452 (2023) Budgeted Annual Salary: \$32,262 (salary is sum for three interns per year)

and be it further

RESOLVED, that County Executive or Deputy County Executive is authorized to sign an agreement to extend the contract with DOS for one year; 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; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.
(5-0)

6. COMM. 16E-39 (2021)
COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation & Forestry received Legislature approval (COMM. 5E-14) to receive funding for a Snowmobile Trail Development Grant for the 2020-2021 snowmobile season; and

WHEREAS, the original Snowmobile Trail Development Grant in the amount of \$185,532.00 has now been increased to \$186,060.00; and

WHEREAS, this additional funding of \$528.00 is the result of New York State approving additional mileage on a snowmobile trail maintained by the Pioneer Snow Surfers and a decrease to the Hamburg Snowmobile Club; 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 amended agreement with the New York State Office of Parks, Recreation and Historic Preservation for an additional net amount \$528.00 as pertains to snowmobile trail maintenance performed during the 2020-2021 snowmobile season; and be it further

RESOLVED, that the County Executive is authorized to enter into an amended agreement with the Pioneer Snow Surfers for an additional amount of \$1200.00; 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 \$528.00, as well as an increase in appropriations in the amount of \$528.00, in the Division of Parks, fund 110, cost center 1641010, account 516020, in order that funds may be available to make payment to the Pioneer Snow Surfers; 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.
(5-0)

TIMOTHY J. MEYERS
CHAIR