

December 9, 2021

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 16

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

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

- a. INTRO. 10-2 (2021)
MILLS: “Support for Amendments to NYS Conservation Law Halting the Construction of New Wind Turbines on, or in, Freshwater Bodies of Water”
(Chair’s Ruling)
- b. COMM. 13M-2 (2021)
CITIZENS CAMPAIGN FOR THE ENVIRONMENT: “Letter to Legislature Regarding Moratorium on Wind Turbines in the Great Lakes”
(Chair’s Ruling)
- c. INTRO. 16-6 (2021)
MILLS, LORIGO, GREENE & TODARO: “Support for a Full Cost-Benefit Analysis of the Technical & Economic Feasibility of Renewable Energy Systems in NY”
(Chair’s Ruling)
- d. COMM. 19E-8 (2021)
COUNTY EXECUTIVE: “ECSD No. 6 - Engineering Term Contract Agreement - AECOM-3”
(Chair’s Ruling)
- e. COMM. 19E-9 (2021)
COUNTY EXECUTIVE: “ECSD No. 6 - Engineering Term Contract Agreement - GP-1”
(Chair’s Ruling)
- f. COMM. 20D-4 (2021)
COMMISSIONER, ENVIRONMENT & PLANNING: “Letter to Chair of Legislature Regarding Appointment to EC Agricultural & Farmland Protection Board”
(Chair’s Ruling)

- g. COMM. 20M-2 (2021)
EC AGRICULTURAL & FARMLAND PROTECTION BOARD: “2021 AFPB Report”
(Chair’s Ruling)
- h. COMM. 21D-3 (2021)
CLERK OF LEGISLATURE: “Public Hearing Minutes for ECSD Nos. 1-6 & 8 2021 Assessment Rolls”
(Chair’s Ruling)
- i. COMM. 21M-1 (2021)
ECWA: “Minutes of Meeting Held on 10/28/2021”
(Chair’s Ruling)
- j. COMM. 21M-2 (2021)
ASSOC. OF COUNTY GOVERNMENTS: “Certified Copy of Resolution Approved at Meeting Held on 10/28/2021”
(Chair’s Ruling)
- k. COMM. 24E-17 (2021)
COUNTY EXECUTIVE: “ECSD No. 6 - Engineering Term Contract Agreement - Work Order: AECOM-4”
(Chair’s Ruling)
- l. COMM. 24E-18 (2021)
COUNTY EXECUTIVE: “ECSD No. 6 - Engineering Term Contract Agreement - Work Order: GP-2”
(Chair’s Ruling)
- m. COMM. 24E-20 (2021)
COUNTY EXECUTIVE: “ECSD No. 3 - Engineer Term Contract Agreement”
(Chair’s Ruling)
2. COMM. 16E-21 (2021)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, the Board of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5, 6 and 8 have a system of Sewer District User Charges or Fees; and

WHEREAS, as has been done in past years, the Boards have requested and are desirous of collecting said User Charges or Fees in 2022 for properties in the same manner and fashion as the regular sewer district levies.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Real Property Tax Services is hereby authorized and directed to spread said 2022 Sewer District User Charges or Fees against properties serviced by Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 & 8 as provided by law; and be it further

RESOLVED, that the following amounts be collected:

Sewer District No. 1	\$ 5,280,769.91
Sewer District No. 2	\$ 3,652,532.69
Sewer District No. 3	\$ 9,764,709.34
Sewer District No. 4	\$ 5,033,103.47
Sewer District No. 5	\$ 928,729.10
Sewer District No. 6	\$ 2,226,351.40
Sewer District No. 8	\$ 931,954.00

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 Erie County Comptroller, the Director of Real Property Tax Services, the Director of Budget and Management, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.
(6-0)

3. COMM. 21E-8 (2021)
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 (GLRI) provides grant assistance to municipalities to implement projects to improve the quality of the Great Lakes; and

WHEREAS, the USEPA-GLRI awarded Erie County an \$831,000.00 grant (SAP Grant 162BRRPMPH21516) to complete the USEPA-GLRI Buffalo River Habitat Restoration –Erie County: NFTA-61 Smith Street project; and

WHEREAS, a no-cost extension through June 30, 2022 is necessary to complete the project workplan; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive or Deputy County Executive is hereby authorized to execute the necessary agreements to extend the USEPA-GLRI Buffalo River Habitat Restoration –Erie County: NFTA-61 Smith Street contract for six months (January 1, 2022 - June 30, 2022); and be it further

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

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

REVENUE:

<u>Account Description</u>	<u>Budget</u>
409000 Federal Aid Revenue	(\$831,000)
TOTAL REVENUE	(\$831,000)

APPROPRIATIONS:

<u>Account Description</u>	<u>Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
500000 Full Time – Salaries	\$ 110,080	\$3,250	\$113,330
502000 Fringe Benefits	\$ 64,920	\$1,750	\$ 66,670
506200 Maintenance & Repair	\$ 5,000	\$ 0	\$ 5,000
516020 Professional Services	\$ 651,000	(\$5,000)	\$646,000
TOTAL APPROPRIATIONS	\$831,000		\$831,000

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 Federal 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; Daniel R. Castle, Commissioner of Environment and Planning; and Bonnie L. Lawrence, Deputy Commissioner of Environment and Planning.

(6-0)

4. COMM. 21E-9 (2021)
COUNTY EXECUTIVE

WHEREAS, the County of Erie issued a Request for Proposals to retain an engineering firm to perform professional services associated with air permit assistance at the Southtowns Advanced Wastewater Treatment Facility in Erie County Sewer District No. 3; and

WHEREAS, a review committee evaluated the response to the Request for Proposals using a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends Ramboll Americas Engineering Solutions, Inc. (Ramboll) complete the requested consulting services.

NOW, THEREFORE, BE IT

RESOLVED, that Ramboll be retained to perform professional services associated with air permit assistance for Erie County Sewer District No. 3 over a 3-Year Term; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with Ramboll, 400 Andrews Street, Suite 710, Rochester, New York 14604 in an amount not to exceed \$300,000.00, subject to approval as to content by the Commissioner of the Department of Environment and Planning, and approval as to form by the County Attorney's Office; and be it further

RESOLVED, that individual work orders may be funded from any Erie County Sewer District No. 3 Sewer Capital Project in Fund 430, the Sewer Operating Fund 220 (Business Area 183, Account 516020 (Professional Service Contracts)), and/or Capital Project No. C.21150 (American Rescue Plan funds) as determined by the Deputy Commissioner of the Division of Sewerage Management; and be it further

RESOLVED, that no individual work order assignment issued under this agreement be greater than \$75,000.00; and be it further

RESOLVED, that the Division of Sewerage Management shall notify the Legislature when a work order is assigned under this resolution; and be it further

RESOLVED, that when a Capital Project is selected as the funding source for a work order assignment, the Division of Sewerage Management shall include in its notice to the Legislature that the County Comptroller has reviewed and certified the availability of sufficient capital appropriations to fund the work order assignment; 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, Second Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment & Planning.

(6-0)

5. COMM. 21E-10 (2021)
COUNTY EXECUTIVE AS AMENDED

RESOLVED, that the Erie County Legislature does hereby confirm the appointments and reappointments of the individuals listed below to the Erie County Sewer District Board of Managers for terms ending December 31, 2023.

District 1:

Hon. Diane Benzowski
3301 Broadway
Cheektowaga, NY 14227
Re-Appointment

Hon. Gary Dickson
1250 Union Road
West Seneca, NY 14224
Re-Appointment

Patrick Bowen
275 Alexander Avenue
Cheektowaga, NY 14211
Re-Appointment

Mutasem Salah, P.E.
95 Franklin Street, Rood 1034
Buffalo, NY 14202
Re-Appointment

District 2:

Anna Knack
2505 W. Church St
Eden, NY 14057
Re-Appointment

Hon. Vincent George
10543 Main St, P.O. Box 459
North Collins, NY 14111
Re-Appointment

Hon. Mary Hosler
8787 Erie Road
Angola, NY 14006
Re-Appointment

Angela Horton, P.E.
95 Franklin St-Room 1034
Buffalo, NY 14202
Re-Appointment

District 3:

David Kaczor
23 Silent Meadow
Orchard Park, NY 14127
Re-Appointment

David Rood
59 North Lincoln
Orchard Park, NY 14127
Re-Appointment

Michael Kasprzyk
47 Pearl Street
Holland, NY 14080
Re-Appointment

Hon. Melissa Hartman
2795 East Church Street
Eden, NY 14057
Re-Appointment

Hon. Jason Keding
8500 Boston State Road
Boston, NY 14025
Re-Appointment

Jason Cozza
100 Main Street
Hamburg, NY 14075
Re-Appointment

Emery Wittmeyer
4415 South Buffalo Street
Orchard Park, NY 14127
Re-Appointment

David Millar, P.E.
95 Franklin Street, Room 1034
Buffalo, NY 14202
Re-Appointment

District 4:

Hon. David Mazur
21 Central Avenue
Lancaster, NY 14086
New Appointment

Hon. Kevin Peterson
85 Manitou Street
Depew, NY 14043
Re-Appointment

Edward Schiller, P.E.
37 Central Avenue
Lancaster, NY 14086
Re-Appointment

William Cansdale
5200 Broadway
Lancaster, NY 14086
Re-Appointment

Nadine Wetzel, P.E.
95 Franklin Street, Room 1034
Buffalo, NY 14202
Re-Appointment

District 5:

Timothy Lavocat, P.E.
6221 Goodrich Road
Clarence Center, NY 14032
Re-Appointment

Brian Armstrong
1100 N. Forest Road
Williamsville, NY 14221
Re-Appointment

Jeffrey Burroughs
1100 N. Forest Road
Williamsville, NY 14221
Re-Appointment

Jonathan Bleuer
One Town Place
Clarence, NY 14031
Re-Appointment

Kevin Zynda, P.E.
95 Franklin Street, Room 1034
Buffalo, NY 14202
Re-Appointment

District 6:

James Balcarczyk
59 Michelle Drive
Lackawanna, NY 14218
Re-Appointment

Mark Kuwik
135 Odell Street
Lackawanna, NY 14218
Re-Appointment

Garry Pecak, P.E.
95 Franklin St., Room 1034
Buffalo, NY 14202
Re-Appointment

District 8:

Mr. Joseph McCann
11 Glenridge Road
East Aurora, NY 14052
New Appointment

Matthew Hoeh
571 Main Street
East Aurora, NY 14052
Re-Appointment

Bryan Smith
27 Aurora Mills Drive
East Aurora, NY 14052
Re-Appointment

Cathryn Thomas
571 Main Street
East Aurora, NY 14052
Re-Appointment
(6-0)

Mary Plesh, P.E.
95 Franklin Street-Room 1034
Buffalo, NY 14202
Re-Appointment

6. COMM. 24E-12 (2021)
COUNTY EXECUTIVE

WHEREAS, climate change increasingly poses a threat to life and property in Erie County; and

WHEREAS, Erie County Department of Environment and Planning (DEP) was authorized to contract with the New York State Energy Research and Development Authority to conduct the Erie County Low-Income Project for Sustainable Energy (ECLIPSE) in 2018 by Comm. 3E-9 (SAP Grant Account 162ECLIPSE1922); and

WHEREAS, ECLIPSE is planning the development of a program to improve access to renewable energy and reduce energy cost burden for low- and moderate-income residents; and

WHEREAS, the County is conducting an equity-focused Community Climate Action Plan (CCAP) to identify and prioritize actions to protect Erie County from the impacts of climate change and to reduce greenhouse gas emissions to mitigate climate change; and

WHEREAS, it is important that the community is engaged and has a voice in the ECLIPSE and CCAP projects so that resulting County climate action programs and actions best reflect the needs of the community; and

WHEREAS, the County of Erie issued a Request for Proposals to retain a contractor to provide graphics, outreach, and marketing professional services associated with the Community Climate Action Plan and ECLIPSE projects; and

WHEREAS, a review committee evaluated the response to the Request for Proposals using a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends The Buffalo News complete the requested consulting services.

NOW, THEREFORE, BE IT

RESOLVED, that The Buffalo News be retained to perform professional services over a 3-Year term; and be it further

RESOLVED, that the County Executive or Deputy County Executive is hereby authorized to enter into an agreement with The Buffalo News for an amount not to exceed \$125,000.00 subject to approval as to content by the Commissioner of the Department of Environment and Planning and approval as to form by the County Attorney's Office; and be it further

RESOLVED, that one individual work order may be funded from the DEP Paris/Climate Action budget, Account (110), G/L #51310, for up to \$55,000.00; and be it further

RESOLVED, that additional individual work orders may be funded from grant account SAP #162ECLIPSE1922 for up to \$70,000.00 each; and be it further

RESOLVED, that the Department of Environment and Planning shall notify the Legislature when a work order is assigned under this resolution; and be it further

RESOLVED, that certified copies of this resolution shall be furnished to the Office of the County Executive; the Director of the Division of Budget and Management; the Office of the County Attorney; the Office of the County Comptroller; Daniel Castle, Commissioner of Environment and Planning, and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.
(6-0)

7. COMM. 24E-16 (2021)
COUNTY EXECUTIVE

WHEREAS, the 2021 Assessment Rolls for Erie County Sewer District Nos. 1-6 and 8 describing each lot or parcel of land have been prepared by the Division of Sewerage Management; and

WHEREAS, the Division of Sewerage Management has also assessed the estimate of expenditures and proportioned them to the lots and parcels of land as nearly as may be to the benefit which each lot or parcel will derive therefrom; and

WHEREAS, the Clerk of the Legislature had a Notice of Public Hearing published in the official County newspapers prior to the date of the Public Hearing which informed the public that the Assessment Rolls would be open for public inspection; and

WHEREAS, said Public Hearing was held in the Chamber of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, New York, at 4:00 p.m., local time on November 4, 2021 and that all persons desiring to be heard were duly heard and that all objections have been heard and considered; and

WHEREAS, said Assessment Rolls, estimate of expenditures, and Public Hearing were carried out in accordance with Article 5A, Sections 270 and 271 of County Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby affirm and adopt the 2021 Assessment Rolls 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 send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Kristen Walder, Second Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment & Planning.
(6-0)

8. COMM. 24E-21 (2021)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 8E-23 (2021), Contract No. 56 was awarded to Concrete Applied Technologies Corp. dba CATCO to construct the Borden Road Forcemain Test Pit and Spot Repair 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 has recommended the acceptance of Contract No. 56, in the final contract amount of \$132,291.63 which includes Change Order No. 1 (final), a decrease of (\$26,208.37) and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 56 between the County of Erie and Concrete Applied Technologies Corp. dba CATCO (1266 Townline Road, Alden, NY 14004) is accepted in the final contract amount of \$132,291.63 which includes Change Order No. 1 (final), a decrease of (\$26,208.37) 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 No. 56, to Concrete Applied Technologies Corp. dba CATCO for a total contract amount of \$132,291.63; 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, Second Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.
(6-0)

9. COMM. 24E-22 (2021)
COUNTY EXECUTIVE

WHEREAS, a Low-Income Household Water Assistance Program (LIHWAP) was established through the Federal Consolidated Appropriations Act of 2021 and the American Rescue Plan Act of 2021; and

WHEREAS, the purpose of the LIHWAP is to assist households that pay a high proportion of their income for drinking water and wastewater services; and

WHEREAS, within New York the State Office of Temporary and Disability Assistance (NYSOTDA) is administering the LIHWAP; and

WHEREAS, a signed vendor agreement with the NYSOTDA and completed forms are required in order for the Erie County Sewer Districts to participate in and receive LIHWAP payments.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or his/her designee be authorized to execute a vendor agreement with NYSOTDA for the LIHWAP; and be it further

RESOLVED, that the Deputy Commissioner in the Division of Sewerage Management or his/her designee be authorized to be listed as the primary contact for the LIHWAP; 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 Erie County Comptroller, the Director of Budget and Management, the Director of Real Property Tax Services, Kristen Walder, Second County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.
(6-0)

TIMOTHY J. MEYERS
CHAIR