

March 25, 2021

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 6

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 5E-2 (2021)
BASKIN: “Letter to Republican Party Caucus Regarding Position of Commissioner of the Erie County Water Authority”
(Chair’s Ruling)
 - b. COMM. 5E-3 (2021)
BASKIN: “Letter to Conservative Party Caucus Regarding Position of Commissioner of the Erie County Water Authority”
(Chair’s Ruling)
 - c. COMM. 5E-4 (2021)
BASKIN: “Interviews for Position of Commissioner of the Erie County Water Authority”
(Chair’s Ruling)
 - d. COMM. 5E-5 (2021)
BASKIN: “Letters of Interest & Resumes for Position of Commissioner of the Erie County Water Authority”
(Chair’s Ruling)
 - e. COMM. 5E-6 (2021)
BASKIN: “Public Notice Concerning Position of Commissioner of the Erie County Water Authority”
(Chair’s Ruling)
 - f. COMM. 5D-6 (2021)
CLERK OF LEGISLATURE: “Letters of Interest & Resumes for Position of Commissioner of the Erie County Water Authority”
(Chair’s Ruling)
 - g. COMM. 6E-12 (2021)
COUNTY EXECUTIVE: “ECSD No. 3 – Engineer Term Contract Agreement”
(Chair’s Ruling)

- h. COMM. 6M-1 (2021)
NYSDEC: “Invitation for Public Comment – Brownfield Cleanup Application at 389 Manhattan Ave., Buffalo”
(Chair’s Ruling)

2. COMM. 6E-13 (2021)
COUNTY EXECUTIVE
WHEREAS, the City of Lackawanna intends to undertake road and utility reconstruction of Center Street in the City of Lackawanna (hereinafter referred to as the “Road Reconstruction Project”); and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has the opportunity to include Erie County Sewer District (ECSD) No. 6 betterments into the proposed project (hereinafter referred to as the “Sanitary Sewer Replacement Project”) within the limits of the Road Reconstruction Project; and

WHEREAS, the Division of Sewerage Management and City of Lackawanna desire to enter into a cooperative agreement to coordinate and facilitate the Road Reconstruction Project and the Sanitary Sewer Replacement Project on Center Street in order to achieve cost containment, efficiency, and minimize impact to the residents; and

WHEREAS, the Division of Sewerage Management has determined the sewer replacement project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Intermunicipal Agreement with the City of Lackawanna to facilitate the Sanitary Sewer Replacement Project, subject to approval as to form by the County Attorney’s office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Intermunicipal Agreement with the City of Lackawanna require the Sanitary Sewer Replacement Project to be included as a bid alternate in the Road Reconstruction Project; and be it further

RESOLVED, that the Intermunicipal Agreement with the City of Lackawanna further require the authorization of the Erie County Division of Sewerage Management to proceed with award of the Sanitary Sewer Replacement Project bid alternate; and be it further

RESOLVED, that authorization is hereby provided for the partial closure of a sum not to exceed \$500,000.00 from ECSD No. 6 Capital Reserve Account C.00006 for reimbursement to the City of Lackawanna for costs associated with the Sanitary Sewer Replacement Project as detailed under the terms of the Intermunicipal Agreement; and be it further

RESOLVED, the Director of Budget and Management and the County Comptroller are authorized and directed to process a residual equity transfer of up to \$500,000.00 from ECSD No. 6 Capital Reserve Account C.00006 to ECSD No. 6 Capital Account C.21601 and establish the budgets necessary to facilitate the transfer; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized and directed to increase the allocation in ECSD No. 6 Capital Account C.21601 by \$500,000.00; and be it further

RESOLVED, that any unused funds be returned to the capital reserve account and the budget be adjusted accordingly; 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, the Director of Budget and Management, the County Comptroller, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Department of Environment and Planning, Rath Building, 10th Floor.
(6-0)

3. COMM. 6E-14 (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 lead and manage many initiatives that protect and preserve our natural water resources; and

WHEREAS, the Lake Erie Watershed Protection Alliance (LEWPA) has been appropriated funds through the New York State Environmental Protection Fund managed by New York State Department of Environmental Conservation (NYSDEC) to coordinate and implement projects to improve the quality of the watershed; and

WHEREAS, the Erie County Soil and Water Conservation District (ECSWCD) is the Treasurer for LEWPA and is authorized to enter into contracts on behalf of LEWPA; and

WHEREAS, the ECSWCD wishes to execute a contract with Erie County through March 31, 2023 to retain an existing DEP Senior Environmental Compliance Specialist position and to make budget adjustments that will allow for successful completion of the scope of work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements with ECSWCD to extend the Lake Erie Watershed Protection Alliance Coordinator Contract until March 31, 2023; and be it further

RESOLVED, that the associated revenue from the Erie County Soil and Water Conservation District is hereby appropriated in a grant account in the Department of Environment and Planning (Business Area 162, Fund 281) as follows:

New York State Department of State: Regional Niagara River Lake Erie Watershed Management Plan Phase 3
(Grant Period: October 1, 2020 – September 31, 2025)
SAP Grant Account #162RNRLEWMP2025

REVENUE:

Account	Description	Current Budget	Revision	Revised Budget
409000	State Aid Revenue	\$501,000.00		\$501,000.00
409010	State Aid - Other		\$64,400.00	\$64,400.00
TOTAL REVENUE				\$565,400.00

APPROPRIATIONS:

Account	Description	Current Budget	Revision	Revised Budget
500000	Personnel Services	\$172,000.00	\$42,000.00	\$214,000.00
500030	Seasonal - Wages	\$64,500.00		\$64,500.00
502000	Fringe Benefits	\$119,500.00	\$22,400.00	\$141,900.00
505000	Supplies	\$6,500.00		\$6,500.00
510000	Local Travel & Mileage	\$1,500.00		\$1,500.00
516020	Professional Services Contract	\$137,000.00		\$137,000.00
TOTAL APPROPRIATIONS		\$501,000.00	\$64,400.00	\$565,400.00

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; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; and Bonnie L. Lawrence, Deputy Commissioner of Environment and Planning.
(6-0)

4. COMM. 6E-15 (2021)

COUNTY EXECUTIVE

WHEREAS, the United States Environmental Protection Agency (USEPA) awarded a grant to Erie County in 2016 to provide staff and other support to the Western New York Sustainable Business Roundtable (WNYSBR) titled the “Regional Impact Reduction via Western New York Sustainable Business Roundtable – Food Industry Optimization & Climate Focus”; and

WHEREAS, Erie County and the USEPA entered into a contract (SAP Account #162WNYSBR1618) as authorized by COMM. 20E-7 (2016); and

WHEREAS, the County entered into a sub-awardee contract with WNYSBR as authorized by COMM. 4E-20 (2019) for \$25,073; and

WHEREAS, a separate subcontract under this grant was completed under budget by \$1,888; and

WHEREAS, this budget change does not require approval by USEPA and does not require a change to the overall grant budget; and

WHEREAS, this budget change will enable reimbursement of allowable project expenses to the WNYSBR that would otherwise be returned by USEPA.

NOW, THEREFORE, BE IT

RESOLVED, that County Executive is authorized to increase the WNYSBR sub-agreement budget by \$1,888, from \$25,073 to a final budget of \$26,961; 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; Bonnie Lawrence, Deputy Commissioner of Environment and Planning; and P. Josh Wilson, Coordinator, Pollution Prevention Program.
(6-0)

TIMOTHY J. MEYERS
CHAIR