

June 27, 2019

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 8E-2 (2019)
MILLS: "Letter to Chair of Legislature Concerning Appointment to NYS Fish & Wildlife Management Board"
(Chair's Ruling)
 - b. COMM. 11M-2 (2019)
NIAGARA PRODUCE: "Impacts of EC "Opting In" to Bag Waste Reduction Fee"
(Chair's Ruling)
 - c. COMM. 14E-9 (2019)
COUNTY EXECUTIVE: "ECSD No. 3 – Engineer Term Contract Agreement"
(Chair's Ruling)
2. COMM. 14E-7 (2019)
COUNTY EXECUTIVE
WHEREAS, the Erie County Legislature resolved to become a Climate Smart Community (Comm. 12E-5 (2014)); and

WHEREAS, the Erie County Legislature authorized a New York State Department of Environmental Conservation (NYSDEC) grant to conduct Climate Smart Community certification activities (COMM 7E-38 (2018)); and

WHEREAS, in 2019 the Erie County Legislature formally adopted Erie County's Climate Action and Sustainability Plan for Internal Operations (COMM 3E-4); and

WHEREAS, the New York State Department of Conservation has issued a Request for Applications for Climate Smart Communities projects; and

WHEREAS, the Climate Smart Communities funding would support implementation of projects identified in Erie County's Climate Action and Sustainability Plan for Internal Operations; and

WHEREAS, New York State Department of Conservation requires a fifty percent (50%) local match in the event of a grant award; and

WHEREAS, Erie County can provide for the required match for the grant through in-kind services.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County is authorized to apply for grant funding to conduct additional Climate Smart Communities certification activities; and be it further

RESOLVED, that Erie County is also authorized to apply for grant funding to implement Climate Smart Communities projects; and be it further

RESOLVED, that in the event of a grant award, Erie County can make resources available to the project to meet the required fifty percent (50%) match through in-kind services; and be it further

RESOLVED, that certified copies of this resolution shall be provided for the County Executive; the County Attorney; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.
(6-0)

3. COMM. 14E-10 (2019)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, the State of New York, through its Department of Environmental Conservation (DEC), provides financial aid for stormwater compliance assistance projects; and

WHEREAS, the DEC granted Erie County \$417,228 to commence the WNY Stormwater Coalition (WNYSC Newly Designated Urban Area Project); and

WHEREAS, Erie County and the DEC entered into a contract (SAP Grant #162WNYSCNUAP1518) authorized by COMM. 6E-13 (2015); and

WHEREAS, the DEC has agreed to extend the term of this contract to March 31, 2020 and make budget adjustments that will allow for successful completion of the grant work; and

WHEREAS, it is necessary for the County of Erie to enter into an agreement with the Research Foundation of SUNY at Buffalo State College for student interns to assist with the WNYSC: Newly Designated Urban Area Project.

NOW, THEREFORE, BE IT

RESOLVED, that County Executive or the Deputy County Executive is authorized to execute the necessary agreements with the DEC to extend the project until March 31, 2020; and be it further

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute an agreement with the Research Foundation of SUNY at Buffalo State College for student interns in an amount not to exceed \$5,500 in grant resources; 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 Division of Environmental Compliance Services.
(6-0)

4. COMM. 14E-12 (2019)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 7E-9 (2017), Contract BVPS #3-A was awarded to Nichols, Long & Moore Construction Corp. to construct the Boston Valley Pump Station Improvements in Erie County Sewer District No. 3; 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 BVPS #3-A, in the final contract amount of \$2,488,849 which includes Change Order No. 1 (final), a decrease of (\$178,151) and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract BVPS #3-A between the County of Erie and Nichols, Long & Moore Construction Corp. (770 Riverview Blvd., Tonawanda, New York 14150) is accepted in the final contract amount of \$2,488,849 which includes Change Order No. 1 (final), a decrease of (\$178,151) and is allocated in Erie County Sewer District No. 3 Capital Project C.00062; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract BVPS #3-A, to Nichols, Long & Moore Construction Corp. for a total contract amount of \$2,488,849; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(6-0)

5. COMM. 14E-13 (2019)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning Division of Sewerage Management has initiated plans to replace sanitary sewer infrastructure including sewer pipe and manholes located in Oakwood Avenue in the Village of East Aurora (hereinafter referred to as the "Sewer Replacement Project"); and

WHEREAS, the Village of East Aurora intends to undertake road and utility reconstruction of a portion of Oakwood Avenue in the Village of East Aurora (hereinafter referred to as the "Road Reconstruction Project") which encompasses the area of the Sewer Replacement Project; and

WHEREAS, the Division of Sewerage Management and Village of East Aurora desire to enter into a cooperative agreement to coordinate and facilitate the Road Reconstruction Project and the Sewer Replacement Project on portions of Oakwood Avenue 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 Village of East Aurora to facilitate the 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 Village of East Aurora require the Sewer Replacement Project to be included as a bid alternate in the Road Reconstruction Project; and be it further

RESOLVED, that the Erie County Division of Sewerage Management be authorized to review the pricing submitted for the Sewer Replacement Project bid alternate and if acceptable, advise the Village of East Aurora regarding proceeding with award; and be it further

RESOLVED, that authorization is hereby provided for the partial closing of a sum not to exceed \$200,000 from Erie County Sewer District No. 8 Capital Reserve Project C.11801 for reimbursement to the Village of East Aurora for sewer replacement project work and a share of engineering costs as detailed under the terms of the Intermunicipal Agreement; and be it further

RESOLVED, that authorization is hereby provided for the Division of Budget and Management to process a residual equity transfer of up to \$200,000 from Erie County Sewer District No. 8 Capital Reserve Project C.11801 to Erie County Sewer District No. 8 Capital Project C.00071; and be it further

RESOLVED, that the revenue and appropriation budgets for Erie County Sewer District No. 8 Capital Project C.00071 be increased by \$200,000; and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to implement any budget adjustments necessary to facilitate these transfers; and be it further

RESOLVED, that any unused funds be returned to the capital reserve project and that 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, and Kristen Walder, Assistant County Attorney; and two (2) certified copies to Joseph L. Fiegl, P.E., Department of Environment and Planning, Rath Building, 10th Floor.
(6-0)

6. COMM. 14E-14 (2019)
COUNTY EXECUTIVE

WHEREAS, the County is seeking to formalize a 1.5 acre area within Como Lake Park as a Bark Park; and

WHEREAS, the Lancaster community has steadily requested a Bark Park in the area, including submitting a petition with over 200 signatures; and

WHEREAS, Lancaster Unleashed, Inc. has already raised \$18,000 to open the Bark Park; and

WHEREAS, the County would like to formally open the Bark Park as soon as possible, while promoting it as such; and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute an agreement with Lancaster Unleashed, Inc. for the purpose of maintaining and operating the Bark Park within the County's Como Lake Park in the Town of Lancaster; and be it further

RESOLVED, that unless agreed upon separately, costs associated with the license agreement will be the responsibility of Lancaster Unleashed, Inc.; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive; the Commissioner of the Department of Environment and Planning; the Commissioner of Parks, Recreation and Forestry; the Director of the Division of Budget and Management; the Comptroller's Office and the County Attorney.
(6-0)

TIMOTHY MEYERS
CHAIR