

September 14, 2017

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 13

ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 13M-10 (2016)
TOWN OF LANCASTER: “Town Resolution Regarding Support for Como Lake to Remain a Lake”
(Chair’s Motion)
 - b. COMM. 19E-11 (2016)
COUNTY EXECUTIVE: “Community Solar Project - MOU Regarding Preliminary Community Solar Evaluation”
(Chair’s Motion)
 - c. COMM. 16E-13 (2017)
COUNTY EXECUTIVE: “EC Sewer District Nos. 1-6 & 8 - Section 271 Resolutions”
(Chair’s Motion)
2. COMM. 16E-9 (2017)
COUNTY EXECUTIVE
WHEREAS, Erie County Sewer District (ECSD) Nos. 3 and 6 will be working on improvements to the Southtowns Water Resource Recovery Facility, Bethlehem Park Pumping Station, and Seal Street Pumping Station; and

WHEREAS, the partial closing of ECSD Nos. 3 and 6 capital reserve projects C.00007 and C.00006, respectively, will help to fund the aforementioned improvements; and

WHEREAS, the use of said capital reserve funds will allow for implementation of these improvements without incurring long-term financing costs.

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the partial closings of up to \$300,000 in capital reserve project C.00007 in Erie County Sewer District (ECSD) No. 3 and up to \$80,000 in capital reserve project C.00006 in ECSD No. 6 to assist with the necessary improvements in each respective district; and be it further

RESOLVED, that authorization is hereby provided for the Division of Budget and Management to process residual equity transfers of up to \$300,000 from the ECSD No. 3 capital reserve project, WBS element C.00007.95, funds center 183, fund 430, GL 570000 – Interfund Transfer-Subsidy and up to \$80,000 from the ECSD No. 6 capital reserve project, WBS element C.00006.95, funds center 186, fund 430, GL 570000 – Interfund Transfer-Subsidy and increase the revenues and appropriations in the respective 2017 ECSD operating budgets as follows:

ECSD No. 3, Funds Center 183, Fund 220

REVENUE	INCREASE
486010 – Residual Equity Transfer-In	<u>\$300,000</u>
TOTAL REVENUE	\$300,000

APPROPRIATIONS	INCREASE
516020 – Professional Services	\$200,000
561410 – Lab and Technical Equipment	<u>\$100,000</u>
TOTAL APPROPRIATIONS	\$300,000

ECSD No. 6, Funds Center 186, Fund 220

REVENUE	INCREASE
486010 – Residual Equity Transfer-In	<u>\$80,000</u>
TOTAL REVENUE	\$80,000

APPROPRIATIONS	INCREASE
561410 – Lab and Technical Equipment	<u>\$80,000</u>
TOTAL APPROPRIATIONS	\$80,000

and be it further

RESOLVED, that the Director of 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 respective capital reserve projects and the operating budgets be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this Resolution to the County Executive, the Erie County Comptroller, and the Director of the Division of

Budget and Management; and two (2) certified copies to Joseph L. Fiegl, P.E. Department of Environment and Planning, Division of Sewerage Management.
(6-0)

3. COMM. 16E-10 (2017)
COUNTY EXECUTIVE

WHEREAS, Erie County Sewer District No. 3 is undertaking an improvement project at the Boston Valley Pump Station pursuant to Legislative Comm. 7E-9 (2017); and

WHEREAS, the Erie County Division of Sewerage Management identified the need to repair 80 linear feet of 24-inch diameter storm sewer within the New York State Department of Transportation (NYSDOT) right of way along State Route 391 in Hamburg, NY to facilitate proper drainage from the site during construction activities; and

WHEREAS, the Erie County Division of Sewerage Management provided the services, materials, and equipment required to install 80 linear feet of 24-inch diameter storm pipe under Contract No. BVPS #3-A (General/Mechanical), with the exception of the pipe material provided by NYSDOT; and

WHEREAS, entering into a NYSDOT Shared Services Agreement for replacement of the storm sewer will allow for NYSDOT to perform work of similar cost in the future for the County.

NOW, THEREFORE BE IT

RESOLVED, that the Commissioner of the Erie County Department of Environment and Planning is hereby authorized to sign the NYSDOT Shared Services Agreement for the aforementioned work; 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)

4. COMM. 16E-11 (2017)
COUNTY EXECUTIVE

WHEREAS, the Division of Sewerage Management identified that additional funds are needed to pay for laboratory supplies/personal protective equipment, maintenance contracts, and rental charges for the remainder of the year; and

WHEREAS, the Division of Sewerage Management analyzed the budget and expenses and determined that surpluses will exist in Accounts 505600 – Auto, Truck, and Heavy Equipment Supplies, 516020 – Professional Service Contracts and Fees, and 555050 – Insurance Premiums; and

WHEREAS, a transfer of funds from accounts with surplus funds will allow ECSD No. 3 to maintain daily operations with no net impact on the 2017 budget.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature does hereby approve the following transactions within the accounts of Erie County Sewer District No. 3:

DIVISION OF SEWERAGE MANAGEMENT
ERIE COUNTY DISTRICT NO. 3
FUND CENTER – 18310
FUND 220

<u>INCREASE:</u>	<u>AMOUNT</u>
505800 Medical and Health Supplies	\$15,000
516030 Maintenance Contracts	5,000
545000 Rental Charges	<u>50,000</u>
Total	<u>\$70,000</u>
<u>DECREASE:</u>	<u>AMOUNT</u>
505600 Auto, Truck, & Heavy Equipment Supplies	\$25,000
516020 Professional Service Contracts and Fees	40,000
555050 Insurance Premiums	<u>5,000</u>
Total	<u>\$70,000</u>

; and be it further

RESOLVED, that authorization is hereby granted for the County Comptroller and/or the Director of the Division of Budget and Management to make any required budgetary adjustments to implement the actions and appropriations in this resolution; and be it further

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

5. COMM. 16E-12 (2017)
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, DEP is committed to coordinate, oversee, and support work towards the delisting of the Buffalo River as a Great Lakes Area of Concern (AOC); 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 USEPA approached DEP to apply for the USEPA's Great Lakes Restoration Initiative funding for continuing local coordination of the Buffalo River Remedial Action Plan (RAP) and implementing and protecting habitat restoration projects; and

WHEREAS, Buffalo Niagara Riverkeeper, through their past experience successfully managing and coordinating the Buffalo River RAP, was identified in the USEPA approved work plan as a Sub-Awardee to Erie County to provide these professional services; and

WHEREAS, additional professional services will be utilized for competitive bidding of invasive species management and maintenance; and

WHEREAS, the USEPA awarded Erie County a Great Lakes Restoration Initiative of \$546,020 to complete a one-year Erie County Buffalo River RAP Project Management Project, the first year of a two-year grant commitment; and

WHEREAS, a 23.26% local match is required and will be provided by Erie County DEP staff in-kind; and

WHEREAS, the addition of this Buffalo River AOC RAP Coordination initiative necessitates the execution of a contract with the USEPA and Buffalo Niagara Riverkeeper; the adoption of a grant budget; the transfer of a Senior Environmental Compliance Specialist (JG-12) position from the Buffalo River RAP Project Management grant 162BRRPM0916 to the new grant and the creation of a General Crew Chief – Parks (JG-11).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$546,020 from the United States Environmental Protection Agency (USEPA) for the purpose of establishing a one-year Erie County Buffalo River Remedial Action Plan (RAP) Project Management grant, the first year of a two-year grant commitment; and be it further

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to contract with Buffalo Niagara Riverkeeper for a sub-award not to exceed \$149,923 from the USEPA for the purpose of managing the Buffalo River RAP, coordinating the Remedial Action Committee and Area of Concern (AOC) delisting documents; and be it further

RESOLVED, that the grant budget and project period for the USEPA Great Lakes Restoration Initiative grant is hereby created in the Department of Environment and Planning, business area 162, fund 281 as follows:

Erie County Buffalo River RAP Project Management
SAP Grant Account #162BUFRIVERRAP1718
October 1, 2017 – September 30, 2018

REVENUE

<u>Account</u>	<u>Description</u>	<u>Amount</u>
414000	Federal Aid Revenue	\$546,020
TOTAL REVENUE		\$546,020

APPROPRIATIONS

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Full Time Salaries	\$ 69,600
502000	Fringe Benefits	\$ 44,376
510100	Out of Area Travel	\$ 2,000
505000	Office Supplies	\$ 1,500
510200	Training and Education	\$ 1,000
516020	Professional Services	\$329,288
916400	ID Parks Services	<u>\$ 98,256</u>
TOTAL APPROPRIATIONS		\$546,020

and be it further

RESOLVED, that the following position, which is 100% grant funded, will be transferred from the Buffalo River RAP Project Management grant 162BRRRPM0916, business area 162, fund 281 into the newly created grant 162BUFRIVERRAP1718 upon consumption of the budget in the current grant:

Senior Environmental Compliance Specialist (JG-12)
B-100 # 9515, Budgeted Annual Salary: \$69,600

and be it further

RESOLVED, that the following position, which will be 100% reimbursed via ID billing from the newly created grant 162BUFRIVERRAP1718, be created in the Department of Parks, Recreation and Forestry, business area 164, fund 110 for the duration of the grant commitment:

General Crew Chief – Parks (JG-11)
B-100 # 9631, Budgeted Annual Salary: \$60,000

and be it further

RESOLVED, that the 2017 and 2018 Operating Budgets for the Department of Parks, Recreation and Forestry be increased as follows:

2017 Budget
Funds Center 16410, Fund 110
October 1, 2017 – December 31, 2017

APPROPRIATIONS

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Full Time Salaries	\$15,000
502000	Fringe Benefits	\$9,564
916400	ID Parks Services	<u>(\$24,564)</u>
TOTAL APPROPRIATIONS		\$0

2018 Budget
Funds Center 16410, Fund 110
January 1, 2018 – September 30, 2018

APPROPRIATIONS

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Full Time Salaries	\$45,000
502000	Fringe Benefits	\$28,692

916400	ID Parks Services	<u>(\$73,692)</u>
TOTAL APPROPRIATIONS		\$0

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 Environment and Planning; Daniel Rizzo, Commissioner of Parks and Recreation; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning. (6-0)

TED B. MORTON
CHAIR