

THE ERIE COUNTY LEGISLATURE

**ENERGY &  
ENVIRONMENT  
COMMITTEE**

Timothy J. Meyers  
*Chair*

Jeanne M. Vinal  
*Vice-Chair*

Meeting No. 16 – December 9, 2021 –  
11:00 AM

TAB R&F APP

|    |  |  |  |  |  |
|----|--|--|--|--|--|
| 1. | <a href="#"><u>INTRO. 10-2 (2021)</u></a><br>Session 10  | <b>MILLS</b><br><i>“Support for Amendments to NYS Conservation Law Halting the Construction of New Wind Turbines on, or in, Freshwater Bodies of Water”</i>                  |  |  |  |
| 2. | <a href="#"><u>COMM. 13M-2 (2021)</u></a><br>Session 13  | <b>CITIZENS CAMPAIGN FOR THE ENVIRONMENT</b><br><i>“Letter to Legislature Regarding Moratorium on Wind Turbines in the Great Lakes”</i>                                      |  |  |  |
| 3. | <a href="#"><u>INTRO. 16-6 (2021)</u></a><br>Session 16  | <b>MILLS, LORIGO, GREENE &amp; TODARO</b><br><i>“Support for a Full Cost-Benefit Analysis of the Technical &amp; Economic Feasibility of Renewable Energy Systems in NY”</i> |  |  |  |
| 4. | <a href="#"><u>COMM. 16E-21 (2021)</u></a><br>Session 16 | <b>COUNTY EXECUTIVE</b><br><i>“ECSD Nos. 1-6 &amp; 8 - User Charges - 2022”</i>  |  |  |  |
| 5. | <a href="#"><u>COMM. 19E-8 (2021)</u></a><br>Session 19  | <b>COUNTY EXECUTIVE</b><br><i>“ECSD No. 6 - Engineering Term Contract Agreement - AECOM-3”</i>   |  |  |  |

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| 6.  | <a href="#"><u>COMM. 19E-9 (2021)</u></a><br>Session 19                                    | <b>COUNTY EXECUTIVE</b><br><i>“ECSD No. 6 - Engineering Term Contract Agreement - GP-1”</i>   |  |  |  |
| 7.  | <a href="#"><u>COMM. 20D-4 (2021)</u></a><br>Session 20                                    | <b>COMMISSIONER, ENVIRONMENT &amp; PLANNING</b><br><i>“Letter to Chair of Legislature Regarding Appointment to EC Agricultural &amp; Farmland Protection Board”</i> |  |  |  |
| 8.  | <a href="#"><u>COMM. 20M-2 (2021)</u></a><br>Session 20<br>• <a href="#"><u>Part 2</u></a> | <b>EC AGRICULTURAL &amp; FARMLAND PROTECTION BOARD</b><br><i>“2021 AFPB Report”</i>   |  |  |  |
| 9.  | <a href="#"><u>COMM. 21E-8 (2021)</u></a><br>Session 21                                    | <b>COUNTY EXECUTIVE</b><br><i>“Buffalo River Area of Concern Habitat Restoration - Revision &amp; Contract Amendment”</i>   |  |  |  |
| 10. | <a href="#"><u>COMM. 21E-9 (2021)</u></a><br>Session 21                                    | <b>COUNTY EXECUTIVE</b><br><i>“ECSD No. 3 - Assistance w/Air Permit Requirements Engineering Term Agreement”</i>  |  |  |  |
| 11. | <a href="#"><u>COMM. 21E-10 (2021)</u></a><br>Session 21                                   | <b>COUNTY EXECUTIVE</b><br><i>“ECSD Board of Managers Appointments”</i>   |  |  |  |
| 12. | <a href="#"><u>COMM. 21D-3 (2021)</u></a><br>Session 21                                    | <b>CLERK OF LEGISLATURE</b><br><i>“Public Hearing Minutes for ECSD Nos. 1-6 &amp; 8 2021 Assessment Rolls”</i>  |  |  |  |

Energy & Environment Committee  
Meeting No. 16

TAB R&F APP

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| 13. | <a href="#"><u>COMM. 21M-1 (2021)</u></a><br>Session 21  | <b>ECWA</b><br><i>“Minutes of Meeting Held on 10/28/2021”</i>   |  |  |  |
| 14. | <a href="#"><u>COMM. 21M-2 (2021)</u></a><br>Session 21  | <b>ASSOC. OF COUNTY GOVERNMENTS</b><br><i>“Certified Copy of Resolution Approved at Meeting Held on 10/28/2021”</i> |  |  |  |
| 15. | <a href="#"><u>COMM. 24E-12 (2021)</u></a><br>Session 24 | <b>COUNTY EXECUTIVE</b><br><i>“Community Climate Action Plan &amp; Professional Services Term Agreement”</i>        |  |  |  |
| 16. | <a href="#"><u>COMM. 24E-16 (2021)</u></a><br>Session 24 | <b>COUNTY EXECUTIVE</b><br><i>“Notice of Adoption of 2021 Assessment Rolls”</i>                                     |  |  |  |
| 17. | <a href="#"><u>COMM. 24E-17 (2021)</u></a><br>Session 24 | <b>COUNTY EXECUTIVE</b><br><i>“ECSD No. 6 - Engineering Term Contract Agreement - Work Order: AECOM-4”</i>          |  |  |  |
| 18. | <a href="#"><u>COMM. 24E-18 (2021)</u></a><br>Session 24 | <b>COUNTY EXECUTIVE</b><br><i>“ECSD No. 6 - Engineering Term Contract Agreement - Work Order: GP-2”</i>             |  |  |  |
| 19. | <a href="#"><u>COMM. 24E-19 (2021)</u></a><br>Session 24 | <b>COUNTY EXECUTIVE</b><br><i>“ECSD No. 3 - Bid Opening”</i>  |  |  |  |
| 20. | <a href="#"><u>COMM. 24E-20 (2021)</u></a><br>Session 24 | <b>COUNTY EXECUTIVE</b><br><i>“ECSD No. 3 - Engineer Term Contract Agreement”</i>                                   |  |  |  |
| 21. | <a href="#"><u>COMM. 24E-21 (2021)</u></a><br>Session 24 | <b>COUNTY EXECUTIVE</b><br><i>“ECSD No. 4 - Contract Close Out”</i>   |  |  |  |

TAB R&F APP

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| 22. | <a href="#"><u>COMM. 24E-22 (2021)</u></a><br>Session 24 | <b>COUNTY EXECUTIVE</b><br><i>“ECSD - Low Income<br/>Household Water Assistance<br/>Program”</i> |  |  |  |
|-----|--|--|--|--|--|

LEGISLATOR MILLS

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR MILLS**

**Re: Support for Amendments to NYS Conservation Law Halting the Construction of New Wind Turbines on or in Freshwater Bodies of Water**

**WHEREAS**, protecting Erie County's fresh water supply has been, and must continue to be, a top priority of this honorable body. The lakes and rivers in and around Erie County not only provide fresh drinking water to our region but they are a source of natural beauty and recreation for both residents and non-residents alike; and

**WHEREAS**, recently, there has been a concerted effort to construct wind turbines in and on major bodies of water across the state by bypassing input of local municipal officials and community members; and

**WHEREAS**, wind turbine reliance on ever-shifting and uncontrollable sources of wind to provide electricity have not proved to be the most sustainable and efficient method of generating renewable energy; and

**WHEREAS**, wind turbine farms are expansive construction projects that ruin sightlines, often along the shore of bodies of water, and impact fishing areas when located in bodies of water; and

**WHEREAS**, Lake Erie provides drinking water to over 11 million people. Dredging up the lake bed could release contaminants that have been buried there for decades, which would negatively impact the quality of the water we have worked so hard to protect; and

**WHEREAS**, significant portions of wind turbine blades and expired motors cannot be recycled at the end of their lifespan due to the method and materials they are constructed from. This is leading to massive numbers of expired wind turbines being shipped off to landfills to be permanently buried; and

**WHEREAS**, wind turbines negatively impact the quality of life for residents immediately adjacent to their location, have been found to kill wildlife, and studies have suggested a negative impact on aquatic life; and

**WHEREAS**, Senator George Borrello of Jamestown has introduced legislation to the New York State Senate to place a moratorium on the construction of new wind turbines in bodies of freshwater in New York State; and

**WHEREAS**, the threat to native wildlife, be it migratory birds or mammals or aquatic life, is significant and needs to be taken into account. The marring of otherwise pristine landscapes and the resultant depreciation of property values adjacent to wind farm projects is a significant issue for residents who live in the area and the tourism industry; and

**WHEREAS**, it is imperative that this honorable body support a moratorium on the construction of new wind turbines in Lake Erie and other bodies of fresh water in Erie County and that local communities are given appropriate input on any projects being considered.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that this honorable body hereby supports Senate Bill 6314 (2021), which seeks to impose a moratorium on the construction of new wind turbines on freshwater bodies of water in New York State; and, be it further

**RESOLVED**, that certified copies of this resolution be sent to the Western New York delegation to the New York State Senate and Assembly, Governor Andrew Cuomo, and any other party deemed necessary and proper.

Fiscal Impact: None for resolution

Citizens Campaign for the Environment • I.U.O.E. Local 17 •  
Ironworkers Local #6 • New York League of Conservation Voters • NY  
Offshore Wind Alliance • Sierra Club Niagara Group • Western New  
York Environmental Alliance

June 9, 2021

Honorable members of the Erie County Legislature:

We, the undersigned organizations, respectfully urge the Erie County legislature to reject a proposed resolution in support of a moratorium on installing wind turbines in the Great Lakes and other bodies of fresh water in the state. The decision on whether to site wind turbines in the Great Lakes should be based on facts and science, not myths or a fear of the unknown. New York State's ongoing Great Lakes wind feasibility study and subsequent (if determined feasible) site-specific environmental review for proposed projects will be substantive and will allow for a meaningful discussion on potential benefits, concerns, and mitigation options.

In 2019, New York State passed the Climate Leadership and Community Protection Act (CLCPA), which mandates 70% renewable energy by 2030, and carbon-free electricity by 2040. To meet these ambitious targets, the state must consider a broad range of renewable energy options, including offshore wind. New York currently has more than 4 gigawatts (GW) of offshore wind under development off the Atlantic coast, however, no offshore wind projects are fully permitted or under construction. Yet a recent study by the Brattle Group estimates that the state will need to generate 25GW of offshore wind (34% of New York's load) to meet its 2040 standard of a zero-emission grid.

The New York State Energy and Research Development Authority (NYSERDA) is currently conducting a feasibility study on Great Lakes wind, which is looking at potential environmental impacts, regulatory processes, available technologies, grid interconnectivity, port use and business opportunities, current lake uses, visual impacts, and more. NYSERDA is conducting virtual public meetings to provide the public with updates on the study, and is seeking public comment throughout the process, including an upcoming public meeting on June 9, 2021. We encourage members of the Erie County legislature to participate in this process. The feasibility study is expected to be completed by the end of 2021.

Furthermore, if the state determines that Great Lakes wind is a feasible option to help meet the goals of the CLCPA and issues an RFP for a Great Lakes wind project, developers will have to conduct a site-specific environmental review before construction is permitted. The review will include numerous state and federal agencies, address concerns raised in the resolution, and provide ample opportunities for public input.

This resolution needlessly identifies Erie County as an anti-wind community *before* the public has critical, science-based information that is needed to make an informed decision. We urge you to oppose this counter-productive resolution, and instead, participate in the state's ongoing process to consider the feasibility of Great Lakes wind. Thank you for your consideration.

Please feel free to reach out to Brian Smith of Citizens Campaign for the Environment at 716-831-3206 with any questions or to discuss this issue further.

Sincerely,

Brian Smith  
Associate Executive Director  
Citizens Campaign for the Environment

Julie Tighe  
President  
New York League of Conservation Voters

Joe Martens  
Director  
NY Offshore Wind Alliance

Gary Swain  
Business Manager  
I.U.O.E. Local 17

Sara Schultz  
Chair  
Sierra Club Niagara Group

John Whitney  
Chair  
Western New York Environmental Alliance

Thomas Halligan  
Business Manager  
Ironworkers Local #6

cc: County Executive Mark Poloncarz



**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MILLS, LORIGO, GREENE, AND TODARO**

**Re: Support for a Full Cost Benefit Analysis of the Technical and Economic Feasibility of Renewable Energy Systems in New York**

**WHEREAS**, earlier this year the Climate and Community Investment Act was introduced in an attempt to charge polluters a fee for emissions they produce. The funds would then be spent on investments to meet the emissions numbers established by the Climate Leadership and Community Protection Act; and

**WHEREAS**, testimony during hearings on that bill showed that the Climate and Community Investment Act would add a 55 cent per gallon increase to the cost of gasoline and up to a 26% increase in natural gas costs, based on historical usage; and

**WHEREAS**, too often government enters into projects based on promises without concrete analysis. The Climate and Community Investment act sounds good on paper. However, the proponents of the Act ignore the real-world impacts of their proposal, including a further reliance on less than perfect “green” technologies and significant cost of living increases for New York residents; and

**WHEREAS**, Senator Borrello and Assemblyman Goodell have introduced a bill that would require the Public Service Commission and NYSERDA to conduct a full cost-benefit analysis of renewable energy systems and compare those costs to other ways of producing electricity; and

**WHEREAS**, such a study could provide the financial and environmental impacts of changing to alternative energy sources and it could serve as a baseline for future years to determine which alternatives are the most efficient, financially sustainable, and appropriate for residents of New York State; and

**WHEREAS**, studying and publishing the financial impacts of decisions related to combatting climate change is essential to ensuring the competitiveness of New York State and validating the transition to a more sustainable future.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that this honorable body supports a reasonable transition to a cleaner future and a cost benefit analysis that compares new alternative energy sources to existing energy sources; and, be it further

**RESOLVED**, that this honorable body hereby supports Senate Bill S7321 and Assembly bill A7524

**RESOLVED**, that certified copies of this resolution are sent to Western New York Delegation to the New York State Senate and Assembly, and any other party deemed necessary and proper.

Fiscal Impact: None for resolution



EC LEG SEP 1 '21 PM12:45

# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

August 31, 2021

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: Erie County Sewer District Nos. 1-6 & 8  
User Charges - 2022**

Honorable Members:

The Department of Environment and Planning's Division of Sewerage Management is in the process of developing the Erie County Sewer District 2022 user charge rates for Erie County Sewer Districts.

In order to adopt these rates after completion of the required procedures, we respectfully request this item be placed on the agenda of the Energy and Environment Committee. The Department will provide the necessary suggested resolution for your review and approval after completion of the necessary steps.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark Poloncarz, Esq.  
Erie County Executive

MCP:mas

Cc: J. Fiegl – Deputy Commissioner, Division of Sewerage Management

December 3, 2021

Erie County Legislature  
92 Franklin Street – Fourth Floor  
Buffalo, New York 14202

**RE: Amendment: Legislative Comm. 16E-21 (2021)  
Erie County Sewer District Nos. 1-6 & 8  
User Charges – 2022**

Dear Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning pertaining to 2022 User Charges for the Erie County Sewer Districts.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP:bp  
Encl.

Cc: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Erie County Department of Environment & Planning  
**Re:** Amendment: Legislative Comm. 16E-21 (2021)  
Erie County Sewer District Nos. 1-6 & 8  
User Charges – 2022  
**Date:** December 3, 2021

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### **SUMMARY**

It is requested that the Erie County Legislature approve authorizing and directing the Director of Real Property Services to spread Sewer District User Charges or Fees against properties within Erie County Sewer District (ECSD) Nos. 1-6 & 8.

### **FISCAL IMPLICATIONS**

There are no fiscal implications to the County's General Fund. However, a substantial source of revenue is received from the User Charges for ECSD operations.

### **REASONS FOR RECOMENDATION**

Without approval of the attached resolution, the ECSDs would have to increase their respective tax levies or send out separate billings for the User Charges, which would add a significant cost to the operation of the Districts.

### **BACKGROUND INFORMATION**

The ECSDs are primarily funded by sewer district levies and/or through User Charges or Fees. Since the County is already required by Law to levy sewer district assessments, there are no additional costs in collecting the User Charges or Fees as part of the annual tax bills. These charges have been collected in this manner since the User Charge System was first initiated by the ECSDs in 1981.

### **CONSEQUENCES OF NEGATIVE ACTION**

The ECSDs would have to send out separate individual billings to the properties required to pay the User Charges or Fees. This would result in substantial additional costs to the Sewer Districts.

### **STEPS FOLLOWING APPROVAL**

1. The Director of Real Property Tax Services will spread said charges on the appropriate parcels of lands within the various ECSDs.
2. The Receiver of Taxes will collect the appropriate sums from the various parcels within the ECSDs and transfer them to the County with collection of the annual taxes.
3. The Sewer Districts will have sufficient appropriations to meet their budgetary expenditures for the next budget year.

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Amendment: Legislative Comm. 16E-21 (2021)  
Erie County Sewer District Nos. 1-6 & 8  
User Charges – 2022

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.



EC LEG OCT 18 '21 PM 2:50

# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

October 15, 2021

Erie County Legislature  
92 Franklin Street – 4th Floor  
Buffalo, NY 14202

**RE: Erie County Sewer District No. 6  
Engineering Term Contract Agreement  
AECOM USA, Inc.  
Work Order: AECOM-3**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, for the issuance of a work order as authorized by the resolution passed by the Erie County Legislature on November 21, 2019, related to 3-year Term Agreements.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP: mas

Enclosure

cc: J. Fiegl – Deputy Commissioner, Division of Sewerage Management

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Erie County Sewer District No. 6  
Engineer Term Contract Agreement  
AECOM USA, Inc.  
Work Order: AECOM-3  
**Date:** October 15, 2021

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### **SUMMARY**

The Erie County Legislature is requested to receive and file this communication pertaining to the Department of Environment and Planning's issuance of a work order with AECOM USA, Inc. (AECOM) for Erie County Sewer District (ECSD) No.6 in an amount not to exceed \$69,500.31.

### **FISCAL IMPLICATIONS**

There will be no impact to the County's General Fund. The cost of the engineering work related to this communication will be paid from Capital Account No. C.21150 (American Rescue Plan funds).

### **REASONS FOR RECOMMENDATION**

The Division of Sewerage Management has issued work order AECOM-3 to AECOM to provide Engineering Services associated with providing 60% design plans and specifications for the anaerobic digester improvements and upgrades at the Lackawanna Water Resource Recovery Facility (WRRF) in ECSD No. 6.

### **BACKGROUND INFORMATION**

On November 21, 2019, the Erie County Legislature passed a resolution authorizing a 3-year Term Agreement with AECOM for Engineering Services for small and/or time critical projects. At the time of the contract award, the Division of Sewerage Management committed to notifying the Honorable Legislature of each work order issued.

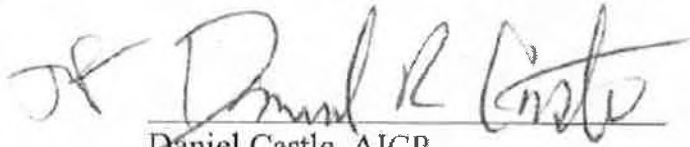
The Term Agreement was approved to provide the Division of Sewerage Management with engineering services required to complete various initiatives throughout the ECSDs. For this work order, AECOM will provide 60% drawings and specifications for the anaerobic digester improvements and upgrades at this WRRF. This work is anticipated to be part of a phased approach to implement the overall project.

### **CONSEQUENCES OF NEGATIVE ACTION**

This is a receive and file item.

### **STEPS TO FOLLOW APPROVAL**

This is a receive and file item.

JF 

Daniel Castle, AICP  
Commissioner

MAS: bp  
Encl.

Cc: J. Fiegl/D. Millar/M. Salah/0.3.2.AECOM(20-22)



**ERIE COUNTY SEWER DISTRICT NO. 6  
WORK ORDER NO. AECOM-3**

**ENGINEER:** AECOM USA, Inc.

**CONTRACT DATE:** November 21, 2019

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**1. Title of Proposal:**

Provide 60% engineering drawings and specifications for the anaerobic digester improvements at the Lackawanna WRRF in ECSD No. 6.

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**2. Company/Address/Principal In-Charge:**

Jeffrey Tudini, P.E.  
AECOM USA, Inc.  
257 West Genesee St, Suite 400  
Buffalo, NY 14202

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**3. Effective Dates of Proposal:**

September 27, 2021

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**4. Brief Description of Work for Which Proposal is Submitted:**

The engineer will provide 60% engineering drawings and specifications for the anaerobic digester improvements at the Lackawanna WRRF in ECSD No. 6 and as detailed in AECOM's letter, dated September 27, 2021.

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**5. Engineering Cost:**

\$69,500.31

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**6. Source of Funds:**

Capital Account No. C.21150 (American Rescue Plan funds)

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**7. Project No:** AECOM-3

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**8. Attachments:** AECOM letter dated 9/27/2021 ( 7 pages)

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**9. File:** 0.3.2. AECOM (20-22) Eng.

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DATE: September 27, 2021

Accepted By: \_\_\_\_\_

Prepared By: \_\_\_\_\_

Matt A. Salah, P.E.

Authorized By: \_\_\_\_\_

Joseph Fiegl, P.E., BCEE  
Deputy Commissioner



EC LEG OCT 18 '21 PM 2:50

# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

October 15, 2021

Erie County Legislature  
92 Franklin Street – 4th Floor  
Buffalo, NY 14202

**RE: Erie County Sewer District No. 6  
Engineering Term Contract Agreement  
Greenman-Pederson, Inc.  
Work Order: GP-1**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, for the issuance of a work order as authorized by the resolution passed by the Erie County Legislature on July 22, 2021, related to Engineering Term Agreements.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in black ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP:mas  
Enclosure

cc: J. Fiegl – Deputy Commissioner, Division of Sewerage Management

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Erie County Sewer District No. 6  
Engineer Term Contract Agreement  
Greenman-Pederson, Inc.  
Work Order: GP-1  
**Date:** October 15, 2021

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### **SUMMARY**

The Erie County Legislature is requested to receive and file this communication pertaining to the Department of Environment and Planning's issuance of a work order with Greenman-Pederson Inc. (GPI) for Erie County Sewer District (ECSD) No. 6 in an amount not to exceed \$26,705.56.

### **FISCAL IMPLICATIONS**

There will be no impact to the County's General Fund. The cost of the engineering work related to this communication will be paid from Capital Account No. C.21150 (American Rescue Plan funds).

### **REASONS FOR RECOMMENDATION**

The Division of Sewerage Management has issued work order GP-1 to GPI to provide design drawings and specifications associated with the Dorrance Avenue pumping station improvements project in ECSD No. 6.

### **BACKGROUND INFORMATION**

On July 22, 2021, the Erie County Legislature passed a resolution authorizing a Term Agreement with GPI to provide engineering services for small and/or time critical projects. At the time of the contract award, the Division of Sewerage Management committed to notifying the Honorable Legislature of each work order issued.

The Term Agreement was approved to provide the Division of Sewerage Management with engineering services required to complete various initiatives throughout the ECSDs. GPI will develop design drawings and specifications for the Dorrance Avenue pumping station improvements project in ECSD No. 6.

### **CONSEQUENCES OF NEGATIVE ACTION**


This is a receive and file item.

### **STEPS TO FOLLOW APPROVAL**

This is a receive and file item.

**COMPTROLLER'S OFFICE REVIEW**

The proposed action has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.

Signed  Date 10/14/21  
Title Cheryl MekarSKI  
Deputy Comptroller

**Work Order: GPI-1**  
**Capital Account No. C.21150**

**ERIE COUNTY SEWER DISTRICT NO. 6  
WORK ORDER NO. GP-1**

**ENGINEER:** Greenman-Pederson, Inc.

**CONTRACT DATE:** July 22, 2021

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**1. Title of Proposal:**

Provide design drawings for the Dorrance Ave. pumping station improvements project in ECSD No. 6.

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**2. Company/Address/Principal In-Charge:**

David Pratt, P.E.  
Greenman-Pederson, Inc.  
4950 Genesee Street, Suite 100.  
Buffalo, NY 14225

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**3. Effective Dates of Proposal:**

October 12, 2021

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**4. Brief Description of Work for Which Proposal is Submitted:**

The engineer will provide design drawings and specifications for the Dorrance Ave pumping station improvements project in ECSD No. 6 and as detailed in GPI's letter, dated October 28, 2021.

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**5. Engineering Total Cost:**

\$26,705.56

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**6. Source of Funds:**

7. Capital Account No. C.21150 (American Rescue Plan funds)

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**8. Project No:** GPI-1

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**9. Attachments:** GPI letter dated 10/12/2021 (5 pages)

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**10. File:** 0.3.2. GPI (21-22) Eng.

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DATE: October 12, 2021

Accepted By: \_\_\_\_\_

Prepared By: \_\_\_\_\_  
Matt A. Salah, P.E.

Authorized By: \_\_\_\_\_  
Joseph Fiegl, P.E., BCEE  
Deputy Commissioner



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING  
OFFICE OF THE COMMISSIONER

DANIEL CASTLE, AICP  
COMMISSIONER

October 27, 2021

The Honorable April N.M. Baskin  
Chair, Erie County Legislature  
Old County Hall  
92 Franklin Street, Fourth Floor  
Buffalo, NY 14202

Dear Chairperson Baskin:

As you know the Erie County Agricultural and Farmland Protection Board (AFPB) is an important advisory body whose purpose is to advise the Erie County Legislature on agricultural matters.

In accordance with New York State Agricultural and Markets Law, Article 25-AA, Section 302, members of the AFPB are to be appointed by the Chairperson of the County Legislative Body.

The Board kindly asks the Chairperson to appoint Bryant Zilke and Leonard Janiga to the Erie County AFPB. Please see the attached cover letters and resumes of Mr. Zilke and Janiga.

Very truly yours,

A handwritten signature in black ink that reads "Daniel Castle". The signature is written in a cursive style and is positioned above the printed name of the Commissioner.

DANIEL CASTLE, AICP  
COMMISSIONER

DC/seg  
Enclosures (4)

Cc: Mark Rountree  
Sarah Gatti

Ms. Sarah Gatti  
Senior Planner  
Erie County Department of Environment and Planning  
95 Franklin Street  
Buffalo, New York 14202

Dear Sarah,

I am requesting reappointment to the Erie County Agriculture and Farmland Protection Board.

I am a lifelong farmer in Erie County for the last 54 years, and along with my wife Mabel we raised nine children. We started with a dairy farm and now do cash crops and beef on approximately 700 acres in the Town of Marilla. Of those acres, we own 300 acre and 230 are protected by the PACE program. We grow wheat, soybeans, corn, hay, processing peas, snap beans, pumpkins, and sweet corn. I am joined by one son working in the business.

I have served in many farm organizations such as Farm Bureau, Cornell Cooperative Extension of Erie County, the Marilla Conservation Advisory Board, and currently as a member of the Town of Marilla Zoning Board of Appeals.

I feel I have been an excellent member of this Board as I have firsthand knowledge of protecting farmland in an urban county, like Erie County. I am still active at preserving farmland for future generations.

Thank you for your consideration.

Thank you,  
Leonard Janiga

**Leonard Janiga**  
11121 Jamison Road  
East Aurora, NY 14052

Objective: Reappointment to the Erie County Agriculture and Farmland Protection Board

|             |   |              |
|-------------|---|--------------|
| Experience: | Erie County Agriculture and Farmland Protection Board<br><i>Member</i>                    | 2017 - 2021  |
|             | Erie County Farm Bureau<br><i>Chair, President, Vice-President</i>                        | 1998-2010    |
|             | Cornell Cooperative Extension of Erie County<br><i>Board of Directors, Vice-President</i> | 2008-2013    |
|             | Marilla Conservation Advisory Board<br><i>Chair, Member</i>                               | 1996-2008    |
|             | Town of Marilla Zoning Board of Appeals<br><i>Chair, Member</i>                           | 2010-Present |



1330 Bullis Road  
Elma, New York 14059  
October 22, 2021

Ms. Sarah Gatti  
Senior Planner  
Erie County Department of Environment and Planning  
95 Franklin Street, Room 1008  
Buffalo, New York 14202

Dear Sarah:

Please accept the enclosed resume in support of my application to continue as a member of the Erie County Agricultural and Farmland Protection Board. I have enjoyed my membership and believe I have contributed in a positive way as a member of this Board.

Please let me know if you have any questions. I can be reached by telephone at (716) 655-4821.

Sincerely,

Bryant E. Zilke

**Bryant E. Zilke**  
1330 Bullis Road  
Elma, New York 14059

**Objective:** Position on Erie County Agricultural and Farmland Protection Board

**Experience:** Erie County Agricultural and Farmland Protection Board  
Member (2010 - Present)  
Vice-Chair (2018-present)

Erie County Farm Bureau  
Past President and Vice President  
Board of Directors as Chair of Promotion and Education (2004 - Present)

Elma Conservation Board  
Chair, Land Conservation Easement Program (2007 - Present)

Zilke's Forever Grassland Farm  
Owner/Operator: Diversified direct marketing livestock/dairy farm  
on 93 acres set aside in perpetual conservation easement in  
Grassland Reserve Program through USDA/NRCS.

Self-employed CPA Consulting Practice  
Work with Agricultural and Nonprofit Entities

**Education:** Master of Business Administration – Accounting  
Bachelor of Science – Business Administration Magna cum laude  
Accelerated 3/2 Program  
SUNY at Buffalo

**Other Activities:** President-Faith Lutheran Church, Elma, NY



## COUNTY OF ERIE

### AGRICULTURAL AND FARMLAND PROTECTION BOARD

October 22, 2021

The Honorable April N.M. Baskin,  
Chair, Erie County Legislature  
Old County Hall  
92 Franklin Street,  
Fourth Floor,  
Buffalo, NY 14202

Dear Legislator Baskin,

The Erie County Agricultural and Farmland Protection Board (AFPB) is pleased to transmit the attached 2021 AFPB Report regarding recommendations in inclusion into existing Agricultural Districts pursuant to Section 303b of the Agriculture and Markets Law. The AFPB respectfully requests that the Erie County Legislature review and vote on the proposed inclusions.

Should you have any questions, please feel free to contact me at 759-6802 or by e-mail at [brett@krehereggs.net](mailto:brett@krehereggs.net).

Regards,

A handwritten signature in black ink that reads "Brett D. Kreher".

Brett Kreher  
CHAIRPERSON,  
ERIE COUNTY AGRICULTURAL AND FARMLAND PROTECTION BOARD

cc: Daniel Castle, AICP – ECDEP Commissioner  
Sarah Gatti – ECDEP Senior Planner



EC LEG NOV 10 '21 PM12:49

# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

November 9, 2021

Erie County Legislature  
92 Franklin Street – 4<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: USEPA-GLRI Buffalo River Area of Concern Habitat Restoration – Erie County:  
NFTA-61 Smith Street Budget Revision and Contract Amendment**

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Environment and Planning requesting legislative authorization for the County Executive or the Deputy County Executive to execute a no-cost extension contract amendment with the USEPA and a budget revision.

Should your Honorable Body require further information, I encourage you to contact Deputy Commissioner Bonnie L. Lawrence at the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/mw  
Enclosure

cc: Daniel R. Castle, Commissioner

## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** USEPA-GLRI Buffalo River Area of Concern Habitat Restoration – Erie County:  
NFTA-61 Smith Street Budget Revision and Contract Amendment  
**Date:** November 9, 2021

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### **SUMMARY**

It is recommended that the Legislature approve the attached resolution prepared by the Department of Environment and Planning (DEP) to authorize the County Executive or Deputy County Executive to execute the necessary agreements to revise the budget and extend the USEPA-GLRI Buffalo River Area of Concern Habitat Restoration – Erie County: NFTA-61 Smith Street contract for six months (January 1, 2022 -June 30, 2022). The grant funding is available from the USEPA-GLRI to complete habitat restoration work at this site.

### **FISCAL IMPLICATIONS**

There will be no additional impact on County resources. Program expenses will be funded by the USEPA-GLRI grant.

### **REASONS FOR RECOMMENDATION**

This project will result in the completion of approximately 1,100 linear feet of shoreline and habitat restoration at 61 Smith Street owned by NFTA to facilitate delisting of the Buffalo River as an Area of Concern. The time extension is needed to complete plantings and other habitat site improvements throughout 2022 to finalize the restoration.

### **BACKGROUND INFORMATION**

The Buffalo River was considered biologically dead in the 1960s and was declared as an Area of Concern (AOC) by the International Joint Commission in 1987 due to possible impairments of 14 beneficial uses. Since being designated as an Area of Concern, nine of the fourteen Beneficial Use Impairments (BUIs) in the Buffalo River AOC have been identified as “Impaired”. The ultimate goal of the Area of Concern program is to address the causes of the impairments and delist the area as an Area of Concern.

As part of the Great Lakes Restoration Initiative Action Plan and Great Lakes Regional Collaboration Strategy, protection and restoration of habitat are priorities for restoring aquatic and upland habitats. These actions lead to a healthy ecosystem that contributes to human health and prosperity, economic and social vitality, and supports sustainable biodiversity. Of utmost priority is to achieve corrective measures that will eliminate Benefit Use Impairments and move toward delisting of the AOC.

The original resolution authorizing the grant was approved by the Legislature on July 30, 2015 [(COMM.14E-24 (2015)]. A resolution authorizing a two year no-cost time extension was approved by the Legislature on December 6, 2018. A resolution authorizing a one year no-cost time extension was approved by the Legislature on September 24, 2020. This time extension is needed to complete plantings and other habitat site improvements in 2022.

### **CONSEQUENCES OF NEGATIVE ACTION**

The DEP will forfeit the remainder of USEPA funding and be unable to complete the work that supports efforts to delist the Buffalo River as an Area of Concern.

### **STEPS FOLLOWING APPROVAL**

The necessary contracts with USEPA-GLRI will be executed and the budget will be revised.

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: USEPA-GLRI Buffalo River Area of Concern Habitat Restoration – Erie County: NFTA-61 Smith Street Budget Revision and Contract Amendment

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

APPROPRIATIONS:

| <u>Account</u>       | <u>Description</u>    | <u>Budget</u> | <u>Revision</u> | <u>Revised<br/>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.





EC LEG NOV 10 '21 PM 12:49

# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

November 9, 2021

Erie County Legislature  
92 Franklin Street, Fourth Floor  
Buffalo, New York 14202

**RE: Erie County Sewer District No. 3  
Assistance with Air Permit Requirements  
Engineering Term Agreement**

Dear Honorable Members:

Enclosed please find a resolution and accompanying memorandum from the Department of Environment and Planning pertaining to proposed agreement to perform engineering services for Erie County Sewer District No. 3.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in blue ink that reads "Mark Poloncarz".

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP:mas  
Enclosure

cc: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management

## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Erie County Sewer District No. 3  
Assistance with Air Permit Requirements  
Engineering Term Agreement  
**Date:** November 9, 2021

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### **SUMMARY**

Award of contract to Ramboll Americas Engineering Solutions, Inc. (Ramboll), 400 Andrews Street, Suite 710, Rochester, New York 14604 for professional services associated with Air Permit Assistance in Erie County Sewer District (ECSD) No. 3 in an amount not-to-exceed \$300,000.00 is requested.

### **FISCAL IMPLICATIONS**

There are no fiscal implications to the County's General Fund. Payment under the proposed agreements will be made from the Sewer District Capital Accounts, Sewer District Operating Accounts, or through American Rescue Plan funding.

### **REASONS FOR RECOMMENDATION**

The Erie County Department of Environment and Planning – Division of Sewerage Management issued a Request for Proposals (RFP) to retain a firm to provide air permit assistance for the Southtowns Advanced Wastewater Treatment Facility (AWTF) in ECSD No. 3. One (1) firm responded to the open solicitation. A proposal review committee consisting of representatives from the Division of Sewerage Management reviewed and scored the proposal using the scoring matrix in the RFP to confirm Ramboll met the requirements set forth. Ramboll is the engineering firm currently providing these services under the existing engineering term agreement for air permit assistance and is recommended to be retained for these services again.

### **BACKGROUND INFORMATION**

The Southtowns AWTF is subject to federal and state regulations pertaining to the operation of fluidized bed sewage sludge incinerators at the facility. A new Air Title V permit for the facility is currently being developed by the New York State Department of Environmental Conservation. As a result of the new permit and regulations, ECSD No. 3 is (or will be) required to develop and submit significantly more regulatory reports and documentation than in past years. The Division of Sewerage Management has determined that additional assistance and expertise is needed to responsibly manage the regulatory requirements at the Southtowns AWTF.

## **CONSEQUENCES OF NEGATIVE ACTION**

Failure to comply with air permit and other regulatory requirements may potentially result in fines levied by State and Federal agencies.

## **STEPS TO FOLLOW APPROVAL**

The County Executive will be requested to execute a 3-year term agreement with Ramboll in an amount not to exceed \$300,000.00 for professional services associated with ECSD No. 3 / Southtowns AWTF air permit assistance. Work orders will be issued on an as-needed basis in amounts not to exceed \$75,000.00. Just as in the current engineering term agreements utilized by the Division of Sewerage Management, your Honorable Body will be notified whenever a work order is issued.

RESOLUTION SUBMITTED BY  
DEPARTMENT OF ENVIRONMENT AND PLANNING

**RE:** Erie County Sewer District No. 3  
Assistance with Air Permit Requirements  
Engineering Term Agreement

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.



**ERIE COUNTY DIVISION OF SEWERAGE MANAGEMENT  
ECSD Nos. 3 - ST AWWTF Air Permit Assistance  
PROPOSAL REVIEW COMMITTEE RATINGS - SUMMARY**

MARK C. POLONICARZ, ESQ.  
COUNTY EXECUTIVE  
DANIEL CASTLE, ACP  
COMMISSIONER  
JOSEPH FEGLI, P.E., RCSE  
DEPUTY COMMISSIONER

| Rater                         | Proposers |     |
|-------------------------------|-----------|-----|
|                               | Ramboll   | N/A |
| Reviewer #1                   | #1        | N/A |
| Reviewer #2                   | #1        |     |
| Reviewer #3                   | #1        |     |
| <b>QUALIFICATIONS RANKING</b> |           |     |
|                               | #1        |     |

It is my opinion in recommending Ramboll Americas Engineering Solutions, Inc. the Erie County Department of Environment and Planning has complied with all applicable provisions of Section 26.08 of the Erie County Administrative Code. Scoring sheets and other materials related to this matter are available for review at the Department of Environment and Planning offices during regular business hours.

*M. R. Whyte* 10/27/21  
 Mark R. Whyte  
 Deputy County Executive



EC LEG NOV 10 '21 PM12:49

# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

November 9, 2021

Erie County Legislature  
92 Franklin Street – Fourth Floor  
Buffalo, New York 14202

**RE: Open Item / Placeholder  
Erie County Sewer District Board of Managers Appointments**

Dear Honorable Members:

The Department of Environment and Planning, Division of Sewerage Management, respectfully requests that an open item/placeholder be established on the agenda of the Legislature's Energy and Environment Committee, to wit:

- Erie County Sewer District Board of Managers Appointments

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP:jf

Cc: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

December 3, 2021

Erie County Legislature  
92 Franklin Street – 4<sup>th</sup> Floor  
Buffalo, NY 14202

**Re: Appointments to Erie County Sewer District Boards of Managers**

Dear Honorable Members:

Please be advised that, pursuant to Section 2204 of the Erie County Charter, I hereby appoint the following individuals to the Erie County Sewer District Boards of Managers. Their terms shall expire December 31, 2023.

List of Board Appointees:

**District 1:**

Hon. Diane Benczkowski  
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**

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

Should you have any questions regarding these appointments please feel free to contact my office at (716) 858-8500.

Sincerely yours,



Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/oo

cc: Joseph Fiegl, P.E., Deputy Commissioner  
Appointees

**MINUTES**  
**2021 ASSESSMENT ROLLS (2021 Budget)**  
**ERIE COUNTY SEWER DISTRICT NOS. 1-6 & 8**  
**NOVEMBER 04, 2021**

**PRESENT:** David Millar and Charles Katra, Assistant Deputy Commissioners for the Erie County Department of Environment and Planning, Division of Sewerage Management; and the undersigned, Robert Graber, Clerk of the Legislature of Erie County.

Mr. Graber opened the hearing at 4:00 p.m. He stated the hearing is being held to discuss the Sewer District Nos. 1-6 & 8 Assessment Rolls for 2021 prior to adoption by Erie County Legislature. Mr. Graber read the Legal Notice as published in the official County newspapers and the Buffalo News, a copy of which is attached, and then asked if anyone was present to speak for or against the adoption of the 2021 Assessment Rolls.

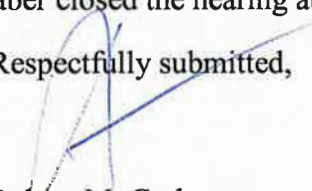
Mr. Katra, Assistant Deputy Commissioner – SMA of the Division of Sewerage Management, Department of Environment and Planning stated he was present at the hearing to represent the Board of Managers for each of the Erie County Sewer Districts, as well as the Erie County Department of Environment and Planning. He also said the hearing is required to be held as stipulated under Article 5A, Sections 266, 270 and 271 of the County Law and is part of the budget process.

Mr. Katra explained the purpose of the Public Hearing is to allow the public an opportunity to voice their opinions and/or objections, if any, in the manner in which various lots and parcels have been assessed. Then, once the Public Hearing has been held, the Legislature may adopt and affirm the Assessment Rolls, or they can request the Assessment Rolls be revised.

Mr. Katra said the Assessment Rolls are available, as noted in the Legal Notice, if anyone desires to review them and note their concerns regarding the method of sewer assessments for the following (2022) budget year.

Mr. Graber asked if anyone else was present to speak for or against adoption of said Assessment Rolls. There being none, Mr. Graber closed the hearing at 4:02 p.m.

Respectfully submitted,

  
Robert M. Graber  
Clerk of the Legislature  
of Erie County

CK:slf

cc: Daniel Castle, Commissioner  
Board of Managers Nos. 1-6 & 8  
J. Fiegl / 0.4.2.Tax Rolls  
D. Millar /0.8.0.PH



# Erie County Water Authority

295 Main Street • Room 350 • Buffalo, NY 14203-2494  
716-849-8484 • Fax 716-849-8463

Office of the Secretary

November 4, 2021

Hon. April Baskin  
Chairperson  
Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

Re: Erie County Water Authority  
2022 Operating & Maintenance and Capital  
Budgets

Dear Chairperson Baskin:

Pursuant to Public Authorities Law §2801(2), enclosed please find an Extract from the Minutes of the Meeting of the Erie County Water Authority held on Thursday, October 28, 2021 adopting the Authority's 2022 Operating & Maintenance and Capital Budgets.

Also enclosed please find a copy of the adopted Budgets. Thank you.

Very truly yours,

ERIE COUNTY WATER AUTHORITY

Terrence D. McCracken  
Secretary to the Authority

TDM:tg  
Enclosures

Cc: Karen A. Prendergast, CFO  
Robert M. Graber, Clerk of the Erie County Legislature (w/ encl.) ✓

**CERTIFICATION**

**I, TERRENCE D. McCracken**, the duly elected and qualified **SECRETARY TO THE AUTHORITY** to the **ERIE COUNTY WATER AUTHORITY**, a corporation existing under the Laws of the State of New York, do hereby certify that I have compared the annexed resolution which is an extract from the Minutes of the Meeting of the Authority held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 28<sup>th</sup> day of October 2021 a quorum being present and that said resolution is a true and correct copy of the resolution so adopted and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of said corporation this 28<sup>th</sup> day of October 2021.



Terrence D. McCracken  
Secretary to the Authority

**(SEAL)**

**EXTRACT FROM THE MINUTES OF THE MEETING OF THE  
ERIE COUNTY WATER AUTHORITY  
OCTOBER 28, 2021**

At a regular meeting of the Erie County Water Authority held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 28<sup>th</sup> day of October 2021, a quorum being present, the following resolution was adopted:

**WHEREAS**, Karen A. Prendergast, Chief Financial Officer, Joyce A. Tomaka, Comptroller, and Steven V. D'Amico, Business Office Manager have reviewed the 2022 Operating & Maintenance and Capital Budgets (the "Budgets") prepared by Erie County Water Authority (the "Authority") department managers; and

**WHEREAS**, the Budgets were reviewed by the Board of Commissioners of the Authority (the "Board") at a budget hearing on September 29, 2021; and

**WHEREAS**, the Budgets have been presented to and reviewed by Russell J. Stoll, Chief Operating Officer and Karen A. Prendergast, Chief Financial Officer who recommend its adoption;

**NOW, THEREFORE, BE IT RESOLVED:**

That the Board adopts the 2022 Operating & Maintenance and Capital Budgets, and be it further

**RESOLVED**, pursuant to Public Authorities Law §2801(2), the Secretary to the Authority is directed to send a certified copy of the resolution along with a copy of the adopted Budgets to the Chairperson of the Erie County Legislature; and be it further

**RESOLVED**, the Secretary to the Authority is directed to send a certified copy of this resolution along with a copy of the adopted Budgets to the New York State Environmental Facilities Corporation pursuant to the Project Finance Agreement for the Series 2003F Bonds; and be it further

**RESOLVED**, the Secretary to the Authority is directed to post the adopted budget on the Authority website.

A motion was made by Ms. LaGree, seconded by Ms. Iannello and carried to adopt the foregoing resolution.



**Association of  
Erie County Governments**

9771 Partridge Rd.  
Colden, New York 14033  
(716) 941-3647 Phone & Fax  
assocofecgov@roadrunner.com

**CERTIFIED RESOLUTION**

At our monthly meeting of the Association of Erie County Governments held in the Town of Elma on October 28, 2021, the following resolution on Proposed Legislative Priorities was moved by Supervisor Melissa Hartman of the Town of Eden and seconded by Mayor William Krebs of the Village of Springville and unanimously approved by all

Whereas, the following Legislative Proposals for 2022 were presented:

**Dedicated Water, Wastewater, Stormwater, Infrastructure Funding**

New York State’s infrastructure is aging and literally crumbling beneath our feet. New York is blessed with plentiful water sources but these water sources need to be properly managed. Current funding sources through EFC, WQIP, CWSRF are helpful but are inadequate to meet the needs of towns and villages facing DEC Consent Orders, or Towns and Villages replacing miles of aging pipes. These programs involve complex and time-consuming applications and loan programs, which are designed for projects having major impacts in densely populated areas. NYS needs to supplement the existing funding programs with dedicated funding to assist local governments in annual pipe replacement and treatment improvements. The funding program should incentivize annual repair projects to mitigate the probability of systemic failure

**Amend the Application and Calculation of Prevailing Wage**

The dollar threshold enacted in 1971 of \$1500 for public projects has not changed. Amend this threshold to \$50,000 for building service contracts. Change the method of calculating prevailing wage to use the State’s Unemployment Insurance Prevailing Wage Tables which are updated annually and reflect local economy. Also oppose Prevailing Wage requirements to non-government projects such as affordable housing.

**Eliminate Transcript Requirements for Remote or Virtual Meetings**

The requirement to compose and publish transcripts of public meetings held by webinar puts a needless and unfair burden on municipalities. The software used by municipalities provide visual, audio records of the meeting, and the Official Minutes provide the written summary of the discussions and a detailed record of the action taken at the meetings. The transcript does not add any transparency to the meeting.

**Revise NYSERDA and NYSDEC Green Energy Programs**

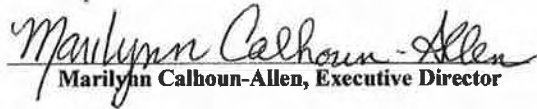
Currently Villages with municipal electric are not afforded points or credits toward Clean Energy Community Designation by NYSERDA or the Climate Smart Community Certification by NYSDEC. Contracts with New York Power Authority and New York Municipal Power Agency provide members of the Municipal Electric Utilities Association with reasonable priced green energy. These contracts should count as steps toward Clean Energy Community Designation and Climate Smart Community Certification.

**BE IT RESOLVED**, that the Governor and the State Legislature be encouraged to give these issues top priority and sense of urgency as we approach upcoming legislative sessions and budget considerations; and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to Honorable Governor Kathy Hochul, Honorable Senate Majority Leader Andrea Stewart-Cousins, Honorable Senate Minority Leader Robert Ort, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Majority Leader of the Assembly Crystal People-Stokes, Honorable Minority Leader of the Assembly William A. Barclay, and the Western New York Delegation and Erie County Executive Mark Poloncarz and the Erie County Legislature, The Association of Towns, and New York State Conference of Mayors.

I, Marilyn Calhoun-Allen, Executive Director of the Association of Erie County Governments, do hereby certify that the foregoing is a full and true transcript of the resolution passed at the meeting of the Associations of Erie County Governments, as held in the Town of Elma on October 28, 2021 and that said meeting was duly called and duly constituted and that a quorum was present.

WITNESS my hand and the seal of the Association of Erie County Governments this 3<sup>rd</sup> day of November, 2021.

  
Marilynn Calhoun-Allen, Executive Director



**MEMBERS: CITIES/ Buffalo\* Lackawanna\* Tonawanda \*COUNTY of Erie \* TOWNS/ Alden\* Amherst\* Aurora\* Boston\* Brant\* Cheektowaga\* Clarence\* Colden\* Collins\* Concord\* Eden\* Elma\* Evans\* Grand Island\* Hamburg\* Holland\* Lancaster\* Marilla\* Newstead\* North Collins\* Orchard Park\* Sardinia\* Tonawanda\* Wales\* West Seneca \* VILLAGES/ Akron\* Alden\* Angola\* Blasdell\* Depew\* East Aurora\* Farnham\* Gowanda\* Hamburg\* Kenmore\* Lancaster\* North Collins\* Orchard Park\* Sloan\* Springville\* Williamsville\***





EC LEG NOV 29 '21 PM 2:58

# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

November 29, 2021

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

**RE: Community Climate Action Plan & Other Marketing Professional Services Term Agreement**

Dear Honorable Members:

Please find enclosed a resolution from the Department of Environment and Planning seeking legislative authorization to enter into a term agreement for professional services for graphics, outreach, and marketing services to support the Erie County Community Climate Action Plan and related efforts.

Should your Honorable Body require any further information, please contact Deputy Commissioner Bonnie Lawrence. Thank you for your consideration of this request.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/nb  
Enclosure

cc: Daniel R. Castle, Commissioner of Environment and Planning  
Bonnie Lawrence, Deputy Commissioner of Environment and Planning

## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Community Climate Action Plan & Other Marketing Professional Services Term Agreement  
**Date:** November 29, 2021

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### **SUMMARY**

It is recommended that the Erie County Legislature authorize the County Executive to enter into a term agreement with The Buffalo News doing business as Amplify Buffalo in an amount not to exceed \$125,000.00 for the purpose of graphics, outreach and marketing services to support climate action planning.

### **FISCAL IMPLICATIONS**

Up to \$55,000.00 of the term agreement will utilize the Department of Environment (DEP) and Planning's Paris Climate Action Fund Paris/Climate Action budget, Account (110), G/L #51310. The balance of the term agreement will use up to \$70,000.00 of grant funding from the SAP #162ECLIPSE1922 from the New York Energy Research and Development Authority (NYSERDA), which will have no fiscal impact on the County.

### **REASONS FOR RECOMMENDATION**

Changes to the climate increasingly threaten life and property in Erie County. The County is currently working with the community to develop an equity-focused Community Climate Action Plan to help identify and prioritize actions to protect the County from climate change and to mitigate community greenhouse gas emissions, reducing the County's impact on climate change. Additionally, the County is working on the Erie County Low-Income Program for Sustainable Energy (ECLIPSE), which will improve access to renewable energy and reduce energy cost burden for low- and moderate-income residents. For both of these projects it is critical that the County undertake best practices marketing and outreach, to assure that the community is engaged and has a voice in the planning efforts.

The DEP issued a Request for Proposals (RFP) to retain a firm to provide graphics, outreach and marketing services. Three firms provided complete proposals to the open solicitation. A forth incomplete proposal, without sealed rate sheets, was not considered. A proposal review committee consisting of representatives from DEP and the County's Climate Change Task Force reviewed and scored the proposal using the scoring matrix in the RFP and selected Amplify Buffalo/The Buffalo News as the contractor that met the qualifications set forth.

### **CONSEQUENCES OF NEGATIVE ACTION**

DEP will be unable to contract with Amplify Buffalo/The Buffalo News, and the community will be less engaged and have less input into climate action efforts.

## **STEPS FOLLOWING APPROVAL**

DEP will work with the Department of Law to execute a 3-year term contract with Amplify Buffalo/The Buffalo News in an amount not to exceed \$125,000.00. Work orders will be issued on an as-needed basis in amounts not to exceed \$70,000.00. Just as in the current term agreements utilized by DEP, your Honorable Body will be notified whenever a work order is issued.

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Community Climate Action Plan & Other Marketing Professional Services Term Agreement

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.



**ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING  
ERIE COUNTY CLIMATE ACTION PLAN AND OTHER MARKETING  
SERVICES TERM CONTRACT  
PROPOSAL REVIEW COMMITTEE RATINGS - SUMMARY**

MARK C. POLONCZAK, ESQ.  
COUNTY EXECUTIVE  
  
DAN CASTLE  
COMMISSIONER  
  
BONNIE LAWRENCE  
DEPUTY COMMISSIONER

| Rater                          | Proposer                                 |                 |                   |
|--------------------------------|--|-----------------|-------------------|
|                                | Amplify Buffalo / The Buffalo News, Inc. | PivotPath, Inc. | Russo Media, Inc. |
| Reviewer #1                    | #1                                       | #2              | #3                |
| Reviewer #2                    | #1                                       | #2              | #3                |
| Reviewer #3                    | #1                                       | #2              | #3                |
| Average Qualifications Scoring | 1.0                                      | 2.0             | 3.0               |
| <b>QUALIFICATIONS RANKING</b>  | <b>#1</b>                                | <b>#2</b>       | <b>#3</b>         |

**Notes:**

- The Selection Committee scored the Amplify Buffalo/The Buffalo News qualifications stronger than the other proposals in proposed approach, staff experience, and firm experience.
- The Selection Committee determined that Amplify Buffalo/The Buffalo News presented the strongest approach and experience regarding outreach to disadvantaged communities.

It is my opinion in recommending Amplify Buffalo/The Buffalo News, Inc., the Erie County Department of Environment and Planning has complied with all applicable provisions of Section 19.08 of the Erie County Administrative Code. Scoring sheets and other materials related to this matter are available for review at the Department of Environment and Planning offices during regular business hours.

*Maria R. Wiryo* 11/23/2021  
 Maria R. Wiryo  
 Deputy County Executive

*Dan Castle* 11/24/21  
 DAN CASTLE, COMMISSIONER DEP



EC LEG NOV 29 '21 PM 2:57

# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

November 24, 2021

Erie County Legislature  
92 Franklin Street – Fourth Floor  
Buffalo, New York 14202

**RE: Notice of Adoption  
Erie County Sewer Districts  
2021 Assessment Rolls (2022 Levy)**

Dear Honorable Members:

Enclosed please find an accompanying memorandum from the Department of Environment and Planning pertaining to the Notice of Adoption for the 2021 Erie County Sewer Districts Assessment Rolls.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in black ink that reads "Mark Poloncarz".

Mark Poloncarz, Esq.  
Erie County Executive

MCP:bp  
Enclosure

cc: J. Fiegl – Environment and Planning

## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Notice of Adoption  
Erie County Sewer Districts  
2021 Assessment Rolls (2022 Levy)  
**Date:** November 24, 2021

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### **SUMMARY**

The Erie County Legislature is requested to affirm and adopt the 2021 Assessment Rolls for the Erie County Sewer Districts.

### **FISCAL IMPLICATIONS**

If the Assessment Rolls are not affirmed and adopted, the Sewer Districts will not have the legal authority to raise sewer district levies for 2022.

### **REASON FOR RECOMMENDATION**

Pursuant to Article 5A of the County Law, Sections 270 and 271, the Legislature is required to adopt and affirm the Assessment Rolls.

### **BACKGROUND INFORMATION**

The Sewer District levies are raised from the various lots and parcels of land within the Erie County Sewer Districts.

In order to legally raise said levies, Article 5A of New York State County Law requires a Public Hearing be held prior to the Legislature adopting and affirming the Assessment Rolls. The Erie County Legislature held a Public Hearing for the Assessment Rolls on November 4, 2021. Once the Public Hearing has been held and the Legislature has heard any objections to the Assessment Rolls, they are free to consider changes to the Assessment Rolls or adopt and affirm the Assessment Rolls.

The minutes from the public hearing and associated documentation have been provided to your Honorable Body under separate cover.

### **CONSEQUENCES OF NEGATIVE ACTION**

Failure to adopt and affirm the Assessment Rolls will result in the Sewer Districts not having the financial resources to carry out sewer district operations in the next budget year. In addition, there would be insufficient funds to pay annual principal and interest costs which will come due on the bonds issued for the Sewer Districts.



## **STEPS FOLLOWING APPROVAL**

1. Sewer District budgets must be adopted in conjunction with the Erie County Budget.
2. The Sewer District levies must be approved in conjunction with the Erie County Budget.
3. After approval of the Budget, the Director of Budget and Management must raise the Sewer District levies from the various lots and parcels of land within the Erie County Sewer Districts.

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT & PLANNING

RE: Notice of Adoption  
Erie County Sewer Districts  
2021 Assessment Rolls (2022 Levy)

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.



EC LEG NOV 29 '21 PM2:57

# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

November 24, 2021

Erie County Legislature  
92 Franklin Street – 4th Floor  
Buffalo, NY 14202

**RE: Erie County Sewer District No. 6  
Engineering Term Contract Agreement  
AECOM USA, Inc.  
Work Order: AECOM-4**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, for the issuance of a work order as authorized by the resolution passed by the Erie County Legislature on November 21, 2019, related to 3-year Term Agreements.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP: mas

Enclosure

cc: J. Fiegl – Deputy Commissioner, Division of Sewerage Management

## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Erie County Sewer District No. 6  
Engineer Term Contract Agreement  
AECOM USA, Inc.  
Work Order: AECOM-4  
**Date:** November 24, 2021

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### **SUMMARY**

The Erie County Legislature is requested to receive and file this communication pertaining to the Department of Environment and Planning's issuance of a work order with AECOM USA, Inc. (AECOM) for Erie County Sewer District (ECSD) No.6 in an amount not to exceed \$67,750.21.

### **FISCAL IMPLICATIONS**

There will be no impact to the County's General Fund. The cost of the engineering work related to this communication will be paid from Capital Account No. C.21150 (American Rescue Plan funds).

### **REASONS FOR RECOMMENDATION**

The Division of Sewerage Management has issued work order AECOM-4 to AECOM to provide Engineering Services associated with providing 90% design plans and specifications for the anaerobic digester improvements and upgrades at the Lackawanna Water Resource Recovery Facility (WRRF) in ECSD No. 6.

### **BACKGROUND INFORMATION**

On November 21, 2019, the Erie County Legislature passed a resolution authorizing a 3-year Term Agreement with AECOM for Engineering Services for small and/or time critical projects. At the time of the contract award, the Division of Sewerage Management committed to notifying the Honorable Legislature of each work order issued.

The Term Agreement was approved to provide the Division of Sewerage Management with engineering services required to complete various initiatives throughout the ECSDs. For this work order, AECOM will provide 90% drawings and specifications for the anaerobic digester improvements and upgrades at this WRRF. This work is anticipated to be part of a phased approach to implement the overall project.

### **CONSEQUENCES OF NEGATIVE ACTION**


This is a receive and file item.

### **STEPS TO FOLLOW APPROVAL**

This is a receive and file item.

**COMPTROLLER'S OFFICE REVIEW**

The proposed action has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.

Signed  Date 11/16/21  
Title Cheryl Mekarski  
Deputy Comptroller

**Work Order: AECOM-4**  
**Capital Account No. C.21150**

**ERIE COUNTY SEWER DISTRICT NO. 6  
WORK ORDER NO. AECOM-4**

**ENGINEER:**            AECOM USA, Inc.

**CONTRACT DATE:**    November 21, 2019

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**1. Title of Proposal:**

Provide 90% engineering drawings and specifications for the anaerobic digester improvements at the Lackawanna WRRF in ECSD No. 6.

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**2. Company/Address/Principal In-Charge:**

Jeffrey Tudini, P.E.  
AECOM USA, Inc.  
257 West Genesee St, Suite 400  
Buffalo, NY 14202

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**3. Effective Dates of Proposal:**

November 15, 2021

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**4. Brief Description of Work for Which Proposal is Submitted:**

The engineer will provide 90% engineering drawings and specifications for the anaerobic digester improvements at the Lackawanna WRRF in ECSD No. 6 and as detailed in AECOM's letter, dated November 12, 2021.

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**5. Engineering Cost:**

\$67,750.21

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**6. Source of Funds:**

Capital Account No. C.21150 (American Rescue Plan funds)

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**7. Project No:**        AECOM-4

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**8. Attachments:**    AECOM letter dated 11/12/2021 (2 pages)

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**9. File:**            0.3.2. AECOM (20-22) Eng.

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DATE: November 15, 2021

Accepted By: \_\_\_\_\_

Prepared By: \_\_\_\_\_

Authorized By: \_\_\_\_\_

Matt A. Salah, P.E.  
Sr. Coordinator of Sewer Projects

Joseph Fiegl, P.E., BCEE  
Deputy Commissioner



EC LEG NOV 29 '21 PM 2:57

# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

November 24, 2021

Erie County Legislature  
92 Franklin Street – 4th Floor  
Buffalo, NY 14202

**RE: Erie County Sewer District No. 6  
Engineering Term Contract Agreement  
Greenman-Pederson, Inc.  
Work Order: GP-2**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, for the issuance of a work order as authorized by the resolution passed by the Erie County Legislature on July 22, 2021, related to Engineering Term Agreements.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP:mas  
Enclosure

cc: J. Fiegl – Deputy Commissioner, Division of Sewerage Management

## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Erie County Sewer District No. 6  
Engineer Term Contract Agreement  
Greenman-Pederson, Inc.  
Work Order: GP-2  
**Date:** November 24, 2021

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### **SUMMARY**

The Erie County Legislature is requested to receive and file this communication pertaining to the Department of Environment and Planning's issuance of a work order with Greenman-Pederson Inc. (GPI) for Erie County Sewer District (ECSD) No. 6 in an amount not to exceed \$5,315.00.

### **FISCAL IMPLICATIONS**

There will be no impact to the County's General Fund. The cost of the engineering work related to this communication will be paid from the ECSD No. 6 Professional Services Account No. 516020.

### **REASONS FOR RECOMMENDATION**

The Division of Sewerage Management has issued work order GP-2 to GPI to provide a pre-renovation asbestos and lead-based survey and report associated with the Wilmuth Avenue pumping station and Lackawanna Water Resource Recovery Facility (WRRF) Digesters improvements projects in ECSD No. 6.

### **BACKGROUND INFORMATION**

On July 22, 2021, the Erie County Legislature passed a resolution authorizing a Term Agreement with GPI to provide engineering services for small and/or time critical projects. At the time of the contract award, the Division of Sewerage Management committed to notifying the Honorable Legislature of each work order issued.

The Term Agreement was approved to provide the Division of Sewerage Management with engineering services required to complete various initiatives throughout the ECSDs. GPI will provide a pre-renovation asbestos and lead-based survey and report associated with the Wilmuth Avenue pumping station and the Lackawanna WRRF Digesters improvements projects in ECSD No. 6.

### **CONSEQUENCES OF NEGATIVE ACTION**

This is a receive and file item.

### **STEPS TO FOLLOW APPROVAL**

This is a receive and file item.



**ERIE COUNTY SEWER DISTRICT NO. 6  
WORK ORDER NO. GP-2**

**ENGINEER:** Greenman-Pederson, Inc.

**CONTRACT DATE:** July 22, 2021

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**1. Title of Proposal:**

Provide a pre-renovation asbestos and lead-based survey and report associated with the Wilmuth Avenue pumping station and Lackawanna WRRF Digesters improvements projects in ECSD No. 6.

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**2. Company/Address/Principal In-Charge:**

James C. Manzella  
Greenman-Pederson, Inc.  
4950 Genesee Street, Suite 100.  
Buffalo, NY 14225

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**3. Effective Dates of Proposal:**

November 15, 2021

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**4. Brief Description of Work for Which Proposal is Submitted:**

The engineer will provide a pre-renovation asbestos and lead-based survey and report associated with the Wilmuth Avenue pumping station and Lackawanna WRRF Digesters improvements projects in ECSD No. 6 and as detailed in GPI's letter, dated November 11, 2021.

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**5. Engineering Total Cost:**

\$5,315.00

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**6. Source of Funds:**

ECSD No. 6 Professional Services Account No. 516020.

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**7. Project No:** GP-2

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**8. Attachments:** GPI letter dated 11/11/2021 (9 pages)

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**9. File:** 0.3.2. GPI (21-22) Eng.

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DATE: November 15, 2021

Accepted By: \_\_\_\_\_

Prepared By: \_\_\_\_\_  
Matt A. Salah, P.E.

Authorized By: \_\_\_\_\_  
Joseph Fiegl, P.E., BCEE  
Deputy Commissioner



EC LEG NOV 29 '21 PM 2:57

# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

November 24, 2021

Erie County Legislature  
92 Franklin Street, Fourth Floor  
Buffalo, New York 14202

**Re: Erie County Sewer District No. 3  
Blasdell Sewage Treatment Plant Decommissioning  
Bid Opening – Contract No. 70**

Honorable Members:

The Department of Environment and Planning, Division of Sewerage Management will be opening bids for a construction project titled Erie County Sewer District No. 3 Contract No. 70 Blasdell Sewage Treatment Plant Decommissioning.

In order to award said contract in the required forty-five (45) day time period, we respectfully request this item be placed on the agenda of the Energy and Environment Committee. After receipt of bids, the Department will provide the necessary bid tabulations, engineer's recommendation to award, and a suggested resolution.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP:mas

cc: J. Fiegl – Division of Sewerage Management



EC LEG NOV 29 '21 PM 2:57

# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

November 24, 2021

Erie County Legislature  
92 Franklin Street – 4th Floor  
Buffalo, NY 14202

**RE: Erie County Sewer District No. 3  
Engineer Term Contract Agreement  
O'Brien & Gere Engineers, Inc., a Ramboll Company  
Work Order: RAM -3**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, for the issuance of a work order as authorized by the resolution passed by the Erie County Legislature on November 21, 2019, related to a 3-year Term Agreement.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP:mas  
Enclosure

cc: J. Fiegl – Environment and Planning

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Erie County Sewer District No. 3  
Engineer Term Contract Agreement  
O'Brien & Gere Engineers, Inc., a Ramboll Company  
Work Order: RAM - 3  
**Date:** November 24, 2021

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### **SUMMARY**

The Erie County Legislature is requested to receive and file this communication pertaining to the Department of Environment and Planning's issuance of a work order with O'Brien & Gere Engineers, Inc., a Ramboll Company (Ramboll) for Erie County Sewer District (ECSD) No. 3 in an amount not to exceed \$74,800.00.

### **FISCAL IMPLICATIONS**

There will be no impact to the County's General Fund. The cost of the engineering work related to this communication will be paid from Capital Account No. C.21150 (American Rescue Plan funds).

### **REASONS FOR RECOMMENDATION**

The Division of Sewerage Management has issued a work order to Ramboll to provide the Southtowns Advanced Wastewater Treatment Facility (AWTF) with Phase 1 of the design work to convert two existing fluidized bed sewage sludge incinerators (SSIs) from operating on No. 2 fuel oil to operating on natural gas.

### **BACKGROUND INFORMATION**

On November 21, 2019, the Erie County Legislature passed a resolution authorizing a 3-year Term Agreement with Ramboll for Engineering Services for small and/or time critical projects. At the time of the contract award, the Division of Sewerage Management committed to notifying the Honorable Legislature of each work order issued.

The Term Agreement was approved to provide the Division of Sewerage Management with engineering services required to complete various initiatives throughout the ECSDs. Under this Work Order, Ramboll will provide the Division of Sewerage Management with Phase 1 of the design work to convert two existing fluidized bed SSIs from operating on No. 2 fuel oil to operating on natural gas. This project will be completed in multiple phases to implement the overall approach.

### **CONSEQUENCES OF NEGATIVE ACTION**


This is a receive and file item.

### **STEPS TO FOLLOW APPROVAL**

This is a receive and file item.

**COMPTROLLER'S OFFICE REVIEW**

The proposed action has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.

Signed  Date 11/10/21  
Title Cheryl MekarSKI  
Deputy Comptroller

**Work Order: RAM-3**  
**Capital Account No. C.21150**

**ERIE COUNTY SEWER DISTRICT NO. 3  
WORK ORDER NO. RAM-3**

**ENGINEER:** Ramboll/O'Brien & Gere Engineers, Inc.

**CONTRACT DATE:** November 21, 2019

1. **Title of Proposal:**  
Southtowns Advanced Wastewater Treatment Facility Sewage Sludge Incinerator fuel Conversion design.

2. **Name, Business and Principal Address of Proposer:**  
Daniel McGinley  
Ramboll  
400 Andrews Street  
Harro East Building- Suite 710  
Rochester, NY 14604

3. **Effective Dates of Proposal:**  
November 8, 2021

4. **Brief Description of Work for Which Proposal is Submitted:**  
The engineer will prepare and provide phase 1 of the work to convert two existing fluidized bed Sewage Sludge Incinerators from operating on No. 2 fuel oil to operating on natural gas, as detailed in the attached Ramboll letter, dated 11/5/21.

5. **Engineering Cost:**  
\$74,800.00

6. **Source of Funds:**  
Capital Account No. C.21150 (American Rescue Plan funds).

7. **Project No:** RAM-3

8. **Attachments:** Ramboll letter dated 11/5/21 (6 pages)

9. **File:** 3.3.2. Ramboll (20-22)

DATE: November 8, 2021 Accepted By: \_\_\_\_\_

Prepared By: Matt A. Salah, P.E. Authorized By: Joseph L. Fiegl, P.E.  
Deputy Commissioner



EC LEG NOV 29 '21 PM 2:57

# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

November 24, 2021

Erie County Legislature  
92 Franklin Street – Fourth Floor  
Buffalo, New York 14202

**RE: Erie County Sewer District No. 4  
Contract No. 56  
Contract Close Out – Concrete Applied Technologies Corp. dba CATCO**

Dear Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning, Division of Sewerage Management, pertaining to the close out of Contract No. 56 with Concrete Applied Technologies Corp. dba CATCO.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP: nw  
Enclosure

Cc: J. Fiegl – Environment and Planning

## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Erie County Sewer District No. 4  
Contract No. 56  
Contract Close Out – Concrete Applied Technologies Corp. dba CATCO  
**Date:** November 24, 2021

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### **SUMMARY**

Acceptance and approval of Contract No. 56 in the final contract amount of \$132,291.63 together with Change Order No. 1 (final), a decrease of (\$26,208.37) in Erie County Sewer District No. 4 Capital Bond Account No. C.17401, as well as authorization to issue final payment to the contractor, Concrete Applied Technologies Corp. dba CATCO is requested.

### **FISCAL IMPLICATIONS**

There will be no impact on the County's General Fund. The funds for this contract were allocated from Erie County Sewer District No. 4 Capital Bond Account No. C.17401

### **REASONS FOR RECOMMENDATION**

All improvements per the contract as modified by this Change Order have been completed. As a result, it is the Department's recommendation to finalize this contract.

### **BACKGROUND INFORMATION**

Contract No. 56 was bid on May 5, 2021 and awarded by the Erie County Legislature on June 10, 2021 pursuant to Legislative Comm. 8E-23 (2021). This contract constructed the Borden Road Forcemain Test Pit and Spot Repair Project in Erie County Sewer District No. 4. During the course of the project, the scope was modified to account for a force main break in close proximity to the project area. The overall impact as a result of this change was a decrease to the contract while fulfilling the original intent of the project.

### **CONSEQUENCES OF NEGATIVE ACTION**

Contract default on the part of the County of Erie could be claimed by the Contactor.


### **STEPS FOLLOWING APPROVAL**

The County of Erie will execute the final change order and make a final payment to Concrete Applied Technologies Corp. dba CATCO.



**COMPTROLLER'S OFFICE REVIEW**

The proposed legislation has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient capital appropriations for the action proposed.

Signed  Date 4/23/21  
Title Cheryl Mekarski  
Deputy Comptroller

**Erie County Sewer District No. 4**  
**Contract No. 56**  
**Contract Closeout – Concrete Applied Technologies Corp. dba CATCO**  
**Capital Bond Account No. C.17401**

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District No. 4  
Contract No. 56  
Contract Close Out – Concrete Applied Technologies Corp. dba CATCO

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.

APPROVAL TO DISBURSE CAPITAL PROJECT CASH  
(use a separate form for each capital project)

SEWER CAPITAL C. 17401      TITLE Erie County Sewer District No. 4

PROJECT PURPOSE: The construction of the Borden Road Forcemain Test Pit and Spot Repair Project.

PROJ. AUTHORIZATION: BUDGET YEAR \_\_\_\_\_ OR DATE OF LEGISLATION \_\_\_\_\_

BOND RESOLUTION(S) AUTHORIZING PROJECT:      TOTAL \$ \_\_\_\_\_  
 DATE(S) \_\_\_\_\_  
 AMT(S) \_\_\_\_\_ \$ \_\_\_\_\_

CONTRACT PURPOSE: To provide perform test pits and spot repairs on the 30-inch diameter forcemain sewer on Borden Road in Erie County Sewer District No. 4.

| <u>CONTRACTOR</u>  | <u>\$ AMOUNT</u> | <u>W.B.S.#</u> | <u>TOTAL AVAILABLE APPROPRIATION</u> |
|--------------------|------------------|----------------|--------------------------------------|
| CO#1 (Final) CATCO | (\$26,208.37)    | C.17401        | \$ 132,291.63                        |
| Total              | (\$26,208.37)    |                |                                      |

CHANGE ORDERS: PROJECT LEGISLATIVE HISTORY FOR THIS CONTRACT

| <u>DATE</u> | <u>DESCRIPTION (Orig. Enc. Inc., Dec)</u> | <u>Amount</u>       | <u>SFG Doc#</u> |
|-------------|---|---------------------|-----------------|
|             | <u>Original Contract CATCO</u>            | <u>\$158,500.00</u> |                 |

REQUESTED BY: Nadine R. Wetzels, P.E.

|                  | <u>Initials</u> | <u>Date</u> |       |                   |
|------------------|-----------------|-------------|-------|-------------------|
| Amount Allocated | _____           | _____       | _____ | Deputy Commission |
| Amount Available | _____           | _____       | _____ | Accountant        |



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# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

November 24, 2021

Erie County Legislature  
92 Franklin Street – Fourth Floor  
Buffalo, New York 14202

**RE: Erie County Sewer Districts  
Low Income Household Water Assistance Program (LIHWAP)**

Dear Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning pertaining to the LIHWAP.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP:bp  
Encl.

Cc: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management

## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Erie County Department of Environment & Planning  
**Re:** Erie County Sewer Districts  
Low Income Household Water Assistance Program (LIHWAP)  
**Date:** November 24, 2021

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### **SUMMARY**

It is requested that the Erie County Legislature approve authorizing the County Executive (or designee) to enter into a vendor agreement with the New York State Office of Temporary and Disability Assistance (NYSOTDA) for the LIHWAP. Additionally, it is requested that the Deputy Commissioner in the Division of Sewerage Management (or designee) be authorized to be listed as the primary contact for the LIHWAP.

### **FISCAL IMPLICATIONS**

There are no fiscal implications to the County's General Fund. However, there will be a positive impact for low income ratepayers in the Erie County Sewer Districts (ECSDs).

### **REASONS FOR RECOMENDATION**

A signed vendor agreement with NYSOTDA, along with completed forms (including a Substitute Form W9/AC 3237-S) are required in order for the ECSDs to participate in and receive LIHWAP payments.

### **BACKGROUND INFORMATION**

LIHWAP was established through the Federal Consolidated Appropriations Act of 2021 and the American Rescue Plan Act of 2021. The purpose of the LIHWAP is to assist households that pay a high proportion of their income for drinking water and wastewater services. Households will apply to the NYSOTDA for assistance; should these applicants meet the program criteria, funding will be issued by the NYSOTDA directly to drinking water and wastewater providers. The drinking water and wastewater providers must then use this funding towards the applicant's bill(s) for drinking water or wastewater services.

The NYSOTDA will operationalize LIHWAP benefits in two phases. Phase one funding and outreach will target households with arrears for unpaid charges for drinking water and/or wastewater services. In phase two, the NYSOTDA will reevaluate available funding and if feasible, focus on establishing a benefit to assist eligible households with current drinking water and/or wastewater bills.

This is a New York State administered program that will start December 2021 and end on September 30, 2023, or when funding is exhausted, whichever occurs first.

## **CONSEQUENCES OF NEGATIVE ACTION**

ECSD ratepayers would not be able to access the LIHWAP.

## **STEPS FOLLOWING APPROVAL**

The County Executive (or designee) will be requested to execute a vendor agreement with the NYSOTDA. The Deputy Commissioner in the Division of Sewerage Management (or designee) will be listed as the primary contact for the LIHWAP.

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer Districts  
Low Income Household Water Assistance Program (LIHWAP)

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.