



THE ERIE COUNTY LEGISLATURE

**ENERGY &
ENVIRONMENT
COMMITTEE**

Timothy J. Meyers
Chair

Jeanne M. Vinal
Vice-Chair

Meeting No. 6 – March 25, 2021 – 12:30 PM

TAB R&F APP

1.	<u>COMM. 5E-2 (2021)</u> Session 5	BASKIN <i>“Letter to Republican Party Caucus Regarding Position of Commissioner of the Erie County Water Authority”</i>			
2.	<u>COMM. 5E-3 (2021)</u> Session 5	BASKIN <i>“Letter to Conservative Party Caucus Regarding Position of Commissioner of the Erie County Water Authority”</i>			
3.	<u>COMM. 5E-4 (2021)</u> Session 5	BASKIN <i>“Interviews for Position of Commissioner of the Erie County Water Authority”</i>			
4.	<u>COMM. 5E-5 (2021)</u> Session 5	BASKIN <i>“Letters of Interest & Resumes for Position of Commissioner of the Erie County Water Authority”</i>			
5.	<u>COMM. 5E-6 (2021)</u> Session 5	BASKIN <i>“Public Notice Concerning Position of Commissioner of the Erie County Water Authority”</i>			

6.	<u>COMM. 5D-6 (2021)</u> Session 5	CLERK OF LEGISLATURE <i>“Letters of Interest & Resumes for Position of Commissioner of the Erie County Water Authority”</i>			
7.	<u>INTRO. 6-1 (2021)</u> Session 6	CHIMERA, HARDWICK, BASKIN, MEYERS, GILMOUR, JOHNSON & VINAL <i>“Support for Municipal Recycling Programs & Manufacturer Responsibility for Recycling”</i>			
8.	<u>COMM. 6E-12 (2021)</u> Session 6	COUNTY EXECUTIVE <i>“ECSD No. 3 - Engineer Term Contract Agreement”</i>			
9.	<u>COMM. 6E-13 (2021)</u> Session 6	COUNTY EXECUTIVE <i>“ECSD No. 6 - Center St., Sanitary Sewer Replacement Project, Lackawanna”</i>			
10.	<u>COMM. 6E-14 (2021)</u> Session 6	COUNTY EXECUTIVE <i>“Lake Erie Watershed Protection Alliance Coordinator Contract”</i>			
11.	<u>COMM. 6E-15 (2021)</u> Session 6	COUNTY EXECUTIVE <i>“WNY Sustainable Business Roundtable Contract Budget Revision”</i>			
12.	<u>COMM. 6M-1 (2021)</u> Session 6	NYSDEC <i>“Invitation for Public Comment - Brownfield Cleanup Application at 389 Manhattan Ave., Buffalo”</i>			

TAB R&F APP

13.	<u>COMM. 6M-6 (2021)</u> Session 6	MICHELE M. IANNELLO-WARD <i>“Letter of Interest & Resume for Consideration for Appointment to the Position of Commissioner of the ECWA”</i>			
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ERIE COUNTY LEGISLATURE

HON. APRIL N.M. BASKIN
CHAIR OF THE LEGISLATURE
2ND DISTRICT LEGISLATOR



☐ 792 E. Delavan Ave.
Buffalo, NY 14215
716/895-1849
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☐ 92 Franklin St., 4th Fl.
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☐ *Legislative Assistant*
Pedro Gonzalez-Ortiz
E-Mail:

Pedro.Gonzalez-Ortiz@erie.gov

February 19, 2021

Joseph Lorigo, Minority Leader
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Letter to Republican Party Caucus Regarding Position of Commissioner of the Erie County Water Authority

Dear Legislator Lorigo:

I am writing you to inform your caucus of their opportunity to submit a petition and potential candidates to be considered for Commissioner of the Erie County Water Authority pursuant to Section 1053 of the New York Public Authorities Law and Section 5.01 of the Erie County Legislature's Rules of Order.

I have directed the Chairman of the Energy and Environment Committee to schedule interviews on Thursday, March 25, 2021.

Please provide any submissions for the position to Robert M. Graber, Clerk of the Legislature by 10:00 am on Tuesday, March 16, 2021.

Thank you in advance for your assistance.

Sincerely yours,

April N.M. Baskin
Chair
Erie County Legislature

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E-Mail:

Pedro.Gonzalez-Ortiz@erie.gov

February 19, 2021

Joseph Lorigo
Legislator, Conservative Party
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Letter to Conservative Party Member Regarding Position of Commissioner of the Erie County Water Authority

Dear Legislator Lorigo:

I am writing you to inform you of your party's opportunity to submit a petition and potential candidates to be considered for Commissioner of the Erie County Water Authority pursuant to Section 1053 of the New York Public Authorities Law and Section 5.01 of the Erie County Legislature's Rules of Order.

I have directed the Chairman of the Energy and Environment Committee to schedule interviews on Thursday, March 25, 2021.

Please provide any submissions for the position to Robert M. Graber, Clerk of the Legislature by 10:00 am on Tuesday, March 16, 2021.

Thank you in advance for your assistance.

Sincerely yours,

April N.M. Baskin
Chair
Erie County Legislature

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February 19, 2021

Hon. Timothy Meyers
Chairman, Energy and Environment Committee
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Interviews for Position of Commissioner of the Erie County Water Authority

Dear Legislator Meyers:

Pursuant to Section 5.01 of the Erie County Legislature's Rules of Order, all candidates for the position of Commissioner of the Erie County Water Authority must be interviewed by the Energy and Environment Committee before they are acted upon and a candidate approved by the Legislature.

Pursuant to New York State Public Authorities Law, Section 1053, please convene the Energy and Environment Committee on Thursday, March 25, 2021 to conduct interviews for Commissioner of the Erie County Water Authority.

The Clerk of the Legislature has been directed to transmit letters of interest and resumes of candidates to the Energy and Environment Committee for review.

Thank you in advance for your assistance.

Sincerely yours,

April N.M. Baskin
Chair
Erie County Legislature

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February 19, 2021

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Letters of Interest and Resumes for Position of Commissioner of the Erie County Water Authority

Dear Clerk Graber:

Please forward all letters of interest and resumes received from individuals requesting consideration for appointment as a Commissioner of the Erie County Water Authority to the Energy and Environment Committee for their review during that committee's interview process.

I have sent a request to Legislator Timothy Meyers, Chair of the Energy and Environment Committee, requesting his committee conduct interviews for the position on Thursday, March 25, 2021. I have requested Legislator Meyers ensure his committee accepts required documents from interested parties until 10:00 am on Tuesday, March 16, 2021.

Thank you in advance for your assistance.

Sincerely yours,

April N.M. Baskin, Chair
Erie County Legislature

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February 19, 2021

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Public Notice Concerning Position of Commissioner of the Erie County Water Authority

Dear Clerk Graber:

Pursuant to Section 5.01 of the Erie County Legislature's Rules of Order: "Candidates, including incumbents seeking reappointment, for the position of Commissioner of the Erie County Water Authority, shall formally submit, in writing, to the Chair of the Legislature, notice of their candidacy for that position."

Accordingly, please take the necessary steps to provide proper public notice to interested parties who wish to apply for the position of Commissioner of the Erie County Water Authority. This requires that notice be given to members of the Legislature, the news media and that the notice should be posted on the Erie County Legislature's website informing all interested parties to submit letters of interest, including a resume, not later than 10:00 am on Tuesday, March 16, 2021.

Thank you in advance for your assistance.

Sincerely yours,

April N.M. Baskin, Chair
Erie County Legislature



February 19, 2021

PUBLIC NOTICE / MEDIA ADVISORY

To: All Interested Parties

From: Robert M. Graber
Clerk of the Legislature

Subject: Letters of Interest and Resumes for Position of Commissioner of the Erie County Water Authority

PLEASE TAKE NOTICE, that letters of interest and resumes from individuals interested in appointment or reappointment to the position of Commissioner of the Erie County Water Authority are being accepted by the Erie County Legislature.

Pursuant to Section 5.01 of the Erie County Legislature's Rules of Order:

Candidates, including incumbents seeking reappointment, for the position of Commissioner of the Erie County Water Authority, shall formally submit, in writing, to the Chair of the Legislature, notice of their candidacy for that position.

Individuals interested in consideration for Commissioner should submit a letter of interest and resume to Legislature Chair April N.M. Baskin, c/o Robert M. Graber, Clerk of the Legislature, 92 Franklin Street, Fourth Floor, Buffalo, New York 14202 or via electronic mail to Robert.Graber@erie.gov.

The deadline for receipt of all documents is no later than 10:00 am on Tuesday, March 16, 2021.

2021 APR 27 AM 10:57
Page 13
Print

**A RESOLUTION SUBMITTED BY
LEGISLATORS CHIMERA, HARDWICK, BASKIN, MEYERS, GILMOUR, JOHNSON
AND VINAL**

Re: Support for Municipal Recycling Programs and Manufacturer Responsibility for Recycling

WHEREAS, most municipalities in Erie County have a 20-year tradition of engaging in municipal recycling programs to help reduce the use of landfills, reduce costs to the taxpayers, and to support earth-friendly practices; and

WHEREAS, recycling programs deliver environmental benefits, including waste reduction, conservation of precious natural resources and reduced greenhouse gas emissions; and

WHEREAS, New York residents place three billion pounds of newspapers, magazines, cardboard boxes, plastic bottles and metal cans out for recycling each year; and

WHEREAS, plastic containers, plastic film, glass bottles, cans, catalogs and cardboard make up more than 40% of the solid waste stream in the US; and

WHEREAS, starting in 2017, municipal governments have begun to experience problems with recycling programs, with many leaders stating that recycling partners in China have been unable to, or declined to continue to accept recycling materials; and

WHEREAS, separate from the problem with Chinese partners declining to accept recycled items, the economics and financial costs of curbside recyclables is generally insufficient to cover the costs of sorting and processing the recyclables, thus leading to new costs and financial burdens to local governments; and

WHEREAS, municipalities that were once selling recyclable materials at a profit are now paying to dispose of their recyclables, with the expected cost in 2021 for New York's municipalities approaching \$80 million, and \$5.7 million in Erie County; and

WHEREAS, due to the new and growing costs to municipalities, and the refusal of partners to accept recyclables, many recyclables are ending up in landfills or incinerators, with an estimate of 40,000 tons of recyclable materials being trashed annually in Erie County; and

WHEREAS, as more Americans rely on shopping from home and have consumer items shipped to their homes, there is a growing segment of the waste sector made up of paper, cardboard and plastic packaging; and

WHEREAS, the New York State Senate and New York State Assembly have introduced legislation, the Extended Producer Responsibility Act (Senate Bill S.1185A and Assembly Bill A.5801) that would require manufacturers to cover the cost of recycling their product packaging and paper and to invest in modernizing the operations at local recycling facilities; and

WHEREAS, this state legislation shifts costs from taxpayers, reduces waste and negative environmental consequences, and provides an incentive for producers to create less packaging and to make packaging easier to recycle and without toxic chemicals; and

WHEREAS, consumer product brand-owners that control the type and quantity of their packaging would be required to pay for the municipal collection and processing of their product packaging and recyclable printed paper, as well as costs to educate the public about how to properly recycle; and

WHEREAS, requiring corporate producers to financially contribute the end-of-life costs for their products will help municipalities sustain local recycling; and

WHEREAS, Citizens Campaign for the Environment has noted that while New York could be the first state in the US to adopt this policy, it has been in effect in parts of Europe and Canada for decades; and

WHEREAS, the state legislation would help to reduce municipal costs to taxpayers while supporting municipal recycling programs.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the Extended Producer Responsibility Act (Senate Bill S.1185A and Assembly Bill A.5801) to assist municipal governments with the costs and burdens of recycling programs and urges its passage and adoption into law; and be it further

RESOLVED, that Erie County, which has a long tradition of supporting recycling and environmental initiatives, expresses our support for local governments and their recycling programs and encourages them to express support for Senate Bill S.1185A and Assembly Bill A.5801 and to working together and with the County in cooperative measures to support recycling and reducing costs to taxpayers; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Erie County delegation of the New York State Legislature, to the Governor, to the New York State Commissioner of the Department of Environmental Conservation, to the County Executive, and to the Erie County Commissioner of Environment and Planning.

Fiscal Impact: Positive for local governments.

A05801 Summary:

BILL NO A05801

SAME AS No Same As

SPONSOR Englebright

COSPNSR Lunsford, Paulin, Griffin, Kelles, Thiele

MLTSPNSR

Add Art 27 Title 31 §§27-3101 - 27-3125, En Con L

Establishes the extended producer responsibility act requiring covered materials and product producers to develop and implement strategies to promote recycling, reuse and recovery of packaging and paper products.

A05801 Text:

STATE OF NEW YORK

5801

2021-2022 Regular Sessions

IN ASSEMBLY

February 25, 2021

Introduced by M. of A. ENGLEBRIGHT, LUNSFORD, PAULIN, GRIFFIN -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to establishing the extended producer responsibility act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative intent. The legislature finds the weight of
2 waste generated in New York is a threat to the environment. The legisla-
3 ture further finds and declares that it is in the public interest of the
4 state of New York for covered material and product producers to under-
5 take the responsibility for the development and implementation of strat-
6 egies to promote recycling, reuse and recovery of covered material and
7 products through investments in the end-of-product-life management of
8 products.

9 § 2. Article 27 of the environmental conservation law is amended by
10 adding a new title 31 to read as follows:

TITLE 31

EXTENDED PRODUCER RESPONSIBILITY ACT

Section 27-3101. Definitions.

14 27-3103. Producer responsibilities.

15 27-3105. Funding mechanism.

16 27-3107. Producer responsibility plan.

17 27-3109. Producer responsibility plan approval.

18 27-3111. Collection and convenience.

19 27-3113. Outreach and education.

20 27-3115. Reporting requirements and audits.

21 27-3117. Antitrust protections.

22 27-3119. Penalties.

23 27-3121. State preemption.

24 27-3123. Authority to promulgate rules and regulations.

25 27-3125. Severability.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD01205-01-1

A. 5801

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1 § 27-3101. Definitions.

2 1. "Activity-based costs" shall mean a method of distributing the cost
3 of a process among its component streams according to the share of the
4 total cost assumed as a result of the processing of that stream.

5 2. "Covered materials and products" shall mean any part of a package
6 or container, regardless of recyclability or compostability, that
7 includes material that is used for the containment, protection, hand-
8 ling, delivery, and presentation of goods that are sold, offered for
9 sale, or distributed to consumers in the state, including through an
10 internet transaction. Covered materials and products include, but are
11 not limited to, the following classes of materials:

12 (a) Containers and packaging: this class includes all flexible or
13 rigid material, including but not limited to paper, carton, plastic,
14 glass, or metal, and any combination of such materials that:

15 (i) is used to contain, protect, wrap or present products at any stage
16 in the movement of the product from the responsible party to the ulti-
17 mate user or consumer, including tertiary packaging used for transporta-
18 tion or distribution directly to a consumer;

19 (ii) is intended for a single or short-term use and designed to
20 contain, protect or wrap products, including secondary packaging
21 intended for the consumer market; or

22 (iii) does not include packaging used for the long-term protection or
23 storage of a product or with a life of not less than five years.

24 (b) Paper products: this class includes:

25 (i) paper and other cellulosic fibers, whether or not they are used as
26 a medium for text or images, except books and materials in the newspa-
27 pers class of materials;

28 (ii) containers or packaging used to deliver printed matter directly
29 to the ultimate consumer or recipient;

30 (iii) paper of any description, including but not limited to:

31 (1) flyers;

32 (2) brochures;

33 (3) booklets;

34 (4) catalogs;

35 (5) telephone directories;

36 (6) newspapers;

37 (7) magazines;

38 (8) paper fiber; and

39 (9) paper used for writing or any other purpose.

40 (c) Plastics: this class includes any plastic as determined by the
41 department including, but not limited to:

42 (1) rigid plastics:

43 (1) polyethylene terephthalate (PET);

44 (2) polyethylene (PE);

45 (3) polyvinyl chloride (PVC);

46 (4) polypropylene (PP);

47 (5) polystyrene (PS);

48 (6) poly coated fiber;

49 (7) multi-layered plastics;

50 (8) other (BPA, Compostable Plastics, Polycarbonate and LEXAN);

51 (ii) flexible plastics:

52 (1) polyethylene (PE);

53 (2) polyvinyl chloride (PVC);

54 (3) polypropylene (PP);

55 (4) poly coated fiber;

56 (5) multi-layered plastics;

A. 5801

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1 (6) other (BPA, Compostable Plastics, Polycarbonate and LEXAN).
2 (d) For the purpose of this title, the products covered designation
3 does not include the following:
4 (i) paper products that could become unsafe or unsanitary to recycle
5 by virtue of their anticipated use;
6 (ii) literary, text, and reference bound books; and
7 (iii) beverage containers as defined in section 27-1003 of this arti-
8 cle.
9 3. "Curbside recycling" means a recycling program that serves single
10 and multi-family residential units, schools, state or local agencies, or
11 institutions that is operated by a municipality pursuant to a contract
12 with the municipality, private entity, or other public agency or through
13 approved local solid waste management plans.
14 4. "Post-consumer recycled content" means the content of a product
15 made of recycled materials derived from post-consumer recycled materials
16 or feedstock.
17 5. "Producer" means: (a) the person who manufactures the covered mate-
18 rial or product under such person's own name or brand and who sells or
19 offers for sale the covered material or product in the state; or
20 (b) the person who imports the covered material or product as the
21 owner or licensee of a trademark or brand under which the covered mate-
22 rial or product is sold or distributed in the state; or
23 (c) the person or company that offers for sale, sells, or distributes
24 the covered material or product in the state.
25 A producer shall not include a municipality or a local government
26 planning unit.
27 6. "Producer responsibility organization" means a not-for-profit
28 organization designated by a group of producers to act as an agent on
29 behalf of each producer to develop and implement a producer responsibil-
30 ity plan.
31 7. "Readily-recyclable" means packaging that can be sorted by entities
32 processing recyclables from New York and for which, during the previous
33 two calendar years, there was a consistent market, meaning recyclers
34 were willing to pay for fully sorted material at the door of their
35 facilities in quantities equal to or in excess of material supply. This
36 does not include material types that recyclers accept in low quantities
37 or sort out of material during additional processing steps; if material
38 recyclers do not desire a full bale of a specific material type, that
39 material type is not readily recyclable.
40 8. "Recycling" means to separate, dismantle or process the materials,
41 components or commodities contained in covered products for the purpose
42 of preparing the materials, components or commodities for use or reuse
43 in new products or components. "Recycling" does not include energy
44 recovery or energy generation by means of combustion, or landfill
45 disposal of discarded covered products or discarded product component
46 materials.
47 9. "Recycling rate" means the percentage of discarded covered products
48 that is managed through recycling or reuse, as defined by this title,
49 and is computed by dividing the amount of discarded covered products
50 collected and recycled or reused by the total amount of discarded
51 covered products collected over a program year.
52 10. "Reuse" means donating or selling a discarded covered product back
53 into the market for its original intended use, when the discarded
54 covered product retains its original performance characteristics and can
55 be used for its original purpose.

A. 5801

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1 11. "Retailer" means a person who sells or offers for sale a product
2 to a consumer, including sales made through an internet transaction to
3 be delivered to a consumer in the state.

4 § 27-3103. Producer responsibilities.

5 1. Within three years after the effective date of this title, no
6 producer shall sell, offer for sale, or distribute covered materials or
7 products for use in New York unless the producer, or a producer respon-
8 sibility organization acting as their designated agent, has a producer
9 responsibility plan approved by the department. Producers may satisfy
10 participation obligations individually or jointly with other producers
11 or through a producer responsibility organization.

12 2. Within one year after the department approves a producer responsi-
13 bility plan, producers shall be required to meet the minimum post-con-
14 sumer recycled material content rate and minimum recycling rate for a
15 covered material or product as approved by the department in the produc-
16 er responsibility plan.

17 3. A producer shall be exempt from the requirements of this title if
18 the producer:

19 (a) Generates less than one million dollars in annual revenues;

20 (b) Generates less than one ton of covered materials or products
21 supplied to New York state residents per year; or

22 (c) Operates as a single point of retail sale and is not supplied or
23 operated as part of a franchise.

24 4. Retailers that are not producers are exempt from the requirements
25 of this title.

26 5. Producers may comply individually or may form a producer responsi-
27 bility organization and discharge their responsibilities to such organ-
28 ization.

29 § 27-3105. Funding mechanism.

30 1. A producer responsibility organization shall establish program
31 participation charges for producers through the producer responsibility
32 plan pursuant to section 27-3107 of this title which shall be sufficient
33 to cover all program costs.

34 2. A producer responsibility organization shall structure program
35 charges to provide producers with financial incentives, to reward waste
36 reduction and recycling compatibility innovations and practices, and to
37 discourage designs or practices that increase costs of managing the
38 products. The producer responsibility organization may adjust charges to
39 be paid by participating producers based on factors that affect system
40 costs. At a minimum, charges shall be variable based on:

41 (a) Costs to provide curbside collection or other level of consumer
42 service that is, at minimum, as convenient as curbside collection or as
43 convenient as the previous waste collection schema in the particular
44 jurisdiction;

45 (b) Costs to process a producer's covered materials or products for
46 sale to secondary material markets;

47 (c) Whether the covered material or product would typically be recycl-
48 able except that as a consequence of the product's design, the product
49 has the effect of disrupting recycling processes or the product includes
50 labels, inks, and adhesives containing heavy metals or other hazardous
51 waste as defined by the department in regulations that would contaminate
52 the recycling process;

53 (d) Whether the covered materials or product are nonfood contact
54 containers and other nonfood contact packaging that is specifically
55 designed to be reusable or refillable and has high reuse or refill rate.

A. 5801

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1 3. The charges shall be adjusted based upon the percentage of post-
2 consumer recycled material content and such percentage of post-consumer
3 recycled content shall be verified either by the producer responsibility
4 organization or by an independent party designated by the department to
5 ensure that such percentage exceeds the minimum requirements in the
6 covered material, as long as the recycled content does not disrupt the
7 potential for future recycling.

8 4. A producer responsibility organization shall be responsible for
9 calculating and dispersing activity-based costs for municipal services
10 utilized by a producer responsibility organization if the municipality
11 elects to be compensated by the producer responsibility organization in
12 the recovery, recycling, and processing of covered materials, whether
13 such services are provided directly by the municipality or through a
14 contracted service provider. The activity-based cost mechanism shall be
15 based on the cost of residential curbside collection, on-site processing
16 cost for each readily-recyclable material, cost of non-readily recyc-la-
17 ble material types, transportation cost of recycling for each material
18 type, and any other cost factors as determined by the department. To
19 facilitate the producer responsibility organization's determination of
20 the cost of recycling, participating municipalities shall report data
21 related to their costs and the value of materials to the producer
22 responsibility organization. Cost calculations shall take into consid-
23 eration revenue generated from recyclable materials.

24 5. The department shall make such rules and regulations which may be
25 necessary for a producer responsibility organization to develop and
26 manage a funding mechanism and activity-based costs.
27 § 27-3107. Producer responsibility plan.

28 1. Producers, or a producer responsibility organization acting as
29 their designated agent, shall develop and submit a producer responsibil-
30 ity plan to the department no later than one year after the effective
31 date of this title. Such plan shall be for five years and shall be
32 reviewed and updated every five years following the approval of the
33 original plan. The department shall have the discretion to require the
34 plan to be reviewed or revised prior to the five year period if the
35 department has cause to believe the minimum post-consumer recycled mate-
36 rial content rates, minimum recycling rates, or other factors of the
37 plan are not being met or followed by the producer, or producer respon-
38 sibility organization, or if there has been a change in circumstances
39 that warrants revision of the plan. The submitted plan shall include,
40 but not be limited to:

41 (a) contact information of the producer responsibility organization
42 and the producer or producers covered under the plan;

43 (b) a description of how comments of stakeholders were considered in
44 the development of the plan;

45 (c) the covered materials for which the producer or producer responsi-
46 bility organization is responsible for;

47 (d) a funding mechanism that allocates the costs to the producers to
48 meet the requirements of this title and is sufficient to cover the cost
49 of registering, operating and updating the plan, and maintaining a
50 financial reserve sufficient to operate the program in a fiscally
51 prudent and responsible manner;

52 (e) a description of the process for municipalities to recoup reason-
53 able costs from the producer responsibility organization for the activi-
54 ty-based costs, including, as applicable, any administrative, sorting,
55 collection, transportation, or processing costs, if the producer respon-
56 sibility organization uses existing services through a municipality;

A. 5801

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1 (f) a proposed minimum post-consumer recycled material content rate
2 requirement and minimum recycling rate for materials. The minimum recy-
3 cling rate shall be varied for each recycled material and shall include
4 paper products, glass, metal, and plastic;

5 (g) a description of a public education program pursuant to section
6 27-3113 of this title;

7 (h) how the producers, or the producer responsibility organization,
8 will work with existing waste haulers, material recovery facilities,
9 recyclers, and municipalities to operate or expand current collection
10 programs to address material collection methods;

11 (i) a description of how a municipality will participate, on a volun-
12 tary basis, with collection and how existing municipal waste collection
13 infrastructure will be used;

14 (j) a description of how the producer, or producer responsibility
15 organization, plans to meet the convenience requirements set forth in
16 this title;

17 (k) a description of how the producer, or producer responsibility
18 organization, will meet or exceed the minimum recycling rate for a prod-
19 uct;

20 (l) a description of the process for end-of-life management, including
21 recycling and disposal, using environmentally sound management prac-
22 tices;

23 (m) a description of how a producer responsibility organization will
24 work with producers to reduce packaging through product design and
25 program innovations;

26 (n) a process to address concerns and questions from customers and
27 consumers; and

28 (o) any other information as specified by the department through regu-
29 lations.

30 2. The department shall promulgate a registration fee schedule to
31 cover administrative costs, including a schedule for re-evaluating the
32 fee structure on an annual basis.

33 § 27-3109. Producer responsibility plan approval.

34 1. No later than ninety days after the submission of the producer
35 responsibility plan, the department shall make a determination to
36 approve the plan as submitted; approve the plan with conditions; or deny
37 the plan. The department shall consider the following in whether to
38 approve a plan:

39 (a) the plan adequately addresses all elements described in section
40 27-3107 of this title with sufficient detail to demonstrate that the
41 objective of the plan will be met;

42 (b) the producer has undertaken satisfactory consultation with stake-
43 holders and has provided an opportunity for stakeholder input in the
44 implementation and operation of the plan prior to submission of the
45 plan;

46 (c) the plan adequately provides for: (i) the producer collecting and
47 funding the costs of collecting and processing products covered by the
48 plan or reimbursing a municipality; (ii) the funding mechanism to cover
49 the entire cost of the program; (iii) convenient and free consumer
50 access to collection facilities or collection services; and (iv) an
51 evaluation system for the fee structure, which shall be evaluated on an
52 annual basis by the producer responsibility organization and re-submit-
53 ted to the department annually;

54 (d) the plan takes into consideration a post-consumer content rate and
55 recycling rate that will create or enhance markets for recycled materi-
56 als and there is a plan to adjust the minimum rates on an annual basis.

A. 5801

7

1 Such rates shall take into consideration current state and federal
2 rates;

3 (e) the plan creates a convenient system for consumers to recycle that
4 is, at minimum, as convenient as curbside collection or as convenient as
5 the previous waste collection schema in the particular jurisdiction.

6 2. No later than six months after the date the plan is approved, the
7 producer, or producer responsibility organization, shall implement the
8 approved plan. The department may rescind the approval of an approved
9 plan at any time.

10 § 27-3111. Collection and convenience.

11 A producer or producer responsibility organization shall provide for
12 widespread, convenient, and equitable access to collection opportunities
13 for the covered products identified under the producer or producer
14 responsibility organization's plan. A producer responsibility organiza-
15 tion shall ensure services continue for all single and multi-family
16 residential units that a municipality serves as of the effective date of
17 this article, either directly or through a contract to provide services,
18 and that such services are continued through the plan. A producer
19 responsibility organization may rely on a range of means to collect
20 various categories of covered materials or products including, but not
21 limited to, curbside collection, depot drop-off, and retailer take-back
22 so long as covered materials and products collection options include
23 curbside or multi-family recycling collection services provided by
24 municipal programs, municipal contracted programs, solid waste
25 collection companies, or other approved entities as identified by the
26 department if:

27 1. The category of covered materials and products is suitable for
28 residential curbside recycling collection and can be effectively sorted
29 by the facilities receiving the curbside collected material;

30 2. The category of paper is suitable for residential curbside recycl-
31 ing collection and can be effectively sorted by the facilities receiving
32 the curbside collected material;

33 3. The provider of the residential curbside recycling service agrees
34 to include the category of covered materials and products as an accepted
35 material;

36 4. The covered materials and products category is not handled through
37 a deposit and return scheme or buy back system that relies on a
38 collection system other than curbside or multi-family collection; and

39 5. The provider of the residential curbside recycling service agrees
40 to the producer responsibility organization activity-based costs
41 arrangement.

42 § 27-3113. Outreach and education.

43 1. The producer, or producer responsibility organization, shall
44 provide effective outreach, education, and communications to consumers
45 throughout New York state regarding:

46 (a) proper end-of-life management of covered products and beverage
47 containers;

48 (b) the location and availability of curbside and drop-off collection
49 opportunities;

50 (c) how to prevent litter of covered products and beverage containers;
51 and

52 (d) recycling and composting instructions that are: consistent state-
53 wide, except as necessary to take into account differences among local
54 laws and processing capabilities; easy to understand; and easily acces-
55 sible.

A. 5801

8

1 2. The outreach and education required pursuant to subdivision one of
2 this section shall:

3 (a) be designed to achieve the management goals of covered products
4 under this title, including the prevention of contamination of covered
5 products;

6 (b) be coordinated across programs to avoid confusion for consumers;

7 (c) include, at a minimum: consulting on education, outreach, and
8 communications with local governments and other stakeholders; coordinat-
9 ing with and assisting local municipal programs, municipal contracted
10 programs, solid waste collection companies, and other entities providing
11 services; and developing and providing outreach and education to the
12 diverse ethnic populations in the state; and

13 (d) a plan to work with participating producers to label covered
14 products with information to assist consumers in responsibly managing
15 and recycling covered products.

16 3. The department shall determine the effectiveness of outreach and
17 education efforts under this section to determine whether changes are
18 necessary to improve those outreach and education efforts and develop
19 information that may be used to improve outreach and education efforts
20 under this section.

21 4. The producer responsibility organization shall undertake outreach,
22 education, and communications that assist in attaining or exceeding the
23 minimum post-consumer content and recovery rates.

24 § 27-3115. Reporting requirements and audits.

25 1. On or before one year after a producer or producer responsibility
26 organization's first plan is approved, and annually thereafter, each
27 producer, or producer responsibility organization acting as their desig-
28 nated agent, shall submit a report to the commissioner that details the
29 program for the prior year's program. The report shall be posted on the
30 department's website and on the website of the producer, or producer
31 responsibility organization acting as their designated agent. Such annu-
32 al report shall include:

33 (a) a detailed description of the methods used to collect, transport
34 and process covered materials and products including detailing
35 collection methods made available to consumers and an evaluation of the
36 program's collection convenience;

37 (b) the overall weight of covered materials and products collected in
38 the state;

39 (c) the weight and type of covered materials and products collected in
40 the state by the method of disposition;

41 (d) the total cost of implementing the program, as determined by an
42 independent financial audit, as performed by an independent auditor;

43 (e) information regarding the independently audited financial state-
44 ments detailing all deposits received and refunds paid by the producers
45 covered by the approved plan, and revenues and expenditures for any fees
46 associated with the approved plan that may be charged separately and
47 identified on the consumer receipt of sale;

48 (f) a copy of the independent audit;

49 (g) a detailed description of whether the program compensates munici-
50 pality, solid waste collection, sorting, and reprocessing companies,
51 and other approved entities for their recycling efforts and other
52 related services provided by the above entities;

53 (h) samples of all educational materials provided to consumers or
54 other entities; and

1 (i) a detailed list of efforts undertaken and an evaluation of the
2 methods used to disseminate such materials including recommendations, if
3 any, for how the educational component of the program can be improved.

4 2. The department shall not require public reporting of any confiden-
5 tial information that the department finds to be protected proprietary
6 information. For purposes of this title, protected proprietary informa-
7 tion shall mean information that, if made public, would divulge compet-
8 itive business information, methods or processes entitled to protection
9 as trade secrets of such producer or producer responsibility organiza-
10 tion or information that would reasonably hinder the producer or produc-
11 er responsibility organization's competitive advantage in the market-
12 place.

13 § 27-3117. Antitrust protections.

14 A producer responsibility organization, including officers, members,
15 employees and agents thereof, shall be immune from liability for conduct
16 under state laws relating to antitrust, restraint of trade, unfair trade
17 practices, and other regulation of trade or commerce only to the extent
18 necessary to plan and implement compliance with this section.

19 § 27-3119. Penalties.

20 1. Except as otherwise provided in this section, any person or entity
21 that violates any provision of or fails to perform any duty imposed
22 pursuant to this title or any rule or regulation promulgated pursuant
23 thereto, or any term or condition of any registration or permit issued
24 pursuant thereto, or any final determination or order of the commission-
25 er made pursuant to this article or article seventy-one of this chapter
26 shall be liable for a civil penalty not to exceed five hundred dollars
27 for each violation and an additional penalty of not more than five
28 hundred dollars for each day during which such violation continues.

29 2. (a) Any producer or producer responsibility organization who
30 violates any provision of or fails to perform any duty imposed pursuant
31 to this title or any rule or regulation promulgated pursuant thereto, or
32 any term or condition of any registration or permit issued pursuant
33 thereto, or any final determination or order of the commissioner made
34 pursuant to this article or article seventy-one of this chapter shall be
35 liable for a civil penalty not to exceed five thousand dollars for each
36 violation and an additional penalty of not more than one thousand five
37 hundred dollars for each day during which such violation continues. For
38 a second violation committed within twelve months of a prior violation,
39 the producer or producer responsibility organization shall be liable for
40 a civil penalty not to exceed ten thousand dollars and an additional
41 penalty of not more than three thousand dollars for each day during
42 which such violation continues. For a third or subsequent violation
43 committed within twelve months of any prior violation, the producer or
44 producer responsibility organization shall be liable for a civil penalty
45 not to exceed twenty thousand dollars and an additional penalty of six
46 thousand dollars for each day during which such violation continues.

47 (b) All producers participating in a producer responsibility organiza-
48 tion shall be jointly and severally liable for any penalties assessed
49 against the producer responsibility organization pursuant to this title
50 and article seventy-one of this chapter.

51 3. Civil penalties under this section shall be assessed by the depart-
52 ment after an opportunity to be heard pursuant to the provisions of
53 section 71-1709 of this chapter, or by the court in any action or
54 proceeding pursuant to section 71-2727 of this chapter, and in addition
55 thereto, such person or entity may by similar process be enjoined from
56 continuing such violation and any permit, registration or other approval

A. 5801

10

1 issued by the department may be revoked or suspended or a pending
2 renewal denied.

3 4. The department and the attorney general are hereby authorized to
4 enforce the provisions of this title and all monies collected shall be
5 deposited to the credit of the environmental protection fund established
6 pursuant to section ninety-two-s of the state finance law.

7 § 27-3121. State preemption.

8 Jurisdiction in all matters pertaining to activity-based costs and
9 funding mechanisms of producer responsibility organizations relating to
10 the recovery of covered materials by this title, vested exclusively in
11 the state. Any provision of any local law or ordinance, or any rule or
12 regulation promulgated thereto, governing covered materials and products
13 recycling shall, upon the effective date of this title, be preempted;
14 provided however, that nothing in this section shall preclude a person
15 from coordinating, for recycling or reuse, the collection of covered
16 materials and products.

17 § 27-3123. Authority to promulgate rules and regulations.

18 The commissioner shall have the power to promulgate rules and regu-
19 lations necessary and appropriate for the administration of this title.

20 § 27-3125. Severability.

21 The provisions of this title shall be severable and if any phrase,
22 clause, sentence or provision of this title or the applicability thereof
23 to any person or circumstance shall be held invalid, the remainder of
24 this title and the application thereof shall not be affected thereby.

25 § 3. This act shall take effect on the one hundred eightieth day after
26 it shall have become a law.



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 12, 2021

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

**RE: Erie County Sewer District No. 3 Engineer Term Contract Agreement
Ramboll/O'Brien & Gere Engineers, Inc. Work Order: OBG – 8**

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 December 6, 2018, 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,

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

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:ms
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
Ramboll/O'Brien & Gere Engineers, Inc. Work Order: OBG-8
Date: March 12, 2021

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 Ramboll/O'Brien & Gere Engineers (R/OBG), Inc. for Erie County Sewer District (ECSD) No. 3 in an amount not to exceed \$19,090.00.

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. 3 Professional Services Account No. 516020.

REASONS FOR RECOMMENDATION

The Division of Sewerage Management has issued a work order to R/OBG, Inc. to provide Mercury Emissions Testing for the Southtowns Advanced Wastewater Treatment Facility (AWTF) Sewage Sludge Incinerators.

BACKGROUND INFORMATION

On December 6, 2018, the Erie County Legislature passed a resolution authorizing a 3-year Term Agreement with R/OBG, Inc. for engineering services associated with air permit assistance for ECSD No. 3. 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 by 40CFR Part 503 and Subparts O & MMMM. Under this Work Order, R/OBG will provide mercury emission testing for the Southtowns AWTF sewage sludge incinerators.

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. 3
WORK ORDER NO. OBG-8**

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

CONTRACT DATE: December 6, 2018

-
1. **Title of Proposal:**
Southtowns Advanced Wastewater Treatment Facility Sewage Sludge Incinerator air permit assistance.
-
2. **Name, Business and Principal Address of Proposer:**
Matthew Traister, P.E
Ramboll/O'Brien & Gere Engineers
400 Andrews Street
Harro East Building; Suite 710
Rochester, NY 14604
-
3. **Effective Dates of Proposal:**
February 26, 2021
-
4. **Brief Description of Work for Which Proposal is Submitted:**
The engineer will provide Mercury Emission Testing for Southtowns AWTF Sewage Sludge Incinerators as detailed in the attached R/OBG letter, dated 2/12/2021.
-
5. **Engineering Cost:**
\$19,090.00
-
6. **Source of Funds:**
ECSD No. 3 Professional Services Account No. 516020
-
7. **Project No:** OBG-8
-
8. **Attachments:** R/OBG letter dated 2/12/2021 (7 pages)
-
9. **File:** 3.3.2. OBG (19-21)
-

DATE: February 26, 2021 Accepted By: _____

Prepared By: _____ Authorized By: _____

Matt A. Salah, P.E.

Joseph L. Fiegl, P.E.
Deputy Commissioner



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 12, 2021

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

**RE: Erie County Sewer District No. 6
Center Street Sanitary Sewer Replacement Project
Proposed Intermunicipal Agreement –City of Lackawanna**

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 a proposed intermunicipal agreement with the City of Lackawanna.

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 of this matter.

Sincerely yours,

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

Mark C. Poloncarz, Esq.
Erie County Executive

MCP: nw
Enclosure

Cc: J. Fiegl, Deputy Commissioner – DEP/DSM

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 6
Center Street Sanitary Sewer Replacement Project
Proposed Intermunicipal Agreement – City of Lackawanna
Date: March 12, 2021

SUMMARY

Approval is requested to enter into an intermunicipal agreement (IMA) between the County of Erie, on behalf of Erie County Sewer District (ECSD) No. 6, and the City of Lackawanna for the replacement of approximately 1,100 lineal feet of sanitary sewer laterals within the right-of-way of the City's planned Center Street road reconstruction project, provide compensation to the City for material costs related to catch basin and sewer manhole frame / cover replacement performed under this project, and reimburse the City for resident inspection services related to ECSD No. 6's portion of the project.

FISCAL IMPLICATIONS

There will be no fiscal implications to the County's General Fund. The funds for this contract will be allocated from ECSD No. 6 Capital Reserve Account.

REASONS FOR RECOMMENDATION

It is ECSD No. 6's past practice to provide new catch basins and manhole frames / covers to the City during paving projects. Because the City is advancing a full depth roadway reconstruction in lieu of a traditional mill and overlay of the pavement, there is also the opportunity to include ECSD No. 6 betterments into the City of Lackawanna's project to take advantage of economies of scale and restoration included within a larger project. This cooperative endeavor would provide a cost benefit to the residents of City of Lackawanna by preventing a duplication of restoration work and limiting the disruption to the public.

BACKGROUND INFORMATION

The City of Lackawanna is in the process of planning a full road reconstruction project on Center Street in the City. ECSD No. 6 owns and maintains the sanitary sewer and storm sewer infrastructure in the City of Lackawanna. During full depth restoration projects, the Division of Sewerage Management (DSM) attempts to replace all infrastructure within the right-of-way. Due to the scope of the work and the location of existing infrastructure, the City is required to replace the storm sewer infrastructure on its own as part of their project. As the mainline sanitary sewer was recently improved using cured-in-place pipe lining, only the sanitary sewer laterals within the right-of-way are required to be replaced.

The City has indicated it would be willing to partner with ECSD No. 6 for this work and preliminary terms for an IMA to effectuate this arrangement have been discussed. Under the proposed IMA, the City would include the sanitary sewer work as an alternate in their bid package for the road reconstruction project. Upon receipt of the bids, the DSM would review the proposed cost for the

alternate work and advise on award. Should the DSM accept the bid pricing and request that the City proceed with the alternate, initial payment for the work included in ECSD No. 6's bid alternate would be made by the City to the contractor. The DSM would subsequently reimburse the City for the construction cost per the bid items. The City's Engineering Consultant would oversee construction and provide inspection as part of the larger project. The DSM would review and approve applicable shop drawings prior to construction, attend progress meetings when applicable work is on the agenda, coordinate with the City's Engineering Consultant if issues are encountered, and review the final installation of sanitary sewer work prior to final acceptance. ECSD No. 6 would provide the City with compensation for items specific to the addition of sanitary sewer work in the project, including costs associated with the aforementioned alternate bid item, extra resident inspection work, and minor restoration outside of the road reconstruction areas. Additionally, ECSD No. 6 would provide monies for new storm drainage structures and frames / covers for manholes within the project area, as it traditionally does.

The Engineer's estimate for the sanitary sewer work as a standalone project is \$410,000.00. The Engineer's estimate for material costs for catch basins and frame and covers is \$40,000.00. As the estimate does not include engineering expenses by the City, and as the exact cost for the alternate bid item will not be known until after bid, an amount not to exceed \$500,000.00 is requested for transfer. ECSD No. 6 has sufficient capital reserves to fund this project.

CONSEQUENCES OF NEGATIVE ACTION

ECSD No. 6 would not be able to provide new infrastructure within the right-of-way of the full depth road reconstruction project as it traditionally endeavors to do. Future work to address the sewer infrastructure would invariably be more expensive due to the need for separate contractor mobilization, restoration work, and the like. Additionally, failing sewer pipes could result in sinkholes in the roadway, requiring excavation of a newly reconstructed payment. This would be a nuisance for the public by creating additional impacts for multiple projects and be a visible display of economic waste.

STEPS TO FOLLOW APPROVAL

An IMA with the City of Lackawanna will be executed, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning. If the DSM authorizes the City to proceed with the aforementioned alternate bid item, capital reserves in an amount not to exceed \$500,000.00 would be transferred to reimburse the City for associated costs.

COMPTROLLER'S OFFICE REVIEW

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

Signed John Solecki Date 3/5/2021
Title Gregory Gach
Deputy Comptroller

John Solecki
Director of Accounting Services & Cash Management

Erle County Sewer District No. 6
Center Street Sanitary Sewer Replacement Project
Capital Reserves Account C.00006

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District No. 6
Center Street Sanitary Sewer Replacement Project
Proposed Intermunicipal Agreement – City of Lackawanna

WHEREAS, the City of Lackawanna intends to undertake road and utility reconstruction of Center Street in the City of Lackawanna (hereinafter referred to as the “Road Reconstruction Project”); and

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

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

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

NOW, THEREFORE, BE IT,

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

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

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

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

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

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

RESOLVED, that any unused funds be returned to the capital reserve account and the budget be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this resolution to the County Executive, the Director of Budget and Management, the County Comptroller, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Department of Environment and Planning, Rath Building, 10th Floor.



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 12, 2021

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: Lake Erie Watershed Protection Alliance Coordinator Contract

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Environment and Planning authorizing the County Executive or Deputy County Executive to execute a contract agreement with the Erie County Soil and Water Conservation District to continue to coordinate the Lake Erie Watershed Protection Alliance and to execute a budget amendment.

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,

A handwritten signature in blue ink that reads "Mark C. Poloncarz". The signature is written in a cursive style and is positioned below the "Sincerely yours," text.

Mark C. Poloncarz, Esq.
Erie County Executive

Enclosure

cc: Thomas R. Hersey, Jr., Commissioner
Bonnie L. Lawrence, Deputy Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Lake Erie Watershed Protection Alliance Coordinator Contract
Date: March 12, 2021

SUMMARY

It is recommended that the Legislature approve the attached resolution prepared by the Department of Environment and Planning (DEP) authorizing the County Executive or Deputy County Executive to enter into an agreement with the Erie County Soil and Water Conservation District (ECSWCD) and to execute a budget amendment to have Joanna Panasiewicz, Senior Environmental Compliance Specialist (JG-12), continue to fulfill the role of Lake Erie Watershed Protection Alliance (LEWPA) Coordinator. ECSWCD is the recipient of funding from the New York State Environmental Protection Fund via the New York State Department of Environmental Conservation (NYSDEC) for the LEWPA Project, which is a regional planning and implementation effort to protect and improve water quality with Erie, Cattaraugus and Chautauqua Counties.

FISCAL IMPLICATIONS

25% of this position will be funded through the ECSWCD. The other 75% is funded through a different grant provided by the New York State Department of State (NYSDOS) for the specific purpose of developing a nine-element watershed management plan for the region. \$64,400 from the ECSWCD will be added to the existing NYSDOS budget of \$501,000.

REASONS FOR RECOMMENDATION

It is vital that the LEWPA project does not lose momentum as it is crucial to securing and managing funds to make improvements to water quality in the New York State portion of the Niagara River/ Lake Erie Watershed. Not utilizing this funding would jeopardize the work through the NYSDOS as well since both funding sources work together to fund the position and provide water quality improvement planning and implementation.

BACKGROUND INFORMATION

ECSWCD has received NYSDEC grant funding for the past five years to support LEWPA – a three-county collaborative effort to better align our communities to improve the Lake Erie watershed and protect Lake Erie water quality. This effort includes funding for a LEWPA Coordinator position, which involves working with NYSDEC to develop and implement work plans and pursue funding for LEWPA watershed improvement initiatives.

Ms. Panasiewicz has been coordinating projects in the three counties, thus far resulting in 5,121 linear feet of streambank stabilization, 47 acres of ditches and highly erosive areas being hydro-seeded, 24 acres of invasive species management, over 3,500 people being educated on aquatic invasive species prevention & water quality issues, six feasibility studies being completed in order to apply for additional project implementation funds, and a watershed-wide bacteria sampling program implemented.

Ms. Panasiewicz has been involved with LEWPA since its inception, and ECSWCD has contracted with DEP to coordinate LEWPA since 2012. Additional funds are expected from NYSDEC for this position to continue. The contract would continue through March 31, 2023 in the amount of \$64,400.

CONSEQUENCES OF NEGATIVE ACTION

Without the requested authorization, the LEWPA project will be delayed and will fall behind in its deliverables. Such a delay will result in lost opportunities to secure funding to make improvements to water quality along the Lake Erie shoreline in New York State, as well as the associated watershed, including Erie County. It will also result in the loss of momentum in developing a nine-element watershed management plan for the region, a priority for NYSDEC and necessary for certain federal and state implementation funds for the region.

STEPS FOLLOWING APPROVAL

A new contract with ECSWCD will be executed and the grant budget will be revise

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Lake Erie Watershed Protection Alliance Coordinator Contract

WHEREAS, the Erie County Department of Environment and Planning (DEP) has played a crucial role in water quality issues throughout the region for decades and continues to lead and manage many initiatives that protect and preserve our natural water resources; and

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

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

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

NOW, THEREFORE, BE IT

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

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

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

REVENUE:

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

APPROPRIATIONS:

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

and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with Federal and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; and Bonnie L. Lawrence, Deputy Commissioner of Environment and Planning.



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 12, 2021

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: WNY Sustainable Business Roundtable Contract Budget Revision

Dear Honorable Members:

Please find attached a resolution from the Department of Environment and Planning to authorize increasing a sub-award budget under the United States Environmental Protection Agency "WNY Sustainable Business Roundtable Grant."

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

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mw
Enclosure

cc: Thomas R. Hersey, Jr., Commissioner
Bonnie Lawrence, Deputy Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Environment and Planning
Re: WNY Sustainable Business Roundtable Contract Budget Revision
Date: March 12, 2021

SUMMARY

The Department of Environment and Planning (DEP) is seeking authorization to increase a sub-award contract budget to the Western New York Sustainable Business Roundtable (WNYSBR) under the United States Environmental Protection Agency grant titled the “Regional Impact Reduction via Western New York Sustainable Business Roundtable – Food Industry Optimization & Climate Focus”. The sub-award budget for the WNY Sustainable Business Roundtable would be increased by \$1,888.

FISCAL IMPLICATIONS

There will be no impact on County resources. Another subcontractor completed work on this project under budget, and that excess budget would be allocated to the WNYSBR.

REASONS FOR RECOMMENDATION

The requested will allow reimbursement of allowable project expenses to the WNYSBR.

CONSEQUENCES OF NEGATIVE ACTION

Without approval, money for allowable expenses would be returned to the Federal government.

STEPS FOLLOWING APPROVAL

The sub-award budget will be revised.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: WNY Sustainable Business Roundtable Contract Budget Revision

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

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

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

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that County Executive is authorized to increase the WNYSBR sub-agreement budget by \$1,888, from \$25,073 to a final budget of \$26,961; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; Bonnie Lawrence, Deputy Commissioner of Environment and Planning; and P. Josh Wilson, Coordinator, Pollution Prevention Program.

Graber, Robert

From: New York State Department of Environmental Conservation
<nysdec@public.govdelivery.com>
Sent: Wednesday, March 10, 2021 11:32 AM
To: Graber, Robert
Subject: 389 Manhattan Avenue Site (Buffalo) - Public Comment Invited on Brownfield Application

[Caution: this email is not from an Erie County employee: attachments or links may not be safe.]



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DEC Invites the Public to Comment About Brownfield Cleanup Program Application for Site on Manhattan Ave., Buffalo

The New York State Department of Environmental Conservation (DEC) has received a Brownfield Cleanup Program (BCP) application from 389 Manhattan, LLC for a site known as **389 Manhattan Avenue, site ID #C915369**. This site is located in the City of Buffalo, within the County of Erie, and is located at 389 Manhattan Avenue.

Access the application and other relevant documents online through the DECinfo Locator: <https://www.dec.ny.gov/data/DecDocs/C915369/>. The documents will also be available at the document repository once reopened, located at Buffalo & Erie County Public Library, 975 Hertel Avenue, Buffalo, NY 14216.

There are several ways to comment on BCP applications. Comments can be submitted to the site Project Manager Matthew King at NYSDEC, 270 Michigan Ave., Buffalo, NY 14203-2915; via email at matthew.king@dec.ny.gov or by calling 716-851-7220. **All comments must be submitted by April 9, 2021.**

Site information can be viewed by entering the site ID noted above at: <https://www.dec.ny.gov/cfm/xtapps/derexternal/index.cfm?pageid=3>

What is the Brownfield Cleanup Program?

New York's Brownfield Cleanup Program (BCP) is designed to encourage private-sector cleanups of brownfields and to promote their redevelopment as a means to revitalize economically blighted communities. The BCP is an alternative to "greenfield" (land not previously developed or contaminated) development and is intended to remove some of the barriers to, and provide tax incentives for, the redevelopment of brownfields. Since its inception (2003), the BCP has catalyzed the cleanup of more than 300 contaminated sites statewide and

incentivized redevelopment. There are more than 350 active sites in the BCP.

Additional information on the State's Brownfield program is available at DEC's website:

<https://www.dec.ny.gov/chemical/8450.html>

The [New York State Department of Environmental Conservation](#) respects your right to [privacy](#) and welcomes your [feedback](#) | [Update preferences or unsubscribe](#) | [Learn more about DEC Delivers](#)

Connect with DEC:    

Basil Seggos, Commissioner

This email was sent to graberr@erie.gov using GovDelivery Communications Cloud on behalf of: New York State Department of Environmental Conservation
625 Broadway · Albany, NY 12233 · (518) 402-8013

Michele M. Iannello-Ward
4 Heritage Rd E
Williamsville, NY 14221
Michele.iannello@gmail.com/716-812-5283

REC'D APR 21 AM 9:07

Via Electronic Submission to Robert.Graber@erie.gov

March 15, 2021

Honorable April Baskin, Chair
C/O Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street
Buffalo, NY 14202

RE: Letter of Interest – Commissioner, Erie County Water Authority

Dear Chairwoman Baskin,

Pursuant to Section 5.01 of the Erie County Legislature Rules of Order, I submit this letter of interest, along with my resume, in consideration for appointment to the position of Commissioner of the Erie County Water Authority.

I appreciate your taking the time to read my letter and review my resume. I look forward to the opportunity to meet with you and the other Legislators to answer any questions you may have.

Sincerely,



Michele M. Iannello-Ward

Attachment - Resume

Michele M. Iannello-Ward
4 Heritage Rd. E
H (716) 873-1936 C (716) 812-5283
michele.iannello@gmail.com

Professional Experience

January 1, 2017- Present *Vice President	Complete Security, Inc. 380 Highland Avenue Tonawanda, NY 14223
April, 2007 – December 31, 2016 *Real Estate Paralegal	Brenon, Lipman & Zarcone, LLP 5500 Main St. Suite 201 Williamsville, NY 14221
January 1, 2006 – December 31, 2009 *Legislator – 10 th District	Erie County 92 Franklin St. - 4th floor Buffalo, NY 14202
November 5, 2001 – August, 2006 *Real Estate Paralegal	Block, Colucci, Notaro, Laing PC One Niagara Square Buffalo, NY 14202
December, 2003 – December 31, 2005 *Trustee	Village of Kenmore 2919 Delaware Ave. Kenmore, NY 14217
January 2, 2001 – November 1, 2001 *Mortgage Origination Specialist	HSBC Mortgage Corp., USA 2929 Walden Ave. Depew, New York 14043
June 7, 1999 –December 30, 2000 *Receptionist	Schuller & Tibbetts, Orth PC 5353 Main Street Williamsville, NY 14221
September 21, 1998 –April 30, 1999 *Receptionist/Assistant Paralegal	Michael Blinkoff, Esq. 2746 Delaware Ave. Kenmore, New York 14217
May 1991- February 1993 *Owner/operator	Grimaldi's Pizza Niagara Falls Blvd, Wheatfield

REC-17-00011-71-48 309

Education

June 2012 *Associates in Science Degree	Empire State College Niagara Frontier, Cheektowaga, NY
May 2000 *Paralegal Certification	University at Buffalo Amherst Campus
January 1996-1998 *Paralegal Studies	Erie Community College City Campus
Graduated 1978 *Business Major	Kenmore West Senior High Highland Ave., Kenmore

Education and Awards

Graduate, New York State Association of Counties Dennis Pelletier Institute 2009,
Cornell University School of Industrial and Labor Relations,
Supervision and Retail Organization Structure
Recipient of the YWCA 2009 Marybeth Lawton Leadership Award
Recipient of the AccuTheranostics 2012-2013 Woman in Excellence Award

Memberships

Trustee, Board of Directors, Amherst Libraries
Board Member, Kenmore West Senior High Alumni Foundation
Member, Ken-Ton Chamber of Commerce
Former President, Board of Directors for Hasek's Heroes Youth Hockey program, which was developed specifically for families who cannot afford the cost of the sport, but who want to give their child a chance to learn to skate and play hockey.
Former Board member, YWCA, supporting the mission of empowering women, eliminating racism, and promoting peace, justice, freedom, and dignity for all.
Former member, Grand Island Business and Professional Women USA
Former member, Kenmore Village Improvement Society
Former Board member, Romulus Women's Auxiliary
Former member, Zonta Club of Kenmore
Former member, Clean Air Coalition of WNY
Former member, National Association of Professional Woman

Former Legislative Committees

Chairperson, Green Actions Community Committee

Conducted monthly meetings regarding energy efficient initiatives aimed at reducing our carbon footprint. Presentations were given by speakers who were expert and proficient in energy and environmental issues.

Chairperson, Community Enrichment Committee

Legislative Committee responsible for government relations with Erie Community College, Arts and Cultural organizations and the Erie County Library system. The committee's goals were directed toward strengthening the social and economic health of the community.

Member of Energy and Environment Committee

I played a leadership role in reviewing and discussing issues, requests and proposals that dealt directly or indirectly with the delivery of services to Erie County and its residents. The committee's oversight included the departments of Public Works, Parks, Environmental Protection, and The Erie County Water Authority.

Member Public Safety Committee

The Committee reviewed budgets and recommended policies regarding the Sheriff's department, Emergency Services, District Attorney and the County jail system.

NYSAC Public Safety Standing Committee

NYSAC Public Safety Standing Committee is essential in the development of NYSAC's advocacy planning and efforts. We developed, discussed and adopted a series of resolutions regarding public safety to go before the full county delegation, and then became the basis of NYSAC's legislative program for the coming year.

Co-Chair and former member of the Niagara Erie Regional Coalition

The Niagara Erie Regional Coalition is a partnership between government, private, and non-profit agencies committed to thinking and acting regionally for the betterment of Erie and Niagara Counties.

Other interests include, Cycling, Women's Softball, Pilates, and walking my dogs.

References upon request