

June 17, 2021

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 11

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 12E-3 (2021)
COUNTY EXECUTIVE: “ECSD Nos. 1, 4 & 5 – Construction Inspection Term Contract Agreement”
(Chair’s Ruling)
 - b. COMM. 12E-16 (2021)
COUNTY EXECUTIVE: “ECSD No. 3 - Engineering Term Contract Agreement, Work Order DA-5”
(Chair’s Ruling)
 - c. COMM. 12E-17 (2021)
COUNTY EXECUTIVE: “ECSD No. 3 - Engineering Term Contract Agreement, Work Order DA-4”
(Chair’s Ruling)
 - d. COMM. 12M-1 (2021)
NYSDEC: “Update on Status of Investigation and Cleanup Activities – Riverview Innovation & Technology Campus”
(Chair’s Ruling)
2. COMM. 12E-4 (2021)
COUNTY EXECUTIVE
WHEREAS, the Federal Government, through the Environmental Protection Agency, provides grant assistance for the Great Lakes Area of Concern Program; and

WHEREAS, the Environmental Protection Agency awarded Erie County \$2,529,500 to complete a five-year Buffalo River Remedial Action Plan Project; and

WHEREAS, the 8.43% local match will be provided by Erie County DEP staff in in-kind services; and

WHEREAS, Erie County solicited proposals from qualified firms to prepare an invasive species removal and habitat restoration plan; and

WHEREAS, Erie County conducted a review and selection process for the proposals that were received for the Feasibility Study; and

WHEREAS, the review committee selected RES Great Lakes, LLC to complete the invasive species removal and habitat restoration project work; and

WHEREAS, the grant budget and project period for the invasive species removal and habitat restoration project is located in the Department of Environment and Planning, Business Area 162, Fund 281 as follows:

Erie County Buffalo River AOC Project Management
(Grant Period: 10/1/2019-09/30/2024)
SAP Grant Account #162BUFRIVERRAP1924

REVENUE:

<u>Account Description</u>	<u>Budget</u>
414000 Federal Aid Revenue	\$2,529,500
TOTAL REVENUE	\$2,529,500

APPROPRIATIONS:

<u>Account Description</u>	<u>Budget</u>
516020 Professional Services	\$580,000
TOTAL APPROPRIATIONS	\$580,000

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute an agreement with RES Great Lakes, LLC to complete the invasive species removal and habitat restoration project work, in an amount not to exceed \$580,000 in grant resources; and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; and Bonnie Lawrence, Deputy Commissioner of the Division of Environmental Compliance Services.

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3. COMM. 12E-11 (2021)

COUNTY EXECUTIVE

WHEREAS, the State of New York through its Department of Environmental Conservation (DEC) and Environmental Facilities Corporation (EFC) provides financial assistance through the Engineering Planning Grant program; and

WHEREAS, the State of New York has awarded Erie County a maximum of \$100,000.00 for the Erie County Sewer District (ECSD) No. 4 Flow Monitoring and Infiltration/Inflow (I/I) Quantification Project through the Engineering Planning Grant program; and

WHEREAS, a minimum local match of 20% is required for the grant award; and

WHEREAS, Arcadis was retained by the County of Erie for the ECSD Nos. 1&4 Flow Monitoring and I/I Quantification Project pursuant to Legislative Comm. 1E-12 (2021); and

WHEREAS, the project budget listed in Legislative Comm. 1E-12 (2021) must be adjusted to reflect the grant award; and

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to review under the Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie previously determined pursuant to Legislative Comm. 1E-12 (2021) that the ECSD Nos. 1&4 Flow Monitoring and I/I Quantification Project is a Type II SEQR action in accordance with 6 NYCRR Section 617.5 (c) and therefore is not subject to further review under 6 NYCRR Part 617; and be it further

RESOLVED, that the County Executive or his/her designee is authorized to execute a Grant Agreement with the DEC or EFC for the project; and be it further

RESOLVED, that the Deputy Commissioner in the Division of Sewerage Management or his/her designee is authorized to execute all other contracts, documents and instruments with the DEC or EFC to bring about the Project and to fulfill the obligations under the Engineering Planning Grant Agreement; and be it further

RESOLVED, that the minimum 20% local match required for the Engineering Planning Grant Program will be provided through ECSD No. 4 accounts; and be it further

RESOLVED, that the authorization provided in Legislative Comm. 1E-12 (2021) for the partial closure of up \$240,000.00 from ECSD No. 4 Capital Reserve Account C.00034 shall remain in the budget and shall be the source of the local match for the Engineering Planning Grant; and be it further

RESOLVED, that the Director of Budget and the County Comptroller be authorized to increase estimated revenues in Bond Account C.17401 for the \$100,000.00 grant; and be it further

RESOLVED, that upon receipt of the grant monies and completion of the project, any unused capital reserves funds shall be returned to the appropriate capital reserve account and the budget be adjusted accordingly; 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 County Comptroller, the Director of the Division of Budget and Management, Kristen Walder, Assistant County Attorney, Joseph Fiegl, P.E., Deputy Commissioner of the Department of Environment and Planning, and the Albany offices of the New York State DEC and EFC.
(5-0)

TIMOTHY J. MEYERS
CHAIR