

October 29, 2020

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 13

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

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 19M-1 (2020)
NYSDEC: “Fact Sheet - Brownfield Cleanup Program Application & Draft Remedial Investigation Work Plan - 324, 328, 334 North Oak St. & 441 Ellicott St., Buffalo”
(Chair’s Ruling)
 - b. COMM. 19M-4 (2020)
NYSDEC: “Fact Sheet - Completion of Brownfield Cleanup Program at 301 Connecticut St., Buffalo”
(Chair’s Ruling)
 - c. COMM. 19M-5 (2020)
NYSDEC: “Invitation for Public Comment - Brownfield Cleanup Program Application for 324, 328, 334 North Oak St. & 441 Ellicott St., Buffalo”
(Chair’s Ruling)

2. COMM. 19E-11 (2020)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, the State of New York, through its Department of Environmental Conservation, granted Erie County, in partnership with 40 municipalities, \$320,000 to commence the WNY Stormwater Coalition (WNYSC): Storm System Mapping Project; and

WHEREAS, Erie County and the DEC entered into a contract (Grant #162WNYSCSSMP1720) authorized by COMM. 21E-22 (2017); and

WHEREAS, continued execution of the project work plan in accordance with the contractual requirements set forth by the granting agency necessitates the following grant funded staff position:

Information Technology Specialist 1 (JG 8)

and

WHEREAS, it is necessary to extend the term of this contract to December 31, 2022.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is authorized to execute the necessary agreements with the DEC to extend the project until December 31, 2022; and be it further

RESOLVED, that the following position, which is 100% grant funded, will be created under the WNY Stormwater Coalition: Storm System Mapping Project grant 162WNYSCSSMP1720, business area 162, fund 281:

Information Technology Specialist 1 (JG 8)
B-100—No. 12134
Budgeted Annual Salary: \$47,142

and be it further

RESOLVED, that the following existing position will be eliminated:

Junior Environmental Compliance Specialist (JG 7)

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 Lawrence, Deputy Commissioner of Environment and Planning.
(5-0)

3. COMM. 19E-12 (2020)
COUNTY EXECUTIVE
WHEREAS, pursuant to Legislative Comm. 14E-8 (2019), Contract No. 63 was awarded to Kandey Company, Inc. to construct the Parker Road Elevated Sewer Repair Project in Erie County Sewer District No. 3; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 63, in the final contract amount of \$388,810.38 and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 63 between the County of Erie and Kandey Company, Inc. (19 Ransier Drive, West Seneca, NY 14224) is accepted in the final contract amount of \$388,810.38, as allocated in Erie County Sewer District No. 3 Capital Account C.00062; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 63, to Kandey Company, Inc. for a total contract amount of \$388,810.38; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management, Kristen Walder, Assistant County Attorney, and Joseph L. Fiegl, P.E., Department of Environment and Planning. (5-0)

4. COMM. 19E-13 (2020)
COUNTY EXECUTIVE

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

WHEREAS, DEP completed the Regional Niagara River Lake Erie Watershed Management Plan Phase 2 project in 2019, which began the process of developing a Nine-Element Watershed Management Plan for the region to protect and improve our water resources and to allow the County and stakeholders to better compete for certain funding sources; and

WHEREAS, DEP is committed to coordinate, oversee, and conduct work to complete the creation of a Nine-Element Watershed Management Plan in the Regional Niagara River Lake Erie Watershed Management Plan Phase 3 project on behalf of the Lake Erie Watershed Protection Alliance (LEWPA); and

WHEREAS, the New York State Department of State (NYS DOS) provides grant assistance to municipalities to prepare watershed plans; and

WHEREAS, the NYSDOS awarded Erie County a \$501,000.00 grant to complete the “Regional Niagara River/Lake Erie Watershed Management Plan Phase 3” project including stream assessments; and

WHEREAS, LEWPA has expertise within the member County Soil & Water Conservation Districts to conduct stream assessments throughout the Niagara River/Lake Erie Watershed, and is specified as the project sub-awardee by NYSDOS; and

WHEREAS, this necessitates the execution of a grant contract with the NYSDOS; the adoption of a grant budget; the continued funding of a Senior Environmental Compliance Specialist (JG-12) position within the DEP; the creation of six (6) Intern Seasonal (JG-01) positions within the DEP; and the execution of a subcontract with LEWPA.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$501,000 from the NYSDOS for the purpose of establishing a “Regional Niagara River/Lake Erie Watershed Management Plan Phase 3” project; and be it further

RESOLVED, that the grant budget and project period for the NYSDOS “Regional Niagara River Lake Erie Watershed Management Plan Phase 3” is hereby created in the Department of Environment and Planning, Business Area 162, as follows:

New York State Department of State: Regional Niagara River Lake Erie Watershed Management Plan Phase 3 (October 1, 2020 – September 30, 2025), SAP Grant Account #162RNRLEWMP2025
10/1/2020 through 9/30/2025

NYSDOS REVENUE

<u>Account</u>	<u>Description</u>	<u>Amount</u>
409000	State Aid Revenue	\$501,000
TOTAL REVENUE		\$501,000

APPROPRIATIONS

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Full Time Salaries	\$172,000
500030	Seasonal – Wages	\$64,500
502000	Fringe	\$119,500
505000	Supplies	\$6,500
510000	Local Travel & Mileage	\$1,500
516020	Professional Services Contract	\$137,000
TOTAL APPROPRIATIONS		\$501,000

and be it further

RESOLVED, that the following position, which is 100% grant funded, will be transferred from the Lake Erie Watershed Protection Alliance grant (SAP Grant Account 162LEWPA1718) upon consumption of the budget for that project:

Senior Environmental Compliance Specialist (JG-12)
B-100 #12152
Budgeted Annual Salary: \$75,469

and be it further

RESOLVED, that the following positions, for which sufficient funding exists in the NYSDOS grant for personal services and fringe benefits, will be created in the above grant:

(6) Intern Seasonal (JG-01)
B-100 #11998, #11999, and #12000
Budgeted Annual Salary: \$32,256

and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.
(5-0)

5. COMM. 19E-14 (2020)
COUNTY EXECUTIVE

WHEREAS, Erie County wants to develop effective outreach programs to institutions about food waste reduction, diversion, donation, composting, and disposal in accordance with the New York State (NYS) Food Donation and Food Scraps Recycling Law; and

WHEREAS, approximately 40% of the food produced in the United States goes uneaten. Meanwhile an estimated 2.8 million New Yorkers are food insecure. Simultaneously, excess edible food and food scraps see the end of their life at a landfill, where their decomposition produces methane, a potent greenhouse gas; and

WHEREAS, NYS has taken a stand to make the most of our food by mandating large generators of food scraps to redirect wholesome edible food to those in need and food scraps to organics recycling facilities where they will be recycled into a product beneficial to our environment; and

WHEREAS, Erie County and its partners, Northeast Waste Management Officials Association (NEWMOA), LEANPATH, and State University of New York (SUNY) Erie Culinary, are developing a food reduction project focused on reducing food waste through tracking, measuring, and planning; and

WHEREAS, this project will facilitate the characterization of food waste sources and quantities for the Local Solid Waste Management Plans which are submitted to New York State Department of Environmental Conservation (NYSDEC). It will also help SUNY Erie implement the food waste reduction goals outlined as part of the comprehensive SUNY System "Ensuring a Greener Future" Initiative; and

WHEREAS, New York State Department of Environmental Conservation (NYSDEC) provides competitive funding for local government to better consolidate and share services; and

WHEREAS, Erie County applied to NYSDEC for a grant to implement the Erie County Food Waste Reduction Program to develop needed experience and data during the implementation of the Food Donation and Food Scraps Recycling Law, with enforcement scheduled to begin in January 2022; and

WHEREAS, Erie County received a NYSDEC award for \$200,000 in funding to conduct such a project; and

WHEREAS, the NYSDEC grant award also included two sub-awardees, NEWMOA and LEANPATH, which require contracts with Erie County; and

WHEREAS, the Erie County Food Waste Reduction Program necessitates the execution of a contract between Erie County and NYSDEC, the adoption of a grant budget, and the creation of a Senior Environmental Compliance Specialist (JG 12) position.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$200,000 from NYSDEC for the purpose of establishing an "Erie County Food Waste Reduction Program"; and be it further

RESOLVED, that the County Executive or the Deputy County Executive execute a contract with grant sub-awardee, Northeast Waste Management Officials Association (NEWMOA), in the amount of \$70,000, to provide education, training and outreach targeting the specific sources and types of food waste identified by the tracking and measurement process; and be it further

RESOLVED, that the County Executive or Deputy County Executive execute a contract with grant sub-awardee LEANPATH, in the amount of \$99,150 to lease LEANPATH food waste tracking and measurement systems; and be it further

RESOLVED, that the grant budget and project period for the “Erie County Food Waste Reduction Program” is hereby created in the Department of Environment and Planning, Business Area 162, as follows:

Erie County Food Waste Reduction Program
SAP Grant Account 162ECFWRP1923
October 1, 2019 – September 30, 2023

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
409000	State Aid	\$200,000
TOTAL REVENUE		\$200,000

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
916290	ID Env & Planning Grants	\$24,246
516020	Professional Services	\$70,000
545000	Rental Charges	\$99,150
510100	Travel	\$ 4,000
530000	Other (promotional materials and advertising)	\$ 2,604
TOTAL APPROPRIATIONS:		\$200,000

and be it further

RESOLVED, that funding may be used to partially fund an existing County position; 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 the grantor 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 Lawrence, Deputy Commissioner of Environment and Planning.
(5-0)

6. COMM. 19E-15 (2020)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 4E-25(2019), Contract 57R-D (Electrical) was awarded to CIR Electrical Construction Corporation to construct the Well Street and Wilmuth Avenue Pumping Stations Electrical Systems Upgrade Project, in Erie County Sewer District No. 6; 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. 57R-D (Electrical), in the final contract amount of \$464,384.05 which includes Change Order No. 2 (final), a decrease of (\$5,815.95) and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 57R-D (Electrical) between the County of Erie and CIR Electrical Construction Corporation (400 Ingham Avenue, Buffalo, NY 14218) is accepted in the final contract amount of \$464,384.05 which includes Change Order No. 2 (final), a decrease of (\$5,815.95) and is allocated in Erie County Sewer District No. 6 Capital Account C.17601; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 57R-D (Electrical) to CIR Electrical Construction Corporation for a total contract amount of \$464,384.05; 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, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.
(5-0)

7. COMM. 19E-16 (2020)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 11E-29 (2019), Contract No. 59 was awarded to Hohl Industrial Services Inc. to construct the Southtowns AWTF ORF Rehabilitation Repairs Project, in Erie County Sewer District No. 3; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 59, in the final contract amount of \$666,666.95 which includes Change Order No. 3 (final), an increase of \$15,213.75 and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 59 between the County of Erie and Hohl Industrial Services Inc. (770 Riverview Blvd, Tonawanda, New York 14150) is accepted in the final contract amount of \$666,666.95 which includes Change Order No. 3 (final), an increase of \$15,213.75 and is allocated in Erie County Sewer District No. 3 Capital Account C.00062; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 59, to Hohl Industrial Services Inc. for a total contract amount of \$666,666.95; 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, Assistant County Attorney, and Joseph L. Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.
(5-0)

8. **COMM. 19E-17 (2020)**
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 4E-25(2019), Contract No. 57R-A (General) was awarded to STC Construction, Inc. to construct the Well Street and Wilmuth Avenue Pumping Stations Electrical Systems Upgrade Project, in Erie County Sewer District No. 6; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now complete; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 57R-A (General), in the final contract amount of \$543,000.00 and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 57R-A (General) between the County of Erie and STC Construction, Inc. (63 Zoar Valley Road, P.O. Box 459, Springville, New York 14141-0459) is accepted in the final contract amount of \$543,000.00 and is allocated in Erie County Sewer District No. 6 Capital Account C.17601; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 57R-A (General) to STC Construction, Inc. for a total contract amount of \$543,000.00; 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, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.
(5-0)

9. **COMM. 19E-18 (2020)**
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 4E-25(2019), Contract No. 57R-B (Heating and Ventilation) was awarded to Quackenbush Co., Inc. to construct the Well Street and Wilmuth Avenue Pumping Stations Electrical Systems Upgrade Project, in Erie County Sewer District No. 6; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now complete; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 57R-B (Heating and Ventilation), in the final contract amount of \$99,115.00 and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 57R-B (Heating and Ventilation) between the County of Erie and Quackenbush Co., Inc. (495 Kennedy Road, Buffalo, New York 14227) is accepted in the final contract amount of \$99,115.00 and is allocated in Erie County Sewer District No. 6 Capital Account C.17601; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 57R-B (Heating and Ventilation) to Quackenbush Co., Inc. for a total contract amount of \$99,115.00; 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, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.
(5-0)

10. COMM. 19E-22 (2020)
COUNTY EXECUTIVE

WHEREAS, the County Executive has made the below appointment to the Erie County Sewer District Board of Managers pursuant to the power vested to him by Section 2204 of the County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the following appointment to the Erie County Sewer District Board of Managers is hereby confirmed:

<u>Erie County Sewer District No. 5</u>	<u>Term Expires</u>
Mr. Jonathan Bleuer Director of Community Development Town of Clarence One Town Place Clarence, New York 14031	12/31/21

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the appointee, and Joseph Fiegl, P.E. – Deputy Commissioner of the Department of Environment and Planning.
(5-0)

TIMOTHY J. MEYERS
CHAIR