



THE ERIE COUNTY LEGISLATURE

ENERGY &
ENVIRONMENT
COMMITTEE

Terrence D.
McCracken
Chair

Timothy R. Hogues
Vice-Chair

Rebecca M. Brooks
Clerk

Meeting No. 2 – February 2, 2012 –
9:00 AM

1. **LL INT. 8-1 (2011)**
Session 21

**KOZUB, MILLER-
WILLIAMS, BOVE &
WHALEN**

*“A LL Entitled "Prohibiting
the Use of Hydraulic
Fracturing as a Method for
Extraction of Natural Gas or
Oil in EC" in Relation to
Preventing the Use of
Hydraulic Fracturing
(Commonly Known as
Hydro-Fracking within EC)”*
COUNTY OF ERIE

LOCAL LAW INTRO. NO. ___-2011

LOCAL LAW NO. ___-2011

A Local Law entitled “PROHIBITING THE USE OF HYDRAULIC FRACTURING AS A METHOD FOR EXTRACTION OF NATURAL GAS OR OIL IN ERIE COUNTY” in relation to preventing the use of Hydraulic Fracturing (commonly known as Hydro-Fracking) within Erie County.

Be it enacted by the Legislature of the County of Erie as follows:

SECTION 1. LEGISLATIVE INTENT.

It is the intent of the Legislature to prevent the use of Hydraulic Fracturing to extract natural gas or oil from any and all shale formations, specifically the Marcellus Shale formation, on any properties contained within the County of Erie, New York. It is the further intent of this legislation to address the issue of horizontally drilled wells that are used to extract oil and gas and to not impact any vertical wells used for storage purposes only and containing natural gas or oil in Erie County.

SECTION 2. FRACTURING AND HORIZONTAL DRILLING PROHIBITED.

Fracturing of any type, including hydraulic fracturing or explosive fracturing, for the extraction of natural gas or oil shall be prohibited on and/or under all real property contained within the County of Erie, New York.

SECTION 3. DEFINITION OF HYDRAULIC FRACTURING.

For purposes of this section “hydraulic fracturing” shall mean fracturing of rock by man-made fluid driven fracturing techniques for the purpose of stimulating natural gas or oil well production.

SECTION 4. PENALTIES FOR VIOLATION.

There shall be penalties assessed to any company or individual that violates this prohibition in the amount of \$100,000 for the first offense, \$500,000 for each offense thereafter.

SECTION 4. EFFECTIVE DATE.

This Local Law shall take effect on January 1, 2012.

SECTION 5. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

SPONSORED BY:

LEGISLATOR DANIEL M. KOZUB
LEGISLATOR BARBARA MILLER-WILLIAMS
LEGISLATOR CHRISTINA W. BOVE
LEGISLATOR TIMOTHY WHALEN

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| 2. | COMM. 3E-33 (2011)
Session 3 | MARINELLI
<i>“Reforms of EC Water Authority”</i> | |
| 3. | COMM. 6M-33 (2011)
Session 6 | ROSE SICKLER
<i>“Letter to Legislator Loughran Concerning Crematory at 2600 Sheridan Dr., Tonawanda”</i> | |

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| 4. | COMM. 10M-5 (2011)
Session 10 | HOLLAND TOWN BOARD
<i>“Copy of Resolution Concerning Natural Gas Drilling”</i> |
| 5. | COMM. 11M-10 (2011)
Session 11 | HOLLAND TOWN BOARD
<i>“Copy of Resolution Supporting Increased Oversight on Natural Gas Drilling”</i> |
| 6. | INTRO 14-4 (2011)
Session 14 | MILLER-WILLIAMS, WHYTE, KOZUB, GRANT & MARINELLI
<i>“Requesting National Fuel Executives Continue to Meet with Members of (PUSH) & Other Interested Community Based Organizations to Discuss Increasing the Number of Homes Eligible for Weatherization Funds Through Their Conservation Incentive Program”</i> |

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLER-WILLIAMS, WHYTE,
KOZUB, GRANT & MARINELLI**

Re: Requesting National Fuel Executives Continue to Meet with Members of People United for Sustainable Housing (PUSH) and Other Interested Community Based Organizations to Discuss Increasing the Number of Homes Eligible for Weatherization Funds Through their Conservation Incentive Program

WHEREAS, the City of Buffalo has housing stock that averages 50+ years and that fact coupled with the cold winter climate leads to high costs for home heating for the residents of the City of Buffalo; and

WHEREAS, many low income residents are assisted with their heating bills through the federal HEAP program; and

WHEREAS, National Fuel Gas Distribution Corporation is a primary source of home heating fuel for a majority of Erie County residents; and

WHEREAS, National Fuel collects a fee to fund the Conservation Incentive Program (CIP) from every customer on each bill. The subsidy collected for the CIP program totals over \$10 million annually and is “designed to benefit all customers by reducing natural gas consumption”; and

WHEREAS, it is the request of the non-profit organization, People United for Sustainable Housing (PUSH), to enter in to discussions with National Fuel to consider changes in their CIP program that would direct more dollars to the weatherization of low income homes; and

WHEREAS, PUSH believes that using CIP dollars to weatherize low income homes will not only serve to bring down the cost of heating those homes through energy efficiency upgrades, but will also provide jobs for local contractors hired to do the weatherization work on the homes while decreasing the need for HEAP subsidies for low income residents to pay their winter heating bills; and

WHEREAS, currently, according to National Fuel, a large portion of the CIP dollars are invested in appliance rebates for those households that purchase new energy efficient appliances. This appliance rebate does not have the same impact on the local economy that home weatherization has since the appliances are not manufactured locally. Additionally the appliance rebate program is only for customers that have the means to purchase new appliances before they become eligible for any rebates.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature encourages National Fuel Gas Distribution Company to enter in to negotiations with People United for Sustainable Housing and other community based organizations in an effort to help increase funding through their CIP funds for the weatherization of more low income households with the goal of increasing energy efficiency and providing local jobs; and be it further

RESOLVED, that copies of this certified resolution be sent to David E. Smith, Chairman and CEO of National Fuel Gas and Aaron Bartley, Executive Director of People United for Sustainable Housing as well as NYSERDA and the New York State Public Service Commission.

FISCAL IMPACT: None for the resolution.

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| 7. | COMM. 14M-10 (2011)
Session 14 | NATIONAL FUEL
ACCOUNTABILITY
COALITION
<i>“Letter to Chair Miller-
Williams Concerning
National Fuel Gas
Conservation Incentive
Program”</i> | |
| 8. | COMM. 23D-2 (2011)
Session 23 | DEPARTMENT OF
ENVIRONMENT &
PLANNING | |

*“Botanical Gardens Cistern
Installation Project”*

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| 9. | COMM. 23M-1 (2011)
Session 23 | NYS PETROLEUM
COUNCIL
<i>“Letter of Opposition to
Proposed LL INT. 8-1
(2011)”</i> |
| 10. | COMM. 1D-6 (2012)
Session 1 | COMPTROLLER'S
OFFICE
<i>“Letter to County Executive
Including Audit Report of the
EC Tow Path Park
Development Project for
Period of 11/18/2002 -
12/31/2009”</i> |
| 11. | COMM. 2E-9 (2012)
Session 2 | COUNTY EXECUTIVE
<i>“OPEN
ITEM/PLACEHOLDER -
Re-Occurring Bond
Authorization”</i> |

January 12, 2012

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

RE: OPEN ITEM / PLACEHOLDER – ENERGY & ENVIRONMENT COMMITTEE

Honorable Members:

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

- Re-Occurring Bond Authorization

Should your honorable body require further information, please feel free to contact the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely,

MARK C. POLONCARZ
County Executive

12. **COMM. 2E-10 (2012)** **COUNTY EXECUTIVE**
 Session 2 *“ECSD No. 2 - Drainage
 Easement Between EC & the
 Town of Eden”*

January 20, 2012

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

**RE: Erie County Sewer District No. 2
 Drainage Easement between Erie County and the Town of Eden**

Honorable Members:

Enclosed please find an accompanying memorandum for a proposed Resolution from the Department of Environment and Planning, Division of Sewerage Management, pertaining to a Drainage Easement to the Town of Eden.

Should your honorable body require further information, I encourage you to contact the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely,

MARK C. POLONCARZ
Erie County Executive

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 2
 Drainage Easement between Erie County and the Town of Eden
Date: January 12, 2012

SUMMARY

Approval is requested for the County of Erie to issue the Town of Eden a 15 foot wide Drainage Easement along the north property line of a County owned parcel known as 8205 Schreiner Road, Eden, New York to construct a storm sewer pipe.

FISCAL IMPLICATIONS

There are no fiscal implications to the County's General Fund. There is no cost associated with this easement.

REASONS FOR RECOMMENDATION

The storm sewer within the Drainage Easement will service any future expansion of the County's Pumping Station. The Easement will have no adverse impact on the Sewer District's future use of the site.

BACKGROUND INFORMATION

Prior to October 2005 the Erie County Sewer District (ECSD) No. 2 Schreiner Road Pumping Station was located on a 50x30 permanent easement at a parcel of land known as 8205 Schreiner Road, Eden. On October 12, 2005 said parcel of land was deeded fee simple to the County to accommodate for future expansions of the pumping station, if necessary.

At that time, the former owner of the property did not know that a drainage easement to the Town of Eden for the planned adjacent Evergreen Acres subdivision would be required.

The Drainage Easement would be granted to the Town of Eden. The Town would own, operate and maintain the storm sewer system within the bounds of this easement. This action was approved at the August 25, 2011 Advisory Review Committee Meeting and the October 13, 2011 ECSD No. 2 Board of Managers Meeting.

CONSEQUENCES OF NEGATIVE ACTION

If the easement is not issued, storm water discharge from the detention pond of said proposed subdivision into the public storm sewers along Schreiner Road will not be available for this site. Further, the County would benefit from this drainage improvement if at any point in the future the expansion of the pumping station occurs.

STEPS FOLLOWING APPROVAL

The County will execute the Drainage Easement and provide to the Town of Eden.

A RESOLUTION SUBMITTED BY: Department of Environment and Planning

RE: Erie County Sewer District No. 2
Drainage Easement between Erie County and the Town of Eden

WHEREAS, The Town of Eden has requested the use of a fifteen feet by one hundred ninety feet area of County land, SBL 223.00-5-14.112 for the installation of a public storm sewer; and

WHEREAS, this Drainage Easement will have no negative effect on the ability of Erie County Sewer District No. 2 to operate and maintain the sewer facilities; and

WHEREAS, the granting of this Drainage Easement will bear no cost to the County; and

WHEREAS, a Drainage Easement is recommended for the Town of Eden to use the property; and

WHEREAS, the Advisory Review Committee has approved this request; and

WHEREAS, the Erie County Sewer District No. 2 Board of Managers has approved this request.

NOW, THEREFORE, BE IT

RESOLVED, that a Drainage Easement for use of a fifteen feet by one hundred ninety feet area on Parcel SBL No. 223.00-5-14.112 be granted to the Town of Eden; and be it further

RESOLVED, that the Commissioner of Environment and Planning be authorized to sign said Drainage Easement subject to approval by the County Attorney; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this resolution to the County Executive, the Erie County Comptroller and Assistant County Attorney; and send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning, Division of Sewerage Management.

13.	COMM. 2E-11 (2012) Session 2	COUNTY EXECUTIVE <i>“ECSD No. 3 - Contract Close Out”</i>
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January 12, 2012

The Honorable
Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, NY 14202

**RE: Erie County Sewer District No. 4
Engineer Term Agreement – URS Corporation
Work Order URS – 7**

Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, for the issuance of a Work Order as authorized by the resolution, passed by the Erie County Legislature on November 29, 2007, related to 3-Year Term Agreements.

Should your Honorable body require further information, I encourage you to contact the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely,

MARK C. POLONCARZ
Erie County Executive

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No.4
Engineer Term Agreement
URS Corporation – Work Order: URS - 7
Date: January 12, 2012

SUMMARY

The Erie County Legislature is requested to receive and file this communication pertaining to the Department of Environment and Planning - Division of Sewerage Management's issuance of a Work Order with URS Corporation for Erie County Sewer District No.4 in the amount of \$7,094.07.

FISCAL IMPLICATIONS

There will be no impact to the County's General Fund. The cost for the engineering work related to this communication will be paid from the Erie County Sewer District No. 4 Professional Services Account No. 516020.

REASONS FOR RECOMMENDATION

The Division of Sewerage Management has issued Work Order URS - 7 to URS Corporation. Under this Work Order, the consulting engineer will provide a revised State Environmental Quality Review (SEQR) documentation for the revised sewer alignment to eliminate the Aurora North pumping station.

BACKGROUND INFORMATION

On November 29, 2007, the Erie County Legislature passed on a resolution authorizing a 3-year Term Agreement with URS, Corporation. 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 supplemental engineering services required to complete the study and design of various construction projects throughout the Erie County Sewer Districts.

The engineer will assist the County in preparing revised SEQR documentation for the Aurora North pumping station elimination project in Erie County Sewer District No. 4.

CONSEQUENCES OF NEGATIVE ACTION

This is a receive and file item.

STEPS TO FOLLOW APPROVAL

This is a receive and file item.

14. **COMM. 2E-12 (2012)** **COUNTY EXECUTIVE**
Session 2 "ECSD No. 4 - Engineer" |

*Term Agreement - URS
Corporation”*

January 12, 2012

The Honorable
Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, NY 14202

**RE: Erie County Sewer District No. 4
Engineer Term Agreement – URS Corporation
Work Order URS - 7**

Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, for the issuance of a Work Order as authorized by the resolution, passed by the Erie County Legislature on November 29, 2007, related to 3-Year Term Agreements.

Should your Honorable body require further information, I encourage you to contact the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely,

MARK C. POLONCARZ
Erie County Executive

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No.4
Engineer Term Agreement
URS Corporation – Work Order: URS - 7
Date: January 12, 2012

SUMMARY

The Erie County Legislature is requested to receive and file this communication pertaining to the Department of Environment and Planning - Division of Sewerage Management's issuance of a Work Order with URS Corporation for Erie County Sewer District No.4 in the amount of \$7,094.07.

FISCAL IMPLICATIONS

There will be no impact to the County's General Fund. The cost for the engineering work related to this communication will be paid from the Erie County Sewer District No. 4 Professional Services Account No. 516020.

REASONS FOR RECOMMENDATION

The Division of Sewerage Management has issued Work Order URS - 7 to URS Corporation. Under this Work Order, the consulting engineer will provide a revised State Environmental Quality Review (SEQR) documentation for the revised sewer alignment to eliminate the Aurora North pumping station.

BACKGROUND INFORMATION

On November 29, 2007, the Erie County Legislature passed on a resolution authorizing a 3-year Term Agreement with URS, Corporation. 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 supplemental engineering services required to complete the study and design of various construction projects throughout the Erie County Sewer Districts.

The engineer will assist the County in preparing revised SEQR documentation for the Aurora North pumping station elimination project in Erie County Sewer District No. 4.

CONSEQUENCES OF NEGATIVE ACTION

This is a receive and file item.

STEPS TO FOLLOW APPROVAL

This is a receive and file item.

15.	COMM. 2E-13 (2012) Session 2	COUNTY EXECUTIVE <i>"ECSD No. 4 - Change Order No. 1"</i>
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January 20, 2012

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

RE: Erie County Sewer District No. 4
Contract No. EC-7A – Change Order No. 1

Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning pertaining to Change Order No. 1 for the Erie County Sewer District No. 4, Contract No. EC-7A, Vanderbilt PS, Depew PS, and ORF Upgrades Project.

Should your honorable body require further information, I encourage you to contact the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely,

MARK C. POLONCARZ
Erie County Executive

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 4
Contract No. EC-7A – Change Order No. 1
Date: January 12, 2012

SUMMARY

Your Honorable Body is requested to receive and file the communication pertaining to Change Order No. 1 to Contract EC-7A, Vanderbilt Pumping Station, Depew Pumping Station and Overflow Retention Facility Upgrades Project in Erie County Sewer District No. 4.

FISCAL IMPLICATIONS

There are no fiscal implications to the County's General Fund. The \$36,805.00 for the Change Order will be paid from Erie County Sewer District No. 4 Sewer Capital Fund No. C.00063.

REASONS FOR RECOMMENDATION

Existing water service to Erie County Sewer District No. 4 Overflow Retention Facility (ORF) is connected to the Village of Depew's 6" waterline that is slated to be abandoned. Water service is required to be routed to an ECWA waterline to continue service to the ORF.

BACKGROUND INFORMATION

Your Honorable Body in Legislative Communication 10E-6 (2010) approved the award of Contract No. EC- 7A to Nichols, Long & Moore Construction Corp. for rehabilitation of the Vanderbilt Pumping Station, Depew Pumping Station and the District No. 4 ORF. During the project, the County was informed that the water service to the ORF was being discontinued as the existing waterline that it was connected to is to be abandoned due to its poor condition. This necessitated installing a new waterline to the public waterline to allow uninterrupted service to the ORF. This change order compensates the contractor to perform the waterline work.

CONSEQUENCES OF NEGATIVE ACTION

This is a receive and file item.

STEPS FOLLOWING APPROVAL

This is a receive and file item.



DEPARTMENT OF ENVIRONMENT AND PLANNING
DIVISION OF SEWERAGE MANAGEMENT
CONSTRUCTION CONTRACT CHANGE FORM

Date: Oct. 14, 2011

Change Order No. 1 Amount \$36,805.00 Bond Account C.00063

Contract No. EC-7A – General/Mechanical File No. 4.3.3.EC-7A

Project Vanderbilt PS, Depew PS, and ORF Upgrades

Contractor's Name Nichols, Long & Moore Construction Corp.

Contractor's Address 149 Gunnville Road, Lancaster, New York 14086

Description of Change to Contract:

Provide and install 275' of 6" waterline from existing line on ORF road to Apple Lane; relocate 4" RPZ, meter and hotbox; install new 2" hydrant with 70' of 2" line; provide and install new hotbox at ORF.

Reason for Modification:

Existing water service to ORF is connected to Village of Depew's 6" waterline that is slated to be abandoned. Water service is required to be routed to ECWA waterline on Apple Lane to continue water service to the ORF.

Time Extension:

No time extension is required for this Change Order.

Indirect Costs:

There are no indirect costs associated with this change order.

Additional Engineering Costs:

There are no additional engineering costs associated with this change order.

Contract Cost Summary:

Original Contract	\$3,044,905.00
Change Order No. 1	<u>36,805.00</u>
Revised Contract Amount	\$3,081,711.00

Contract EC-7A – General/Mechanical

Erie County Executive

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District Nos. 1, 4 & 5
Engineer Term Agreement
LiRo Engineers, Inc. – Work Order: LE-4
Date: January 12, 2012

SUMMARY

The Erie County Legislature is requested to receive and file this communication pertaining to the Department of Environment and Planning- Division of Sewerage Management's issuance of a work order with LiRo Engineers, Inc. for Erie County Sewer District Nos. 1, 4 & 5 in the amount of \$50,000.00.

FISCAL IMPLICATIONS

There will be no impact on to the County's General Fund. The cost for the engineering work related to this communication will be paid from the 2011 adopted Sewer Fund Operating Budget; Sewer professional services account 516020 of District Nos. 1, 4 & 5.

REASONS FOR RECOMMENDATION

The Division of Sewerage Management has issued work order LE-4 to LiRo Engineers, Inc. Under this work order, the consulting engineer will provide resident engineering to ECSD Nos. 1, 4 & 5 for two tasks; Task 1- Construction inspection for the sewer system in various new subdivisions, Task 2 – inspect a pumping station roof replacements project.

BACKGROUND INFORMATION

On February 3, 2011 the Erie County Legislature passed on a resolution authorizing a 3-year Term Agreement with LiRo Engineers, Inc. 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 supplemental engineering services required to complete construction inspection of various projects throughout the Erie County Sewer Districts.

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 NOS. 1, 4 and 5
WORK ORDER NO. LE-4

ENGINEER: LiRo Engineers, Inc.

CONTRACT DATE: January 1, 2008

1. **Title of Proposal:**
Provide Resident Construction Inspection for Subdivisions and Sanitary Sewer Extensions and Pumping Stations Roof Replacement Project.
 2. **Name and Business Address of Proposer:**
LiRo Engineers, Inc.
690 Delaware Avenue
Buffalo, New York, 14209
(716) 882-5476
 3. **Name, Title and Address of Principal Bearing Technical Responsibility:**
Leonard DePrima, P.E.
LiRo Engineers, Inc.
690 Delaware Avenue
Buffalo, New York, 14209
(716) 882-5476
-
- 4
4. **Effective Dates of Proposal:**
November 22, 2011
 5. **Brief Description of Work for Which Proposal is Submitted.**
The Engineer will provide inspection for Subdivisions and Sanitary Sewer Extensions and Pumping Station Roof Replacements Project.
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6. **Engineering Cost:** Not to exceed \$50,000.00
 7. **Source of Funds:** 2011 Sewer Operating Budget Professional Services account 51602 of ECSD No.1 \$10,000; 2011 Sewer Operating Budget Professional Services account 51602 of ECSD No. 4 \$25,000; 2011 Sewer Operating Budget Professional Services account 51602 of ESCD No. 5 \$15,000.
 8. Project No.: LE - 4
 9. **Attachments:** Scope - one page, Cost Estimate - one page
 10. **File:** 0.3.2 LE 11-13

DATE: _____

Accepted By: _____

LiRo

Prepared by: _____

Authorized By: _____

Matt Salah

Joseph L. Fiegl, P.E.

Sr. Coor. Sewer Construction Projects

Deputy Commissioner

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17. **COMM. 2E-19 (2012)** **COUNTY EXECUTIVE**
Session 2 *“State Municipal Waste
Reduction & Recycling
Grant”*

January 23, 2012

The Honorable
Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, NY 14202

Re: State Municipal Waste Reduction and Recycling Grant

Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Environment and Planning authorizing the filing of an application to the New York State Department of Environmental Conservation for state grant-in-aid for a three year municipal waste reduction and recycling project.

Should your honorable body require further information, I encourage you to contact the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely,

MARK POLONCARZ
Erie County Executive

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: State Municipal Waste Reduction and Recycling Grant
Date: January 23, 2012

SUMMARY

This resolution would authorize the Department of Environment and Planning to apply for \$290,828.70 in state funds from New York State for a three year municipal waste reduction and recycling project.

FISCAL IMPLICATIONS

Adoption of this resolution would authorize the Department to apply for \$290,829 in state funds, which represents a 50 percent reimbursement for a \$581,501 solid waste reduction and recycling program. The grant program requires that the County provide \$290,828.70 in in-kind services to access state funding. The in-kind services will be provided through existing budgeted staff funding. The state funding will provide 100% funding for the creation of a position in the Department of Environment and Planning for a recycling coordinator.

REASONS FOR RECOMMENDATION

Approval of this resolution will authorize the Department to apply for \$290,828.70 in state reimbursement funding for a three year municipal waste reduction and recycling project. The project would work with the two Solid Waste Management Boards in Erie County to meet solid waste goals, objectives and reporting per state required and approved solid waste management plans and provide educational and outreach opportunities related to solid waste reduction and recycling for residents of the County.

BACKGROUND INFORMATION

The Department previously submitted a pre-application to the New York State Department of Environmental Conservation to request funding for an Erie County Recycling/Waste Reduction Education project. The pre-application requested \$290,829.70 in funds from the State. The Department's request was placed in a cue of projects that have requested funding. Once prior projects have either been eliminated from the cue or funded, the State sends a request to the pre-applicant for a full application to be submitted with the attached resolution.

CONSEQUENCES OF NEGATIVE ACTION

Without the requested authorization, Erie County will be unable to apply for funds from New York State for a municipal waste reduction and recycling project.

STEPS FOLLOWING APPROVAL

The authorization resolution will be submitted with a full project application to the State.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

Re: State Municipal Waste Reduction
and Recycling Grant

WHEREAS, the State of New York provides financial aid for municipal waste reduction and recycling projects; and

WHEREAS, the County of Erie, New York herein called the "Municipality," has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between the people of the State of New York, herein called the "State," and the Municipality be executed for such state aid; and

WHEREAS, that Erie County will fund its portion of the cost of the three year Waste Reduction and Recycling Project utilizing existing budgeted staff as an in kind match;

NOW, THEREFORE BE IT

RESOLVED, that the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized; and be it further

RESOVLED, that the Commissioner of Environment and Planning is directed and authorized as the official representative of the Municipality to act in connection with the application and to provide such additional information as may be required by the State; and be it further

RESOLVED, that four (4) certified copies of this resolution be prepared and sent to the New York State Department of Environmental Conservation, Albany, New York 12233-7260, together with one complete application; and be it further

RESOLVED, that this resolution shall take effect immediately; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of the Division of Budget and Management; the Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.

18.	COMM. 2E-21 (2012) Session 2	COUNTY EXECUTIVE <i>“WNY Stormwater Coalition: MS4 Mapping Project”</i>
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January 20, 2012

The Honorable
Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, NY 14202

Re: WNY Stormwater Coalition: MS4 Mapping Project

Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Environment and Planning authorizing the County Executive to enter into an agreement with the Research Foundation of SUNY at Buffalo State College to assist with the *WNY Stormwater Coalition: MS4 Mapping Project*. The resolution also establishes a grant budget and staffing for the project.

Should your honorable body require further information, I encourage you to contact the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely,

MARK C. POLONCARZ
Erie County Executive

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: WNY Stormwater Coalition: MS4 Mapping Project
Date: January 12, 2012

SUMMARY

It is recommended that the Legislature approve the attached resolution prepared by the Department of Environment and Planning (DEP) authorizing the County Executive to enter an agreement with the Research Foundation of SUNY at Buffalo State College for \$356,277 to assist DEP with the *WNY Stormwater Coalition: MS4 Mapping Project*. The project entails developing a comprehensive GIS storm sewer conveyance system map and database with GPS point data for the 42 regulated municipalities that belong to the WNY Stormwater Coalition. Storm sewer system mapping is required under the New York State SPDES General Permit for Stormwater Discharges (GP-0-10-002). Both the Department of Public Works – Division of Highways and the Department of Environment and Planning – Division of Sewerage Management are regulated municipal entities and therefore, subject to the mapping requirement. There are three staff positions created under this grant necessary to complete the work plan approved by the state for this project. One position will be filled by a current grant-funded employee and the other two will be hired to assist with GIS and field data collection.

FISCAL IMPLICATIONS

The NYSDEC grant provides \$1,055,969 (75%) of the funding for the *WNY Stormwater Coalition: MS4 Mapping Project*. The remaining 25% will be provided through indirect costs and in-kind services from the regulated municipalities and Erie County staff. The County does not need to make a cash contribution to this project.

REASONS FOR RECOMMENDATION

Approval of this resolution will allow Erie County to complete project obligations according to the current work plan and contractual requirements set forth by the granting agency, the New York State Department of Environmental Conservation.

BACKGROUND INFORMATION

Federal legislation from the United States Environmental Protection Agency (USEPA) continues to advance the stormwater regulations of Phase I. The Phase II Stormwater regulations require a SPDES permit and implementation of a stormwater management program for municipal separate storm sewer systems (MS4s) servicing populations under 100,000 in an urbanized area (>1000 people/mi²). The federal regulations are administered in New York by the New York State Department of Environmental Conservation.

The Erie County DEP initiated a regional strategy to assist local (Erie and Niagara County) municipal governments in understanding and complying with the Phase II regulations. This strategy included the formation of the WNY Stormwater Coalition which provides a forum for MS4s in Erie and Niagara

County to share resources and work in partnership toward compliance with stormwater requirements. The Coalition consists of representatives of Erie County, Niagara County, several local and State government agencies, forty (40) regulated MS4s, and environmental consultants. For the past nine years, the DEP has facilitated Coalition members in working collaboratively to comply with federal and state stormwater management requirements.

On April 14, 2011 the Erie County Legislature authorized the County Executive to enter into an agreement with the New York State Department of Environmental Conservation (Comm. 6E-16) to accept funding for the WNY Stormwater Coalition: MS4 Mapping Project.

CONSEQUENCES OF NEGATIVE ACTION

Without the requested authorization, Erie County would be unable to fulfill its contractual obligations with the New York State Department of Environmental Conservation. Regulated municipalities would be unable to map their storm sewer conveyance system in accordance with New York State's SPDES General Permit for Stormwater Discharges (GP-0-10-002) and would then incur the expense of mapping without State financial assistance.

STEPS FOLLOWING APPROVAL

The County Executive will enter into an agreement with the Research Foundation of SUNY at Buffalo State College for \$356,277. A grant budget will be established within the Department of Environment and Planning.

A RESOLUTION SUBMITTED BY: DEPARTMENT OF ENVIRONMENT AND PLANNING

Re: WNY Stormwater Coalition:
MS4 Mapping Project

WHEREAS, the State of New York, through its Department of Environmental Conservation (NYSDEC), provides financial aid for stormwater compliance assistance projects and in the February of 2011 granted Erie County \$1,055,969 to commence the WNY Stormwater Coalition: MS4 Mapping Project; and

WHEREAS, the Erie County Legislature authorized the County Executive to enter into an agreement with the New York State Department of Environmental Conservation (Comm. 6E-16, dated April 14, 2011) to accept funding for the WNY Stormwater Coalition: MS4 Mapping Project; and

WHEREAS, now that the NYSDEC has approved the project work plan and budget, it is necessary for the legislature to provide authorization to establish a grant project budget and the staff positions to implement the approved work plan; and

WHEREAS, the Department of Geography and Planning at Buffalo State College will supervise student interns and coordinate the project fieldwork; and

WHEREAS, execution of the project workplan in accordance with the contractual requirements set forth by the granting agency, necessitates the following grant funded staff positions:

Existing Junior Environmentalist (JG 7);
Junior Environmentalist (JG 7);

Senior GIS Technician (JG 11); and

WHEREAS, the new MS4 Mapping Project grant budget will also support 25 % of the existing Solid Waste Recycling Specialist (JG 12) position that has been created in the WNY Stormwater Coalition: MS4 Assistance Project 2011/12 SAP Grant Account 62WNYSCMS4AP1112 (approved by Comm.19E-10, dated December 9.2010) through 03/31/15 to provide overall management of the mapping project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with the Research Foundation of SUNY at Buffalo State College for assistance with the WNY Stormwater Coalition: MS4 Mapping Project in an amount not to exceed \$356,277 in grant resources; and be it further

RESOLVED, that the revenue from the New York State Department of Environmental Conservation is hereby appropriated in the grant fund in the Department of Environment and Planning (Business Area 162, Fund 281) as follows:

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| 19. | COMM. 2D-6 (2012)
Session 2 | DEPARTMENT OF ENVIRONMENT & PLANNING
<i>“Geneva Road Sanitary Sewer Extension - SEQR Notification”</i> |
| 20. | COMM. 2M-1 (2012)
Session 2 | NYSDEC
<i>“Brownfield Cleanup Program Application from F.L.C. 50 High Street Corporation, Kaleida Properties, Inc. & Kaleida Health for a Site Known as the Former Mobil Service Station”</i> |
| 21. | COMM. 2M-6 (2012)
Session 2 | NYS DEPARTMENT OF AGRICULTURE & MARKETS
<i>“Letter to Clerk of Legislature Concerning Agricultural District No. 1”</i> |
| 22. | COMM. 2M-8 (2012)
Session 2 | NYSDEC
<i>“Fact Sheet: NYSDEC Certifies Cleanup Requirements Achieved at Buffalo Color Corp. Area E -</i> |

		<i>Buffalo, NY</i>
23.	COMM. 2M-10 (2012) Session 2	NYSDEC <i>“Fact Sheet: Buffalo Brownfield Opportunities”</i>
24.	COMM. 2M-11 (2012) Session 2	NYSDEC <i>“Fact Sheet: Buffalo River Corridor”</i>
25.	COMM. 2M-12 (2012) Session 2	NYSDEC <i>“Fact Sheet: Buffalo Harbor”</i>
26.	COMM. 2M-13 (2012) Session 2	NYSDEC <i>“Fact Sheet: Tonawanda Street Corridor”</i>
27.	COMM. 2M-15 (2012) Session 2	NYSDEC <i>“Public Notice: Inactive Hazardous Waste Disposal Site Classification Notice - Buffalo Lakeside Commerce Park - Parcel 4”</i>
28.	COMM. 2M-27 (2012) Session 2	NYSDEC <i>“Fact Sheet: Investigation to Begin at State Superfund Site - Vibratex Inc. - Buffalo, NY”</i>