

JANUARY 12, 2006

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 1

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER

1. RESOLVED, that the following items are hereby received and filed.
  - a. INTRO 2-4 (2005)  
**WEINSTEIN, RANZENHOFER, SWANICK, MCCARVILLE, CUSACK, & MARSHALL:** Endorsement of the Neighbor Notification Awareness Program  
(4-0) Legislator Marinelli absent.
  - b. INTRO 23-7 (2005)  
**MCCARVILLE, CHASE & SWANICK:** Saving Cornell Cooperative Extension  
(4-0) Legislator Marinelli absent.
  - c. COMM. 23E-12 (2005)  
**COUNTY EXECUTIVE:** Entering Intro Contract With City of Buffalo for Solid Waste Removal  
(4-0) Legislator Marinelli absent.
  - d. COMM. 23E-46 (2005)  
**COMPTROLLER:** Letter to DeBenedetti & Wroblewski Re: City Park Payments  
(4-0) Legislator Marinelli absent.
  - e. COMM. 28E-13 (2005)  
**COUNTY EXECUTIVE:** ECSD No. 6 - Engineer Term Agreement - Work Order :DA-4  
(4-0) Legislator Marinelli absent.
  - f. COMM. 28E-24 (2005)  
**COUNTY EXECUTIVE:** ECSD No. 3 - Construction Inspection Service Agreement - Work Order: DG-1, Legislative Comm. 25E-32  
(4-0) Legislator Marinelli absent.
  - g. COMM. 28M-6 (2005)  
**CITY OF BUFFALO COMMON COUNCIL:** Request for Comment of Proposed Legislation Re: Transfer of Erie Co.-Bflo. Div. Of Forestry Back to COB DPW  
(4-0) Legislator Marinelli absent.
  - h. COMM. 31E-27 (2005)

**COUNTY EXECUTIVE:** ECSD No. 6 - SSTA - Disinfection Improvements - Contract No. 6ST-A - Change Order No. 2 - Summit Construction Group  
(4-0) Legislator Marinelli absent.

- i. COMM. 32E-12 (2005)  
**COUNTY EXECUTIVE:** ECSD #6/STSTA Disinfection Improvements - Contract No. 6ST-C - Change Order No. 1  
(5-0)
- j. COMM. 32E-13 (2005)  
**COUNTY EXECUTIVE:** ECSD #6/STSTA Disinfection Improvements - Contract No. 6ST-C - Change Order No. 4  
(5-0)
- k. COMM. 32E-18 (2005)  
**COUNTY EXECUTIVE:** STSTA - Engineer Term Agreement - DiDonato Associates - Work Order: DA-5  
(5-0)
- l. COMM. 32E-19 (2005)  
**COUNTY EXECUTIVE:** ECSD #6/STSTA Disinfection Improvements - Contract No. 6ST-A - Change Order No. 3  
(5-0)
- m. COMM. 1E-16 (2005)  
**COUNTY EXECUTIVE:** ECSD Nos. 2&4 - Engineer Term Agreement  
(5-0)
- n. COMM. 1E-20 (2006)  
**COUNTY EXECUTIVE:** ECSD No. 3 & STSTA - Engineer Term Agreement - Work Order:URS-3, Legislative Comm. 21E-33  
(5-0)
- o. COMM. 1E-21 (2006)  
**COUNTY EXECUTIVE:** DEP - Sewerage Management - Engineer Term Agreement - Work Order: MPI-4  
(5-0)
2. COMM. 28E-14 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, East Side Housing, L.P. is developing housing for very low income and low income households (Project), pursuant to Article XI of the New York Private Housing Finance Law; and

WHEREAS, the project will be located on scatter site properties between the area bounded by Northampton Street on the North; Ellicott Street on the West; Jefferson Avenue on the East; and Dodge Street on the South, in the City Buffalo, New York. The project for very-low-income families consists of thirty newly constructed single family homes; and

WHEREAS, East Side Housing Opportunities Apartments will be managed by Belmont Shelter Corp.; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and this PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for very low income households it is necessary to obtain tax relief from the County of Erie and the City of Buffalo,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with East Side Housing, L.P. and the City of Buffalo relating to East Side Housing Opportunities Apartments and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall include an annual Payment in Lieu of Taxes (PILOT) of \$5,634 by East Side Housing, L.P. in the first year of the PILOT Agreement with a three (3) percent increase annually thereafter for a fifteen (15) year period, with the County share of each annual payment being twenty-five (25) percent of the total amount; 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, Management, and Finance; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.  
(4-0) Legislator Marinelli absent.

3. COMM. 28E-18 (2005)  
**COUNTY EXECUTIVE**

WHEREAS, Erie County formed a Consortium (Erie County HOME Consortium) with the Town of West Seneca and Town of Hamburg for funding under the HOME Investment Partnerships Program (HOME); and

WHEREAS, Erie County HOME Consortium has been awarded a grant of \$1,192,485.00 for fiscal year 2005 by the U. S. Department of Housing and Urban Development under HOME; and

WHEREAS, a minimum of fifteen percent of funds made available pursuant to the HOME Investment Partnerships Act are to be provided to eligible Community Housing Development Organizations (CHDOs).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a first amendatory agreement to the October 3, 2003 contract with Southtowns Rural Preservation Company, Inc. (SRPC), and said amendatory agreement shall increase the authorized contract amount from \$357,411,000.00 to \$467,964.00 for the purpose of developing rental housing in the Town of Boston for low income households; and be it further

RESOLVED, that said agreements shall provide for the transfer of an amount not to exceed \$467,964.00 in federal HOME Investment Partnerships funds to SRPC; and be it further

RESOLVED, that disbursement of said funds shall be conditioned on the following:

- Completion of all state and federal environmental review requirements relative to the housing project.
- Completion of all necessary subsidy layering analysis as required by the federal Department of Housing and Urban Development;

and be it further

RESOLVED, that the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with by the Department of Environment and Planning, and a summary is included as Attachment A to this resolution; 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, Management, and Finance, the County Comptroller, and the Commissioner of the Department of Environment and Planning.  
(4-0) Legislator Marinelli absent.

4. COMM. 31E-40 (2005)  
**COUNTY EXECUTIVE**

**AS AMENDED**

WHEREAS, the Board of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5 & 6 have a system of Sewer District User Charges or Fees; and

WHEREAS, the Boards have requested and are desirous of collecting said User Charges or Fees in 2006 for properties in the same manner and fashion as the regular sewer district taxes as has been done in the past year.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized and directed to spread said 2006 Sewer District User Charges or Fees against properties within Erie County Sewer District Nos. 1, 2, 3, 4, 5, & 6 liable therefore as provided by law; and be it further

RESOLVED, that the following amounts be collected:

Sewer District #1	\$ 464,606.99
Sewer District #2	\$ 126,135.37
Sewer District #3	\$ 618,856.98
Sewer District #4	\$ 382,964.22
Sewer District #5	\$ 201,300.60
Sewer District #6	<u>\$ 1,01,002.11</u>
	\$2,824,866.27

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to Joel A. Giambra, County Executive; Thomas J. Whetham, P.E., Deputy Commissioner; James Hartman, Erie County Comptroller; Joseph Maciejewski, Deputy Commissioner, Real Property; Gregory Dudek, Assistant County Attorney and Ken Vetter, Director of Budget, Management and Finance.

(5-0)

5. **COMM. 1E-17 (2006)**  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature had awarded Contract No. 30 to Intercounty Paving Associates; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 30 in the final contract amount of \$797,194.00 which includes Change Order No. 2(final), a decrease of \$35,215.00, and release retention monies to the contractor. The funds for this contract were allocated from Sewer Capital, Erie County Sewer District No. 1, Fund No. C.00032 (430-694). The funds for Change Order No. 1 were allocated from Sewer Capital, Erie County Sewer District No. 5, Fund No. C.00056.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 30 between the County of Erie and Intercounty Paving Associates, LLC, 859 Willow Grove Street, Hackettstown, New Jersey 07840 be accepted in the amount of \$797,194.00, which includes Change Order No. 2(final), a decrease of \$35,215.00, and release of retention monies to Intercounty Paving Associates, LLC; and be it further

RESOLVED, that the Clerk of the Legislature be directed to two certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning; one certified copy to County Executive Joel Giambra, County Executive; James M. Hartman, Comptroller; Ken Vetter, Director of Budget, Management and Finance; one certified copy to Gregory Dudek, Assistant County Attorney. (5-0)

6. **COMM. 1E-18 (2005)**  
**COUNTY EXECUTIVE**

WHEREAS, the County of Erie has secured the services of Stearns and Wheler, LLC to provide engineering services to the Erie County Sewer District(s) and the Southtowns Sewage Treatment Agency; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the engineering agreement dated April 1, 2002 with Stearns and Wheler, LLC in the amount of \$99,293.65.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated April 1, 2002 between Erie County Sewer Districts/Southtowns Sewage Treatment Agency and Stearns and Wheler, LLC be formally closed-out in the final amount of \$99,293.65; and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to close-out the contract encumbrance in the various Sewer Capital Accounts, between Erie County Sewer District/Southtowns Sewage Treatment Agency and Stearns and Wheler, LLC; and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy each to the Director of Budget and Management, Erie County Comptroller's Office and Gregory Dudek, Assistant County Attorney.

(5-0)

**THOMAS J. LOUGHRAN**  
**CHAIRMAN**