

APRIL 27, 2005

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
 - a. COMM. 8E-21 (2005)
COUNTY EXECUTIVE: ECSD No. 1 - A/E Agreement Dated 11/7/02 - Parsons Engineering Science, Inc. - Change Order No. 1 (5-0)
 - b. COMM. 9E-17 (2005)
COUNTY EXECUTIVE: Letter to Personnel Commissioner Re: Laid-Off Sheriff's Department Officers (5-0)
 - c. COMM. 11E-17
COUNTY EXECUTIVE: ECSD No. 2 - Eminent Domain Proceedings - Utica Trunk - Contract No. 60EV (5-0)

2. INTRO 4-3 **AS AMENDED**
DUSZA, CHASE, & McCARVILLE

WHEREAS, U.S. Route 219 Southern Expressway, which runs from West Seneca to Springville has been designated as a "scenic byway", which will ensure that its world-class scenic views and potential recreation activities can be properly advanced and protected for future generations of New Yorkers to enjoy and take great pride in, and

WHEREAS, the State of New York often names or renames public buildings, parks, roadways or other public venues to honor the life or lives of an outstanding person or group having had an important and positive impact and service to the local community, state or country, and

WHEREAS, whenever we as a community and nation can pay respect to our past and present citizens who have dedicated their lives and made the ultimate sacrifice in serving our country through the armed services, we should take the initiative and honor those in any way feasible, and

WHEREAS, currently our brave men and women are fighting for our freedom around the world, especially in efforts in the mid-east like Iraq and Afghanistan, and

WHEREAS, many of our veterans who have made the ultimate sacrifice for America have come from many of the small villages and towns the U.S. Route 219 Southern Expressway connects, and

WHEREAS, Arthur Benson had a long and successful career including owning Art Benson Ford and Mercury, in Springville, for nearly 20 years, and

WHEREAS, Arthur Benson will also be remembered by his community for the civic work he performed, as the President of the Springville Chamber of Commerce, and his work with the "Alcoholics Anonymous" organization, and

WHEREAS, his most notable work was in relation to the extension of U.S. Route 219, including serving as president of the U.S. Route 219 Association, and

WHEREAS, the Buffalo News described him as "...a gregarious man who advanced (the extension of U.S. Route 219's) his cause through the force of his personality and his conviction that it would reap economic benefits for Western New York,"

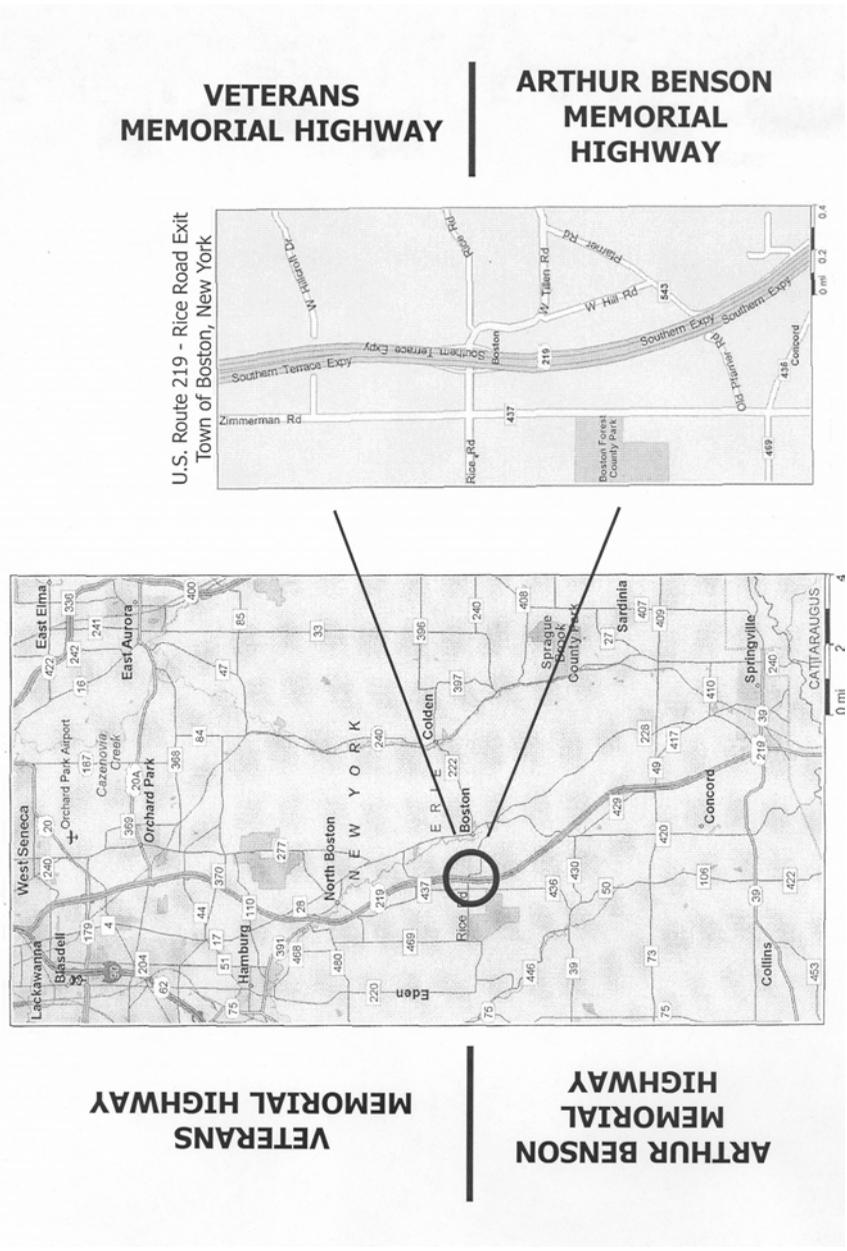
NOW, THEREFORE, BE IT,

RESOLVED, the Erie County Legislature finds it fitting that the brave men and women, past, present and future, who have dedicated and sacrificed their lives for our country should trade places with his namesake and therefore calls on the State of New York to rename the northern section (*U.S. Interstate 90 Highway Interchange, Town of West Seneca, New York to the U.S. Route 219 Expressway - Rice Road Exit, Town of Boston, New York*) of U.S. Route 219 Southern Expressway as the "Veterans Memorial Highway," and be it further

RESOLVED, the Erie County Legislature finds it fitting that the man often known as "Mr. 219" should trade places with his namesake and therefore calls on the State of New York to rename southern section (*U.S. Route 219 Expressway- Rice Road Exit, Town of Boston, New York to the Route 219 Expressway terminus and NYS Route 39, Town of Concord, New York*) of U.S. Route 219 Southern Expressway as the "Art Benson Memorial Highway," and be it further

RESOLVED, that certified copies of this resolution, along with attached map, shall be transmitted to the Western New York Delegation to the New York State Legislature, Senate Majority Leader Joseph L. Bruno, Assembly Speaker Sheldon Silver, Governor George Pataki, Erie County Executive Joel Giambra, Town of West Seneca Town Board, Town of Orchard Park Town Board, Town of Boston Town Board, Town of Concord Town Board & the Village of Springville Village Board.

Northern Section of U.S. Route 219: "VETERANS MEMORIAL HIGHWAY"
 Southern Section of U.S. Route 219: "ARTHUR BENSON MEMORIAL HIGHWAY"



(5-0)

3. COMM. 6E-18
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Parks, Recreation & Forestry suffered damages to its facilities during floods from May 13, 2004, to June 17, 2004, and

WHEREAS, the area was declared a disaster area by the Federal Government, and

WHEREAS, the Erie County Parks Department and the Bureau of Forestry will incur costs of approximately \$182,000.00 to rebuild their structures, roads and nature walks, and

WHEREAS, Federal/State Disaster Aid is available to fund the majority of these incurred costs at a rate of 75% Federal, 12.5% State and 3% Administrative Aid from the Federal Government for a total of 90.5% reimbursement, and

WHEREAS, these reimbursement rates result in the following amounts of revenue:

Department of Parks, Recreation & Forestry

Federal	\$136,500.00
State	\$ 22,750.00
Fed.Admin.Aid	\$ <u>5,460.00</u>
Total Reimbursement	\$164,710.00

NOW, THEREFORE, BE IT

RESOLVED, that the 2005 Capital Budget is hereby amended to include a Capital Project for 2004 Flood Relief-Department of Parks, Recreation & Forestry in the amount of \$164,710.00, and be it further

RESOLVED, that the source of funds for this Capital Project shall be unanticipated reimbursement revenue as follows:

Department of Parks, Recreation & Forestry

Federal	\$136,500.00
State	\$ 22,750.00

RESOLVED, that the Comptroller be authorized and directed to reimburse the Village of Blasdell an amount not to exceed \$100,000.00 from ECSD No. 3 Capital Account C.00039 for the replacement of the Orchard Avenue sanitary sewers, subject to the approval and verification of the cost by the County's Division of Sewerage Management; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this resolution to Joel A. Giambra, County Executive; Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget, Management and Finance; and two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning.
(5-0)

6. COMM. 11E-18
COUNTY EXECUTIVE

WHEREAS, the Erie County Sewer District No. 1 Board of Managers desire to eliminate the Broadway West Pumping Station in Erie County Sewer District No. 1 in the Town of Cheektowaga; and has authorized the construction of a gravity sanitary sewer to provide sewer service; and

WHEREAS, it has been determined that it may be necessary to commence Eminent Domain proceedings to acquire the necessary easements to complete the project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Attorney be authorized and is hereby directed to commence Eminent domain proceedings pursuant to Chapter 839 of the Laws of 1977 to acquire easement and/or fee interest for sewer purposes in connection with the lands listed below:

<u>ECSD NO.</u>	<u>PARCEL NO.</u>	<u>TOWNSHIP</u>
1	102.04-3-24.1	Cheektowaga
1	102.04-3.24.2	Cheektowaga

and be it further

RESOLVED, that certified copies of this resolution be sent to Joel A. Giambra, County Executive; Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment Planning; Nancy A. Naples, County Comptroller; Gregory A. Dudek, Assistant County Attorney; and Joseph Passafiume, Director, Budget, Management and Finance.
(5-0)

7. COMM. 11E-19
COUNTY EXECUTIVE
WHEREAS, the Village of Hamburg has become part of Erie County Sewer District No. 3 (ECSD No. 3); and

WHEREAS, ECSD No. 3 is desirous of having a joint construction project with the New York State Department of Transportation (NYSDOT) to rebuild the Main Street and Buffalo Avenue sanitary sewers when the NYSDOT reconstructs the roads in 2006 and 2007; and

WHEREAS, cost estimates show that the estimated cost to Erie County Sewer District No. 3 is now \$1,700,000.

NOW, THEREFORE, BE IT

RESOLVED, that an agreement between the County, on behalf of Erie County Sewer District No. 3, and the NYSDOT for the rebuilding of the Main Street and Buffalo Avenue sanitary sewers in the Village of Hamburg together with the NYSDOT's reconstruction of the roads is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Comptroller be authorized and directed to reimburse the NYSDOT an amount not to exceed \$1,700,000 from ECSD No. 3 Capital Account C.00039 for the replacement of Main Street and Buffalo Avenue sanitary sewers, subject to the approval and verification of the cost by the County's Division of Sewerage Management; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this resolution to Joel A. Giambra, County Executive; Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget, Management and Finance; and two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning.
(5-0)

8. COMM. 11E-20
COUNTY EXECUTIVE
WHEREAS, a resolution to authorize 2005 Budget Revisions to transfer funds in the total amount of \$123,400 from the ID-DISS Account 980000 to Auto, Truck and Heavy Equipment Supplies Account 505600 is requested; and

WHEREAS, it is necessary to transfer said amounts as outlined below in each of the Sewer Districts to allow the Sewer Districts and the Southtowns Sewage Treatment Agency to access the proper account for the purchase of gasoline and diesel fuel needed for Sewer District vehicles.

NOW, THEREFORE, BE IT

RESOLVED, that 2005 budget revisions be made to transfer each of the following budgeted amounts in the 2005 Budget from SAP Account 980000 – ID - DISS to SAP Account, 505600, Auto, Truck and Heavy Equipment Supplies:

<u>Fund</u>	<u>Cost Center</u>	<u>Amt. to be transferred from 980000 to 505600</u>
220	1811010	\$ 57,500
220	1821010	\$ 21,200
220	1831010	\$ 25,500
220	1861010	<u>\$ 19,200</u>

Total Amount of Transfer \$123,400

and other adjustments required in the ID Account in the General Fund 110.

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Joel A. Giambra, County Executive; Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; Joseph Passafiume, Director of Budget, Management and Finance; and Nancy Naples Erie County Comptroller.
(5-0)

9. COMM. 11E-21
COUNTY EXECUTIVE

WHEREAS, the County recognizes the need to properly train its employees to protect their health and well being, and to comply with applicable state and federal regulations, and

WHEREAS, Erie County's Division of Sewerage Management has applied for funds from the Western New York Council on Occupational Safety & Health through a New York State Department of Labor Hazard Abatement Board training grant.

NOW, THEREFORE, BE IT

RESOLVED, that the proposed agreement between the County of Erie and the Western New York Council on Occupational Safety & Health to provide health and safety training to the Division of Sewerage Management and Sewer District employees is hereby approved, and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of Environment and Planning, and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send two certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one certified copy each to Joel A. Giambra, County Executive; Joseph Passafiume, Director of Budget and Management; Nancy Naples, Erie County Comptroller; and Gregory Dudek, Assistant County Attorney.

(5-0)

RAYMOND K. DUSZA
CHAIRMAN