

NOVEMBER 1, 2007

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 15

ALL MEMBERS PRESENT.

- 1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 20D-4 (2007)
DEP: SEQR - Negative Declaration - Notice of Determination of Non-Significance (4-0)
 - b. COMM. 20M-9 (2007)
ASSOCIATION OF ERIE COUNTY GOVERNMENTS: CDBG Matters (4-0)

2. COMM. 20E-6 (007)
COUNTY EXECUTIVE
WHEREAS, the County desires to obtain an easement over lands within South Park to allow for additional improvements at the Botanical Gardens consistent with the Asset Transfer and Management Agreement between the County and the Buffalo and Erie County Botanical Gardens Society, Inc. for the Gardens, and

WHEREAS, it is anticipated that the City of Buffalo will approve the grant of an easement to the County over a portion of property that is part of South Park currently owned by the City of Buffalo, and

WHEREAS, the County and Erie County Botanical Gardens Society, Inc. desire to amend the Asset Transfer and Management Agreement to incorporate and be applicable to the lands subject of the easement granted by the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an easement agreement with the City of Buffalo to accept an easement over a portion of property that is part of South Park currently owned by the City of Buffalo, and be it further

RESOLVED, that the County Executive is authorized to execute an Amendment to the Asset Transfer and Management Agreement to incorporate the easement and be applicable to the lands subject of the easement granted by the City of Buffalo, and be it further

RESOLVED, that a copy of this resolution is to be sent to the County Executive, the County Comptroller, the County Attorney, the Commissioner of Public Works, the Commissioner of Parks Recreation and Forestry, and the Director of Budget, Management & Finance.
(4-0)

- 3. COMM. 20E-7 (2007)
COUNTY EXECUTIVE
WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) provides grant assistance to municipalities to implement projects to reduce solid waste in New York State; and

WHEREAS the NYSDEC awarded funding in the amount of \$114,000 to Erie County to implement a two-year (January 1, 2007, to December 31, 2008) municipal waste reduction and recycling program; and

WHEREAS the Solid Waste Management Act of 1988, listed in Part 371 of the NYS Codes, Rules and Regulations (6 NYCRR) prepared in accordance with 6 NYCRR Part 360, established a statewide goal to maximize solid waste reduction and recovery to the extent economically and technically feasible. The Act calls for municipalities of New York to be part of a solid waste management unit and to develop, and have the State approve, a Solid Waste Management Plan (SWMP); and

WHEREAS, on February 15, 2007, the County Executive was authorized to enter into agreement for partial reimbursement for expenses incurred conducting the Erie County Recycling Education and Outreach Program (COMM. 3E-27), and

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) provides support to Erie County’s solid waste management planning units, the Northeast Southtowns Solid Waste Management Board (NEST) and the Northwest Solid Waste Management Board (NWSWMB), to assist them in meeting their SWMP objectives; and

WHEREAS, NEST and NWSWMB have agreed to provide financial support as part of the local match; and

WHEREAS, the ECDEP is committed to coordinate, oversee, and support solid waste management in Erie County by providing technical assistance to municipalities and businesses to help address their waste management needs, as well as implementation requirements for the SWMPs for both Solid Waste Management Boards in Erie County; and

WHEREAS, the ECDEP has identified sufficient resources for the completion of this initiative; and

WHEREAS, the ECDEP can transfer the existing position of Solid Waste Recycling Specialist (JG-12) from the 2000-2005 DEC Recycling Program to this grant budget

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Executive is authorized to execute a contract to accept funds in the amount of \$114,000 from the NYSDEC, and be it further

RESOLVED, that the Erie County Executive is authorized to enter into the necessary agreements to accept a total of \$40,500 from Erie County’s two Solid Waste Management Boards; and be it further

RESOLVED, that the grant budget for the Erie County Recycling Education Program (January 1, 2007, through December 31, 2008) will be established as follows:

REVENUES:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
409000	State Aid – NYSDEC	\$114,000
420499	Other Local Source Revenue	40,500
TOTAL REVENUE:		\$154,500

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
500000	Personal Services	\$118,535
502000	Fringe Benefits	35,965
TOTAL APPROPRIATIONS:		\$154,500

and be it further

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

RESOLVED, that the following occupied position from a previous grant (the funds for which are fully expended) will be created under this budget:

Solid Waste Recycling Specialist (JG-12) Position
B-100 No. 3284
Budgeted Annual Salary: \$59,266

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
(4-0)

4. COMM. 20E-10 (2007)
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, provides financial aid for Phase II Stormwater Implementation Projects; and

WHEREAS, the New York State Department of Environmental Conservation granted Erie County \$479,200 to establish the Western New York Stormwater Coalition Public Education/Illicit Discharge Project; and

WHEREAS, the local match will be provided by Erie County DEP staff and the Western New York Stormwater Coalition membership in inkind services; and

WHEREAS, it is necessary that a contract by and between the people of the State of New York, herein called the State, and Erie County be executed for such State aid; and

WHEREAS, the County of Erie herein called the “Municipality”, after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein call the “Project”, is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law (“ECL”) authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to enter into the necessary agreements with the New York State Department of Environmental Conservation to accept and implement the Western New York Stormwater Coalition Public Education/Illicit Discharge Project in an amount not to exceed \$479,200 in grant resources; and be it further

RESOLVED, that Joel A. Giambra, County Executive, or such person’s successor in office, is the representative authorized to act in behalf of the Municipality’s governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality’s governing body in all matters related to the Project and to State assistance; and be it further

RESOLVED, that the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project’s field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation; and be it further

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

RESOLVED, that the revenue from the Western New York Stormwater Coalition Public Education/Illicit Discharge Project is hereby appropriated in the grant as follows:

REVENUE:

409000	State Aid – New York State Department of Environmental Conservation	\$479,200
--------	---	-----------

TOTAL REVENUE \$ 479,200

APPROPRIATIONS:

500000	Personnel Services	\$ 60,000
502000	Fringe Benefits	22,800
505000	Office Supplies	130,000
510000	Local Travel and Mileage	0
510100	Out-of-Area Travel	0
530000	Other Expenses	0

561410	Lab:Technical Equipment	1,400
516020	Contractual Services	<u>265,000</u>

TOTAL APPROPRIATIONS \$ 479,200

and be it further

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

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; the County Attorney and the Albany office of the New York State Department of Environmental Conservation. (4-0)

5. COMM. 20E-13 (2007)
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 Partnership Act (HOME); and

WHEREAS, the Erie County HOME Consortium was awarded a grant of \$1,144,739 for fiscal year 2006 by the U. S. Department of Housing and Urban Development under HOME; and

WHEREAS, the funds are to be used to meet the housing needs of low and very low income households in the consortium.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into all necessary agreements with Healthy Community Alliance, Inc. (Alliance) to develop Academy Place Senior Housing in the Village of Gowanda; and be it further

RESOLVED, that said agreements shall provide for the transfer of an amount not exceed \$45,000 to the Alliance; and be it further

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

1. Completion of all state and federal environmental review requirements relative to the housing project.
2. Completion of all necessary subsidy layering analyses 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)

6. COMM. 20E-14 (2007)
COUNTY EXECUTIVE

WHEREAS, Erie County is a co-applicant with Niagara County on a New York State Department of State Shared Municipal Services Incentive Grant application, which was awarded \$275,321 for implementation of a shared Erie Niagara GIS and E911 backup program; and

WHEREAS, the Buffalo Niagara Partnership – “Who Does What” Commission’s Niagara County Study conducted in 2003 recommended that Niagara County implement a county-wide GIS system and in addition recommended that Niagara County would be best served by entering into an inter-county agreement with Erie County for GIS services; and

WHEREAS, Erie County has an existing enterprise-level GIS system, consisting of significant investments in computer hardware, software, communications, staff, and applications (such as an Internet Mapping System); and

WHEREAS, Niagara County has agreed to compensate Erie County for GIS services rendered in support of the proposed Intermunicipal Agreement;

WHEREAS, sharing of GIS services between Erie and Niagara Counties will avoid duplication of GIS services in the future between the two counties and will promote cost savings in the provision of these services.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Executive is authorized to enter an Intermunicipal Agreement for Shared GIS Services between Erie and Niagara Counties; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Data Processing, the County Comptroller and the Director of Budget, Management and Finance.
(4-0)

THOMAS J. LOUGHRAN
CHAIRPERSON