

FEBRUARY 9, 2006

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT EXCEPT LEGISLATOR WHYTE. CHAIRMAN MARINELLI PRESENT
AS EX-OFFICIO MEMBER

1. RESOLVED, the following items are hereby received and filed.
 - a. COMM. 2M-3 (2006)
CITY OF BUFFALO COMMON COUNCIL: County Reneging on Tree Maintenance (4-0)
 - b. COMM. 3E-10 (2006)
COUNTY EXECUTIVE: ECSD No. 1 - Engineering Service Agreements - Work Order: URS-4, Legislative Comm. 21E-33 (4-0)
 - c. COMM. 3E-12 (2006)
COUNTY EXECUTIVE: ECSD No. 4 - Engineer Term Agreement - Work Order: GPI-7 (4-0)
2. COMM. 2E-14 (2006)
COUNTY EXECUTIVE
WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Block Grant Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent, is the submittal to the federal Department of Housing and Urban Development annual grant and program application materials.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit a 2006 Annual Action Plan to the federal Department of Housing and Urban Development (HUD) having 2006 Action Plan dollar estimated amounts as indicated.

1	Erie County Consortium Community Development Block Grant Program:	\$3,174,342
2	Emergency Shelter Grant Program:	\$ 126,622
3	HOME Investment Partnership Program	\$1,151,274
4	Town of Hamburg Community Development Block Grant Program	\$ 450,000

and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie County HOME Consortium is hereby authorized to execute any and all agreements with HUD, local governments, and non-profit agencies, necessary to implement the above programs; and be it further

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

3. COMM. 3E-11 (2006)
COUNTY EXECUTIVE

WHEREAS, the Division of Sewerage Management has requested approval of an Agreement with Michelle P. Battaglia, 198 Roycroft Boulevard, Snyder, New York 14226, to assist with the development of the Division's electronic filing system; and

WHEREAS, the current filing system, while functional, is complex and voluminous and is costly to maintain and retrieve information from; and

WHEREAS, Michelle P. Battaglia will coordinate with the staff to develop an electronic filing system, training manual for reference when entering data, generating reports, retrieving documents and all necessary procedures for a standardized, electronic filing system.

NOW, THEREFORE, BE IT

RESOLVED, that an Agreement with Michelle P. Battaglia, 198 Roycroft Boulevard, Snyder, New York 14226, to provide the necessary services in an amount not-to-exceed \$7,000.00 is hereby approved; and be it further

RESOLVED, that the funding for the training services be allocated from Contractual Service Account 516020 as follows: Sewer District Nos. 1,4 & 5 1811010, \$2,800; Sewer District No. 2 1821010, \$630.00; Southtowns 1831010, \$3,220.00; and Sewer District No. 6 1861010, \$350.00; and be it further

RESOLVED, that certified copies of the approved resolution be sent to Joel A. Giambra, County Executive; Thomas J. Whetham, Deputy Commissioner, Department of Environment and Planning; Mark Poloncarz, Erie County Comptroller; and Ken Vetter, Director Budget, Management and Finance.

(4-0)

4. COMM. 3E-13 (2006)
COUNTY EXECUTIVE

WHEREAS, the County of Erie has secured the services of Malcom Pirnie, Inc. to provide engineering services to the Erie County Sewer Districts No. 1, 2, 4 & 5; 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 November 1, 2002 with Malcom Pirnie, Inc. in the amount of \$216,844.94.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated November 1, 2002 between Erie County Sewer Districts No. 1, 2, 4 & 5 and Malcom Pirnie, Inc. be formally closed-out in the final amount of \$216,844.94; and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to close-out any remaining contract encumbrance in the various Sewer Capital Accounts, between Erie County Sewer Districts No. 1, 2 4 & 5; and be it further,

RESOLVED, that the Clerk of the Legislature be directed to one certified copy of this Resolution to County Executive, Joel Giambra; 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.
(4-0)

5. COMM. 3E-16 (2006)
COUNTY EXECUTIVE

WHEREAS, the County of Erie has secured the services of URS Corporation 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 URS Corporation in the amount of \$155,469.61.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated April 1, 2002 between Erie County Sewer Districts/Southtowns Sewage Treatment Agency and URS Corporation be formally closed-out in the final amount of \$155,469.61; and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to cancel any remaining contract encumbrances in the various Sewer Capital Accounts, between Erie County Sewer District/Southtowns Sewage Treatment Agency and URS Corporation; and be it further,

RESOLVED, that the Clerk of the Legislature be directed to one certified copy of this Resolution to County Executive, Joel Giambra; 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.
(4-0)

6. COMM. 3E-17 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) 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 (NYSDEC), has provided \$500,000 in financial support for Phase II Stormwater Implementation Projects in Western New York; and

WHEREAS, a resolution passed by the Erie County Legislature, dated September 23, 2004 (attached), appropriated the NYSDEC grant resources in 2004 Erie County Capital Project Budget No. A.00251, entitled Stormwater Outfall Mapping/GIS Enhancements; and

WHEREAS, a resolution passed by the Erie County Legislature, dated November 4, 2004 (attached), authorized the County Executive to execute a contract with Bergmann Associates in the amount of \$80,000 for GIS mapping services; and

WHEREAS, field verification of stormwater outfalls revealed a much greater number than estimated, thus requiring additional mapping services; and

WHEREAS, the cost of this additional work is estimated to be \$41,000; and

WHEREAS, it is required by the grant to develop a Memorandum of Agreement to formalize the Western New York Stormwater Coalition and affirm the members commitment to delivering the work products associated with the grant; and

WHEREAS, there are grant funds in the 2004 Erie County Capital Project Budget No. A.00251, entitled Stormwater Outfall Mapping/GIS Enhancements, for legal services; and

WHEREAS, the UB Law Clinic will provide the legal services necessary to develop the Memorandum of Agreement at a cost of \$3,000.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to approve a change order in the amount of \$41,000 to an existing contract with Bergmann Associates to perform additional GIS mapping services, and be it further

RESOLVED, that the County Executive is authorized to enter into an agreement with the UB Law Clinic in the amount of \$3,000 to develop a Memorandum of Agreement on behalf of members of the Western New York Stormwater Coalition, 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, AICP, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.
(4-0)

7. COMM. 3E-18 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, in January 2002, the DEP initiated a regional strategy to assist MS4s in Erie and Niagara County in complying with Phase II Stormwater regulations; and,

WHEREAS, the regulated MS4s in Erie and Niagara County have been meeting informally as the Western New York Stormwater Coalition to collaborate on developing a joint Stormwater Pollution Prevention Program; and,

WHEREAS, the Department of Public Works (DPW) – Division of Highways and the Department of Environment and Planning – Division of Sewerage Management are regulated MS4s that participate in the Coalition; and

WHEREAS, the members of the Western New York Stormwater Coalition have collectively decided to formalize the structure of the organization and establish a participation fee through execution of a Memorandum of Agreement (MOA); and

WHEREAS, the DPW – Division of Highways and the DEP – Division of Sewerage Management realize the benefits of membership in the Coalition and agree to the terms and conditions associated with that membership; and

WHEREAS, the DPW – Division of Highways and the DEP – Division of Sewerage Management have the funds to pay the annual membership dues.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to enter into a Memorandum of Agreement with 44 Municipal Separate Storm Sewer System Owners and Operators to formally establish the Western New York Stormwater Coalition, and be it further

RESOLVED, that upon execution of the MOA, the DPW – Division of Highways and the DEP – Division of Sewerage Management will be members of the Coalition and will receive all work products, and be it further

RESOLVED, that the DPW – Division of Highways and the DEP – Division of Sewerage Management will remit the following participation fees to the Western New York Stormwater Coalition: \$2,500 (DPW – Division of Highways) and \$1,250 (DEP - Division of Sewerage Management), and be it further

RESOLVED, that upon execution of the MOA, the DPW – Division of Highways will pay the annual membership fee from SAP Fund 210 Account # 516020, and the DEP – Division of Sewerage

Management will pay the annual membership fee from the Sewer District No. 6 Operating Fund, Cost Center 1861010 - Account # 516020, 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, AICP, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; Thomas J. Whetham, P.E., Deputy Commissioner of Environment and Planning; John C. Loffredo, Commissioner of Public Works; the County Comptroller; and the County Attorney.

(4-0)

8. COMM. 3E-19 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, the ECDEP has coordinated the activities of the Coalition and pursued grant funding to support its efforts since its inception; and

WHEREAS, the New York State Department of State solicited applications for projects that target shared services through its 2005-2006 Shared Municipal Services Incentive Grant Program; and

WHEREAS, the objectives of the Western New York Stormwater Coalition Software Purchase Program meet the criteria for funding through the New York State Department of State Shared Municipal Services Incentive Grant Program, and an application requesting \$185,000 in grant funding has been prepared by the Erie County Department of Environment and Planning (ECDEP); and

WHEREAS, the required match of \$ 20,000 will be provided by the Western New York Stormwater Coalition; and

WHEREAS, the County Executive will forward to the County Legislature a new resolution to authorize the County Executive to enter into an agreement with the New York State Department of State and act on behalf of the County in all matters related to this financial assistance if the project is selected for funding.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized and directed to file an application for funds from the New York State Department of State for a proposed Western New York Stormwater Coalition Software Purchase Program, and be it further

RESOLVED, that upon approval of said grant request, the County Executive will forward a suggested Resolution to the Legislature authorizing the County Executive to enter into an agreement with the State and act on behalf of the County in all matters related to this financial assistance, 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, AICP, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(4-0)

THOMAS J. LOUGHRAN
CHAIRMAN