

April 13, 2010

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 3

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MAZUR.
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3M-14 (2010)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: "Letter of Notice to Initiate the Review of Agricultural District No. 12"
(5-0)
 - b. COMM. 4E-20 (2010)
COUNTY EXECUTIVE: "Appointments to the Board of Managers for EC Sewer District Nos. 3, 5 & 8"
(5-0)
 - c. COMM. 4M-8 (2010)
NYSDEC: "Notice of Certification - Brownfield Cleanup Program - NOCO #S41 BCP Site"
(5-0)
 - d. COMM. 4M-11 (2010)
EC WATER AUTHORITY: "Copy of Letter to Buffalo Council Member Concerning Resolution to Merge the Buffalo Water Authority with the EC Water Authority"
(5-0)
 - e. COMM. 4M-15 (2010)
EMPIRE STATE DEVELOPMENT CORP.: "Canal Side Project - NYS Environmental Quality Review Act and Final Generic Environmental Impact Statement"
(5-0)
 - f. COMM. 4M-39 (2010)
NYSDEC: "Notice of Certification - Brownfield Cleanup Program - Niagara Street & Pennsylvania Avenue"
(5-0)
 - g. COMM. 4M-50 (2010)
NYS FISH & WILDLIFE MANAGEMENT BOARD: "Minutes of the Meeting Held 2/4/2010"
(5-0)

- h. COMM. 4M-56 (2010)
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION: "Fish & Wildlife Monthly Highlights - 12/16/2009 - 1/15/2010"
(5-0)
- i. COMM. 5D-3 (2010)
COMMISSIONER OF ENVIRONMENT & PLANNING: "Demolition of Buildings at the ECMCC Grider Campus"
(5-0)
- j. COMM. 5M-7 (2010)
NYSDEC: "Notice of Certification - Brownfield Cleanup Program - Remedial Investigation Work Plan for Former Scott Aviation Facility"
(5-0)
- k. COMM. 6E-9 (2010)
COUNTY EXECUTIVE: "EC Sewer District No. 3 - Contract 36 - Change Order No. 1"
(5-0)
- l. COMM. 6E-13 (2010)
COUNTY EXECUTIVE: "EC Sewer District No. 4 - Contract 36 - Change Order No. 1"
- m. COMM. 6M-3 (2010)
NYSDEC: "Notice of Certification - Brownfield Cleanup Program - Cleanup Activities to Begin at Union Ship Canal"
(5-0)
- n. COMM. 6M-13 (2010)
THOMAS MARKS: "Letter to Legislator Rath Concerning Wind Turbine Projects"
(5-0)
2. COMM. 4E-11 (2010)
COUNTY EXECUTIVE
WHEREAS, the Department of Parks, Recreation & Forestry desires to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for Snowmobile Trail Development during the 2009-2010 snowmobile season for funding in an amount not to exceed \$178,325.00; and

WHEREAS, the sum of \$5,000.00 is budgeted as a state revenue for snowmobile development in the 2010 Adopted Budget of the Division of Parks; and

WHEREAS, this agreement with the State shall pertain to such maintenance as performed by the Erie County Department of Parks, Recreation and Forestry within the County parks and forest lots, as well as similar work performed by the individual Snowmobile Clubs of Erie County on club trails located outside County-owned lands.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount not to exceed \$178,325.00 as pertains to snowmobile trail maintenance performed during the 2009-2010 snowmobile season; and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the individual Snowmobile Clubs of Erie County for a total amount not to exceed \$172,240.00 for the purpose of snowmobile trail maintenance on club trails during the 2009-2010 snowmobile season, provided that the clubs meet all insurance and other requirements deemed necessary by the County, in amounts as follows:

Colden Trail Riders Inc.	\$18,985.00
Eden Trail Blazers Inc.	\$11,610.00
Grand Island Snowmobile Club Inc.	\$ 5,760.00
Hamburg Snowmobile Club Inc.	\$18,175.00
Holland Sno-Rascals Inc.	\$20,475.00
Marilla Sno-Mob Inc.	\$15,665.00
Northern Erie Snowseekers Inc.	\$19,680.00
Pioneer Sno-Surfers Inc.	\$ 9,550.00
Southern Tier Snowdrifters Inc.	\$21,290.00
WNY Snowmobile Club of Boston Inc.	\$31,050.00

and be it further

RESOLVED, that the Erie County Legislature hereby approves the appropriation of anticipated state aid revenue in the Division of Parks, fund 110, cost center 1641010, account 409010, in the amount of \$178,325.00, of which \$6,085.00 will be Park revenue, and an increase in appropriations in the amount of \$172,240.00, in the Division of Parks, fund 110, cost center 1641010, account 516020, in order that funds may be available to make payment to the individual clubs of the Erie County Federation of snowmobile Clubs; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget and Management,

the Office of the County Comptroller, and Assistant County Attorney, Stephanie Calhoun, of the Law Department.

(5-0)

3. COMM. 5E-8 (2010)
COUNTY EXECUTIVE

WHEREAS, Erie County provides technical and other assistance to residents to reduce the cancer risks associated with naturally-occurring, odorless radon gas through the New York State Department of Health (NYSDOH), State Indoor Radon Grant (SIRG) Program; and

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) has provided, and wishes to continue to provide, assistance to two local Solid Waste Management Boards through a Memorandum of Understanding (MOU) in which the local Boards provide funding to offset expenses associated with that assistance; and

WHEREAS, staff associated with the Integrated Pest Management (IPM) Project provided services to the Solid Waste Management Boards; and

WHEREAS, funds associated with providing that assistance were placed in the IPM Project grant budget (162INTEGPESTMG0810); and

WHEREAS, solid waste management responsibilities will be transferred to staff currently managing the SIRG grant; and

WHEREAS, to make best use of existing resources and staff, the transfer of those funds to the SIRG grant budget (162SIRG-120810) is necessary; and

WHEREAS, transfer of these funds will necessitate the execution of a contract extension for the SIRG Grant Program to extend the term of the contract from June 30, 2010, to June 30, 2011.

NOW, THEREFORE, BE IT

RESOLVED, that the current grant budget for the Erie County Integrated Pest Management Project (162INTEGPESTMG0810) be revised as follows:

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>BUDGET</u>		
		<u>Current</u>	<u>Revision</u>	<u>Revised</u>
414000	Federal Aid	\$ 98,340		\$ 98,340
420499	Other Local Source Revenue	\$ 40,500	(\$18,562)	\$ 21,938

TOTAL REVENUES	\$138,840	(\$18,562)	\$120,278
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APPROPRIATIONS

500000	Personnel/Salaries	\$ 80,520	(\$13,986)	\$ 66,534
502000	Fringe Benefits	\$ 33,820	(\$ 4,576)	\$ 29,244
505000	Office Supplies	\$ 1,000		\$ 1,000
510000	Local Mileage Reim.	\$ 1,500		\$ 1,500
516020	Pro. Svcs. Contr. & Fees	<u>\$ 22,000</u>		<u>\$ 22,000</u>

TOTAL APPROPRIATIONS	\$138,840	(\$18,562)	\$120,278
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and be it further

RESOLVED, that the current grant budget for the NYSDOH Indoor Radon Grant Program (162SIRG-120810) be revised as follows:

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>BUDGET</u>		
<u>REVENUE</u>		<u>Current</u>	<u>Revision</u>	<u>Revised</u>
409000	State Aid	\$131,300		\$131,300
420499	Other Local Source Revenue	\$ 0	\$18,562	\$ 18,562
422010	Minor Sales	<u>\$ 5,000</u>		<u>\$ 5,000</u>

TOTAL REVENUES	\$136,300	\$18,562	\$154,862
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APPROPRIATIONS

500000	Personnel/Salaries	\$ 84,300	\$13,986	\$ 98,286
502000	Fringe Benefits	\$ 43,000	\$ 4,576	\$ 47,576
505000	Office Supplies	\$ 1,000		\$ 1,000
505800	Medical & Health Supplies	\$ 2,500		\$ 2,500
510000	Local Mileage Reim.	\$ 500		\$ 500
510100	Out of Area Travel	\$ 500		\$ 500
510200	Training and Education	\$ 2,700		\$ 2,700
516020	Pro. Svcs. Contr. & Fees	\$ 800		\$ 800
545000	Rental Charges	<u>\$ 1,000</u>		<u>\$ 1,000</u>

TOTAL APPROPRIATIONS	\$136,300	\$18,562	\$154,862
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and be it further

RESOLVED, that the County Executive is authorized to execute a contract amendment with the New York State Department of Health to extend the SIRG Program (Contract # C-022167) contract period to June 30, 2011; and be it further

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

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget and Management; the Commissioner of Personnel; Kathy Konst, Commissioner of Environment and Planning; Darren E. Kempner, Deputy Commissioner of Environment and Planning; Paul B. Kranz, P.E., Department of Environment and Planning, the County Comptroller; and the County Attorney. (5-0)

4. INTRO 6-6 (2010)
FUDOLI, DIXON, MILLS, AS AMENDED
RATH, WALTER & KOZUB

WHEREAS, the Second Amendment to the Constitution of the United States clearly states that “the right of the people to keep and bear Arms, shall not be infringed;” and

WHEREAS, Article XII of the Constitution of the State of New York clearly states, “The defense and protection of the state and of the United States is an obligation of all persons within the state;” and

WHEREAS, Assembly Bill A. 1093A and Senate Bill S. 1715A create undue burdens on civilians renewing and applying for licenses and imposes extreme financial obligations on merchants who legally sell firearms; and

WHEREAS, Assembly Bills A.1275 and A. 2884, and Senate Bill S. 1712 unfairly make the otherwise legal sale of firearms a misdemeanor if the sales venue is located on public property; and

WHEREAS, the County of Erie is home to a thriving sporting industry, as evidenced by the presence of the Alden Rod & Gun Club, Allied Sportsmen of WNY, Bassmasters, Bison City Rod & Gun Club, Blasdell Rod & Gun Club, Boston Valley Conservation Society, Bow, Rod & Gun Conservation Club, Buffalo Bowhunter’s, Buffalo Rod & Gun Club, Collin’s Conservation Club, Crow’s Nest Fishing Club, Deer Search, Inc., Depew Rod & Gun Club, East Aurora Fish & Game Club, Inc., Eastern Lake Erie Charter Boat Association, Eden-North Collin's Gun Club, Elks Head Hunting & Fishing Club, Elma Conservation Club, Inc., [Erie County Bassmaster's](#), [Erie County Conservation Society](#), Erie County Trapper's, Erie Fish & Game Protective Association, [Evan's Rod & Gun Club](#), Finger Lakes & WNY Waterfowl Association, [Friends & Neighbors Rod & Gun Club](#), George Washington Fishing & Camping Club, Inc., Glen Coe Conservation Club, [Hamburg Rod & Gun Club, Inc.](#), Hawkeye Bowmen, Inc., Holland Rod & Gun Club, Inc., Horn & Fin Sportsmen, Lackawanna Conservation Club, Lake Shore Fire

Co. Exempt's Sportsmen's Club, Leo's Archery, Mark IV Fishing & Hunting Club, Millgrove Sportsmen's Club, Mohawk Rifle & Pistol Club, Inc., Niagara Musky Association, Inc., [Niagara River Angler's Association](#), Niagara River Station Fishing Club, NWTf-Niagara Chapter, New York Bowhunters, Inc., NY Walleye Association, Pheasant's Forever of WNY, [Safari Club International, Inc.](#), [SCOPE - WNY Chapter](#), Simon Girty Long Rifles, [Southtowns Walleye Association of W.N.Y. Inc.](#), Springville Field & Stream, Trailblazer's R & D Club, West Falls Conservation Society, Inc., Winchester Rifle & Gun Club, Wincrest Sportsmen Association, WNY Bassmasters, WNY Sportsmen's Association, [WNY Trout Unlimited](#), Wood & Brook Sportsman's Club, Inc, among others; and

WHEREAS, it is the right of the citizens of Erie County to take measures necessary to be secure in their homes against criminals and other dangerous trespassers, which may include the use of a firearm for protection; and

WHEREAS, the United States Supreme Court affirmed that the Second Amendment meant the right to keep and bear arms is an individual right and not a collective right; and

WHEREAS, the most basic of rights is the right of self-defense; and

WHEREAS, a primary reason for obtaining a handgun and permit to carry concealed is for self-protection outside the home.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby oppose the enactment of any legislation by the New York State Legislature that fundamentally alters or abridges the right to keep and bear arms; and be it further

RESOLVED, that the Erie County Legislature calls upon our elected representatives in New York State government to reject Assembly Bills 1093A, 1275 and 2884, and Senate Bills S.1715A and S. 1712; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor David Paterson, Assembly Speaker Sheldon Silver, Majority Leader Pedro Espada, Jr. and the local delegation to the New York State Legislature.
(3-2) Chair Miller-Williams and Legislator Grant voted in the negative.

5. COMM. 6E-12 (2010)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Environmental Conservation Rules and Regulations under 6 NYCRR Part 617 – State Environmental Quality Review (SEQR) allow agencies to

adopt their own list of Type II actions to supplement the actions contained in subdivision (c) of Section 617.5 of said state regulations; and

WHEREAS, Erie County is desirous of adopting a Type II action list as described on the attachment to this resolution; and

WHEREAS, the sole addition to the Type II action list contained in Section 617.5 is the following project

1. Preservation of Erie County owned Bridges/Culverts and Ancillary Actions including minor right-of-way acquisition; and

WHEREAS, the projects under this category, as described on the attachment to this resolution, are deemed not to have a significant impact on the environment.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to provisions contained in 6 NYCRR Part 617.5 Subdivision (b), the List of Type II Actions described on the attachment to the resolution is hereby adopted for use in future environmental reviews required under the New York State Environmental Quality Review Act; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.
(5-0)

6. COMM. 6E-21 (2010)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 1ST – G, General to C.O. Falter Construction Corp. for the refurbishing of the sand filters at the Southtowns Sewerage Treatment Plant; 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. 1ST – G, General, Southtowns Sand Filter Process and Secondary Clarifier Modifications, in the final contract amount of \$2,934,450.57 which includes Change Order No. 3 (final), a decrease of \$80,244.85 in Sewer Capital, Erie County Sewer District No. 3, Account No. C.00038.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 1ST – G, General, Southtowns Sand Filter Process and Secondary Clarifier Modifications between the County of Erie and C.O. Falter Construction Corp. is accepted in the amount of \$2,934,450.57 which includes Change Order No. 3 (final), a decrease of \$80,244.85 in Sewer Capital, Erie County Sewer District No. 3, Account No. C.00038 and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 1ST – G, General, Southtowns Sand Filter Process and Secondary Clarifier Modifications between the County of Erie and C.O. Falter Construction Corp., 403 West Bear Street, Syracuse, New York 13204 in the amount of \$2,934,450.57 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one (1) certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Eric Ziobro, Assistant County Attorney, and the Erie County Executive.
(5-0)

DANIEL M. KOZUB
CHAIR