

January 14, 2010

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:

- a. COMM. 27E-1 (2009)
MARINELLI: "Copy of Letter to NYSDEC - Re-Draft NYS Hazardous Waste Facility Siting Plan, Dated September 2009"
(6-0)
- b. COMM. 27E-2 (2009)
REYNOLDS: "Copy of Letter to the Commissioner of Environment & Planning - Resignation from Farmland Protection Board"
(6-0)
- c. COMM. 27E-3 (2009)
REYNOLDS: "Copy of Letter to the President of Cornell Cooperative Extension Foundation, Inc. - Resignation from the Board"
(6-0)
- d. COMM. 27E-4 (2009)
REYNOLDS: "Copy of Letter to the President of Cornell Cooperative Extension - Resignation as Liaison to the EC Legislature"
(6-0)
- e. COMM. 27E-6 (2009)
REYNOLDS: "Copy of Letter to the Chair of EC Fisheries Board - Resignation"
(6-0)
- f. COMM. 27E-36 (2009)
IANNELLO: "Letter to Chair Marinelli – Resignation from Green Actions Community Committee"
(6-0)
- g. COMM. 27M-2 (2009)
NYSDEC: "Fact Sheet - Environmental Cleanup Work Plan and Decision Document for Greif Site - Tonawanda - Available for Public Comment"
(6-0)

- h. COMM. 1E-23 (2010)
COUNTY EXECUTIVE: "ECSD No. 3 & 6 - Engineering Term Agreement"
(6-0)
- i. COMM. 1E-28 (2010)
COUNTY EXECUTIVE: "ECSD No. 1-6 & 8 - Engineer Term Agreement - DiDonato Associates"
(6-0)
- j. COMM. 1M-3 (2010)
NYSDEC: "Fish and Wildlife Monthly Highlights - 10/16/09 - 11/15/09"
(6-0)
- k. COMM. 1M-5 (2010)
NYSDEC: "Fact Sheet - Cleanup Activities Completed at Former N.L. Industries Site - Cheektowaga/Depew - Available for Public Review"
(6-0)
- l. COMM. 1M-8 (2010)
NYSDEC: "Fact Sheet - Environmental Investigation and Cleanup Work to Begin at Niagara Transformer Site - Cheektowaga"
(6-0)
- m. COMM. 1M-9 (2010)
NYS FISH & WILDLIFE MANAGEMENT BOARD: "Agenda Items for Region 9 Board Meeting Held 12/3/09"
(6-0)
2. COMM. 27E-17 (2009)
COUNTY EXECUTIVE
WHEREAS, the New York State Department of Transportation (NYSDOT) has notified the County that the NYS Route 5 – 18 Mile Creek Bridge improvements require the appropriation of 45,050 square feet of Permanent and 29,557 square feet of Temporary Easements of the Erie County Sewer District No.2 – 18 Mile Creek Pumping Station property, SBL 193.00-1-9, located at the southeast side of Lake Shore Road and 18 Mile Creek in Evans, New York; and

WHEREAS, the NYSDOT has offered \$2,350.00 for the appropriated land; and

WHEREAS, Erie County Sewer District No.2 has determined that the appropriation will not materially affect the use of the property; and

WHEREAS, the NYSDOT Design Section has agreed to maintain the entrance driveway to the 18 Mile Creek Pumping Station; and

WHEREAS, the Advisory Review Committee has found that the reimbursement for the appropriation is reasonable, and that there are no objections to the appropriation.

NOW, THEREFORE, BE IT

RESOLVED that the NYSDOT's offer of \$2,350.00 for the appropriation of 45,050 square feet of Permanent and 29,557 square feet of Temporary Easements on County owned Sewer District No.2 parcel SBL 193.00-1-9 in the Town of Evans for \$2,350.00 is acceptable; and be it further

RESOLVED, that the County Executive is hereby authorized to sign the NYSDOT Agreement of Advanced Payment for said property appropriation subject to approval as to form by the County Attorney; 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.
(6-0)

3. COMM. 27E-23 (2009)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following members of the Board of Managers for Erie County Sewer District No. 1 for a term expiring on December 31, 2011:

Hon. Mary Holtz
Supervisor
Town of Cheektowaga
3301 Broadway
Cheektowaga, NY 14227

Hon. Wallace Piotrowski
Supervisor
Town of West Seneca
1250 Union Rd.
West Seneca, NY 14224

Mr. William Pugh, PE
Town Engineer
Town of Cheektowaga
275 Alexander Ave.
Cheektowaga, NY 14211

Mr. George Montz, PE
Town Engineer
Town of West Seneca
1250 Union Rd.
West Seneca, NY 14224

Mr. Matt Salah, PE
Sr. Coordinator, Construction Projects
Erie County DEP
95 Franklin St., Room 1034
Buffalo, NY 14202

(6-0)

4. COMM. 27E-24 (2009)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following members of the Board of Managers for Erie County Sewer District No. 2 for a term expiring on December 31, 2011:

Ms. Anna Knack
Administrative Ast., Town of Eden
2795 E. Church St.
Eden, NY 14057

Mr. John Crosta
1430 North Creek Rd.
Lakeview, NY 14085

Hon. Francis Prodom
Supervisor
Town of Evans
8787 Erie Rd.
Angola, NY 14006

Mr. James Carr, PE
Assistant Deputy Commissioner
Erie County DEP
95 Franklin St., Room 1034
Buffalo, NY 14202

(6-0)

Mr. Gifford Swyers
50 Terrylynn Dr.
Angola, NY 14006

Ms. Dolores Rinaldi
2011 Brant St.
North Collins, NY 14111

Hon. Howard Frawley
Mayor
Village of Angola
41 Commercial St.
Angola, NY 14006

5. COMM. 27E-25 (2009)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following members of the Board of Managers for Erie County Sewer District No. 3 for a term expiring on December 31, 2011:

Hon. John Mills
Erie County Legislator
80 Highland Ave.
Orchard Park, NY 14127

Hon. Michael Kasprzyk
Supervisor, Town of Holland
47 Pearl St.
Holland, NY 14080

Hon. David Kaczor
Councilman
Town of Orchard Park
23 Silent Meadow
Orchard Park, NY 14127

Mr. Gerald Kapsiak, PE
Town Engineer
Town of Hamburg
6100 S. Park Ave.
Hamburg, NY 14075

(5-0-1) Legislator Mills abstained.

Mr. Damian Wiktor
7206 Tricia Ln.
Boston, NY 14025

Hon. Glenn Nellis
Supervisor, Town of Eden
2795 E. Church St.
Eden, NY 14057

Hon. John Wilson
Mayor
Village of Orchard Park
4295 S. Buffalo St.
Orchard Park, NY 14127

Mr. David Millar, PE
Erie County DEP
95 Franklin St., Room 1034
Buffalo, NY 14202

6. COMM. 27E-26 (2009)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following members of the Board of Managers for Erie County Sewer District No. 5 for a term expiring on December 31, 2011:

Mr. James Callahan
Dir. of Community Development
Town of Clarence
One Town Place
Clarence, NY 14031

Mr. Albert Schultz
8293 Parliament Circle
East Amherst, NY 14051

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7. COMM. 27E-27 (2009)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following members of the Board of Managers for Erie County Sewer District No. 4 for a term expiring on December 31, 2011:

Hon. Robert Giza
Supervisor
Town of Lancaster
21 Central Ave.
Lancaster, NY 14086

Mr. Joseph Keefe
Trustee
Village of Depew
9 Bloomfield Ave.
Depew, NY 14043

(6-0)

Mr. Lawrence Heininger
Town Engineer
Town of Amherst
1100 N. Forest Rd.
Williamsville, NY 14221

Mr. Joseph Fiegler, PE
Asst. Deputy Commissioner
Erie County DEP
95 Franklin St., Room 1034
Buffalo, NY 14202

Mr. Robert Labenski
Greenman-Pederson, Inc.
4950 Genesee St., Suite 165
Buffalo, NY 14225

Mr. Thomas Batt, PE
Sr. Sanitary Engineer
Erie County DEP
95 Franklin St., Room 1034
Buffalo, NY 14202

8. COMM. 27E-28 (2009)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature hereby confirms the appointments of the following members of the Board of Managers for Erie County Sewer District No. 6 for a term expiring on December 31, 2011:

Hon. Norman Polanski
Mayor
City of Lackawanna
714 Ridge Rd.
Lackawanna, NY 14218

Mr. Anthony Collareno
93 Cloverleaf Ave.
Lackawanna, NY 14218

Mr. James Carr, PE
Asst. Deputy Commissioner
Erie County DEP
95 Franklin St., Room 1034
Buffalo, NY 14202
Buffalo, NY 14202

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9. COMM. 27E-29 (2009)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature hereby confirms the appointments of the following members of the Board of Managers for Erie County Sewer District No. 8 for a term expiring on December 31, 2011:

Hon. Clark Crook
Mayor
Village of East Aurora
41 Commercial St.
East Aurora, NY 14052

Mr. Matthew Hoeh
Superintendent of Public Works
Village of East Aurora
400 Pine St. Extension
East Aurora, NY 14052

Mr. Bryan Smith
Town Engineer
Town of Aurora
21 Westgate
East Aurora, NY 14052

Mr. Ed Paolini, PE
Senior Sanitary Engineer
Erie County DEP
95 Franklin St., Room 1034
Buffalo, NY 14202

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10. COMM. 1E-20 (2010)
COUNTY EXECUTIVE

WHEREAS, the County of Erie and CSX Transportation, Inc have a license agreement for right of ways for sanitary sewers; and

WHEREAS, the County of Erie currently pays the license agreement fees on an annual basis; and

WHEREAS, the County of Erie and CSX Transportation, Inc. have negotiated a one time lump sum final payment; and

WHEREAS, the County of Erie and CSX Transportation, Inc. will amend the license agreement and the County will make a final payment of \$4,750.00.

NOW, THEREFORE, BE IT

RESOLVED, that amended license agreement between the County of Erie and CSX Transportation, Inc., on behalf of Erie County Sewer Districts No. 3 in the amount of \$4,750.00 is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is authorized to execute the amended license agreement with the CSX Transportation, Inc. 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 funds to cover this payment are available in Account 516020, Professional Services, Contracts and Fees, SD # 3 (1831010) in the 2010 Adopted Budget; 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., Deputy Commissioner of the Department of Environment and Planning and one (1) certified copy each to the County Executive, the County Comptroller and Eric Ziobro, Assistant County Attorney.

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11. COMM. 1E-22 (2010)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature previously authorized a resolution on May 11, 2000 at the 9th Session via Communication 9E-13 to allow the County of Erie to enter into the deregulated market for the purpose of purchasing electricity on the open and competitive market at wholesale pricing; and

WHEREAS, the Electric Utility Aggregate was expanded to include other municipalities and Public Authorities as authorized by the Erie County Legislature via Communication 4E-13 dated February 1, 2001; and

WHEREAS, the County of Erie has been operating as an Energy Service Company (ESCO) certified by the New York Independent System Operator (NYISO) network and approved by New York State Electric and Gas Corporation (NYSEG) to have NYSEG deliver such electric power supply over the transmission and distribution system of NYSEG; and

WHEREAS, a renewal of the Operating Agreement, as amended from time to time by NYSEG, by and between the County of Erie and NYSEG is necessary to continue the rules, regulations, policies and procedures that govern such transactions; and

WHEREAS, after careful review of the revised Operating Agreement the Department of Public Works deems such an agreement to be in the County's best interest, to continue the purchase and distribution of electricity to the County of Erie and municipalities enrolled in the Utility Aggregation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into such an agreement with the New York State Electric and Gas Corporation; subject to approval as to form of the agreement by the County Attorney; and be it further

RESOLVED, that three (3) certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner (one copy to be forwarded to NYSEG Corporation), and one copy each to the Office of the County Executive, the Erie County Attorney's Office, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

DANIEL M. KOZUB
CHAIR