

January 31, 2011

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. 12D-3 (2010)  
**COMMISSIONER OF ENVIRONMENT & PLANNING:** “State Environmental Quality Review Negative Declaration - 119 Ellicott Rd., West Falls, NY”  
(6-0)
  - b. COMM. 12D-4 (2010)  
**COMMISSIONER OF ENVIRONMENT & PLANNING:** “State Environmental Quality Review Negative Declaration - 9125 Sibley Rd., E. Concord, NY”  
(6-0)
  - c. COMM. 14E-5 (2010)  
**COUNTY EXECUTIVE:** “Appointments to the EC Environmental Management Council for a Term Expiring 5/31/2011”  
(6-0)
  - d. COMM. 15M-10 (2010)  
**NYS DEPARTMENT OF AGRICULTURE & MARKETS:** “Letter to Clerk of Legislature Regarding a Review of EC Agricultural District No. 13”  
(6-0)
  - e. COMM. 15M-11 (2010)  
**DEPARTMENT OF THE ARMY:** “Letter to Clerk of Legislature Regarding Supplemental Reconnaissance Report & Great Lakes Navigation System Review”  
(6-0)
  - f. COMM. 18E-4 (2010)  
**COUNTY EXECUTIVE:** “EC Division of Sewerage Management - Engineering Service Agreement”  
(6-0)
  - g. COMM. 18E-5 (2010)  
**COUNTY EXECUTIVE:** “ECSD Nos. 3 & 6 - Energy Performance Contract”  
(6-0)
  - h. COMM. 18M-1 (2010)  
**NYSDEC:** “Frequently Asked Questions About New York's New Crossbow Law Effective in 2011”  
(6-0)
  - i. COMM. 19E-11 (2010)  
**COUNTY EXECUTIVE:** “ECSD No. 3 - Engineer Term Agreement - CHA”  
(6-0)
  - j. COMM. 19M-6 (2010)  
**NYSDEC:** “Seeking Comments Regarding Brownfield Cleanup Program - Buffalo Urban Development Corporation for 193 Ship Canal Parkway Site”  
(6-0)
  - k. COMM. 20E-5 (2010)  
**COUNTY EXECUTIVE:** “ECSD No. 3 - Infrastructure & Engineering, Inc.”  
(6-0)
  - l. COMM. 20M-3 (2010)  
**NYSDEC:** “Fact Sheet: Environmental Cleanup Plan for the Former Buffalo China Site”  
(6-0)
  - m. COMM. 20M-5 (2010)  
**NYSDEC:** “Fish & Wildlife Monthly Highlights for 8/15/2010 - 9/15/2010”  
(6-0)
  - n. COMM. 21E-19 (2010)  
**COUNTY EXECUTIVE:** “ECSD Nos. 1-6 & 8 User Charge Rates”  
(6-0)
  - o. COMM. 24M-5 (2010)  
**NYSDEC:** “Fish & Wildlife Monthly Highlights from 9/15/2010 - 10/15/2010”  
(6-0)
  - p. COMM. 24M-10 (2010)  
**NYSDEC:** “Third Update on Collaborative Restoration & Redevelopment Efforts - Feasibility Study on Buffalo River Restoration Released; Public Meeting Announced”  
(6-0)

- q. COMM. 24M-11 (2010)  
**NYSDEC:** “Fact Sheet: Brownfield Cleanup Program - Interim Remedial Measure Work Plan for Railroad Realignment at Tecumseh Phase I, II & III Business Park Areas Available for Review”  
(6-0)
- r. COMM. 27E-8 (2010)  
**COUNTY EXECUTIVE:** “ECSD No. 2 - Contract 79B - Change Order No. 1”  
(6-0)
- s. COMM. 27D-1 (2010)  
**DEPARTMENT OF ENVIRONMENT & PLANNING:** “Botanical Gardens Cistern Installation Project - SEQR Notification”  
(6-0)
- t. COMM. 27D-2 (2010)  
**DEPARTMENT OF ENVIRONMENT & PLANNING:** “EC Highways Cistern Installation Project - SEQR Notification”  
(6-0)
- u. COMM. 27D-3 (2010)  
**DEPARTMENT OF ENVIRONMENT & PLANNING:** “Town of Tonawanda Senior Center Cistern Installation Project - SEQR Notification”  
(6-0)
- v. COMM. 27D-4 (2010)  
**DEPARTMENT OF ENVIRONMENT & PLANNING:** “Town of Tonawanda Highway Cistern Installation Project - SEQR Notification”  
(6-0)
- w. COMM. 27D-5 (2010)  
**DEPARTMENT OF ENVIRONMENT & PLANNING:** “Village of Orchard Park Cistern Installation Project - SEQR Notification”  
(6-0)
- x. COMM. 1M-5 (2011)  
**EMPIRE STATE DEVELOPMENT:** “Notice of Completion, Draft Generic Environmental Impact Statement & Adoption of General Project Plan - Richardson Olmsted Complex - Civic & Land Use Improvement Project”  
(6-0)

- y. COMM. 1M-8 (2011)  
**SENATOR THOMPSON:** “Emerald Ash Borer Threatens Our Communities”  
(6-0)
- z. COMM. 1M-10 (2011)  
**NYSDEC:** “Fact Sheet: Brownfield Cleanup Program - 1132-1146 Seneca Street Site in Buffalo”  
(6-0)
- aa. COMM. 1M-11 (2011)  
**NYSDEC:** “Fact Sheet: Brownfield Cleanup Program - Niagara Transformer Site in Cheektowaga”  
(6-0)
- bb. COMM. 2M-4 (2011)  
**NYSDEC:** “Fact Sheet - Brownfield Cleanup Program - Requirements Achieved at Niagara Transformer Site in Cheektowaga”  
(6-0)
- cc. COMM. 2M-5 (2011)  
**NYSDEC:** “Fact Sheet - Brownfield Cleanup Program - Requirements Achieved at 1132-1146 Seneca Street Site in Buffalo”  
(6-0)
- dd. COMM. 2M-8 (2011)  
**NYSDEC:** “Fact Sheet - Brownfield Cleanup Program - Buffalo Color Corp. Area C Site”  
(6-0)
2. COMM. 15E-14 (2010)  
**COUNTY EXECUTIVE**  
WHEREAS, the 2011 Assessment Rolls for Erie County Sewer District Nos. 1-6 and 8 describing each lot or parcel of land have been prepared by the Division of Sewerage Management; and
- WHEREAS, the Division of Sewerage Management has also assessed the estimate of expenditures and proportioned them to the lots and parcels of land as nearly as may be to the benefit which each lot or parcel will derive there from; and
- WHEREAS, the Clerk of the Legislature had a Notice of Public Hearing published in the official County newspapers prior to the date of the Public Hearing which informed the public that the Assessment Rolls would be open for public inspection on and after the first day of October, 2010; and

WHEREAS, said Public Hearing was held in the Chamber of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, New York, at 1:30 p.m., local time on November 5, 2010 and that all persons desiring to be heard were duly heard and that all objections have been heard and considered; and

WHEREAS, said Assessment Rolls, estimate of expenditures, and Public Hearing were carried out in accordance with Article 5A, Sections 270 and 271 of County Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby affirm and adopt the 2011 Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, Erie County Comptroller, Eric Ziobro, Assistant County Attorney and Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment & Planning.  
(6-0)

3. **COMM. 20E-6 (2010)**  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature had awarded Contract 36 to Tom Greenauer Development, Inc. for the installation of a new sanitary sewer to eliminate an existing pumping station; 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. 36, William Street and Old Schoolhouse Road Extension Project, in the final contract amount of \$389,633.60 which includes Change Order No. 2 (final), an increase of \$1,893.60 in Sewer Capital, Erie County Sewer District No. 4, Account No. C.00063.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 36, William Street and Old Schoolhouse Road Extension Project between the County of Erie and Tom Greenauer Development, Inc., P.O. Box 250 Springbrook, New York 14140 accepted in the amount of \$389,633.60 which includes Change Order No. 2 (final), an increase of \$1,893.60 in Sewer Capital, Erie County Sewer District No. 4 Account No. C.00063 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. 36, William Street and Old Schoolhouse Road Extension Project between County of Erie and Tom Greenauer Development, Inc. in the amount of \$389,633.60 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.  
(6-0)

4. **COMM. 21E-11 (2010)**  
**COUNTY EXECUTIVE**

WHEREAS, Erie and Niagara Counties received a Shared Municipal Services Incentive grant to develop on-line applications for local governments and residents to obtain data on their properties, review their property taxes, and link this data to an on-line GIS mapping system; and

WHEREAS, the Erie County has also developed an on-line application for assisting local government assessors track sales of commercial properties; and

WHEREAS, Erie County will offer these on-line applications to local governments through Local Government Agreements that cover up to three years of service, allowing communities to choose any or all of the applications they wish to use and offer to their residents; and

WHEREAS, in order to maintain these applications and the supporting technology on an on-going basis it is necessary to implement the schedule of fees listed in Attachment A; and

WHEREAS, the proposed schedule of fees is based on ranges of parcels: 1-500/ 501- 1000/ 1001-2000 etc. The parcel ranges and their associated rates are the same that the New York Office of Real Property Services (ORPS) uses to charge local governments for software they provide to collect property information.

NOW, THEREFORE, BE IT

RESOLVED, that the County is hereby authorized to enter into Local Government Agreements with municipalities in Erie and Niagara Counties for up to three year terms for on-line services related to parcel data, property tax information, GIS mapping, and commercial sales; and be it further

RESOLVED, that the County is hereby authorized to implement the schedule of fees listed in Attachment A for local governments that enter into Agreements for the on-line services related to parcel data, property tax information, GIS mapping, and commercial sales; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the County Comptroller; the Commissioner of Environment and Planning; the Director of Real Property Tax Services; the Director of the Division of Budget and Management; and the County Attorney.  
(6-0)

5. COMM. 21E-15 (2010)  
**COUNTY EXECUTIVE AS AMENDED**

WHEREAS, the Board of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5, 6 and 8 have a system of Sewer District User Charges or Fees; and

WHEREAS, the Boards have requested and are desirous of collecting said User Charges or Fees in 2011 for properties in the same manner and fashion as the regular sewer district taxes as has been done in the past year.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Real Property Tax Services is hereby authorized and directed to spread said 2011 Sewer District User Charges or Fees against properties within Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 & 8 liable therefore as provided by law; and be it further

RESOLVED, that the following amounts be collected:

Sewer District #1	\$ 1,218,549.47
Sewer District #2	\$ 182,252.94
Sewer District #3	\$ 940,061.45
Sewer District #4	\$ 830,504.21
Sewer District #5	\$ 357,273.00
Sewer District #6	\$ 1,353,438.72
Sewer District #8	\$ <u>571,125.75</u>
	\$ 5,453,205.54

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Real Property Tax Services, the Director of Budget, the County Attorney and Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment and Planning.  
(6-0)

6. COMM. 24E-7 (2010)  
**COUNTY EXECUTIVE**

WHEREAS, it is impractical for the Division of Sewerage Management to solicit proposals for each and every small project when the need arises for construction inspection assistance; and

WHEREAS, the County of Erie advertised a Request for Proposals from consulting firms to perform professional services associated with general construction inspection for the Division of Sewerage Management; and

WHEREAS, the advertised Request for Proposals contemplated three-year term contracts to assist the Division of Sewerage Management when in-house workload dictates; and

WHEREAS, a review committee consisting of representatives from the Erie County Division of Sewerage Management was established to evaluate all eight (8) timely received responses to the County's Request for Proposals, using a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends retaining LiRo Engineers, Inc. and DiDonato Associates to complete the requested consulting services.

NOW, THEREFORE, BE IT

RESOLVED, that LiRo Engineers, Inc. and DiDonato Associates be retained to perform professional services associated with construction inspection for the Division of Sewerage Management; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with LiRo Engineers, Inc. (690 Delaware Avenue, Buffalo, New York 14209-2202) and DiDonato Associates (689 Main Street, Buffalo, New York 14203) for professional services associated with construction inspection for the Division of Sewerage Management in an amount not to exceed \$200,000.00 each, subject to approval as to form by the County Attorney's office; and be it further

RESOLVED, that the County Director of Budget and the County Comptroller be authorized to allocate \$200,000.00 for each agreement from any of the Sewer Capital Projects in fund 430 or from the Sewer Operating Fund 220 (including business areas 181, 182, 183, and 186, account 516020 (Professional Service Contracts)) as determined by the Division of Sewerage Management; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Michael Quinn, P.E., Division of Sewerage Management and one (1) certified copy each to the County Executive, the Erie County Comptroller, the Erie County Director of Budget and Management, and Eric Ziobro, Assistant County Attorney.

(6-0)

7. COMM. 24E-22 (2010)  
**COUNTY EXECUTIVE**

WHEREAS, the New York State Archives has awarded Erie County a grant in the amount of \$34,517 to fund a records management project; and

WHEREAS, the grant for \$34,517 will be utilized by the Department of Environment and Planning/Division of Sewerage Management to convert approximately 350,000 pages of paper documents that have permanent retention classification to digital format and to purchase records management software licenses.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie hereby adopts and accepts from the New York State Archives the \$34,517 grant that it has awarded to the Division of Sewerage Management for scanning of the documents under such terms and conditions as stated in the grant; and be it further

RESOLVED, that the County Executive be authorized to execute any documents as may be required for the County to receive the grant; and be it further

RESOLVED, that the Director of Budget is directed to increase Revenue and Appropriations in the Sewer Fund 220, Business Area 181 in the 2011 Budget as follows:

<u>Appropriations</u>		<u>Cost Center</u>	<u>Amount</u>
516020	Professional Services	1811010	\$27,517.00
561410	Lab and Technical Equipment	1811010	<u>\$ 7,000.00</u>
			\$34,517.00
<u>Revenue</u>		<u>Cost Center</u>	<u>Amount</u>
407770	State Aid-New York State Archives	1811010	<u>\$34,517.00</u>

and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Michael Quinn, P.E. in the Division of Sewerage Management and one (1) certified copy each to the

County Executive, the County Comptroller, the Director of Budget and Management, and the Chief Information Officer in the Department of Information and Support Services.

(6-0)

8. COMM. 27E-7 (2010)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature had awarded Contract 34SA to Visone Construction, Inc. for the installation of sanitary sewer pipe, manholes and related appurtenances and for the installation of ductile iron water main pipe in the City of Lackawanna; 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. 34SA, Holland Avenue and Wilmuth Avenue Sanitary Sewer Rehabilitation/Erie County Water Authority Holland Avenue Water System Improvements Project, in the final contract amount of \$1,181,955.81 which includes Change Order No. 2 (final), a decrease of \$75,697.69 to Sewer Capital, Erie County Sewer District No. 6, Account No. C.00064.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 34SA, Holland Avenue and Wilmuth Avenue Sanitary Sewer Rehabilitation/Erie County Water Authority Holland Avenue Water System Improvements Project between the County of Erie and Visone Construction, Inc., 79 Sheldon Avenue, Depew, New York 14043 be accepted in the amount of \$1,181,955.81 which includes Change Order No. 2 (final), a decrease of \$75,697.69 to Sewer Capital, Erie County Sewer District No. 6 Account No. C.00064 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. 34SA, Holland Avenue and Wilmuth Avenue Sanitary Sewer Rehabilitation/Erie County Water Authority Holland Avenue Water System Improvements Project between County of Erie and Visone Construction, Inc. in the amount of \$1,181,955.81 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.

(6-0)

9. COMM. 1E-3 (2011)

**MILLS**

RESOLVED, the Erie County Legislature hereby confirms the re-appointment of the following individual to the Erie County Fisheries Advisory Board for the term ending 12/31/2013:

Mr. Ronald Smith  
26 Hillsboror Drive  
Orchard Park, NY 14127

(6-0)

10. COMM. 2E-8 (2011)

**COUNTY EXECUTIVE**

WHEREAS, the Town of Alden on behalf of Alden Industrial Park Sewer District No. 1 has requested an annual credit from Erie County on behalf of ECSD#4 for the partial use of the Industrial Park sanitary sewer system by users in the Town of Lancaster; and

WHEREAS, the specific users of the Industrial Park sanitary sewer system in the Town of Lancaster are located within the 2004 extended bounds of ECSD#4; and

WHEREAS, said users are known as 1282 Townline Road Lancaster, NY, 1284 Townline Road Lancaster, NY, and 1286 Townline Road Lancaster, NY.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to execute a sanitary sewer system operations and maintenance service agreement amendment, subject to approval as to content by the Deputy Commissioner of Environment and Planning, Division of Sewerage Management and approved as to form by the County Attorney, between Erie County on behalf of ECSD#4 and the Town of Alden on behalf of Alden Industrial Park Sewer District No. 1; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, Eric Ziobro, Assistant County Attorney, and two (2) certified copies of the resolution to Michael J. Quinn, P.E., Deputy Commissioner of the Department of Environment and Planning.

(6-0)

**THOMAS J. MAZUR  
CHAIR**