

September 29, 2011

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 10

ALL MEMBERS PRESENT, EXCEPT LEGISLATORS KOZUB & WHALEN.  
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 24D-6 (2010)  
**COMPTROLLER'S OFFICE:** "Report on the Rental & Refurbishment of County Parks' Residences"  
(4-0)
  - b. COMM. 18E-22 (2011)  
**COUNTY EXECUTIVE:** "ECSD No. 2 - Engineering Agreement Dated 8/29/2002"  
(4-0)
  - c. COMM. 18E-32 (2011)  
**COUNTY EXECUTIVE:** "SEMI-Annual Attendance Records - Board of Managers - Sewer Districts"  
(4-0)
  - d. COMM. 18M-2 (2011)  
**NYSDEC:** "Fact Sheet: Brownfield Cleanup Program at 111 Hydraulic Street Project"  
(4-0)
  - e. COMM. 18M-3 (2011)  
**NYSDEC:** "Public Notice: Application from 4216 Group, LLC for a Site Known as the 300 Ohio Street Site"  
(4-0)
  - f. COMM. 18M-8 (2011)  
**NYS DEPARTMENT OF AGRICULTURE & MARKETS:** "Letter to Clerk of Legislature Concerning a 2010 Report & Plan to Modify EC Agricultural District No. 15, No. 9 & No. 2"  
(4-0)
  - g. COMM. 18M-9 (2011)  
**NYSDEC:** "Public Notice: Inactive Hazardous Waste Disposal Site Delist Notice - Niagara Mohawk Dewey Ave. Service Station"  
(4-0)

- h. COMM. 18M-10 (2011)  
**NYS DEPARTMENT OF AGRICULTURE & MARKETS:** "Letter to Clerk of Legislature Concerning EC Agricultural Districts No. 11, No. 12, No. 13 & No. 16"  
(4-0)
  - i. COMM. 18M-12 (2011)  
**NYSDEC:** "Fact Sheet: Environmental Cleanup Project to Begin at Trinidad Park in Buffalo"  
(4-0)
  - j. COMM. 18M-13 (2011)  
**NYSDEC:** "Public Notice: Application from Giuseppe Holdings, LLC for a Site Known as 4630 River Road"  
(4-0)
2. COMM. 16E-13 (2011)  
**COUNTY EXECUTIVE AS AMENDED**  
WHEREAS, the County of Erie and CSX Transportation, Inc have a license agreement No. CR 268274 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 \$4,000.00; and  
  
WHEREAS, \$4,000.00 is allocated in the Professional Services Account 516020 Erie County Sewer District No. 4 Operating Budget Fund 220 Business Area 181 in the 2011 Adopted Budget.  
  
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. 4 in the amount of \$4,000.00 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 Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Joseph L. Fiegl, 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.

(4-0)

3. COMM. 18E-30 (2011)  
**COUNTY EXECUTIVE**

WHEREAS, the County of Erie, through its Public Works Department previously entered into an agreement with the Erie County Soil and Water Conservation District, who has the necessary expertise and personnel to perform the necessary inspections, evaluations and carry out administrative responsibilities related to the delivery of various technical services including stream bank maintenance and bridge and culvert scour maintenance; and

WHEREAS, it has become necessary to continue the County-wide Stream Bank Maintenance Program to reduce erosion and localized flood related risk to Erie County's roads, bridges, culverts and rights-of-way by removing gravel bars and vegetative debris obstructing or diverting natural flow of streams, repair bridge and culvert scour or prevention of same; and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipalities and districts to contract to perform together that which each public entity is authorized to perform individually; and Article 5, Section 99-R of the same General Municipal Law authorizes Erie County and the Erie County Soil and Water Conservation District to contract by direct negotiations for services of government not regularly provided to the public as part of general government services; and

WHEREAS, the Legislative Body of Erie County and the Board of Directors of the Erie County Soil and Water Conservation District have previously authorized a municipal agreement on June 11, 2009 via Communication Number 10E-10 and October 14, 2010, via Communication Number 15E-23 for the purpose of performing a County-wide Stream Bank Maintenance Program.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive is authorized to enter into an agreement with the Erie County Soil and Water Conservation District be executed in the amount of \$50,000.00 to be allocated from the Department of Public Works, Cost Center 1231010, Fund 210, Account 516020 – Professional Services, for technical services to reduce erosion, scour, and localized flooding related risk to roads, bridges, culverts, and rights-of-way at various locations; 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, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.  
(4-0)

4. COMM. 18E-31 (2011)  
**COUNTY EXECUTIVE**

WHEREAS, the Buffalo and Erie County Greenway Fund – Standing Committee awarded Erie County \$205,000 to prepare a Shoreline Trail Signage – Riverwalk Section project; and

WHEREAS, said project will develop a signage site and amenity specification manual for all existing and future trail segments within the Niagara River Greenway area; and

WHEREAS, the Erie County Standing Committee utilizes the Community Foundation for Greater Buffalo as their contracting agent for fund disbursements; and

WHEREAS, Erie County executed a signage design contract with Wendel-Duchscherer on November 29, 2009 for an amount not to exceed \$54,000; and

WHEREAS, said design work is limited to the Shoreline Trail elements within the Niagara River Greenway; and

WHEREAS, Erie County is desirous of expanding the scope of the design to all parks, public spaces, and approaches to Greenway attractions.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute a first amendatory agreement to the November 29, 2009 agreement with Wendel Duchscherer Architects and Engineers increasing the contract amount from \$54,000 to \$99,000; and be it further

RESOLVED, that the source of funds is money available within the Erie County Department of Environment and Planning Budget, Project A.00348, Shoreline Trail – Riverwalk Section Signage and Park Furnishings System; 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.  
(4-0)

**THOMAS J. MAZUR**  
**CHAIR**