

October 27, 2011

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 11

ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 20E-11 (2011)
COUNTY EXECUTIVE: "EC Division of Sewerage Management - Engineering Service Agreement"
(6-0)
 - b. COMM. 20E-16 (2011)
COUNTY EXECUTIVE: "ECSD No. 1-6 & 8 - Section 270/271 Resolutions"
(6-0)
 - c. COMM. 20M-5 (2011)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: "Letter to Clerk of Legislature Concerning Agricultural District No. 11"
(6-0)
 - d. COMM. 20M-7 (2011)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: "Letter to Clerk of Legislature Concerning Agricultural District No. 13"
(6-0)
 - e. COMM. 20M-8 (2011)
DEPARTMENT OF ENVIRONMENT & PLANNING: "Village of Orchard Park Cistern Installation Project - SEQR Notification"
(6-0)
 - f. COMM. 20M-9 (2011)
NYSDEC: "Public Notice: Reclassification of the Republic Steel (LTV) (Marilla St. LF) Site No. 915047 (City of Buffalo)"
(6-0)
 - g. COMM. 20M-11 (2011)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: "Letter to Clerk of Legislature Concerning Agricultural District No. 16"
(6-0)

- h. COMM. 21E-4 (2011)
COUNTY EXECUTIVE: "ECSD No. 2 - Engineer Term Agreement"
(6-0)
 - i. COMM. 21M-1 (2011)
NYSDEC: "Notice of Deletion of Site from Registry: Niagara Mohawk Dewey Ave. Service Station, 144 Kensington Ave., Buffalo"
(6-0)
 - j. COMM. 21M-2 (2011)
NYSDEC: "Fact Sheet: Draft Remedial Investigation/Interim Remedial Measures Work Plan Available for Public Comment - 348 Langner Rd. Site, West Seneca, NY"
(6-0)
 - k. COMM. 21M-3 (2011)
NYSDEC: "Notice of Deletion of Site Registry: Newstead - Fletcher Rd., 8471 Fletcher Rd., Newstead"
(6-0)
2. COMM. 20E-7 (2011)
COUNTY EXECUTIVE
WHEREAS, the Erie County Legislature has awarded Contract No. 45 to Milherst Construction, Inc.; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that all scheduled improvements are now complete; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the final acceptance of Contract No. 45 in the amount of \$149,419.12 which includes Change Order No. 1 (final), a decrease of (\$1,910.89) and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, the Contract No. 45 between the County of Erie and Milherst Construction, Inc., 10025 County Road, Clarence Center, New York 14032, be accepted in the amount of \$149,419.12 which includes Change Order No. 1 (final), a decrease of (\$1,910.89); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 45 between the County of Erie and Milherst Construction, Inc. in the amount of \$149,419.12 and make final payment from Sewer Capital, Erie County Sewer District No. 6, Account C.00064, and return the unused portion \$1,910.89 to Unallocated Account C.00064; 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., Department of Environment and Planning and one 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. 20E-9 (2011)
COUNTY EXECUTIVE

WHEREAS, the Lakeshore Shoreline Trail Project is eligible for funding under the New York State (NYS) Marchiselli Aid Reimbursement Program administered by the NYS Department of Transportation.

NOW, THEREFORE, BE IT

RESOLVED, that the sum of \$129,994 is hereby appropriated from and made available to cover the cost of participation in the Project; and be it further

RESOLVED, that authorization is hereby provided to complete the following budget adjustment to SAP Project #A.00213, Lakeshore Shoreline Trail, within the Erie County Budget

<u>Revenue</u>	<u>Increase</u>
Commitment Item #420499 (Other Local Source Revenue)	\$129,994

<u>Appropriation</u>	
<u>Increase</u>	
Commitment Item #516020 (Professional Services, Contractual: Fees)	\$129,994

and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with federal and state funding requirements; and be it further

RESOLVED, that this Resolution shall take effect immediately; 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.

(6-0)

4. COMM. 20E-10 (2011)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following individuals to the NYS Region 9 Fish & Wildlife Board for a term ending 12/31/2012:

Permanent Sportsmen Representative
Mr. Paul J. Stoos
1845 Clinton Street
Buffalo, NY 14206

Alternate Sportsmen Representative
Mr. Chuck Godfrey
29 Yvette Drive
Cheektowaga, NY 14227

(6-0)

5. COMM. 20E-12 (2011)
COUNTY EXECUTIVE

WHEREAS, the South Buffalo Railroad Company requires license agreements for pipeline crossings on their property; and

WHEREAS, the County of Erie desires to eliminate the Blasdell Wastewater Treatment Plant and sewer overflows with a new sewer that will cross South Buffalo Railroad Company's property; and

WHEREAS, the County of Erie and South Buffalo Railroad Company have negotiated a one time lump sum final payment in lieu of annual rent charges for the proposed railroad crossing; and

WHEREAS, a \$9,000.00 total payment is required consisting of \$1,000.00 to be paid to South Buffalo Railroad Company's administrator (RelTEK) for administrative fees and the remaining \$8,000.00 will be paid to South Buffalo Railroad Company directly; and

WHEREAS, the \$8,000.00 for South Buffalo Railroad Company consists of one time lump sum rent fee of \$7,500.00 and a one time \$500.00 fee for Railroad Protective Liability Insurance.

NOW, THEREFORE, BE IT

RESOLVED, that the license agreement between the County of Erie, on behalf of Erie County Sewer District No. 3, and South Buffalo Railroad Company be approved; and be it further

RESOLVED, the County Executive be, and hereby is authorized to execute the license agreement with South Buffalo Railroad Company, 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 Division of Sewerage Management be authorized to allocate from Professional Services, Contracts and Fees Sewer District No. 3 an amount of \$8,000.00 for South Buffalo Railroad Company and \$1,000.00 for RelTEK for said railroad crossing; 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, and Eric Ziobro, Assistant County Attorney.
(6-0)

6. COMM. 21E-2 (2011)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Parks, Recreation and Forestry (EC Parks) has been contacted by the United States Coast Guard (USCG) as a potential operator of its Buffalo Outer Harbor Grove; and

WHEREAS, this property would offer Erie County residents a new and unique experience that provides a scenic vista, passive uses and picnicking near downtown Buffalo; and

WHEREAS, Attachment A to this resolution highlights the area to be licensed to the County; and

WHEREAS, the USCG will license the property to Erie County for a period of 10-years at no cost.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive is hereby authorized to enter into a licensing agreement and execute any other necessary documents with the USCG to operate the grove adjacent to their Buffalo Outer Harbor facility; and be it further

RESOLVED, that the licensing agreement is for a period of 10-years at no charge to Erie County; and be it further

RESOLVED, that the clerk of the legislature be instructed to forward certified copies of this resolution to the Department of Parks, Recreation and Forestry, the Erie County Executive, the Office of the Comptroller, the Division of Budget, Management and Finance and the Erie County Department of Law.
(6-0)

7. COMM. 21E-3 (2011)
COUNTY EXECUTIVE

WHEREAS, there is a need for Culvert Inspection and Inventory Services performed by firms specializing in the provision of such services; and

WHEREAS, there exists a list of approved firms for Architectural/Engineering and Testing Services Agreements previously authorized in Comm. 14E-19 (2008); and

WHEREAS, after careful review of each firm's capabilities by the Department of Public Works, Wendel Duchscherer was selected as having the necessary expertise, experience and manpower to provide the required service.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with Wendel Duchscherer, as previously authorized by this Honorable Body via Communication 14E-19 (2008), to provide Culvert Inspection and Inventory Services for various County Parks at a cost not to exceed \$30,000; and be it further

RESOLVED, that funds in the amount of \$30,000 be allocated from SAP Account A.21010.4 – 2010 Countywide Parks Improvements; and be it further

RESOLVED, that three (3) copies of this resolution be sent to the Department of Parks, Recreation and Forestry, Office of the Commissioner and one copy each to the Office of the County Executive, the Division of Budget and Management, the County Attorney, the Office of the Comptroller and the Commissioner of Public Works.
(6-0)

**THOMAS J. MAZUR
CHAIR**