

February 10, 2011

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 24M-6 (2010)
OFFICE OF THE STATE COMPTROLLER: "Town of Eden; Establishment of Water District No. 5"
(5-0)
 - b. COMM. 3E-12 (2011)
COUNTY EXECUTIVE: "ECSD No. 8 - Engineer Term Agreement"
(5-0)
 - c. COMM. 3E-26 (2011)
COUNTY EXECUTIVE: "Semi-Annual Attendance Records - Board of Managers - ECSD"
(5-0)
 - d. COMM. 3M-1 (2011)
NYSDEC: "Informational Packet: Feasibility Study on Buffalo River Restoration Released; Public Meeting Announced"
(5-0)
 - e. COMM. 3M-5 (2011)
EC WATER AUTHORITY: "Copy of Financial Report for the Years Ended 12/31/2009 & 12/31/2010"
(5-0)
2. COMM. 2E-10 (2011)
COUNTY EXECUTIVE
WHEREAS, the New York State Department of Health (NYDOH) received a Great Lakes Restoration Initiative (GLRI) Grant from the U.S. Environmental Protection Agency (USEPA) for the Sanitary Surveys13 Lake Erie Beaches Sanitary Surveys; and

WHEREAS, the New York State Department of Health (NYDOH) awarded a sub-grant to the Erie County Health Department (ECDOH) for sanitary surveys of 5 public beaches on Lake Erie for which it has regulatory oversight in the amount of \$64,000 over the period October 1, 2010 to March 1, 2014; and

WHEREAS, based on the regulatory oversight of the operation of public beaches the ECDOH has the responsibility to protect the health of bathers by assuring that public beaches are open only when conditions meet the standards of the New York State Public Health Code; and

WHEREAS, from 2007 – 2009, the ECDOH received grants from the USEPA and NYSDOH for beach sanitary surveys including extensive water quality sampling at, Lake Erie Beach, Evans Town Beach, Wendt Beach, and associated streams. The work under these grants allowed validation of the pre-emptive closing procedure by verifying high bacterial contamination at the bathing beaches after rain events, linked the transport of bacterial contamination to the lake by the streams, and identified the flush-out from outfalls of storm sewers as the primary sources of increased bacterial contamination concentrations to the streams and along the shoreline of Lake Erie; and

WHEREAS, based on a Request-for-Proposals solicited by the NYSDH, the ECDOH submitted a work plan to conduct an additional beach sanitary survey at Bennett Beach with associated streams, and update and expand the previous work at Evans Town Beach, Lake Erie Beach, Wendt Beach, Hamburg Town Beach, with associated streams, including extensive water quality sampling, that would be a systematic approach to identifying additional point sources of bacterial contamination, differentiate between human and non-human sources of bacterial contamination, through enforcement to abate the point sources, to reduce the bacterial contamination impacting the water quality at the beaches.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept a grant award from the New York State Health Department for the period of October 1, 2010 to March 1, 2014, to be budgeted as follows:

Lake Erie Beaches - Beach Sanitary Survey Project Grant			
10/01/10 – 3/1/14			
REVENUES			
	409000	State Aid	\$ 64,000
		TOTAL REVENUES	<u>\$ 64,000</u>
EXPENSES			
	505000	Office Supplies	68
	516020	Prof. Services Contract & Fees	31,680
	912730	ID Health Lab Services	<u>32,252</u>

TOTAL EXPENSES \$ 64,000

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Office of the Comptroller, the Division of Budget and Management, the Department of Law and to Dr. Anthony J. Billittier, IV, Commissioner, in the Department of Health, 9th Floor, Rath Building. (5-0)

3. COMM. 3E-9 (2011)
 COUNTY EXECUTIVE

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. David Barus
2246 Center Street
E. Aurora, NY 14202

Mr. Joseph Jemiolo
4898 Langford Road
North Collins, NY 14111

(5-0)

4. COMM. 3E-13 (2011)
 COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has awarded Contract 38PS to Hohl Industrial Services, Inc.; 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. 38PS in the final contract amount of \$97,344.00, which includes Change Order No. 1 (final), a decrease of \$1,384.00.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 38PS, between the County of Erie and Hohl Industrial Services, Inc., 770 Riverview Blvd., Tonawanda, New York 14150 is accepted in the amount of \$97,344.00, which includes Change Order No. 1 (final), a decrease of \$1,384.00; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 38PS between the County of Erie and Hohl Industrial Services, Inc. in the amount of \$97,344.00 and make final payment from Sewer Capital, Erie County Sewer District No. 3 Account C.00062; 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 certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Eric Ziobro, Assistant County Attorney. (5-0)

5. COMM. 3E-14 (2011)
 COUNTY EXECUTIVE

WHEREAS, the County of Erie/Erie County Sewer District No. 3, as stated in the Inter-Municipal Agreement (February 2005) owns and operates the Village of Hamburg's sanitary sewer collection system; and

WHEREAS, the village has entered into an Order on Consent (hereinafter also referred to as "ORDER") with the New York State Department of Environmental Conservation (hereinafter referred to as "NYSDEC") for the reduction of sanitary sewer overflows; and

WHEREAS, in response to the ORDER, the village has agreed to complete projects to restore and rehabilitate the sanitary sewer collection system formerly owned and operated by the village; and

WHEREAS, one such project will eliminate the South Buffalo Pumping Station and its associated sanitary sewer overflow; and

WHEREAS, the Inter-municipal Agreement executed on February 17, 2005 between the Village and the County states the Village shall be the contracting entity for engineering and construction work related to the Village Collection System and the County shall serve as the Village's agent for implementation of said work; and

WHEREAS, a construction contractor must be retained for the South Buffalo Street Pump Station Replacement Project; and

WHEREAS, the Village and County agree that construction of the South Buffalo Street Pump Station Replacement Project would be more efficiently and effectively administered directly by the County rather than by the County acting as agent for the Village; and

WHEREAS, the Village and County are desirous that the County shall be the contracting entity for services related to construction of the South Buffalo Street Pump Station Replacement Project; and

WHEREAS, the Village will reimburse the County for the costs related to the construction of the South Buffalo Street Pumping Station Replacement Project.

NOW, THEREFORE, BE IT

RESOLVED, that the intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 3 and the Village of Hamburg for reimbursement of construction costs related to the South Buffalo (Hillview) Pumping Station Relocation Project is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Inter-Municipal Agreement with the Village of Hamburg 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 Michael J. Quinn, P.E., Department of Environment and Planning; and one certified copy to the County Executive; the Director of Budget, Management and Finance; the Erie County Comptroller; Eric Ziobro, Assistant County Attorney; and Thomas Moses, Mayor, Village of Hamburg.
(5-0)

6. COMM. 3E-16 (2011)
COUNTY EXECUTIVE

WHEREAS, the Riverworld Site, 4000 River Road in the Town of Tonawanda is a former steel plant site that presents a blighting influence on the waterfront; and

WHEREAS, the owner of the property desires to redevelop the site to a higher quality use that will lead to investment and job creation; and

WHEREAS, the Town of Tonawanda Development Corporation and the ECIDA desire to partner with the owner and Erie County to perform concept planning and feasibility studies for the site; and

WHEREAS, National Grid has a Brownfield Grant Program to which the Erie County Department of Environment and Planning did submit a grant application to and was subsequently awarded \$4,000 for concept and feasibility studies at the Riverworld Site, 4000 River Road site.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to act in behalf of the County in all matters related to the National Grid grant award and sign contracts with National Grid receiving up to \$4,000 in grant funds; and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the Town of Tonawanda, the Erie County Industrial Development Agency, the Town of Tonawanda Development Corporation, the owner of Riverworld or contractors or consultants in amounts not to exceed a total of \$4,000.00 for the purpose of providing services and activities for brownfield planning, engineering and site preparation which may take place as part of the National Grid program; and be it further

RESOLVED, that the following adjustments be made to the 2011 Budget

Fund 110
Fund Center 16200, Environment and Planning

Revenue	Increase
420499 Other Local Source Revenue	\$4,000

Appropriations	Increase
516020 Prof Service Contract & Fees	\$4,000

and be it further

RESOLVED, that this Authorization take effect immediately; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.
(5-0)

7. COMM. 3E-22 (2011)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract 78 to Villager Construction, Inc. for the installation of Forcemain Sewers for the Lake Street and Point Breeze 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. 78, Lake Street and Point Breeze Pumping Station Forcemains Project, in the final contract amount of \$2,236,000.00 and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 78, Lake Street and Point Breeze Pumping Station Forcemains Project between the County of Erie and Villager Construction, Inc., 425 Old Macedon Center Road, Fairport, New York 14450 is accepted in the amount of \$2,236,000.00, is allocated in Erie County Sewer District No. 2 Bond Account C.00004; and be it further

RESOLVED, that the Erie County Legislature direct the Comptroller to make final payment for Contract 78, Lake Street and Point Breeze Pumping Station Forcemains Project to Villager Construction, Inc. at a final contract amount of \$2,236,000.00; 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.
(5-0)

8. COMM. 3E-23 (2011)
COUNTY EXECUTIVE

WHEREAS, New York State Solid Waste Management Policy requires each municipality that manages residential solid waste to participate in a Solid Waste Management Planning Unit, establish a Solid Waste Management Plan and submit annual and biennial compliance reports to the New York State Department of Environmental Conservation; and

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) has provided administrative, management and technical services to the Northeast Southtowns Solid Waste Management Board (NEST) and the Northwest Solid Waste Management Board (NWSWMB) through two-year Memorandums of Understanding (MOUs) since 2007; and

WHEREAS, both NEST and NWSWMB and the communities they represent have requested that Erie County continue to provide services necessary to reach the goals and objectives of their Solid Waste Management Plans, comply with New York State solid waste regulations, and provide other administrative, management and technical support to the Boards as necessary; and

WHEREAS, both NEST and NWSWB will each provide \$10,125 annually for two years to Erie County; and

WHEREAS, funds received under the MOUs will support the existing JG-7 Erie County Junior Environmental Education Specialist over the next two years, who also delivers the Erie County Indoor Air Quality Program services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute two-year MOUs and accept funds from NEST and NWSWMB; and be it further

RESOLVED, that revenue from NEST and NWSWMB is hereby appropriated in the 2011 Department of Environment and Planning budget (Business Area 162, Fund 110) as follows:

REVENUES

Account Description	Budget
420499 Other Local Source Revenue	<u>\$20,250</u>
TOTAL REVENUE	\$20,250

APPROPRIATIONS

Account Description	Budget
559000 County Share – Grants	<u>\$20,250</u>
TOTAL APPROPRIATIONS	\$20,250

and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the County Comptroller; the Commissioner of the Department of Environment and Planning; the Commissioner of Personnel; the Director of the Division of Budget and Management; and the County Attorney.
(5-0)

9. COMM. 3E-25 (2011)
COUNTY EXECUTIVE

WHEREAS, the Erie County on behalf of Erie County Sewer District No. 3 (hereinafter referred to as the "Municipality") submitted a grant application to the Water Quality Improvement Project program for the Rush Creek Interceptor project; and

WHEREAS, the Rush Creek Interceptor project has been identified as a viable solution to eliminate permitted sanitary sewer overflows in the Municipality; and

WHEREAS, the Municipality, after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its Water Quality Improvement Project program application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Municipality has been notified that the Project has been awarded a \$5,000,000 grant through the Water Quality Improvement Project program; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract there with.

NOW, THEREFORE, BE IT

RESOLVED, that County Executive or such person's successor in office is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance; and be it further

RESOLVED, the Deputy Commissioner in the Erie County Division of Sewerage Management or such person's successor or his/her designee be authorized to manage the applicable requirements for the State Assistance Contract for the Project including executing vouchers, required forms, and other pertinent paperwork; and be it further

RESOLVED, that the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the New York State Department of Environmental Conservation; 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, Eric Ziobro, Assistant County Attorney, and the WQIP Program Coordinator for the New York State Department of Environmental Conservation (address: 625 Broadway - 4th Floor, Albany, NY 12233-3507).
(5-0)

10. COMM. 3E-27 (2011)
COUNTY EXECUTIVE

WHEREAS, Erie County applied to the New York State Department of Health (NYS DOH) to continue coordination of an Erie County Indoor Air Quality Program; and

WHEREAS, Erie County was awarded \$274,462 from the NYSDOH State Indoor Radon Grant (SIRG) Program to continue the Erie County Indoor Air Quality Program through June 30, 2015; and

WHEREAS, a current regular part-time JG-7 staff position in the Department of Environment and Planning will continue to provide services to residents, real estate agents and home builders under the Indoor Air Quality Program once the NYSDOH contract is executed and the budget established.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute a contract with the NYS DOH and establish a budget for the Erie County Indoor Air Quality Program; and be it further

RESOLVED, that the revenue from the NYSDOH is hereby appropriated in a grant account in the Department of Environment and Planning (Business Area 162, Fund 281) as follows:

Erie County Indoor Air Quality Program – 2010/15
Grant Period: (07/01/10-06/30/15),
SAP Grant Account #162SIRG-1015

REVENUES

Account Description	Budget
407500 State Aid – NYSDOH	\$274,462
422010 Minor Sales – Radon Testing Kits	\$ 5,000
479000 County Share Contribution	<u>\$ 40,500</u>
TOTAL REVENUE	\$319,962

APPROPRIATIONS

Account	Description	Budget
500020	Regular Part-Time Wages	\$183,918
502000	Fringe Benefits	\$101,544
505800	Medical and Health Supplies	\$ 5,000

516020 Professional Svcs., Contracts and Fees	\$ 24,000
505000 Office Supplies	\$ 4,000
510000 Local Mileage	<u>\$ 1,500</u>
TOTAL APPROPRIATIONS	\$319,962

and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the County Comptroller; the Commissioner of the Department of Environment and Planning; the Commissioner of Personnel; the Director of the Division of Budget and Management; and the County Attorney.
(5-0)

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

WHEREAS, Erie and Niagara Counties have entered into a five-year Intermunicipal Agreement for Shared Geographic Information System Services, dated December 28, 2007; and

WHEREAS, this Intermunicipal Agreement for Shared GIS Services between Erie and Niagara Counties was authorized by a resolution of the Erie County Legislature (COMM 20E-14) dated November 15, 2007; and

WHEREAS, Erie and Niagara Counties have conducted a review of the terms of the IMA, as provided for in Section 3.1 "Revision of Terms and Provisions" of the existing IMA, and have determined that Appendix C – "Cost Summary" should be revised to increase the payments due to Erie County from Niagara County by the following amounts for the final two years of the Agreement:

- Year 4 (2011) increase from \$23,465.00 to \$30,465.00.
- Year 5 (2012) increase from \$24,401.00 to \$33,465.00.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to enter into an amended Erie and Niagara Counties Intermunicipal Agreement for Shared Geographic Information Services to include "Amendment to Appendix C – Cost Summary"; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the County Comptroller; the Commissioner of the Department of Environment and Planning; the Director of the Division of Budget and Management; and the County Attorney.
(5-0)

THOMAS J. MAZUR
CHAIR