

February 2, 2012

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2E-12 (2012)
COUNTY EXECUTIVE: "ECSD No. 4 - Engineer Term Agreement - URS Corporation"
(5-0)
 - b. COMM. 2E-13 (2012)
COUNTY EXECUTIVE: "ECSD No. 4 - Change Order No. 1"
(5-0)
 - c. COMM. 2E-14 (2012)
COUNTY EXECUTIVE: "ECSD Nos. 1, 4 & 5 - Engineer Term Agreement - LiRo Engineers, Inc."
(5-0)
 - d. COMM. 2D-6 (2012)
DEPARTMENT OF ENVIRONMENT & PLANNING: "Geneva Road Sanitary Sewer Extension - SEQR Notification"
(5-0)
 - e. COMM. 2M-1 (2012)
NYSDEC: "Brownfield Cleanup Program Application from F.L.C. 50 High Street Corporation, Kaleida Properties, Inc. & Kaleida Health for a Site Known as the Former Mobil Service Station"
(5-0)
 - f. COMM. 2M-6 (2012)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: "Letter to Clerk of Legislature Concerning Agricultural District No. 1"
(5-0)
 - g. COMM. 2M-8 (2012)
NYSDEC: "Fact Sheet: NYSDEC Certifies Cleanup Requirements Achieved at Buffalo Color Corp. Area E - Buffalo, NY"
(5-0)

- h. COMM. 2M-10 (2012)
NYSDEC: "Fact Sheet: Buffalo Brownfield Opportunities"
(5-0)
 - i. COMM. 2M-11 (2012)
NYSDEC: "Fact Sheet: Buffalo River Corridor"
(5-0)
 - j. COMM. 2M-12 (2012)
NYSDEC: "Fact Sheet: Buffalo Harbor"
(5-0)
 - k. COMM. 2M-13 (2012)
NYSDEC: "Fact Sheet: Tonawanda Street Corridor"
(5-0)
 - l. COMM. 2M-15 (2012)
NYSDEC: "Public Notice: Inactive Hazardous Waste Disposal Site Classification Notice - Buffalo Lakeside Commerce Park - Parcel 4"
(5-0)
 - m. COMM. 2M-27 (2012)
NYSDEC: "Fact Sheet: Investigation to Begin at State Superfund Site - Vibratex Inc. - Buffalo, NY"
(5-0)
2. COMM. 2E-10 (2012)
COUNTY EXECUTIVE
WHEREAS, The Town of Eden has requested the use of a fifteen feet by one hundred ninety feet area of County land, SBL 223.00-5-14.112 for the installation of a public storm sewer; and

WHEREAS, this Drainage Easement will have no negative effect on the ability of Erie County Sewer District No. 2 to operate and maintain the sewer facilities; and

WHEREAS, the granting of this Drainage Easement will bear no cost to the County; and

WHEREAS, a Drainage Easement is recommended for the Town of Eden to use the property; and

WHEREAS, the Advisory Review Committee has approved this request; and

WHEREAS, the Erie County Sewer District No. 2 Board of Managers has approved this request.

NOW, THEREFORE, BE IT

RESOLVED, that a Drainage Easement for use of a fifteen feet by one hundred ninety feet area on Parcel SBL No. 223.00-5-14.112 be granted to the Town of Eden; and be it further

RESOLVED, that the Commissioner of Environment and Planning be authorized to sign said Drainage Easement subject to approval by the County Attorney; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this resolution to the County Executive, the Erie County Comptroller and Assistant County Attorney; and send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning, Division of Sewerage Management.
(5-0)

3. COMM. 2E-11 (2012)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 36 to Sicar Management & Construction, Inc. for the rehabilitation of existing sanitary sewers within the Erie County Sewer District No. 3 service area; 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, Village of Blasdell/Town of Hamburg Sanitary Sewer Rehabilitation Project, in the final contract amount of \$3,436,918.49 which includes Change Order No. 3 (final), a decrease of \$22,917.51 in Sewer Capital, Erie County Sewer District No. 3, Account No. C.00062.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 36, Village of Blasdell/Town of Hamburg Sanitary Sewer Rehabilitation Project between the County of Erie and Sicar Management & Construction, Inc., 1128 Jamison Road, Elma, New York 14059 accepted in the amount of \$3,436,918.49 which includes Change Order No. 3 (final), a decrease of \$22,917.51 in Sewer Capital, Erie County Sewer District No. 3 Account No. C.00062 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, Village of Blasdell/Town of Hamburg Sanitary Sewer Rehabilitation Project between County of Erie and Sicar Management & Construction, Inc. in the amount of \$3,436,918.49 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 Joseph L. Fiegl, 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 the Assistant County Attorney.
(5-0)

4. COMM. 2E-19 (2012)
COUNTY EXECUTIVE

WHEREAS, the State of New York provides financial aid for municipal waste reduction and recycling projects; and

WHEREAS, the County of Erie, New York herein called the "Municipality," has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between the people of the State of New York, herein called the "State," and the Municipality be executed for such state aid; and

WHEREAS, that Erie County will fund its portion of the cost of the three year Waste Reduction and Recycling Project utilizing existing budgeted staff as an in kind match.

NOW, THEREFORE, BE IT

RESOLVED, that the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized; and be it further

RESOVLED, that the Commissioner of Environment and Planning is directed and authorized as the official representative of the Municipality to act in connection with the application and to provide such additional information as may be required by the State; and be it further

RESOLVED, that four (4) certified copies of this resolution be prepared and sent to the New York State Department of Environmental Conservation, Albany, New York 12233-7260, together with one complete application; 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, the Director of the Division of Budget and Management; the Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.
(5-0)

5. COMM. 2E-21 (2012)
COUNTY EXECUTIVE

WHEREAS, the State of New York, through its Department of Environmental Conservation (NYSDEC), provides financial aid for stormwater compliance assistance projects and in the February of 2011 granted Erie County \$1,055,969 to commence the WNY Stormwater Coalition: MS4 Mapping Project; and

WHEREAS, the Erie County Legislature authorized the County Executive to enter into an agreement with the New York State Department of Environmental Conservation (Comm. 6E-16, dated April 14, 2011) to accept funding for the WNY Stormwater Coalition: MS4 Mapping Project; and

WHEREAS, now that the NYSDEC has approved the project work plan and budget, it is necessary for the legislature to provide authorization to establish a grant project budget and the staff positions to implement the approved work plan; and

WHEREAS, the Department of Geography and Planning at Buffalo State College will supervise student interns and coordinate the project fieldwork; and

WHEREAS, execution of the project workplan in accordance with the contractual requirements set forth by the granting agency, necessitates the following grant funded staff positions:

- Existing Junior Environmentalist (JG 7);
- Junior Environmentalist (JG 7);
- Senior GIS Technician (JG 11); and

WHEREAS, the new MS4 Mapping Project grant budget will also support 25 % of the existing Solid Waste Recycling Specialist (JG 12) position that has been created in the WNY Stormwater Coalition: MS4 Assistance Project 2011/12 SAP Grant Account 62WNYSCMS4AP1112 (approved by Comm.19E-10, dated December 9.2010) through 03/31/15 to provide overall management of the mapping project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with the Research Foundation of SUNY at Buffalo State College for assistance with the WNY Stormwater Coalition: MS4 Mapping Project in an amount not to exceed \$356,277 in grant resources; and be it further

RESOLVED, that the revenue from the New York State Department of Environmental Conservation is hereby appropriated in the grant fund in the Department of Environment and Planning (Business Area 162, Fund 281) as follows:

WNY Stormwater Coalition: MS4 Mapping Project
(Grant Period: 10/01/11-03/31/15)
SAP Grant Account #162WNYSCMS4MP1115

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
409000	State Aid Revenue – NYS Department of Environmental Conservation	\$1,055,969
TOTAL REVENUE		\$1,055,969

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
500000	Personnel Services	\$368,698
502000	Fringe Benefits	\$199,096
510000	Local Travel & Mileage	\$26,012
530000	Other Expenses	\$2,000
561410	Lab & Technical Equipment	\$22,130
516020	Professional Service Contract	\$356,277
916290	ID Env. & Planning Services	<u>\$81,756</u>
TOTAL APPROPRIATIONS		\$1,055,969

and be it further

RESOLVED, that the following positions, which are 100% grant funded, will be created in the above grant:

Junior Environmentalist (JG 7)
B-100 No. 000 000 6433
Budgeted Annual Salary: \$35,921

Mapping Technician (JG 11)
B-100 No. 000 000 6555

Budgeted Annual Salary: \$46,697

and be it further

RESOLVED, that the following position which is 100% grant funded will be transferred from the Western New York Stormwater Coalition Local Ordinance Project (SAP Grant # 162STWTRLCRD0608) into the above grant, upon consumption of the current budget:

Junior Environmentalist (JG 7)
 B-100 No. 000 000 6433
 Budgeted Annual Salary: \$40,280

and be it further

RESOLVED, that in order to allow the mapping grant to reimburse 25% of the time of the existing Solid Waste Recycling Specialist (JG 12) position, the grant budget for the WNY Stormwater Coalition: MS4 Assistance Project Grant is hereby revised in the Department of Environment and Planning, Business Area 162, as follows:

WNY Stormwater Coalition: MS4 Assistance Project 2011/12
 SAP Grant Account #162WNYSCMS4AP1112

REVENUE:

Account	Description	Current Budget	Revision	Revised Budget
420499	Other Local Source Revenue	\$124,000	0	\$124,000
TOTAL REVENUE				\$124,000

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
500000	Full Time Salaries	\$78,175	\$53,088	\$131,263
502000	Fringe Benefits	\$45,825	\$28,668	\$74,493
916290	ID Env. & Planning Services	0	(\$81,756)	(\$81,756)

TOTAL APPROPRIATIONS \$124,000 0 \$124,000

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 State and local 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 Personnel; the Commissioner of the Department of Environment and Planning; the Director of the Division of Budget and Management; and the County Attorney.
 (5-0)

TERRENCE D. McCracken
CHAIR