

April 21, 2011

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR DIXON.

1. RESOLVED, the following items are hereby received and filed:
- a. INTRO 15-5 (2010)
KOZUB: “Supporting Renewable Energy Sources but Opposing Offshore Wind Farms in Lake Erie”
(4-0)

b. COMM. 6M-6 (2011)
ALAN ISSELHARD: “Letter to Legislature Concerning Renewable Energy”
(4-0)

c. COMM. 6M-9 (2011)
THOMAS MARKS: “Letter to Legislature Concerning Renewable Energy”
(4-0)

d. COMM. 8E-20 (2011)
COUNTY EXECUTIVE: “ECSD No. 1, 4 & 5 - Engineering Term Agreement - LiRo Engineers, Inc.”
(4-0)

e. COMM. 8M-19 (2011)
ORLEANS COUNTY LEGISLATURE: “Copy of Letter to Senator Schumer Asking for Support on House Bill H.R. 104 & Senate Bill S. 412, thus Providing Continuing Maintenance of Our Small Federal Harbors Throughout the Great Lakes”
(4-0)
2. COMM. 7E-4 (2011)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, the New York State Department of Agriculture and Markets and Erie County have entered into an agreement dated March 30, 2010; and

WHEREAS, said agreement authorized the New York State Department of Agriculture and Markets to provide \$50,000 to the County for use in preparing a Farmland Protection Plan; and

WHEREAS, said agreement has a termination date of September 30, 2011; and

WHEREAS, due to delays in project initiation it is now necessary to extend the termination date to September 29, 2012; and

WHEREAS, your honorable body approved the original contract and acceptance of grant funding in Comm. 12E-22(2010) establishing SAP Grant #162ECAAFPP1011.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute any and all agreements with the New York State Department of Agriculture and Markets which may be necessary to extend the existing March 30, 2010 contract (#T800770) with Erie County an additional twelve months to September 29, 2012; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute any and all additional No Cost Budget Modification/Time Extension agreements to the original March 30, 2010 Contract as may be necessary to fully utilize New York State Department of Agriculture and Markets funds; 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)

3. COMM. 8E-13 (2011)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature hereby confirms the appointments of the following individuals to the Erie County Fisheries Advisory Board for the term ending 12/31/2011:

<u>Name & Address</u>	<u>Term Expiration</u>
Herbert J. Schultz, Sr. 55 North Shore Drive Blasdell, NY 14219 (4-0)	12/31/2011

4. COMM. 8E-16 (2011)
COUNTY EXECUTIVE
WHEREAS, the Erie County Division of Real Estate received bids for the Chestnut Ridge Park Casino Building – Heating System Renovation project on March 3, 2011; and

WHEREAS, the Erie County Division of Real Estate and Asset Management is recommending award of contract to the lowest responsible bidder, along with the engineer; and

WHEREAS, your honorable body has previously approved a General Architectural/Engineering Agreement with the Engineering firm of Ram Tech Engineers for providing professional services on County projects; and

WHEREAS, The County Executive is seeking authorization from your honorable body to enter into a construction contract with Greater Niagara Mechanical, Inc. for the Chestnut Ridge Park Casino Building – Heating System Renovation project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Chestnut Ridge Park Casino Building – Heating System Renovation project as follows:

Mechanical Construction Work

Greater Niagara Mechanical, Inc. for a base bid and total contract amount of \$183,200.00

and be it further

RESOLVED, that the sum of \$17,000.00 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency; and

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project account A.21010 – Countywide Parks Improvements in the amount of \$200,200.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, 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)

5. COMM. 8E-19 (2011)

COUNTY EXECUTIVE

WHEREAS, Bethlehem Steel Corporation filed suit to have their property assessments for the year 2001 through 2007 reduced; and

WHEREAS, the sewer charges levied upon all Erie County Sewer District No. 6 ratepayers include a portion based upon property assessed valuation; and

WHEREAS, the assessed valuation component of the sewer charges levied upon all Sewer District ratepayers is based upon property assessed valuation as established by the City of Lackawanna; and

WHEREAS, in accordance to a stipulation of settlement between the City of Lackawanna and the City of Lackawanna School District and the Bethlehem Steel Corporation, the property assessments of the Bethlehem Steel property for the years 2001 through 2007 were reduced to zero dollars; and

WHEREAS, as a result of this settlement, Erie County was required to return a portion of the taxes collected for the years 2001 through 2007 in a total amount of \$2,400,000, with Erie County Sewer District No. 6 share being \$703,162.98; and

WHEREAS, paying this amount in a lump sum would have a detrimental impact on the sewer rates of Erie County Sewer District No. 6, and represent an unreasonable burden on the Erie County Sewer District No. 6 ratepayers; and

WHEREAS, the Erie County Division of Sewerage Management requests Erie County's assistance in this matter by paying the entire settlement on the District's behalf and allowing Erie County Sewer District No. 6 to repay these monies to the County over a period of ten years.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County will pay the entire settlement of \$703,162.98 on Erie County Sewer District No. 6's behalf and establish a mutually agreed upon ten year repayment schedule consisting of equal payments of \$70,316.30 to be made no later than May 1st of each year; and be it further

RESOLVED, that the Director of Budget and Management and the Office of the Comptroller are hereby authorized to make all necessary budgetary and accounting entries to effectuate this agreement; and be it further

RESOLVED, that the clerk of the Legislature send two (2) certified copies of this Resolution to Joseph Fiegl, P.E. in the Division of Sewerage Management, two (2) copies to the Director of Budget and

Management, and one (1) certified copy each to the County Executive, the Erie County Comptroller, and Eric Ziobro Assistant County Attorney.
(4-0)

6. COMM. 8E-21 (2011)
COUNTY EXECUTIVE
WHEREAS, the transportation infrastructure of Southern Erie County was significantly damaged by the storms of early August 2009; and

WHEREAS, Federal Disaster DR-1857-NY was declared for parts of Erie County as a result of the August storms making available assistance from the New York State Office of Emergency Management (NYSOEM) and the Federal Emergency Management Agency (FEMA) under FEMA’s Public Assistance program; and

WHEREAS, under the Public Assistance program, with the participation of NYSOEM, approved costs are eligible for reimbursement from FEMA – 75%, and NYSOEM – 12.5% with Erie County providing the remaining 12.5%; and

WHEREAS, among the projects identified by FEMA and eligible for reimbursement was PW 868 (Project) on Zoar Valley Road in the Town of Concord; and

WHEREAS, your honorable body has previously authorized Empire Geo Services, Inc. as a qualified Term Agreement General Architectural/Engineering firm via Comm.14E-19 of July 17, 2008; and

WHEREAS, it is desired to construct the Project during the 2011 construction season.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized and directed to negotiate and execute all necessary contracts for the Project with geotechnical engineering firm Empire Geo Services, Inc. for an aggregate amount not to exceed \$30,000.00; and be it further

RESOLVED, that funds in the amount of \$30,000.00 be allocated from SAP Account B.20921.1 - 2009 FEMA 1857 - NY Projects; and be it further

RESOLVED, that two 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)

THOMAS J. MAZUR
CHAIR