

June 23, 2011

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 11M-7 (2011)
EC ENVIRONMENTAL MANAGEMENT COUNCIL: “2010 EC State of the Environment Report”
(6-0)
 - b. COMM. 13M-3 (2011)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: “EC Agricultural District No. 14 - Review Notice”
(6-0)
 - c. COMM. 13M-4 (2011)
NYSDEC: “Fact Sheet: Environmental Cleanup Activities to Begin at the 330 Maple Road Site”
(6-0)
2. COMM. 10E-8 (2011)
COUNTY EXECUTIVE
WHEREAS, the Federal Government, through the American Recovery and Reinvestment Act of 2009, appropriated over \$2.7 billion to the United States Department of Energy (US DOE) for the Energy Efficiency and Conservation Block Grant (EECBG) Program; and

WHEREAS, through the allocation formula established for EECBG, the US DOE has made \$2,903,000 available to Erie County government to implement projects that will reduce energy use and greenhouse gas emissions within the County; and

WHEREAS, it is necessary to revise the existing budget to implement energy efficiency equipment improvements in the Rath Building.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to revise the County’s grant budget and file the new grant budget with the US DOE; and be it further

RESOLVED, that the grant budget for the US DOE Energy Efficiency and Conservation Block Grant is hereby revised in the Department of Environment and Planning, Business Area 162, as follows:

Energy Efficiency and Conservation Block Grant
Grant Period: (12/29/2009-12/29/2012)
SAP Grant Account #162EECBG_ENE0912

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
414140	FA-ARRA USDOE EECBG	\$2,903,000.00	(\$2,612,875.17)	\$290,124.83
<u>TOTAL REVENUE:</u>				
<u>\$290,124.83</u>				

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
500000	Full-Time Salaries	\$312,000.00	\$(288,522.14)	\$23,477.86
500020	Regular PT Wages	\$124,800.00	\$(115,604.58)	\$9,195.42
502000	Fringe Benefits	\$210,144.00	\$(200,441.87)	\$9,702.13
506200	Maintenance and	\$28,000.00	\$(28,000)	\$0.00
510000	Repair	\$1,100.00	\$(1,100)	\$0.00
	Local Mileage Reimbursement			
<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
510200	Training and Education	\$5,000.00	\$(4,916.02)	\$83.98
516020	Professional Services Cont. & Fees	\$270,000.00	\$(31,656.50)	\$238,343.50
530000	Other Expenses	\$19,793.00	\$(19,793.00)	\$0.00
575000	Inter-Fund Expense Non- Subsidy	\$1,900,000.00	\$(1,900,000.00)	\$0.00
916200	ID Env & Planning Services	\$32,163.00	\$(22,841.06)	\$9,321.94

TOTAL APPROPRIATIONS: \$290,124.83

and be it further

RESOLVED, that the grant budget for the US DOE Energy Efficiency and Conservation Block Grant is hereby established in the Department of Public Works, Business Area 122, as follows:

DOE Energy Efficiency and Conservation Block Grant
Grant Period: (12/29/2009-12/29/2012)
SAP Grant Account #122DOE EECBG_0912

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
414140	FA-ARRA USDOE EECBG	-0-	\$2,612,876	\$2,612,876

TOTAL REVENUE:
\$2,612,876

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
516020	Contractual Services	-0-	\$2,612,876	\$2,612,876

TOTAL APPROPRIATIONS: \$2,612,876

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 be sent to the County Executive; Director of the Division of Budget and Management; Commissioner of Environment and Planning; Commissioner of Public Works; the County Comptroller; the Commissioner of Personnel; and the County Attorney.
(6-0)

3. COMM. 10E-10 (2011)

COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District No. 6, Bethlehem Park Sanitary Sewer Rehabilitation Project III, Contract No. 44SA at 2:00 P.M. on June 15, 2011.

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount</u>
Contract No. 44SA	CMH Company, Inc. 12704 North Road Alden, New York 14004	\$576,483.50

and

WHEREAS, the aforementioned lowest responsible bidder has successfully performed similar work in Erie County.

NOW, THEREFORE BE IT

RESOLVED, that the Bethlehem Park Sanitary Sewer Rehabilitation Project Phase III, Contract No. 44SA be awarded as follows:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount</u>
Contract No. 44SA	CMH Company, Inc. 12704 North Road Alden, New York 14004	\$576,483.50

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder subject to approval as to form by the County Attorney and certification of availability of funds by the Comptroller's Office; and be it further

RESOLVED, that the Erie County Comptroller is authorized and directed to allocate \$576,483.50 from Sewer Capital, Erie County Sewer District No. 6, Account C.00001 for Contract No. 44SA; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this resolution to the County Executive, Director of Budget, Comptroller's Office, Eric Ziobro, Assistant County Attorney and two (2) certified copies to Joseph L. Fiegl, P.E., Department of Environment and Planning, Rath Building, 10th Floor.
(6-0)

4. **COMM. 13E-21 (2011)**
COUNTY EXECUTIVE

WHEREAS, the County of Erie advertised for and received responses to a request for proposals from consulting firms to perform professional services associated with the Iroquois/Broadway East Pumping Station Improvements Project; and

WHEREAS, a review committee consisting of representatives from the Erie County Division of Sewerage Management was established to evaluate all responses to the County's request for proposals, using a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends retaining Wendel to complete the requested consulting services.

NOW, THEREFORE, BE IT

RESOLVED, that Wendel be retained to perform professional services associated with the Iroquois/Broadway East Pumping Station Improvements Project; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with Wendel, 140 John James Audubon Pkwy – Suite 201, Buffalo, New York 14228 for professional services associated with the Iroquois/Broadway East Pumping Station Improvements Project in an amount not to exceed \$200,000.00, subject to approval as to content by the Deputy Commissioner of the Division of Sewerage Management and approval as to form by the County Attorney's office; and be it further

RESOLVED, that the County Director of Budget and the County Comptroller be authorized to allocate \$200,000.00 from ECSD No. 4 Capital Account No. C.00072; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies each of this resolution to Joseph Fiegl, 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, and Eric Ziobro, Assistant County Attorney.
(6-0)

5. **COMM. 13E-22 (2011)**
COUNTY EXECUTIVE

WHEREAS, Wendel Energy Services completed an audit titled "Energy Efficiency Study for Big Sister Creek Wastewater Treatment Plant (WWTP)" (October 2009) that identified several viable facility improvement measures to decrease the electrical usage, decrease operational costs, and modernize the WWTP; and

WHEREAS, the Big Sister Creek WWTP Energy Efficiency Improvement Project (herein after referred to as "the Project") was developed to begin the engineering necessary implement said facility improvement measures; and

WHEREAS, the Erie County Division of Sewerage Management, on behalf of ECSD No. 2, submitted a grant application to the Green Innovation Grant Program for the Project; and

WHEREAS, Erie County has been notified that the Project has been awarded a \$363,000 grant through the Green Innovation Grant Program; and

WHEREAS, ECSD No. 2 operating or capital accounts presently have sufficient funds to meet the local match/share requirements for the Project; and

WHEREAS, it is necessary to execute an agreement with New York State Environmental Facilities Corporation to accept the grant award.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Division of Sewerage Management, on behalf of ECSD No. 2, is authorized to participate in all aspects of the New York State Environmental Facilities Corporation's 2010 Green Innovation Grant Program for the Project; and be it further

RESOLVED, that the County Executive is authorized to execute a Grant Agreement with the New York State Environmental Facilities Corporation for the Project; and be it further

RESOLVED, that a minimum 10% local match of the total actual project costs, as required by the Green Innovation Grant Program, is authorized and will be appropriated from either ECSD No. 2 capital or operating accounts for the Project; and be it further

RESOLVED, that a separate Legislative Communication be provided by the Erie County Division of Sewerage Management requesting retention of an energy performance contractor to complete the Project and detailing the final cost estimates and allocations; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Joseph Fiegl, 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 GIGP Project Coordinator (address: Katie M. Syron, Project Coordinator, New York State Environmental Facilities Corporation, 625 Broadway, Albany, New York 12207-2997).
(6-0)

6. COMM. 13E-23 (2011)

COUNTY EXECUTIVE

WHEREAS, the Erie County Sewer District No. 3 Southtowns Advanced Wastewater Treatment Facility operates two sewage sludge incinerators to manage its solids/sludge; and

WHEREAS, the United States Environmental Protection Agency released final rules/regulations on February 21, 2011 titled "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Sewage Sludge Incineration Units"; and

WHEREAS, the final rules/regulations if carried out in their current form would likely require costly modifications to the Southtowns Advanced Wastewater Treatment Facility; and

WHEREAS, in the opinion of the Division of Sewerage Management, the final rules/regulations contain several technical and legal flaws and provide unrealistic guidelines without properly analyzing the consequences of implementation; and

WHEREAS, the National Association of Clean Water Agencies has formed a Sewage Sludge Incinerator Advocacy Coalition to challenge the final rules/regulations on behalf of all utilities in the United States that operate sewage sludge incinerators; and

WHEREAS, it would be cost prohibitive Erie County Sewer District No. 3 to challenge the final rules/regulations on its own; and

WHEREAS, the Erie County Division of Sewerage Management and the Erie County Sewer District No. 3 Board of Managers are desirous of contributing to the Sewage Sludge Incinerator Advocacy Coalition to assist in challenging the final rules/regulations.

NOW, THEREFORE, BE IT

RESOLVED, that the County Director of Budget and the County Comptroller be authorized to pay \$10,000 from Erie County Sewer District No. 3 Professional Services Account 516020 in the 2011 adopted budget, to the National Association of Clean Water Agencies for the Sewage Sludge Incinerator Advocacy Coalition; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Joseph Fiegl, P.E., Division of Sewerage Management and one (1) certified copy each to the County Executive, the Erie County Comptroller, and the Erie County Director of Budget and Management.
(6-0)

7. COMM. 13E-24 (2011)

COUNTY EXECUTIVE

WHEREAS, the County of Erie and CSX Transportation, Inc have a license agreements No. CR 137680 and No. CR 242940 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 \$8,000.00; and

WHEREAS, \$8,000.00 is allocated in the Professional Services Account, Commitment Item 516020, of Erie County Sewer District No. 6 operating budget (1861010) 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.6 in the amount of \$8,000.00 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.
(6-0)

8. COMM. 13E-25 (2011)
COUNTY EXECUTIVE
WHEREAS, the County of Erie and CSX Transportation, Inc have a license agreement No. CR 140816 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. 2 Operating Budget (1821010) 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. 2 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.
(6-0)

9. COMM. 13E-31 (2011)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature hereby confirms the appointments of the following individuals to the Erie County Environmental Management Council for a term expiring 5/31/2013:

AT-LARGE APPOINTMENTS

Mr. Jerold Bastedo
S-5215 Orchard Avenue
Hamburg, NY 14075

Mr. Peter Sorgi, Esq.
491 Griggs Place
East Aurora, NY 14052

Mr. Richard Tindell
Buffalo Niagara Riverkeeper
1250 Niagara Street
Buffalo, NY 14213-1502

Mr. Paul Furhmann
Ecology and Environment, Inc.
368 Pleasant View Drive
Lancaster, NY 14086

Ms. Rosa A. Gonzalez
Eight Lakewood Drive
Orchard Park, NY 14127

Mr. James Simon
1094 Elmwood Avenue - Apt. 1
Buffalo, NY 14222

Mr. George Besch
39 Lake Avenue
Lancaster, NY 14086

Mr. Jay Burney
13399 Miller Road
Chaffee, NY 14030

MUNICIPAL APPOINTMENTS

Mr. Douglas Bartlebaugh
11830 Walden Avenue
Alden, NY 14004

(T) Alden

Mr. Don Duggan-Haas
92 South Dr.
Amherst, NY 14226

(T) Amherst

Mr. Donald Owens
1865 Hubbard Road
East Aurora, NY 14052

(T) Aurora

Richard Lee 5975 Old Orchard Drive Hamburg, NY 14075	(T) Boston	Ms. Melanie Hamilton 4277 Linwood Avenue Hamburg, NY 15219	(T) Hamburg
Mr. Joseph Gardyjan 505 Cain Rd Angola, NY 14006	(T) Brant	Ms. Adrienne Punturiero 11 Dudley Avenue Hamburg, NY 14075	(V) Hamburg
Mr. Dennis Sutton Office of Strategic Planning 920 City Hall Buffalo, NY 14202	(C) Buffalo	Mr. William Kolacki 9292 Savage Road Holland, NY 14080	(T) Holland
Supervisor Scott Bylewski Town of Clarence 1 Town Place Clarence, NY 14031	(T) Clarence	Ms. Kathleen Johnson Village of Kenmore 2919 Delaware Avenue Kenmore, NY 14217	V) Kenmore
Ms. Michelle Roberts c/o Town of Colden PO Box 335 Colden, NY 14033	(T) Colden	Mr. Mark Aquino Council Member Town of Lancaster 21 Central Avenue Lancaster, NY 14086	(T) Lancaster
Mr. Lamont Beers 2880 Wood Spirit Eden, NY 14057	(T) Eden	Ms. Beth Ackerman 11174 Bullis Rd Marilla, NY 14102	(T) Marilla
Mr. Fred Streif 130 Streif Road Elma, NY 14059	(T) Elma	Mr. Lewis Tandy 13678 Main Road Akron, NY 14001	(T) Newstead
Mr. Jere Hoisington 570 Commercial Farnham, NY 14061	(V) Farnham	Ms. Marian C. Vanni 2500 School Street North Collins, NY 14111	(T) North Collins
Mr. Sam Akinbami 2227 West River Road Grand Island, NY 14072	(T) Grand Island	Ms. Anne Bergantz 320 Stonehedge Drive Orchard Park, NY 14127	(T) Orchard Park

Mr. Darren Farthing
12320 Savage Rd.
Sardinia, NY 14134

T) Sardinia

Mr. Kevin Burd
292 Knowlton Avenue
Tonawanda, NY 14217

(T) Tonawanda

Mr. Peter M. Tarnawskyj
5716 Vermont Hill Road
South Wales, NY 14139

(T) Wales

Ms. Evelyn Hicks
276 Seneca Creek Road
West Seneca, NY 14224

(T) West Seneca

(6-0)

**THOMAS J. MAZUR
CHAIR**