

SEPTEMBER 22, 2008

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 10

ALL MEMBERS PRESENT, EXCEPT LEGISLATORS KONST AND WHYTE. CHAIR MARINELLI  
PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 21M-13 (2007)  
**ASSEMBLYMAN SAM HOYT:** NRG Huntley Site Project  
(4-0)
  - b. COMM. 13M-11 (2008)  
**VOICE-BUFFALO:** Letter Supporting the Creation of an Erie County Planning Board  
(4-0)
  - c. COMM. 13M-12 (2008)  
**MICHAEL S. CERRONE:** Letter Supporting the Creation of an Erie County Planning Board  
(4-0)
  - d. COMM. 13M-13 (2008)  
**COALITION FOR ECONOMIC JUSTICE:** Letter Supporting the Recreation of an Erie  
County Planning Board  
(4-0)
  - e. COMM. 13M-14 (2008)  
**LOCAL INITIATIVES SUPPORT CORP.:** Letter Supporting the Recreation of an Erie  
County Planning Board  
(4-0)
  - f. COMM. 13M-15 (2008)  
**GERALD E. KELLY:** Letter Supporting the Establishment of an Erie County Planning Board  
(4-0)
  - g. COMM. 13M-16 (2008)  
**PARTNERS FOR A LIVABLE WNY:** Letter Supporting the Establishment of an Erie County  
Planning Board  
(4-0)

- h. COMM. 13M-17 (2008)  
**IAN R. MCPHERSON:** Letter Supporting the Establishment of an Erie County Planning Board  
(4-0)
- i. COMM. 13M-18 (2008)  
**SHARON BENZ:** Letter Supporting the Establishment of an Erie County Planning Board  
(4-0)
- j. COMM. 14E-29 (2008)  
**COUNTY EXECUTIVE:** Approval for \$150K Plan for County Parks  
(4-0)
- k. COMM. 14M-7 (2008)  
**CORNELL EXTENSION ERIE COUNTY:** Information on Several Programs Impacting Erie  
County  
(4-0)
- l. COMM. 14M-11 (2008)  
**ASSOCIATION OF ERIE COUNTY GOVERNMENTS:** Certified Resolution Regarding Erie  
County Green Energy Efforts  
(4-0)
- m. COMM. 15M-1 (2008)  
**NEW MILLENNIUM GROUP:** Letter Supporting the Establishment of an Erie County  
Planning Board  
(4-0)
- n. COMM. 15M-3 (2008)  
**NYS PUBLIC SERVICE COMMISSION:** Notice Soliciting Comments Re Proceeding on  
Motion of the Commission to Examine the Safety of Consolidated Edison Company of NY Inc.'s  
Electric Transmission and Distribution Systems  
(4-0)
- o. COMM. 17E-24 (2008)  
**COUNTY EXECUTIVE:** ECSD Nos. 3 & 4 - Engineer Term Agreement - Greenman-Pedersen,  
Inc. Work Order GPI-1  
(4-0)
- p. COMM. 17E-27 (2008)  
**COUNTY EXECUTIVE:** Notice of Public Hearing - ECSD 2009 Assessment  
(4-0)

- q. COMM. 17E-29 (2008)  
**COUNTY EXECUTIVE:** ECSD 1-6, 8 Section 270/271 Resolutions  
(4-0)
- r. COMM. 17E-30 (2008)  
**COUNTY EXECUTIVE:** ECSD Nos. 1, 3, 4, 5 & 6 - Engineer Term Agreement - Wendel Duchscherer- Work Order WD-1  
(4-0)
- s. COMM. 17E-44 (2008)  
**COUNTY EXECUTIVE:** ECSD No. 3 - Engineer Term Agreement - Liro Engineers, Inc. Work Order LE-1  
(4-0)
- t. COMM. 17D-4 (2008)  
**ENVIRONMENT & PLANNING:** Summary of ECSD Rates  
(4-0)
- u. COMM. 17M-4 (2008)  
**BUFFALO NIAGARA PARTNERSHIP:** Letter Supporting the Establishment of an Erie County Planning Board  
(4-0)
- v. COMM. 17M-6 (2008)  
**AMERICAN PLANNING ASSOCIATION - WNY SECTION:** Letter Supporting the Establishment of an Erie County Planning Board  
(4-0)
- w. COMM. 17M-7 (2008)  
**NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION:** NYS Fish, Wildlife & Marine Resource Goals for 2010 - 5/15/2008-6/15/2008  
(4-0)
- x. COMM. 17M-8 (2008)  
**CITY OF BUFFALO COMMON COUNCIL:** Notice of Adopted Resolution Instituting a Ban on Smoking Within 50 Feet of Playgrounds in All City and County Parks  
(4-0)

- y. COMM. 17M-25 (2008)  
**ERIE COUNTY WATER AUTHORITY:** 2007 Annual Report (CD)  
(4-0)
  - z. COMM. 17M-27 (2008)  
**BUFFALO NIAGARA RIVERKEEPER:** Remedial Action Plan  
(4-0)
  - aa. COMM. 18E-9 (2008)  
**COUNTY EXECUTIVE:** Appointments to the EC Environmental Management Council  
(4-0)
2. RESOLVED, the following item is hereby received and filed, and referred to the Economic Development Committee:
- a. COMM. 17D-2 (2008)  
**PUBLIC WORKS:** Rules & Regulations Adopted by DPW Commissioner Concerning LL No. 2-2006 NYS Certified Worker Training Programs  
(4-0)
3. COMM. 14E-11 (2008)  
**COUNTY EXECUTIVE**  
WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to private businesses to assist them in identifying ways to reduce waste and save money; and
- WHEREAS, the New York State Department of Economic Development (NYSDED) granted Erie County \$230,501 to coordinate a Pollution Prevention, Reuse and Recycling Technical Assistance Program (P2R2TAP); and
- WHEREAS, as part of the P2R2TAP grant SAP# (162PP\_ASSIST0709) work plan and contract with the NYSDDED, it is necessary to enter into an agreement with companies that have partnered on this project at a maximum of \$12,500 each or \$50,000 total to have in-depth engineering feasibility studies; and
- WHEREAS, these companies will be selected from the following list of companies who were identified as project partners in the proposed grant application submitted to NYSDDED:
- Metallics, 2040 Cory Rd., Sanborn, NY 14132  
API Airtech, 91 North St., Arcade, NY 14009  
Upstate Farms, 3300 N. American Dr., West Seneca, NY 14224  
Fortistar, 7341 Shawnee Rd., N. Tonawanda, NY 14120

Akron Ag Products, 13550 Bloomingdale Rd., Akron, NY 14001, and

WHEREAS, the selected companies will be required to work in accordance with a work plan approved by DEP and provide a 100% match.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with all or some of the following companies for up a maximum of \$12,500 each or \$50,000 total to conduct engineering feasibility studies:

Metaullics, 2040 Cory Rd., Sanborn, NY 14132

API Airtech, 91 North St., Arcade, NY 14009

Upstate Farms, 3300 N. American Dr., West Seneca, NY 14224

Fortistar, 7341 Shawnee Rd., N. Tonawanda, NY 14120

Akron Ag Products, 13550 Bloomingdale Rd., Akron, NY 14001;

and be it further

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

RESOLVED, that certified copies of this resolution be sent to the County Executive, Director of Budget and Management; Holly A. Sinnott, Commissioner of Environment and Planning; William M. Murray Esq., Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(6-0)

4. COMM. 14E-12 (2008)

**COUNTY EXECUTIVE**

WHEREAS, Erie Canalway Trail – SAP Account No. A.00034 includes \$1,500,000 for the design and construction of the Erie Canalway Trail Project; and

WHEREAS, the New York State Canal Corporation, through a Memorandum of Agreement with the County of Erie dated March 3, 2005 will provide up to \$1,500,000 as reimbursement for this project; and

WHEREAS, the original contract with Peter J. Smith & Company, Inc. for design and construction inspection services was dated July 5, 2001 and included a fee of \$220,000; and

WHEREAS, by Resolutions Comm. 6E-12 and Comm. 25E-53, enacted April 10, 2003 and September 30, 2005 respectively, the Erie County Legislature authorized executing an amended contract for design and construction inspection services with Peter J. Smith & Company, Inc. for a fee not to exceed \$235,000; and

WHEREAS, an increase in the authorized contract amount is necessary to reflect time extensions and added design elements identified during the construction phase.

NOW, THEREFORE, BE IT

RESOLVED, that said contract with Peter J. Smith & Company, Inc. be amended to establish a new fee not to exceed \$243,188; and be it further

RESOLVED, that the sum of \$8,188 is hereby transferred from WBS Element #A.00034.2, Erie Canal Trail Construction to WBS Element #A.00034.1 Erie Canal Trail Design , within the budget of the Erie Canalway Trail Capital Project A.00034; and be it further

RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the County Comptroller; the Commissioner of the Department of Environment and Planning; and the Commissioner of the Department of Public Works.

(6-0)

5. COMM. 15E-1 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature had awarded Contract No. 9 UST, to L&O Mechanical Contractors, Inc. for the installation of new fiberglass fuel storage tanks to eliminate existing deteriorating steel tanks; 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. 9 UST, Underground Storage Tanks Replacement at Southtowns Sewage Treatment Plant, in the final contract amount of \$384,533.15, which includes Change Order No. 1 (final), a decrease of \$237.85 in the Erie County Sewer District No.3, Capital Account No. 00067 and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 9 UST, Underground Storage Tanks Replacement at Southtowns Sewage Treatment Plant, between the County of Erie and L&O Mechanical Contractors, Inc., 786 Brooks Avenue, Rochester, New York 14619 is accepted in the amount of \$384,533.15, which includes Change Order No. 1 (final), a decrease of \$237.85 in the Erie County Sewer District No. 3, Capital Account No. 00067 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. 9 UST, Underground Storage Tanks Replacement at Southtowns Sewage Treatment Plant, between the County of Erie and L&O Mechanical Contractors, Inc. in the amount of \$384,533.15 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 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 Gregory Dudek, Assistant County Attorney.  
(4-0)

6. COMM. 17E-32 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has awarded Contract 41E to CIR Electrical 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 completed; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the final acceptance of Contract 41E in the amount of \$33,572.16 which includes Change Order No. 1 (final), a decrease of (\$127.84) and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 41E between the County of Erie and CIR Electrical Construction, Inc., 400 Ingham Avenue, Buffalo, New York 14218, be accepted in the amount of \$33,572.16 which includes Change Order No. 1 (final), a decrease of (\$127.84); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 41E between the County of Erie and CIR Electrical Construction, Inc. in the amount of \$33,572.16 and make final payment from Erie County Sewer District No. 6 Capital Account C.00064, and return the unused portion \$127.84 to the Unallocated Account; and be it further

RESOLVED, that the Clerk of 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 each to the County Executive, Erie County Comptroller's Office and Gregory Dudek, Assistant County Attorney.  
(4-0)

7. COMM. 17E-43 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, The Erie County Legislature has secured the services of Donald Gallo Consultant Engineer, P.C. to provide engineering services related to the design and construction of Sewerage Facilities for the Erie County Sewer Districts and Southtowns Sewage Treatment Agency; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement, dated February 3, 2005 with Donald Gallo Consultant Engineer, P.C. at the final contract amount of \$13,209.08.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated February 3, 2005 between the County of Erie and be formally closed in the final amount of \$13,209.08; and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Engineering Agreement dated February 3, 2005, between the County of Erie and Donald Gallo Consultant Engineer, P.C.; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning, and one (1) certified copy each to, the County Executive the Erie County Comptroller and Gregory Dudek, Assistant County Attorney.  
(4-0)

8. COMM. 17E-45 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, The Erie County Legislature has secured the services of URS Corporation to provide engineering services related to the design, construction, and inspection of Sewerage Facilities for the Erie County Sewer Districts; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement, dated October 21, 2004 with URS Corporation in the final contract amount of \$173,011.91.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated October 21, 2004 between the County of Erie and be formally closed in the final amount of \$173,011.91; and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Engineering Agreement dated October 21, 2004, between the County of Erie and URS Corporation; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning, and one (1) certified copy each to the County Executive the Erie County Comptroller and Gregory Dudek, Assistant County Attorney.  
(4-0)

9. COMM. 18E-6 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, the County of Erie desires to improve public recreational access to the Lake Erie waterfront; and

WHEREAS, Erie County serves as the grant recipient and contracting agent for an amount not to exceed \$754,300 in Federal grant funds to undertake various services for the Lake Erie Trail Project extending along Old Lake Shore Road in the Town of Evans from Evans Town Park to Wendt Beach County Park; and

WHEREAS, Erie County executed a Lake Erie Trail – Design Phase Agreement with the Town of Evans on September 4, 2003 for an amount not to exceed \$103,000; and

WHEREAS, the Town has incurred additional design costs requiring reimbursement from federal funds included as Revenue within SAP Account A.00213.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute an amendment to the September 4, 2003 Agreement between Erie County and the Town of Evans relative to Lake Erie Trail – Design Phase, increasing the contract amount from \$103,000 to an amount not to exceed \$295,000; 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, 10<sup>th</sup> Floor.  
(4-0)

**DANIEL M. KOZUB**  
**CHAIR**