

APRIL 16, 2007

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 7

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:

a. COMM. 7E-25 (2007)  
**COUNTY EXECUTIVE:** Award of Contract – ECSD No. 3 – Boston State Road Sanitary Sewer Extension (5-0)

2. INTRO 7-10 (2007)

**REYNOLDS**

BE IT RESOLVED, that the Clerk of the Legislature be directed to hold a Public Hearing on May 16, 2007 at 8:00 p.m. at Eden Town Hall, 2795 East Church Street, Eden, NY 14057-1280 concerning the 2006 30-day open period requests for inclusion into an agricultural district; and be it further

RESOLVED, that the Clerk of the Legislature be directed to publish a public notice in a newspaper having general circulation within the involved Towns, that notice be posted in at least five conspicuous places within the districts, and that notice also be sent to the affected municipalities, being the Towns of Colden, Boston, Collins, Aurora and Eden and to the citizen petitioners; and be it further

RESOLVED, that 2 Certified copies of this resolution be sent to the Erie County Department of Environment and Planning, and one certified copy to the Town Supervisors and Clerks of Colden, Bosto, Collins, Aurora and Eden.  
(5-0)

3. COMM. 7E-20 (2007)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management has submitted to the New York State Department of Environmental Conservation projects for their review and approval; and

WHEREAS, the New York State Department of Environmental Conservation requires review and approval of all plans for future wastewater improvement projects; and

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management cannot proceed with projects without authorization and approval from the New York State Department of Environmental Conservation; and

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management has submitted the following projects to the New York State Department of Environmental Conservation for approval:

	<u>Date of Submittal To NYSDEC</u>
- Facilities Report Southtowns Advanced Wastewater Treatment Facilities Southtowns Advanced Wastewater Treatment Facilities Report – Addendum 1	3/01
- Erie County Southtowns Sewage Treatment Agency Wastewater Treatment Plant Outfall Evaluation Report	7/04
- Elimination of Pumping Stations and Blasdell Wastewater Treatment Plant	2/05
- Southtowns Advanced Wastewater Treatment Facilities Capacity Re-Rating	8/05
- Facilities Report Southtowns Advanced Wastewater Treatment Facilities Southtowns Advanced Wastewater Treatment Facilities Report – Addendum 2	8/05
- Basis of Design Southtowns Advanced Wastewater Treatment Facilities Phase II Expansion	8/05
- Southtowns Sewage Treatment Agency Advanced Wastewater Treatment Facilities Chlorine Contact Time and Overflow Retention Facility Capacity Evaluation	10/05
- Lake Street/Point Breeze	11/06

and

WHEREAS, the New York State Department of Environmental Conservation has delayed the approval of these projects; and

WHEREAS, further delay in the approval of these projects will continue to result in escalation of project cost which will continue to be incurred by Erie County ratepayers; and

WHEREAS, the environmental benefit of these projects will not be realized without New York State Department of Environmental Conservation's approval.

NOW, THEREFORE BE IT

RESOLVED, that the County of Erie formally supports the Department of Environment and Planning, Division of Sewerage Management in requesting that the New York State Department of Environmental Conservation approve these projects by May 1, 2007; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of the resolution to the Director of the New York State Department of Environmental Conservation, Region 9 and the Commissioner of the New York State Department of Environmental Conservation, Albany Office, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of the resolution to the County Executive, the Erie County Comptroller, the Director of Budget, Management and Finance, Gregory Dudek, Assistant County Attorney; and two (2) certified copies to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning.  
(5-0)

4. COMM. 7E-21 (2007)

**COUNTY EXECUTIVE**

WHEREAS, the New York State Department of Economic Development (NYSDED) provides grant assistance to implement pollution prevention technical assistance initiatives; and

WHEREAS, the NYSDDED has solicited a proposal from Erie County for participation in the Environmental Investment Program; and

WHEREAS, the Erie County Department of Environment and Planning (DEP) developed and submitted a proposal for funding from NYSDDED to continue and expand a Pollution Prevention Technical Assistance Program; and

WHEREAS, the NYSDDED granted approval of the application allocating funding of \$230,501 over two years for a Pollution Prevention, Reuse and Recycling Technical Assistance Program to be implemented in Erie County; and

WHEREAS, the new grant resources would enable the Department of Environment and Planning to continue to employ the services of an existing Environmental Compliance Specialist (JG 12) position; and

WHEREAS, the required County match will be met through overhead and in-kind expense contributions.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into the necessary agreements with the NYSDDED to accept and implement the Pollution Prevention, Recycling and Reuse Technical Assistance Program in an amount not to exceed \$230,501 in grant resources; and be it further

RESOLVED, that the revenue from the Pollution Prevention Technical Assistance Program is hereby appropriated in the grant as follows:

REVENUE:

409000	State Aid – New York State Department of Economic Development	\$230,501
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<b>TOTAL REVENUE</b>	<b>\$230,501</b>
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APPROPRIATIONS:

500000	Personnel Services	\$126,000
502000	Fringe Benefits	\$51,849
510000	Local Travel and Mileage	\$2,152
510100	Out-of-Area Travel	\$500
516020	Professional Services	\$50,000

<b>TOTAL APPROPRIATIONS</b>	<b>\$230,501</b>
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and be it further

RESOLVED, that the following position will be transferred from the Erie County Pollution Prevention Technical Assistance Grant (162PP\_ASSIST0406):

Environmental Compliance Specialist Position (JG-12)  
B-100 No. 2856  
Budgeted Annual Salary: \$47,741

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Andrew M. Eszak, AICP, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the Commissioner of Personnel; the County Comptroller; and the County Attorney.  
(5-0)

5. COMM. 7E-24 (2007)  
**COUNTY EXECUTIVE**

WHEREAS, the Towns of Amherst, Tonawanda, and Cheektowaga, including the Villages located therein, and Erie County receive over \$6,000,000 annually in federal Community Development Block Grant funds; and

WHEREAS, an important element for receiving federal funds is an Analysis of Impediments to Fair Housing Choice within recipient municipalities; and

WHEREAS, the aforementioned local governments and Erie County are desirous of conducting a joint Analysis of Impediments to Fair Housing Choice consistent with federal guidelines; and

WHEREAS, based on results from a Request for Proposal process conducted by the Department of Environment and Planning, the County Executive is desirous of executing a contract for an amount not to exceed \$58,000 with the Research Foundation of the State University of New York and \$15,000 with Housing Opportunities Made Equal Inc. (HOME); and

WHEREAS, funds for the Analysis will be federal Community Development Block Grant (CDBG) monies available to each municipality with contributions shown as follows:

- \$40,000 – Erie County
- \$11,000 – Town of Amherst
- \$11,000 – Town of Tonawanda
- \$11,000 – Town of Cheektowaga
- \$73,000 – Total; and

WHEREAS, the Erie County Legislature authorized the County Executive to execute contracts with the municipalities noted above and the Research Foundation of the State University of New York on October 12, 2006; and

WHEREAS, due to revisions to the original revenue and expense estimates a new authorizing resolution is required.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a contract with the Research Foundation of the State University of New York in an amount not to exceed \$58,000 for the purpose of carrying out portions of an Analysis of Impediments to Fair Housing Choice within those municipalities comprising the Erie County Block Grant Consortium, Towns of Amherst, Cheektowaga, and Tonawanda and Villages therein; and be it further

RESOLVED, that the County Executive is hereby authorized to execute a contract with Housing Opportunities Made Equal Inc. (HOME) for an amount not to exceed \$15,000 for the purpose of carrying out portions of an Analysis of Impediments to Fair Housing Choice within those municipalities comprising the Erie County Block Grant Consortium, Towns of Amherst, Cheektowaga, and Tonawanda and Villages therein; and be it further

RESOLVED, that the County Executive is further authorized to execute contracts with the Towns of Amherst, Tonawanda, and Cheektowaga for the purpose of receiving \$11,000 from each municipality for completion of said Analysis; and be it further

RESOLVED, that \$40,000 in Erie County CDBG monies is available in SAP Account J.00506.1.8 for said Analysis; and be it further

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

6. COMM. 7E-26 (2007)  
**COUNTY EXECUTIVE**

WHEREAS, the New York State Department of Economic Development (NYSDED) provides grant assistance to implement pollution prevention technical assistance initiatives; and

WHEREAS, the NYSDDED solicited a proposal from Erie County Department of Environment and Planning (DEP) for participation in the Pollution Prevention Technical Assistance Program; and

WHEREAS, such a proposal was submitted to and approved by NYSDDED in March of 2003; and

WHEREAS, through Legislative resolution (Comm. 18E-9) dated November 13, 2003, Erie County accepted from NYSDDED a total of \$195,369 in grant resources to conduct a Pollution Prevention Program; and

WHEREAS, through that same Legislative resolution the sum of \$25,000 was transferred from the Regionalism/Economic Fund (DAC 110 9043038301299) to Account 886-6209, Interfund Subsidies, in the budget of the DEP to be used as the required local match; and

WHEREAS, the DEP is successfully implementing this project; and

WHEREAS, the current budget requires revision to maintain program continuity and allow the County to most efficiently utilize the remaining grant resources.

NOW, THEREFORE BE IT

RESOLVED, that the grant budget for the Erie County Pollution Prevention Technical Assistance Program (162PP\_ASSIST0406) will be revised as follows:

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
500000	Salaries	\$164,010	(\$12,056)	\$151,954
502000	Fringe Benefits	49,343	12,954	62,297
505000	Office Supplies	250	(107)	143
510000	Local Mileage Reimbursement	1,286	-----	1,286
510100	Out of Area Travel	30	-----	30
516020	Professional Services	4,773	(791)	3,982
530000	Other Expenses	<u>677</u>	-----	<u>677</u>
TOTAL APPROPRIATIONS:		\$220,369		\$220,369

and be it further

RESOLVED, that the Director of Budget, Management, and Finance is hereby authorized to implement any budget adjustments as required to comply with Federal and State funding requirements, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Andrew M. Eszak, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.  
(5-0)

**THOMAS A. LOUGHRAN**  
**CHAIRMAN**