

MAY 8, 2007

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 8

ALL MEMBERS PRESENT EXCEPT LEGISLATOR KOZUB. CHAIRMAN MARINELLI PRESENT  
AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 4E-20 (2007)  
**COUNTY EXECUTIVE:** Parks, Recreation & Forestry - Request for Hunt Real Estate Corporation's Desire to Place Exclusive Advertisements on Elmwood Meadows and Grover Cleveland Golf Courses Score Cards  
(4-0)
  - b. COMM. 6E-7 (2007)  
**LOUGHRAN:** Copy of Letter to County Attorney Re: Advertisement on Golf Cards  
(4-0)
  - c. COMM. 7E-9 (2007)  
**MARINELLI:** Reappointment / Appointment of Commissioner to the ECWA  
(4-0)
  - d. COMM. 7M-19 (2007)  
**ECWA:** 2006 Annual Report  
(4-0)
  - e. COMM. 8E-4 (2007)  
**MARINELLI:** Reappointment/Appointment of Commissioner to the ECWA  
(4-0)
  - f. COMM. 8E-15 (2007)  
**COUNTY EXECUTIVE:** Open Item - Sewer District Construction Contracts - Award of Contracts  
(4-0)
  - g. COMM. 8M-5 (2007)  
**TOWN OF HAMBURG:** Town of Hamburg Sewer Districts - Request for Consolidation of Sewer Services with ECSD No. 3  
(4-0)

- h. COMM. 9E-6 (2007)  
**COUNTY EXECUTIVE:** ECSD No. 5 - Proposed Modifications of Plans - Erie County Sewer Agency Report  
(4-0)
  - i. COMM. 9M-2 (2007)  
**ECWA:** Management Letter for FY Ending 3/31/06  
(4-0)
2. COMM. 2E-11 (2007)  
**COUNTY EXECUTIVE**

RESOLUTION NO.

RESOLUTION DATED \_\_\_\_\_, 2007

RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED MODIFICATION OF PLANS FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 5 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) \_\_\_\_\_, 2007.

(Adopted) \_\_\_\_\_, 2007

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 5 of the County of Erie, New York, (the "District") has heretofore been established and an increase and improvement of facilities for such District has been authorized by the County Legislature of the County of Erie, New York; and

WHEREAS, such County Legislature has heretofore received a report and estimate of cost from County engineers (the Erie County Department of Environment and Planning), relating to a proposed modification of plans for such increase and improvement of the facilities of said District No. 5 which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of said District No. 5 in said County, consisting of the replacement of existing sanitary sewers throughout the District as and where required, all as more fully described in the report and estimate of cost herein referred to; and

WHEREAS, the maximum estimated cost of the aforesaid design and engineering of the facilities of said Sewer District No. 5 is \$1,860,000 to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewer units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 5; and

WHEREAS, there will be no additional costs to properties serviced by the District. The hook up/inspection fees required are \$500.00 per new residential home and a \$2.00 permit fee at the time of connection. Existing residential homes are required to pay a \$2.00 permit fee at the time of connection; and

WHEREAS, it is now desired to call a public hearing to consider said modification of plans for such increase and improvement in accordance with the provisions of Section 253-b of the County Law;

NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at the Erie County Legislature, 92 Franklin Street, 4<sup>th</sup> Floor, in Buffalo, New York, in said County, on the 8<sup>th</sup> day of June 2007, at 1:30 o'clock P.M., (Prevailing Time), for the purpose of conducting a public hearing upon the aforesaid proposal for modification of plans for such increase and improvement of facilities of Erie County Sewer District No. 5 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at Erie County Legislature, 92 Franklin Street, 4<sup>th</sup> Floor, in Buffalo, New York, in said County, on the 8<sup>th</sup> day of June, 2007, at 1:30 o'clock P.M., (Prevailing Time), for the purpose of conducting a public hearing upon a proposed modification of plans for increase and improvement of facilities of Erie County Sewer District No. 5 in said County (the "District").

The modification of plans for increase and the improvement of the facilities consists of the replacement of existing sanitary sewers throughout the District as and where required, all as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of

Environment and Planning) which has been filed with the County Legislature and which has been approved by the Erie County Sewer Agency, pursuant to a written report dated March 15, 2007, which also has been filed with said County Legislature.

The maximum estimated cost of the aforesaid design and engineering of facilities is \$1,860,000 to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewer units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 5; and

There will be no additional charge for hook ups to properties serviced by the Sewer District. Hook up/inspection fees required are \$ 500.00 per new residential home and a \$2.00 permit fee at the time of connection. Existing residential homes are required to pay a \$2.00 permit fee at the time of connection.

Dated: Buffalo, New York,  
\_\_\_\_\_, 2007.

BY ORDER OF THE COUNTY  
LEGISLATURE OF THE COUNTY OF  
ERIE, NEW YORK  
By ROBERT M. GRABER  
Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the Front Page and in the Lancaster Bee, the official newspapers of said County, and the Clarence Bee not less than ten nor more than twenty days before the date set herein for said public hearing.

Section 4. This resolution shall take effect immediately.  
(4-0)

3. INTRO 8-2 (2007)  
**IANNELLO**

WHEREAS, the United States Army Corps of Engineers (USACE) in March 2007 released a proposed plan for the closure of the Town of Tonawanda Landfill, located adjacent to residential properties on Hackett Drive in the City of Tonawanda; and

WHEREAS, the USACE has stated that testing has shown evidence of Uranium, Radium, Thorium and Americium present on the Landfill site; and

WHEREAS, the USACE has stated that the levels are below the Environmental Protection Agency (EPA) risk levels with minimum exposure, residents of Hackett Drive and Riverview Heights have concerns of health risks due to long term exposure and loss of property value; and

WHEREAS, Legislator Michele Iannello hosted a public meeting on February 8, 2007 and all of the appropriate agencies were present (USACE, NYS Department of Environmental Conservation, Town of Tonawanda and City of Tonawanda), along with 175 residents who heard a presentation followed by a question and answer session; and

WHEREAS, a conference call was conducted on March 19, 2007 between the NYSDEC, NYS Department of Health, USACE, Legislator Michele M. Iannello, representatives from Cong. Slaughter's office, Assemblyman Schimminger office, elected officials from the Town and City of Tonawanda; and

WHEREAS, residents and elected officials agree that the USACE closure plan is unacceptable as it states that it is not recommending removal of the hazardous materials prior to closure of the Landfill; and

WHEREAS, the only way to determine if toxins have migrated to the private, adjacent properties through run-off or ground water is through further testing and residents and officials alike are calling for such testing.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is calling upon the above agencies to come together with the residents of Riverview Heights, and members of the organization called "Clean Up Riverview Heights (CURE);" and be it further

RESOLVED, that the Energy & Environment Committee of the Erie County Legislature call upon the appropriate agencies and the residents of Riverview Heights to meet with the Energy & Environment Committee to present further facts of said issue; and be it further

RESOLVED, that the Energy & Environment Committee act expediently on such a meeting as the Riverview Heights neighborhood appears to have a high rate of cancer and other illnesses potentially resulting from exposure of such toxins named above; and be it further

RESOLVED, that the current and immediate goal is to develop a plan for testing and the type of testing to be accomplished on the adjacent properties on Hackett Drive, including that of Riverview Elementary School, located on Hackett Drive adjacent to the Town of Tonawanda Landfill; and be it further

RESOLVED, that the homeowners of Riverview Heights have a right to protect their investment and the health of their families, thereby, removal being the final and ultimate goal; and be it further

RESOLVED, that the Erie County Legislature goes on record in support of testing of said properties, followed by removal, and that the Energy & Environment Committee will join with those seeking further testing and removal, and serve as an advocate for the citizens of Erie County; and be it further

RESOLVED, that copies of this resolution be sent to the Erie County Executive, the Erie County Attorney, the USACE, NYSDEC, NYS Health Department, Erie County Commissioner of Environmental Health, Town of Tonawanda Supervisor, Mayor of the City of Tonawanda, Congresswoman Louise Slaughter, Assemblyman Robin Schimminger, Senator Antoine Thompson, League of Women Voters, City of Tonawanda School Superintendent Dr. Barbara Peters, and the co-chairs of CURE.  
(4-0)

4. COMM. 8E-16 (2007)  
**COUNTY EXECUTIVE**

WHEREAS, the United States Environmental Protection Agency (USEPA) provides grant assistance to assist with the retrofit of diesel school buses; and

WHEREAS, the United States Environmental Protection Agency (USEPA) solicited proposals for retrofit projects for school districts; and

WHEREAS, the Erie County Department of Environment and Planning (DEP) developed and submitted a proposal for funding from USEPA to manage and fund a retrofit program for six school districts in Erie County; and

WHEREAS, the USEPA granted approval of the application allocating funding of \$298,960 over two years for a Erie County Clean School Bus Initiative to be implemented in Erie County; and

WHEREAS, the new grant resources would enable the Department of Environment and Planning to transfer an existing Environmental Education Specialist (JG 9) position to the new grant budget from an existing grant that is expiring; 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 USEPA to accept and implement the Erie County Clean School Bus Initiative in an amount not to exceed \$298,960 in grant resources; and be it further

RESOLVED, that the revenue from the Erie County Clean School Bus Initiative is hereby appropriated in the grant as follows:

REVENUE:

414000	Federal Aid – United States Environmental Protection Agency	\$298,960
<b>TOTAL REVENUE</b>		<b>\$298,960</b>

APPROPRIATIONS:

500000	Personnel Services	\$54,000
502000	Fringe Benefits	\$20,280
505000	Supplies	\$500
510000	Local Travel and Mileage	\$180
516020	Professional Service Contract & Fees	\$224,000
<b>TOTAL APPROPRIATIONS</b>		<b>\$298,960</b>

and be it further

RESOLVED, that the following position will be transferred from the Rebuild Western New York Initiative grant budget (162REBUILD0506):

Environmental Education Specialist (JG 9) Position  
B-100 No. 2911  
Budgeted Annual Salary: \$46,377

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

(4-0)

5. INTRO 9-2 (2007)

**KENNEDY & WHYTE**

WHEREAS, power generation from polluting non-renewable resources, such as oil and coal, results in serious human impairments, negative impacts on wildlife, plants, and the natural environment, and has become a factor in conflicts over the world's dwindling non-renewable resources; and

WHEREAS, energy conservation alone is insufficient to reduce the serious negative impacts caused by fossil fuels used for energy generation; and

WHEREAS, the use of clean renewable energy sources, such as wind, solar, ocean, geothermal and hydro, has many benefits; minimal environmental impacts, increased income for local producers of such energy sources and dramatic air quality improvement; and

WHEREAS, governments can address this problem by purchasing energy from renewable sources to help reduce pollution and to contribute to the development of the market for renewable energy sources; and

WHEREAS, New York State government, Nassau County and Suffolk County as well as the Towns of Clinton, New Paltz and Fishkill have all set goals to purchase a certain percentage of electricity created by renewable energy within the next several years; and

WHEREAS, the Erie County Legislature wishes to exercise leadership in this most important environmental effort.

NOW, THEREFORE, BE IT

RESOLVED, that it should be the policy of Erie County to improve environmental quality and redirect energy policy, promote energy efficiency, clean energy production and clean renewable energy markets; and be it further

RESOLVED, that Erie County is hereby authorized, empowered, and directed to purchase energy from sources that include a growing proportion of non-polluting renewable energy technologies with a goal of no less than 8% by 2009, 16% by 2011 and 25% by 2013 and; and be it further

RESOLVED, that the County Executive is further authorized, empowered, and directed to issue an annual report to the County Legislature no later than December 31 of each year updating the progress of achieving the 25% goal, said report to be filed with the Clerk of the County Legislature.

RESOLVED, that a certified copy of this resolution be forwarded to the Erie County Executive.

(4-0)

6. INTRO 9-5 (2007)

**KENNEDY & WHYTE**

WHEREAS, Erie County has many miles of county roads spread throughout the county; and

WHEREAS, the Legislature seeks clarification of which governmental entity is responsible for financing, purchasing, installing and maintenance of traffic signals on these county roads.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature respectfully requests the County Executive send a representative from his administration to an upcoming meeting of the Economic Development Committee to provide the Legislature with information regarding the financing, purchasing, installing and maintenance of traffic signals on Erie County roads.

(4-0)

7. INTRO 9-6 (2007)

**KENNEDY & WHYTE**

WHEREAS, Erie County owns and operates a variety of vehicles ranging from passenger automobiles to heavy trucks and equipment; and

WHEREAS, vehicles are a major source of air pollution, in particular, emissions from diesel engines contribute to smog, ozone depletion and to serious health problems and contribute to global climate change; and

WHEREAS, the Erie County Legislature takes the problem of air quality, global climate change and dependence on foreign oil seriously, and this County needs to take prudent steps to reduce emissions from our vehicle fleet; and

WHEREAS, steps to reduce emissions include switching to ultra-low sulfur fuels, installing improved particulate filters and, where practical, switching to compressed natural gas.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature respectfully requests that the Erie County Executive provide the legislature with the following information:

- A detailed list of every vehicle owned/operated by the County of Erie,
- The year, make and model of each vehicle,
- The type of fuel that the vehicle uses;

and be it further

RESOLVED, that the Erie County Legislature respectfully requests that the Erie County Clerk provide the legislature with the following information:

- A detailed list of every vehicle owned/operated by the County Clerk's office,
- The year, make and model of each vehicle,
- The type of fuel that the vehicle uses;

and be it further

RESOLVED, that the Erie County Legislature respectfully requests that the Erie County Sheriff provide the legislature with the following information:

- A detailed list of every vehicle owned/operated by the Sheriff's office,
- The year, make and model of each vehicle,
- The type of fuel that the vehicle uses;

and be it further

RESOLVED, that the Erie County Legislature respectfully requests that the Erie County District Attorney provide the legislature with the following information:

- A detailed list of every vehicle owned/operated by the District Attorney's office,
- The year, make and model of each vehicle,
- The type of fuel that the vehicle uses;

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Erie County Clerk, Erie County Sheriff, and Erie County District Attorney.

(4-0)

8. COMM. 9E-11 (2007)

**COUNTY EXECUTIVE**

WHEREAS, the County recognizes the need to properly train its employees to protect their health and well being, and to comply with applicable state and federal regulations, and

WHEREAS, Erie County's Division of Sewerage Management has applied for funds from the Western New York Council on Occupational Safety & Health through a New York State Department of Labor Hazard Abatement Board training grant.

NOW, THEREFORE, BE IT

RESOLVED, that the proposed agreement between the County of Erie and the Western New York Council on Occupational Safety & Health to provide health and safety training to the Division of Sewerage Management and Sewer District employees is hereby approved, and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of Environment and Planning, and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send two certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and one certified copy each to the County Executive, the Director of Budget and Management, Erie County Comptroller; and Gregory Dudek, Assistant County Attorney.  
(4-0)

9. COMM. 9E-14 (2007)  
**COUNTY EXECUTIVE**

WHEREAS, the Village of Hamburg has become part of Erie County Sewer District No. 3 (ECSD No. 3); and

WHEREAS, ECSD No. 3 has previously entered into a joint construction project with the New York State Department of Transportation (NYSDOT) to rebuild the Main Street and Buffalo Avenue sanitary sewers in the Village of Hamburg when the NYSDOT reconstructs the roads; and

WHEREAS, the low bid for the sanitary sewer portion of the NYSDOT project is \$2,305,852.13, which is an increase of \$92,852.13 over the estimated, authorized funding amount; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management recommends that the Erie County Legislature authorize the increase in funding of \$92,852.13.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie authorize the increase in funding of \$92,852.13; and be it further

RESOLVED, that the authorized amount for the sanitary sewer portion of the project be increased by \$92,852.13 to a total of \$2,305,852.13 to cover the bid amount; and be it further

RESOLVED, that the Comptroller be authorized and directed to deposit with the New York State Comptroller's Office, for the NYSDOT, the increased amount of \$92,852.13, from ECSD No. 3 Capital Account C.00039 for the NYDOT's disbursement for the replacement of Main Street and Buffalo Avenue sanitary sewers under the contract, subject to the approval and verification of the cost by the County's Division of Sewerage Management; 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, the Director of Budget, Management and Finance, Gregory Dudek, Assistant County Attorney and two certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning.  
(4-0)

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