

June 3, 2010

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 4M-60 (2010)
US ENVIRONMENTAL PROTECTION AGENCY: “Tonawanda Community Air Quality Study & Evaluation of Tonawanda Coke Facility”
(5-0)
 - b. COMM. 8E-3 (2010)
WHYTE, KOZUB, GRANT, MAZUR, MARINELLI & LOUGHRAN: “Nomination Petition for Reappointment of Commissioner of the EC Water Authority”
(5-0)
 - c. COMM. 9E-19 (2010)
COUNTY EXECUTIVE: “ECSD No. 5 - CRA Infrastructure & Engineering, Inc. Agreement - Merger Feasibility Study - Change Order No. 2”
(5-0)
 - d. COMM. 9E-21 (2010)
COUNTY EXECUTIVE: “ECSD No. 3 Engineering Term Agreement - CHA Work Order”
(5-0)
 - e. COMM. 9E-22 (2010)
COUNTY EXECUTIVE: “ECSD No. 8 Engineering Term Agreement - CHA Work Order”
(5-0)
 - f. COMM. 9E-31 (2010)
COUNTY EXECUTIVE: “ECSD No. 4 Professional Services Agreement with CRA Infrastructure & Engineering, Inc. - Vanderbilt Pumping Station, Depew Pumping Station & Overflow Retention Facility Upgrades - Change Order No. 2”
(5-0)
 - g. COMM. 9E-36 (2010)
COUNTY EXECUTIVE: “EC Division of Sewerage Management - EC Sewer Districts - 3 - Year Engineer Agreements - Change Order No. 1”
(5-0)

- h. COMM. 9M-1 (2010)
FRANK E. SWIATEK: “Letter to Legislature Regarding Accomplishments as Chair of the EC Water Authority”
(5-0)
 - i. COMM. 10E-7 (2010)
COUNTY EXECUTIVE: “ECSD No. 2 - Engineer Term Agreement - Wendel Duchscherer - Work Order WD - 3”
(5-0)
2. COMM. 9E-10 (2010)
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) for businesses in the seven Western New York counties; and

WHEREAS, as part of the P2R2TAP grant SAP# (162PP_ASSIST0709) work plan and contract with the NYSDED, it is necessary to enter into an agreement with companies that have partnered on this project at a maximum of \$30,00 each, not to exceed \$46,367 total; and

WHEREAS, these companies will be selected from the following list of companies who have been identified as project partners through work with the NYSDED:

Metaullics, 2040 Cory Rd., Sanborn, NY 14132
API Airtech, 91 North St., Arcade, NY 14009
Fortistar, 7341 Shawnee Rd., N. Tonawanda, NY 14120
Staroba Plastics, 42 Edgewood Drive, Holland, NY 14080
CERES, 2250 Liberty Drive, Niagara Falls, NY 14304; and

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

WHEREAS, it is necessary to revise the existing budget in accordance with the current project work plan and contractual requirements set forth by the granting agency to fulfill the requirements associated with the State grant funding.

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 \$30,000 each, but not to exceed \$46,367 total, to conduct engineering feasibility studies:

Metaullics, 2040 Cory Rd., Sanborn, NY 14132
 API Airtech, 91 North St., Arcade, NY 14009
 Fortistar, 7341 Shawnee Rd., N. Tonawanda, NY 14120
 Staroba Plastics, 42 Edgewood Drive, Holland, NY 14080
 CERES, 2250 Liberty Drive, Niagara Falls, NY 14304

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; Kathy Konst, Commissioner of Environment and Planning; Darren E. Kempner, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney. (5-0)

3. **COMM. 9E-13 (2010)**
COUNTY EXECUTIVE

WHEREAS, Erie County Department of Environment and Planning (DEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, the State of New York, through its Department of Environmental Conservation (NYSDEC), granted Erie County funding to establish the Western New York Stormwater Coalition (WNYSC) to assist 43 municipal entities in Erie and Niagara Counties in their efforts to comply with the State's Phase II Stormwater requirements; and

WHEREAS, DEP coordinates the activities of the Western New York Stormwater Coalition and has pursued, received and managed grant funding to support the work of the WNYSC; and

WHEREAS, the NYSDEC grant resources to cover the costs associated with this agreement are available in the Western New York Stormwater Coalition Local Ordinance Project budget, which was authorized and established by Legislative resolution [Comm.10E-14 (2006)] passed by the Erie County Legislature, dated June 22, 2006, and revised on December 4, 2008 [Comm. 26E-17 (2008)]; and

WHEREAS, it is necessary to revise the existing budget in accordance with the current project work plan and contractual requirements set forth by the granting agency to fulfill the requirements associated with the State grant funding.

NOW, THEREFORE BE IT

RESOLVED, that the grant budget for the 2006-2008 Storm Water Local Ordinance Project is hereby revised in the Department of Environment and Planning, Business Area 162 (Fund 281, SAP Grant # 162STMWTRLCRD0608) as follows:

REVENUE:

409000	State Aid – New York State Department of Environmental Conservation	\$328,000
420499	Other Local Source Revenue – WNY Stormwater Coalition	<u>\$315,000</u>

TOTAL REVENUE \$643,000

APPROPRIATIONS:

Account	Description	Current Budget	Revisions	Revised Budget
500000	Full Time Salaries	\$146,784	(48,569)	98,215
500020	Regular PT Wages	-	48,569	48,569
502000	Fringe Benefits	57,113	24,391	81,504
505000	Office Supplies	5,000	(3,042)	1,958
510000	Local Mileage Reimbursement	1,500	(949)	551
510200	Training & Education	500	(201)	299
516020	Professional Service Contract	375,460	(15,502)	359,958
530000	Other Expenses	2,000	(1,248)	752
561410	Lab and Technical Equipment	5,000	(3,449)	1,551
16090	ID Law Grant Services	49,643	-	49,643
		\$643,000	0	\$643,000

TOTAL APPROPRIATIONS \$643,000

and be it further

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

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget and Management; Kathy Konst, Commissioner of Environment and Planning; Darren E. Kempner, Deputy Commissioner of Environment and Planning; Tom Hersey, Coordinator–Pollution Prevention Program; the County Comptroller; the Commissioner of Personnel; and the County Attorney.

(5-0)

4. COMM. 9E-17 (2010)
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 Michael J. Quinn, 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 Martin Polowy, County Attorney’s Office.

(5-0)

5. COMM. 9E-24 (2010)
COUNTY EXECUTIVE

WHEREAS, Erie County is working with the Town of Tonawanda in designing the Sherwood Greenway Trail; and

WHEREAS, Erie County has been awarded \$870,960 in federal Transportation Enhancement monies to construct the project; and

WHEREAS, prior to constructing the trail it is necessary to formalize the shared maintenance responsibilities between the Town and County.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute an inter-municipal agreement with the Town of Tonawanda for maintaining the Sherwood Greenway Trail; 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.
(5-0)

6. COMM. 9E-34 (2010)
COUNTY EXECUTIVE

WHEREAS, The Erie County Department of Parks, Recreation & Forestry (Parks) has been contacted by the Niagara Region Disc Golf League (League) concerning the construction of 18 hole disc golf courses at Chestnut Ridge Park and Ellicott Creek Park; and

WHEREAS, the league has constructed disc golf courses at Chestnut Ridge Park, Como Lake Park and Emery Park; and

WHEREAS, the League proposes to construct and install 18 hole disc golf courses at Chestnut Ridge Park and Ellicott Creek Park at its sole cost and expense of approximately \$17,000.00. The construction is limited to digging holes for the installation of posts for disc golf baskets and tee signs; and

WHEREAS, use of the course will be open to any persons who wish to use it free of charge; and

WHEREAS, the Parks Department desires to enter into an agreement with the League for Construction and installation of the courses; and

WHEREAS, pursuant to County Law, any gifts must be approved and accepted by the Erie County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with the Niagara Region Disc Golf League for the construction and installation of public 18 hole disc golf courses, at the sole cost and expense of such League at Chestnut Ridge Park and Ellicott Creek Park on acreage to be designated by the Commissioner of Parks, Recreation and Forestry; and be it further

RESOLVED, that such agreement shall provide that notwithstanding the construction and installation of the disc golf course by the League at its sole expense, that such disc golf course shall be open and free of charge to all persons; and be it further

RESOLVED, that the County Executive is authorized to accept, on behalf of the County, and its Department of Parks, Recreation & Forestry, from the Niagara Region Disc Golf League, a gift of a fully constructed and installed 18 hole disc golf course at Chestnut Ridge Park and Ellicott Creek Park; and be it further

RESOLVED, that certified copies of this resolution be sent to the office of the Erie County Executive Chris Collins, Commissioner of the Department of Parks Recreation & Forestry James E. Hornung Sr., the Director of Budget, Management and Finance Greg Gach, the Office of the Erie County Comptroller, and the Assistant County Attorney, Marty Polowy.
(5-0)

7. COMM. 9E-38 (2010)
COUNTY EXECUTIVE

WHEREAS, Erie County Department of Environment and Planning (DEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, DEP coordinates the activities of the Western New York Stormwater Coalition (WNYSC) and has pursued, received and managed grant funding to support the work of the WNYSC; and

WHEREAS, the New York State Department of Environmental Conservation granted DEP \$479,200 to assist 43 municipal entities in Erie and Niagara Counties in their efforts to comply with the State's Phase II stormwater requirements; and

WHEREAS, the Erie County Legislature authorized the County Executive to enter into an agreement with the New York State Department of Environmental Conservation and establish the existing grant budget through a legislative resolution passed November 15, 2007 (Comm. 20E-10); and

WHEREAS, it is necessary to revise the existing budget in accordance with the current project workplan and contractual requirements set forth by the granting agency to fulfill the requirements associated with the State grant funding.

NOW, THEREFORE BE IT

RESOLVED, that the grant budget for the Western New York Stormwater Coalition: Public Education Illicit Discharge Project, is hereby revised in the Department of Environment and Planning, Business Area 162 (Fund 281, SAP Grant # 162WNYSCPEIDP0810) as follows:

REVENUE:

409000	State Aid – New York State Department of Environmental Conservation	<u>\$479,200</u>
--------	---	------------------

TOTAL REVENUE	\$479,200
---------------	-----------

APPROPRIATIONS:

Account	Description	Current Budget	Revisions	Revised Budget
500000	Full Time Salaries	\$120,000	\$ 25,000	\$145,000
502000	Fringe Benefits	49,800	15,000	64,800
505000	Office Supplies	4,500	(4,500)	-
505800	Medical/Health Supplies	-	115,000	115,000
510000	Local Mileage Reimb.	500	-	500
516020	Professional Service Contract	289,900	(150,500)	139,400
530000	Other Expenses	2,000	-	2,000
561410	Lab and Technical Equip.	<u>12,500</u>	<u>-</u>	<u>12,500</u>
		\$479,200	0	\$479,200

TOTAL APPROPRIATIONS	\$479,200
----------------------	-----------

and be it further

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

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget and Management; Kathy Konst, Commissioner of Environment and Planning;

Darren E. Kempner, Deputy Commissioner of Environment and Planning; Tom Hersey, Coordinator–
Pollution Prevention Program; the County Comptroller; the Commissioner of Personnel; and the
County Attorney.
(5-0)

DANIEL M. KOZUB
CHAIR