

July 15, 2010

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 6

ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

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

- a. COMM. 7E-9 (2010)  
**COMPTROLLER:** "Energy Efficiency & Conservation Grant - US Department of Energy Comptroller Investigation into Whistleblower Reports"  
(6-0)
- b. COMM. 9M-10 (2010)  
**NYSDEC:** "Additional Investigation Activities to Begin Around the Leica Site in Town of Cheektowaga"  
(6-0)
- c. COMM. 11E-4 (2010)  
**COUNTY EXECUTIVE:** "ECSD No. 5 Engineer Term Agreement - Greenman-Pederson, Inc. - Work Order GPI - 5"  
(6-0)
- d. COMM. 11M-1 (2010)  
**US ENVIRONMENTAL PROTECTION AGENCY:** "Air Quality Study & Evaluation of the Tonawanda Coke Facility"  
(6-0)
- e. COMM. 11M-5 (2010)  
**NYSDEC:** "Cleanup Completed at Superfund Portions of the Spaulding Composites Site in Tonawanda"  
(6-0)
- f. COMM. 12E-17 (2010)  
**COUNTY EXECUTIVE:** "ECSD No. 6 - Engineer Term Agreement - DiDonato Associates"  
(6-0)

- g. COMM. 12E-29 (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. 3"  
(6-0)
- h. COMM. 12M-2 (2010)  
**NYS DEC - DIVISION OF FISH, WILDLIFE & MARINE RESOURCES, REGION 9:** "Region 9 Fish & Wildlife Monthly Highlights, 3/16 to 4/15"  
(6-0)
- i. COMM. 12M-3 (2010)  
**PARTNERSHIP FOR THE PUBLIC GOOD:** "Testimony of Megan Connelly for the Energy & Environment Committee, Concerning EC Sustainability Planning: Urgent Need, Great Benefits"  
(6-0)
- j. COMM. 12M-5 (2010)  
**CHEEKTOWAGA SUPERVISOR HOLTZ:** "Letter to Legislature Expressing Appreciation for Storm Sewer Construction Project"  
(6-0)
- k. COMM. 12M-6 (2010)  
**NYS DEC:** "Fact Sheet Concerning Environmental Investigation & Cleanup Alternatives at Former Buffalo China Site (Brownfield Cleanup Program)"  
(6-0)
- l. COMM. 12M-7 (2010)  
**NYS FISH & WILDLIFE MANAGEMENT BOARD:** "Region 9 FWMA Board Meeting Minutes for 6/3/10"  
(6-0)
- m. COMM. 13D-4 (2010)  
**CLERK OF ENERGY & ENVIRONMENT COMMITTEE:** "Letters to Legislature in Relation to Supporting Renewable Energy in EC"  
(6-0)
- n. COMM. 13M-4 (2010)  
**NYS DEC:** "Fish & Wildlife Monthly Highlights 4/16/10 - 5/15/10"  
(6-0)

o. COMM. 13M-6 (2010)  
**NYSDEC: "Report on Environmental Investigation & Cleanup Activities at Niagara Transformer Site"**  
(6-0)

2. INTRO 18-3 (2009)  
**KOZUB AS AMENDED**  
(6-0)

3. COMM. 12E-15 (2010)  
**COUNTY EXECUTIVE**  
WHEREAS, the Department of Parks, Recreation & Forestry desires to receive and disburse additional funds from the New York State Office of Parks, Recreation and Historic Preservation for Snowmobile Trail Development during the 2009-2010 snowmobile season in the amount not to exceed \$20,770.00; and

WHEREAS, the sum of \$708.00 is to be received as additional state revenue for the Department of Parks, Recreation & Forestry snowmobile development; and

WHEREAS, this agreement with the State shall pertain to such maintenance as performed by the Erie County Department of Parks, Recreation and Forestry within the County parks and forest lots, as well as similar work performed by the individual Snowmobile Clubs of Erie County on club trails located outside County-owned lands.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount not to exceed \$20,770.00 as pertains to snowmobile trail maintenance performed during the 2009-2010 snowmobile season; and be it further

RESOLVED, that the County Executive is authorized to enter into amended contracts with the individual Snowmobile Clubs of Erie County for a total amount not to exceed \$20,062.00 for the purpose of snowmobile trail maintenance on club trails during the 2009-2010 snowmobile season, provided that the clubs meet all insurance and other requirements deemed necessary by the County, in amounts as follows:

Colden Trail Riders Inc.	\$2,210.00
Eden Trail Blazers Inc.	\$1,354.00
Grand Island Snowmobile Club Inc.	\$ 672.00
Hamburg Snowmobile Club Inc.	\$2,118.00

Holland Sno-Rascals Inc.	\$2,384.00
Marilla Sno-Mob Inc.	\$1,824.00
Northern Erie Snowseekers Inc.	\$2,292.00
Pioneer Sno-Surfers Inc.	\$1,112.00
Southern Tier Snowdrifters Inc.	\$2,480.00
WNY Snowmobile Club of Boston Inc.	<u>\$3,616.00</u>
	\$20,062.00

and be it further

RESOLVED, that the Erie County Legislature hereby approves the appropriation of anticipated state aid revenue in the Division of Parks, fund 110, cost center 1641010, account 409010, in the amount of \$20,770.00, an increase in appropriations in the amount of \$20,062.00, in the Division of Parks, fund 110, cost center 1641010, account 516020, in order that funds may be available to make payment to the individual clubs of the Erie County Federation of snowmobile Clubs; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget, Management and Finance, the Commissioner of the Department of Environment and Planning, the Office of the Erie County Comptroller and Assistant County Attorney, Stephanie Calhoun, of the Law Department.  
(6-0)

4. COMM. 12E-16 (2010)  
**COUNTY EXECUTIVE AS AMENDED**

WHEREAS, the Legislature on June 10, 2010 authorized the County to accept the State Historic Preservation Grant (SHPO) (Grant No. EPF-4v 6050-N5 / C406050) and the in-kind matching funds from the Botanical Gardens Society (BGS) for an amount not to exceed \$400,000.00; and

WHEREAS, the County will not receive approval of the construction documents from SHPO until after the last legislative session before summer recess, thus not allowing for the normal award process for a construction contract; and

WHEREAS, the work needs to be completed during warm weather months and the Grant will expire on December 31, 2010; and

WHEREAS, the County Executive is seeking prior authorization from your honorable body to award a contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to award a contract to the lowest responsible bidder so the work can proceed during the prime summer months of the construction season, including construction contingency, for an amount not to exceed \$400,000.00; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management include in the contracts awarded, the Department of Public Works, Division of Real Estate and Asset Management standard general conditions and compliance with all local laws; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management will report to the Legislature the value of the contract awarded and to whom; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.21018 – Botanical Gardens – Restoration to Houses #2 and #3 for an amount not to exceed \$400,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Department of Parks, Recreation and Forestry and the Office of the Comptroller.  
(6-0)

5. COMM. 12E-22 (2010)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning assists in the administration and direction of the Erie County Agricultural and Farmland Protection Board; and

WHEREAS, a major responsibility of the Agricultural and Farmland Protection Board is the protection of agriculture and farmland in Erie County; and

WHEREAS, funding has been secured through the New York State Department of Agriculture and Markets to produce an Erie County Agricultural and Farmland Protection Plan; and

WHEREAS, Erie County is desirous of engaging the American Farmland Trust to complete said Plan.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to sign any and all agreements with the New York State Department of Agriculture and Markets for an amount not to exceed \$67,500 of which \$17,500 will be provided as a cash match from the federal Community Development Block Grant Program and \$50,000 from the New York State Municipal Agricultural and Farmland Protection Planning Grant Program, with said funds being used for the preparation of an Erie County Agricultural Farmland Protection Plan; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute any and all agreements with American Farmland Trust in an amount not to exceed \$67,500 for the purpose of preparing the Erie County Agricultural and Farmland Protection Plan; and be it further

RESOLVED, that authorization is hereby provided to establish a grant account in the Department of Environment and Planning: Business Area 162, Fund 281 as follows:

Erie County Agricultural and Farmland Protection Plan Grant  
(Grant Period: 10/1/10 – 9/30/11)  
SAP Grant Account: 162ECAAFPP1011

Revenue	
409000 State Aid Revenue	\$50,000
Total Revenue	\$50,000

Appropriations	
516020 Professional Services	
Contractual: Fees	\$50,000
Total Appropriations	\$50,000

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 federal and state funding requirements; 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.  
(6-0)

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