

MARCH 19, 2009

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 4

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

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 4-3 (2008)
REYNOLDS & MILLS: Erie County Forestland Resource Management Proposal
(6-0)
 - b. COMM. 22M-4 (2008)
CHAUTAQUA COUNTY PLANNING BOARD: Letter to Legislator Whyte Supporting Establishment of an EC Regional Planning Board
(6-0)
 - c. COMM. 22M-5 (2008)
SOUTHERN TIER WEST - REGIONAL PLANNING & DEVELOPMENT BOARD: Letter to Legislator Whyte Supporting Establishment of an EC Regional Planning Board
(6-0)
 - d. COMM. 22M-6 (2008)
WYOMING COUNTY PLANNING & DEVELOPMENT: Letter to Legislator Whyte Supporting Establishment of an EC Regional Planning Board
(6-0)
 - e. COMM. 4M-11 (2009)
NYS DEC: Goals for 2010: Ecosystem Protection
(6-0)
 - f. COMM. 5E-7 (2009)
COMPTROLLER: Results of Erie County Comptroller's Office Tip Line Investigation
(6-0)
 - g. COMM. 5E-17 (2009)
COUNTY EXECUTIVE: ECSD No. 4 - Professional Services Agreement, Overflow Retention Facility Upgrades - Change Order No. 1
(6-0)

- h. COMM. 5D-2 (2009)
COUNTY ATTORNEY: Competitive Bid Contracts Awarded by the Division of Purchase
(6-0)
 - i. COMM. 5M-1 (2009)
MAYOR OF THE CITY OF LACKAWANNA: Letter in Opposition to the Establishment of an Erie County Planning Board
(6-0)
2. COMM. 5E-9 (2009)
COUNTY EXECUTIVE
WHEREAS, the Erie County Legislature had awarded Contract No. 61PSA to Kandey Company, Inc. for the rehabilitation of 3 existing pumping stations; 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. 61PSA, Herr Road, Buffalo Beach and Shore Cliff Pumping Stations Modifications, in the final contract amount of \$2,320,031.64 which includes Change Order No. 3 (final), a decrease of \$28,060.55 and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 61PSA, Herr Road, Buffalo Beach and Shore Cliff Pumping Station Modifications between the County of Erie and Kandey Company, Inc., 19 Ransier Drive, West Seneca, New York 14224 is accepted in the amount of \$2,320,031.64, which includes (final), Change Order No. 3, a decrease of \$28,060.55 and is allocated in the following Erie County Sewer District No. 2 Capital Projects;

<u>BOND ACCOUNTS</u>	<u>AMOUNT</u>
C.00002	\$ 308,655.64
C.00004	\$ 546,376.00
C.00028	<u>\$ 465,000.00</u>
	\$2,320,031.64

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 Martin A. Polowy, Second Assistant, Erie County Attorney.
(6-0)

3. COMM. 5E-11 (2009)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby approve the appointments of the following individuals to the Erie County Environmental Management Council for a term expiring May 31, 2009:

Mr. Jerrold Brown
140 Pearl St.
Buffalo, NY 14202

Mr. Peter Sorgi, Esq.
491 Griggs Pl.
East Aurora, NY 14052

Mr. Jerold Bastedo
1472 North Creek Rd.
Lake View, NY 14085

Ms. Evelyn Hicks
276 Seneca Creek Rd.
West Seneca, NY 14224

Mr. John Whitney
1518 Hubbard Rd.
East Aurora, NY 14052

Mr. Paul Fuhrmann
3221 Ransom Rd.
Lancaster, NY 14086

(6-0)

4. COMM. 5E-14 (2009)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 38, to Frey Electric Construction Company for the replacement of an existing generator and load bank including all appurtenant work, at the Pleasantview Drive Pumping Station and installation of a new generator and load bank at the Northern Region Office; and

Mr. Robert Lennartz
51 Timberlake Dr.
Orchard Park, NY 14127

Mr. Gene Majchrzak
34 Birdsong Pkwy.
Orchard Park, NY 14127

Mr. Brian Smith
227 McConkey Dr.
Tonawanda, NY 14223

Ms. Julie Barrett O'Neill, Esq.
563 Potomac Ave.
Buffalo, NY 14222

Mr. James Simon
1094 Elmwood Ave., Apt. 1
Buffalo, NY 14222

Ms. Rosa Gonzalez
8 Lakewood Dr.
Orchard Park, NY 14127

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. 38, Pleasantview Drive Pumping Station Generator Replacement and Northern Region Office General Installation, in the final contract amount of \$209,772.00, which includes Change Order No. 1 (final), a decrease of \$2,228.00.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 38, Pleasantview Drive Pumping Station Generator Replacement and Northern Region Office General Installation, between the County of Erie and Frey Electric Construction Company, 100 Pearce Avenue, Tonawanda, New York 14150 is accepted in the amount of \$209,772.00, which includes Change Order No. 1 (final), a decrease of \$2,228.00 and was allocated in Sewer Capital as follows:

Erie County Sewer District No. 4	C.00063	\$146,272.00
Erie County Sewer District No. 1	C.00057	\$ 44,450.00
Erie County Sewer District No. 5	C.00056	<u>\$ 19,050.00</u>
	Total	\$209,772.00

and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 38, Pleasantview Drive Pumping Station Generator Replacement and Northern Region Office General Installation, between the County of Erie and Frey Electric Construction Company in the amount of \$209,772.00 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 Martin A. Polowy, Second Assistant County Attorney.
(6-0)

5. COMM. 5E-15 (2009)

COUNTY EXECUTIVE

WHEREAS, The Rules and Regulations for Erie County Sewer Districts require adoption to meet new federal, state and local requirements; and

WHEREAS, the amended Rules and Regulations have been prepared by the Department of Environment and Planning in consultation with the County Attorney's Office; and

WHEREAS, the amended Rules and Regulations have been distributed for comments pursuant to State Environmental Quality Review Act requirements and comments received have been adequately addressed; and

WHEREAS, the Board of Managers for Erie County Sewer Districts 1, 2, 3, 4, 5, 6 and 8 have reviewed the amended Rules and Regulations and requests their adoption; and

WHEREAS, the County Legislature is empowered to adopt these Rules and Regulations pursuant to Article 5-A, Section 264 of County Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby adopts the Rules and Regulations for Erie County Sewer Districts as submitted by the Department of Environment and Planning for the operation of the Erie County Sewer Districts effective immediately; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two certified copies of this resolution to Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment and Planning; and one copy each to the Erie County Comptrollers Office; Martin Polowy, Assistant County Attorney and to the Director of Budget and Management.
(6-0)

6. COMM. 5E-16 (2009)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 61PSD to O'Connell Electric Company for the electrical rehabilitation of 3 existing pumping stations in Erie County Sewer District No. 2; 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. 61PSD, Herr Road, Buffalo Beach and Shore Cliff Pumping Stations Modifications, in the final contract amount of \$269,166.90 which includes Change Order No. 1 (final), a decrease of \$10,333.10 and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 61PSD, Herr Road, Buffalo Beach and Shore Cliff Pumping Station Modifications between the County of Erie and O'Connell Electric Company, 830 Phillips Road,

Victor, New York 14564 is accepted in the amount of \$269,166.90 which includes (final), Change Order No. 1, a decrease of \$10,333.10 and is allocated in Erie County Sewer District No. 2, Bond Account C.00002; 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 Martin A. Polowy, Second Assistant, Erie County Attorney.
(6-0)

7. COMM. 5E-22 (2009)
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 \$523,395 over two years for a Erie County Clean School Bus Initiative to be implemented in Erie County; and

WHEREAS, the funding available for personnel services and fringe benefits will cover the services of an existing Environmental Education Specialist (JG 9) whose funding through the Phase 2 grant budget will be expiring before the end of 2009; and

WHEREAS, the new grant resources would enable the Department of Environment and Planning to transfer the existing Environmental Education Specialist (JG 9) position to the new grant budget from the existing Diesel School Bus grant budget (162DIESEL_BUS 0809) when funding expires; 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 Phase 3

(grant period: 01/01/09 to 12/31/10) in an amount not to exceed \$523,395 in grant resources; and be it further

RESOLVED, that the revenue from the Erie County Clean School Bus Initiative is hereby appropriated in the Department of Environment and Planning, Business Area 162 in the grant as follows:

REVENUE: 162DIESEL_BUS0910

414000 Federal Aid – United States Environmental Protection Agency	\$523,395
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TOTAL REVENUE	\$523,395
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APPROPRIATIONS:

500000 Personnel Services	\$47,840
502000 Fringe Benefits	\$20,505
510000 Local Travel and Mileage	\$50
516020 Professional Service Contract & Fees	\$455,000

TOTAL APPROPRIATIONS	\$523,395
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and be it further

RESOLVED, that the following position will be transferred from the Erie County Clean School Bus Initiative grant budget (162DIESEL_BUS0809) to (162DIESEL_BUS0910):

Environmental Education Specialist (JG 9) Position
Position Number: 51001528
Budgeted Annual Salary: \$46,377

RESOLVED, that certified copies of this resolution be sent to the Director of Budget and Management; Holly Sinnott, Commissioner of Environment and Planning; William M. Murray, Esq., Deputy Commissioner of Environment and Planning; Tom Hersey, Coordinator –Pollution Prevention Program; the County Comptroller; the Commissioner of Personnel; and the County Attorney.
(6-0)

8. COMM. 5E-24 (2009)

COUNTY EXECUTIVE

WHEREAS, Erie and Niagara Counties completed the Framework for Regional

Growth to provide a tool for county departments, regional agencies, and others making decisions that affect physical development; and

WHEREAS, said Framework for Regional Growth includes general policies that will assist users make decisions within certain geographic planning areas; and

WHEREAS, a web mapping application is essential for the functionality of the Framework for Regional Growth as an important land use decision-making tool; and

WHEREAS, funding for the web mapping application has been secured from General Ledger Account No. 516020 Professional Services Contractual, Fees as follows: Fund 281, New York State Quality Communities Grant, 162QUALCOM0708 (\$10,000), Fund 410, WBS #A.00058.1 (\$3,173.12), Fund 290, WBS #J.00505.1.1 (\$1,410.00), and Fund 290, WBS #J.00506.1.9 (\$1,416.88); and

WHEREAS, the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with and a summary of the process is attached to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to execute any and all agreements with Buffalo Computer Graphics in an amount not to exceed \$16,000 for the purpose of completing a web mapping application; and be it further

RESOLVED, that the funding source will be secured from General Ledger Account No. 516020 Professional Services Contractual, Fees as follows: Fund 281, New York State Quality Communities Grant, 162QUALCOM0708 (\$10,000), Fund 410, WBS #A.00058.1 (\$3,173.12), Fund 290, WBS #J.00505.1.1 (\$1,410.00), and Fund 290, WBS #J.00506.1.9 (\$1,416.88); and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the County Comptroller; the Director of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning.
(6-0)

9. COMM. 5E-27 (2009)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby approve the re-appointment of the following individual to the New York State Region 9 Fish and Wildlife Management Board as the landowner representative for a term ending December 31, 2010:

Mr. Ken Brown
6550 Vermont Hill Rd.
South Wales, NY 14139

(6-0)

DANIEL M. KOZUB
CHAIR