

May 21, 2009

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 7

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

1. RESOLVED, the following items are hereby received and filed:
- a. COMM. 9E-1 (2009)  
**WHYTE:** “Christopher Grant's Visit to the 6th District”  
(4-0) Legislator Mills absent for vote.

b. COMM. 9E-9 (2009)  
**IANNELLO:** “Copy of Letter Inviting Commissioners Sinnott and Sentz to Green Actions Community Sub-Committee - May 19, 2009”  
(4-0) Legislator Mills absent for vote.

c. COMM. 9E-22 (2009)  
**COUNTY EXECUTIVE:** “ECSD #3 - Central Maintenance Facility - Modifications Contract #32B - HVAC - Change Order #1”  
(4-0) Legislator Mills absent for vote.

d. COMM. 9D-1 (2009)  
**COUNTY ATTORNEY:** “Receipt of LL INT. 1-1 "The Strategic Development Act"”  
(4-0) Legislator Mills absent for vote.

e. COMM. 9D-2 (2009)  
**COMMISSIONER OF PARKS & RECREATION:** “Statement of Cost of Outdoor Pools and Park Seasonals”  
(4-0) Legislator Mills absent for vote.

f. COMM. 9D-3 (2009)  
**ASSISTANT SANITARY ENGINEER - DEPT. OF ENVIRONMENT AND PLANNING:** “Vanderbilt Pump Station/Depew Pump Station and ORF Modifications”  
(4-0) Legislator Mills absent for vote.

g. COMM. 9D-5 (2009)  
**ASSISTANT SANITARY ENGINEER - DEPT. OF ENVIRONMENT AND PLANNING:** “Aurora North Pump Station -Elimination Project”  
(4-0) Legislator Mills absent for vote.

- h. COMM. 9D-6 (2009)  
**COUNTY ATTORNEY:** “Notice of Public Hearing: LL INT. 1-1 "The Strategic Development Act"”  
(4-0) Legislator Mills absent for vote.

i. COMM. 9M-5 (2009)  
**BUFFALO COMMON COUNCIL MEMBER LOCURTO:** “Letter Supporting the Strategic Development Act and the Creation of an EC Planning Board”  
(4-0) Legislator Mills absent for vote.

j. COMM. 9M-15 (2009)  
**NYSDEC:** “Cleanup Plan Finalized for Hanna Furnace Parcel - Available for Public Review”  
(4-0) Legislator Mills absent for vote.

k. COMM. 9M-24 (2009)  
**OLMSTED PARKS:** “Legislature Budget Accountability Act Report”  
(4-0) Legislator Mills absent for vote.

l. COMM. 9M-39 (2009)  
**NYSDEC & NYSDOH:** “Fact Sheet Regarding Envionmental Cleanup Underway at Former Our Cleaners Site”  
(4-0) Legislator Mills absent for vote.

2. COMM. 8E-22 (2009)  
**COUNTY EXECUTIVE**  
WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District No. 3, Village of Blasdell/Town of Hamburg Sanitary Sewer Rehabilitation Project, Contract 36 at 2:00 P.M. on May 7, 2009

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
36	Sicar Management & Construction, Inc 1128 Jamison Road Elma, New York 14059	\$3,376,889.50

and

WHEREAS, the aforementioned lowest responsible bidder has successfully performed similar work in Erie County; and

WHEREAS, Erie County on behalf of Erie County Sewer District No. 3 has entered into a Cooperative Agreement with the Town of Hamburg to combine the sanitary sewer rehabilitation projects of the County and Town to take advantage of economies of scale; and

WHEREAS, the Town of Hamburg has agreed to reimburse Erie County Sewer District No. 3 \$1,133,161.50 for the Town’s portion of the contract with Sicar Management & Construction, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the Village of Blasdell/Town of Hamburg Sanitary Sewer Rehabilitation Project, Contract No. 36 be awarded to Sicar Management & Construction, Inc., 1128 Jamison Road, Elma, New York 14059; and be it further

RESOLVED, that the County Executive be, and hereby is authorized to execute the Contract with aforementioned lowest responsible bidder subject to approval as to form by the County Attorney and certification of availability of funds by the Comptroller’s Office; and be it further

RESOLVED, that the Director of Budget is authorized and directed to allocate \$2,683,161.50 from Sewer Capital, Erie County Sewer District No. 3 Account C.00039 and \$693,728.00 from Capital, Erie County Sewer District No. 3 Account C.00062; and be it further

RESOLVED, that the Comptroller’s Office and the Director of Budget is authorized to increase appropriations and estimated revenues in Capital Account C.00039 by \$1,133,161.50 for Town of Hamburg’s share of Contract No. 36; and be it further

RESOLVED, that the Clerk of the Erie County Legislature be directed to send one certified copy each of this resolution to the County Executive, Director of Budget, Comptroller’s Office, County Attorney’s Office and two (2) certified copies to Michael J. Quinn, P.E., Department of Environment and Planning, Rath Building, 10<sup>th</sup> Floor.  
(4-0) Legislator Mills absent for vote.

3. INTRO 9-4 (2009)  
**REYNOLDS**

WHEREAS, pursuant to state law, the Erie County Legislature must appoint members to the Erie County Soil and Water Conservation District; and

WHEREAS, the terms of the two at-large Board Members, Darlene Vogel and Francis Gernatt expired on December 31, 2008 and Farm Bureau Representative, Stanley Travis’s term also expired on December 31, 2008; and

WHEREAS, appointments to the Board of Directors are made by a majority of the weighted vote of the Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature seeks to re-appoint in the at-large positions and the farm bureau position on the Board of Directors of the Erie County Soil and Water Conservation District; and be it further

RESOLVED, that the Erie County Legislature does hereby re-appoint to the at-large positions:

Darlene Vogel  
43 Errington Terrace  
Orchard Park, NY 14127

Francis Gernatt  
13384 Oswald Road  
Collins, NY 14034

and be it further

RESOLVED, that the Erie County Legislature does hereby re-appoint to the farm bureau position:

Stanley Travis  
2095 Eastwood Road  
East Aurora, NY 14052

and be it further

RESOLVED, that the two at-large members and one farm bureau member will serve three year terms that shall be retroactive to December 31, 2008 and shall expire on December 31, 2011; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Soil & Water Conservation District, 50 Commerce Way, East Aurora, NY 14052; Erie County Farm Bureau, 21 S. Grove Street, East Aurora, NY 14052; Darlene Vogel, 43 Errington Terrace, Orchard Park, NY 14127; Francis Gernatt, 13384 Oswald Road, Collins, NY 14034 and Stan Travis, 2095 Eastwood Road, East Aurora, NY 14052.  
(5-0)

4. INTRO 9-7 (2009)  
**REYNOLDS, WHYTE, MILLER-WILLIAMS, GRANT & IANNELLO**  
WHEREAS, our Nation’s vast farming industry contributes to our nation’s health and prosperity every day of the year and the dairy farming industry is the important business of Erie County; and

WHEREAS, it is estimated that dairy farmers are currently being paid about 95 cents per gallon of milk, while it costs them \$1.50 to produce that same gallon and the rising costs of production, along with the extreme drop in price per hundred weight of milk has many dairy farmers in Erie County concerned about providing for their families now and in the future; and

WHEREAS, United States Senators Arlen Specter and Robert P. Casey, Jr. have introduce S-889 “The Federal Milk Marketing Improvement Act of 2009” (This bill replaces the former S-1722) which is “an act to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to determine the price of milk or for manufactured purposes, which shall be classified as Class II milk, by using the national average cost of production and other purposes”; and

WHEREAS, The Class II price will be the national average cost of production. This price will be uniform in all federal and state orders as well as unregulated areas. The Class I price will be determined by using the Class II price plus the existing Class I differentials that are currently in place in each federal order. The state of California and other unregulated areas will be assigned a Class I differential by the US Secretary of Agriculture; and

WHEREAS, this bill was designed to correct the disparity in payment versus cost and the reintroduction of this bill would mean a raise in the price per hundredweight from a current approximate price of just under \$12 to an approximate price of \$22.46.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby supports the passage of Federal Senate bill S-889 the “Federal Milk Marketing Improvement Act of 2009”; and be it further

RESOLVED, that the United States Congressional Senate pass this bill to correct the many inequities the dairy farming industry is facing in our nation, as well as Erie County; and be it further

RESOLVED, that a certified copy of this resolution be sent to our two senate representative (Schumer & Gillibrand) in the United States Congress, Senator Specter and Senator Casey both of Pennsylvania, and any other persons of interest.  
(5-0)

5. INTRO 9-9 (2009)  
**IANNELLO, MARINELLI, WHYTE, MILLER-WILLIAMS & REYNOLDS**  
WHEREAS, the Intergovernmental Panel on Climate Change, awarded the Nobel Peace Prize in 2007, projected that temperatures would rise more rapidly if greenhouse gases are not abated; and

WHEREAS, this Panel concluded that the worst impacts of global warming could be prevented if greenhouse gas emissions were reduced by 80 percent by mid-century; and

WHEREAS, Bill A.7572 passed the Assembly on May 5, 2009, was delivered to the Senate and was referred to the Environmental Conservation Committee; and

WHEREAS, the forward momentum of this legislation requires that citizens who are concerned about global warming, and their elected representatives, share their support of this measure with members of the State Senate and the Governor of New York State.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature convey its support for Bills A.7572/S.4315 as they move through the legislative process in Albany this session; and be it further

RESOLVED, that certified copies of this legislation be conveyed to the Governor, the State Senate Majority Leader, the WNY Legislative Delegation to the State Senate and all others deemed necessary and proper.  
(5-0)

6. INTRO 9-10 (2009)  
**REYNOLDS, WHYTE, MILLER-WILLIAMS, GRANT & IANNELLO**  
WHEREAS, this Honorable Body has gone on record in support of measures that move Erie County and New York State to a “greener” environment, simultaneously saving energy costs for consumers and producing “green collar” job opportunities; and

WHEREAS, these measures have encouraged Erie County’s purchase of government vehicles that reduce emissions; encouraged the purchase of renewable energy; adopted LEED standards through The Green Buildings Act; supported the U.S. Cool Counties Climate Stabilization Declaration – all measures that aim to reduce our government’s and our community’s carbon footprint in the world; and

WHEREAS, it is indisputable that the businesses of Erie County are competing in a global economy and it behooves this Honorable Body to continue to explore the economic development potential of establishing power generation facilities from non-renewable resources; and

WHEREAS, we must take action now to take advantage of an emerging, national trend in employment referred to as “green collar;” and

WHEREAS, this Honorable Body strives to do everything in its power to improve the environment, quality of life and economic opportunity that are present in Erie County, in part by increasing the number of educated and trained “green collar” workers available to environmentally friendly businesses that wish to locate in Erie County; and

WHEREAS, a step in this forward-thinking direction is to express our support for any statewide initiatives to achieve the aforementioned goals; and

WHEREAS, Bill A.187/S.2715 fits well into this strategy, as it would require certain providers of electric service to purchase electricity from eligible electric generators and would require a report to the Governor and the State Legislature concerning the effect of the purchase by providers of electric service of electricity generated from renewable energy sources; and

WHEREAS, the current regimen of incentive programs from renewable energy generation in New York State has not gone far enough in increasing the amount of renewable energy generated; and

WHEREAS, similar feed-in tariff legislation passed in Germany has resulted in a doubling of the renewable energy-generating capacity in only four years; and

WHEREAS, we must break our nation’s dependence on imported oil and the pollution, price spikes and political instability that come with it if we are to continue as a prosperous nation; and

WHEREAS, New York State has the opportunity to become a national leader in the generation of renewable electricity and to guarantee economic prosperity for future generations through the strategic development of green jobs.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature express its support for Bills A.187/S.2715, measures that would require certain providers of electric service to purchase electricity from eligible electric generators powered by renewable sources; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the Governor, the Speaker of the Assembly, the Senate Majority Leader, the members of the WNY Delegation of the NYS Legislature and all others deemed necessary and proper.  
(5-0)

7. COMM. 9E-21 (2009)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has awarded four contracts pertaining to the Central Maintenance Facility Modifications Projects: Contract 32A – General with Miller Enterprises, Inc.; Contract 32B – HVAC with O’Connor Mechanical Corp.; Contract 32C – Plumbing with W.C. Roberson Plumbing and Construction Corp.; and Contract 32D – Electrical with Electrical Service & Systems Installations, Inc; 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. 32A – General in the final contract amount of \$239,835.00 together with Change Order No. 1 (final), a decrease of \$165.00; Contract No. 32B – HVAC in the final contract amount of \$56,046.00 together with Change Order No. 2 (final), a decrease of \$1,054.00; Contract No. 32C – Plumbing in the final contract amount of \$53,212.59 together with Change Order No. 1 (final), a decrease of \$3,787.41; Contract No. 32D – Electrical in the final amount of \$63,269.00 together with Change Order No. 1 (final), an increase of \$1,269.00 and approval of final payments.

NOW, THEREFORE, BE IT

RESOLVED, that the Central Maintenance Facilities Modifications funds allocated from Erie County Sewer District No. 3 Bond Account C.00015 are accepted in the amounts listed below

<u>Contract</u> <u>Amnt</u>	<u>Contract No.</u>	<u>Original Contract</u>	<u>C. O. Amnt</u>	<u>Final Cont.</u>
Miller Enterprises	32A	\$240,000.00	\$(165.00)	\$239,835.00
O’Connor Mech.	32B	\$45,900.00	\$(1,054.00)	\$56,046.00
W.C. Roberson	32C	\$57,000.00	\$(3,787.41)	\$53,212.59
Electrical Service	32D	\$62,000.00	\$1,269.00	\$63,269.00

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.  
(5-0)

8. COMM. 9E-34 (2009)

**COUNTY EXECUTIVE**

**AS AMENDED**

WHEREAS, the Erie County Department of Environment and Planning has identified the need to submit applications for the Green Innovation Grant Program; and

WHEREAS, the New York State Environmental Facilities Corporation administers the Green Innovation Grant Program, which is designed to preserve and create jobs, promote economic recovery, and invest in environmental protection and green innovation to provide short and long-term economic benefits; and

WHEREAS, funding for the Green Innovation Grant Program was authorized by the American Recovery and Reinvestment Act of 2009, the Federal Clean Water Act, the Federal Safe Drinking Water Act, and is being implemented through the New York State Clean Water and Drinking Water State Revolving Funds, authorized by New York State Public Authorities Law sections 1285-j and 1285-m; and

WHEREAS, the Department of Environment and Planning has identified viable projects for funding through the Green Innovation Grant Program, including energy performance contracts in Erie County Sewer Districts Nos. 2, 3, and 6 (approximate total cost \$2.1 million), cistern installation for municipal separate storm sewer systems (approximate total cost \$0.2 million), green roof and wet weather infrastructure installations (approximate total cost \$0.6 million), and downspout disconnection / rain garden and rain barrel programs (approximate total cost \$0.3 million).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Environment and Planning be authorized to submit applications to the New York State Environmental Facilities Corporation under the Green Innovation Grant Program for the above mentioned projects; and be it further

RESOLVED, that the grant applications for these projects may be submitted and signed by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature send one (1) certified copy of this resolution to Holly A. Sinnott, AICP, Department of Environment and Planning, Michael J. Quinn, P.E., Department of Environment and Planning, the County Executive, the Erie County Comptroller, the Erie County Director of Budget and Management, and Martin A. Polowy, Second Assistant County Attorney.

(5-0)

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