

November 13, 2014

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 15

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 20E-5 (2014)
MILLS: "Letter to Clerk of the Legislature Calling for Public Hearing Regarding Agricultural District Modifications Districts Nos. 16 & 17"
(5-0)
 - b. COMM. 21D-6 (2014)
DEPARTMENT OF ENVIRONMENT & PLANNING: "EC Agricultural Districts Inclusion of Viable Agricultural Land 2014 Report"
(5-0)
 - c. COMM. 21D-7 (2014)
DEPARTMENT OF ENVIRONMENT & PLANNING: "Agricultural District No. 16, Towns of Lancaster, Alden - Eight-Year Review Report"
(5-0)
 - d. COMM. 21D-8 (2014)
DEPARTMENT OF ENVIRONMENT & PLANNING: "Agricultural District No. 17, Town of Amherst - Eight-Year Review Report"
(5-0)
 - e. COMM. 21M-7 (2014)
NY POWER AUTHORITY: "Winter Mooring Relocation Project Request for SEQRA Lead Agency Concurrence"
(5-0)
2. COMM. 21E-12 (2014)
COUNTY EXECUTIVE
WHEREAS, contractors interested in bidding on the Black Rock Canal Park Phase II Project were required to submit a deposit in order to obtain official bidding documents; and

WHEREAS, contractors that obtained official bidding documents were able to have their deposits returned within 30 days of the bid date it they returned the bid documents in a good, re-usable condition; and

WHEREAS, \$1,150 in local source revenue is available from unclaimed bid deposit funds received from contractors during the bidding of Black Rock Canal Park Phase II Improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to accept \$1,150 in contractor bid deposits for improvements to Black Rock Canal Park; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement the following budgetary adjustments to the revenue and appropriations in Capital Project A.21016, fund 410, within the Erie County Budget:

<u>Increase Revenue</u>	
Commitment Item #420499 (Other Local Source Revenue)	(\$1,150)
<u>Increase Appropriations</u>	
Commitment Item #516020 (Professional Services – Contractual Fees)	\$1,150

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)

3. COMM. 21E-13 (2014)
COUNTY EXECUTIVE
WHEREAS, Erie County Sewer District No. 2 desires to construct a sanitary sewer system to serve existing homes along Old Lake Shore Road; and

WHEREAS, the existing homes are discharging wastewater to existing septic systems in the Sewer District; and

WHEREAS, the flow for these existing homes will discharge to an existing sanitary sewer on the Wendt Beach Park Property; and

WHEREAS, the Advisory Review Committee has approved a twenty five foot (25 foot) wide one thousand two-hundred and twenty foot (1,220 foot) long easement in the form of a revocable permit along the southwest corner of Wendt Beach Park for existing/proposed sanitary sewer infrastructure in this area.

NOW THEREFORE BE IT,

RESOLVED, that a revocable permit between the County of Erie and Erie County Sewer District No. 2 on the Wendt Beach Park Property for the purpose of construction and/or maintenance of sanitary sewer infrastructure is approved; and be it further

RESOLVED, that the County Executive is authorized to sign the revocable permit subject to the County Attorney's approval; and be it further

RESOLVED, that one (1) certified copy of this resolution be sent to the County Executive, the County Comptroller, the Commissioner of the Parks Department, and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution be sent to Joseph L. Fiegl, P.E. and Thomas Dearing in the Department of Environment and Planning.
(5-0)

4. COMM. 21E-14 (2014)
COUNTY EXECUTIVE

WHEREAS, Brookview Apts of WNY, LLC (SBL 170.12-4-9) has requested that the County of Erie on behalf of Erie County Sewer District No. 3 enter into agreement to take ownership of a proposed forcemain that will serve their premises; and

WHEREAS, the New York State Department of Transportation will not allow a private forcemain be constructed within its right of way; and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers approves of the Brookview Apartments request to make the proposed forcemain publicly owned; and

WHEREAS, Brookview Apts of WNY, LLC agrees to pay a premium assessment of \$2,750.00 per year for twenty-five (25) years for this arrangement.

NOW THEREFORE BE IT,

RESOLVED, that an agreement between the County of Erie on behalf of Erie County Sewer District No. 3 and Brookview Apts of WNY, LLC be approved; and be it further

RESOLVED, that the County Executive is authorized to sign the agreement subject to approval as to form the County Attorney's office; and be it further

RESOLVED, that one (1) certified copy of this resolution be sent to the County Executive, the County Comptroller, and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution be sent to Joseph L. Fiegl, P.E. in the Department of Environment and Planning.
(5-0)

5. COMM. 21E-16 (2014)

COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District No. 6, Kennedy Drive Sanitary Sewer Rehabilitation Project, Contract No. 51 at 2:00P.M. on October 23, 2014.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 51	New Frontier Excavating & Paving, Inc. 8265 East Eden Road Eden, New York 14057	\$193,879.40

and

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

NOW, THEREFORE BE IT

RESOLVED, that the Kennedy Drive Sanitary Sewer Rehabilitation Project, Contract No. 51 be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 51	New Frontier Excavating & Paving, Inc. 8265 East Eden Road Eden, New York 14057	\$193,879.40

and be it further;

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the 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 Erie County Comptroller is authorized and directed to allocate \$193,879.40 from, Erie County Sewer District No.6, Account Capital C.00064 for Contract No. 51; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(5-0)

6. COMM. 21E-17 (2014)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) provides technical assistance to municipalities to facilitate compliance with State Environmental regulations; and

WHEREAS, the ECDEP has previously been contracted by the County's two solid waste management boards to assist with compliance with the New York State Department of Environmental Conservation approved Solid Waste Management Plans (SWMP); and

WHEREAS, Erie County's two solid waste management boards have signed separate Memorandums of Understanding (MOU) for the ECDEP to provide the necessary administrative, logistical and technical assistance and services to comply with the approved SWMP; and

WHEREAS, execution of the MOU's provide \$40,500 in local source funding from the two Solid Waste Management Boards; and

WHEREAS, an appropriate and efficient use of these funds made available through the MOU's would require placement within the Waste Reduction and Recycling Coordination Grant budget established by resolution on February 21, 2013 (COMM. 3E-17).

NOW THEREFORE BE IT

RESOLVED, that the County Executive or his designee is authorized to enter into separate two-year MOU agreements with the Northeast Southtowns Solid Waste Management Board (NEST) and the Northwest Solid Waste Management Board (NWSWMB) to provide services in 2015 and 2016 and accept the combined funds; and be it further

RESOLVED, that the current budget for the Waste Reduction and Recycling Coordination Grant (162WRRCG-1215), Fund 281 be revised as follows:

ACCOUNT	DESCRIPTION	CURRENT BUDGET	REVISION	REVISED BUDGET
REVENUE				
409000	State Aid	(\$290,820)	-	(\$209,820)

420499	Other Local	(\$ 40,500)	(\$ 40,500)	(\$ 81,000)
TOTAL REVENUE		(\$331,320)	(\$ 40,500)	(\$371,820)
APPROPRIATIONS				
500000	Full Time Salaries	\$177,870	-	\$177,870
502000	Fringe Benefits	\$112,950	-	\$112,950
505000	Office Supplies	\$ 1,525	\$ 200	\$ 1,725
510000	Local Mileage	\$ 550	\$ 200	\$ 750
510100	Out of Area Travel	\$ 4,615	\$ 700	\$ 5,315
510200	Training & Education	\$ 1,850	\$ 1,000	\$ 2,850
516020	Prof Services	\$ 31,660	\$ 38,400	\$ 70,360
561420	Office Furn & Fixt	\$ 300	-	\$ 300
TOTAL				
APPROPRIATIONS		\$331,320	\$ 40,500	\$371,820

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to implement any budget amendments as required to comply with federal, state and other local source 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; Maria R. Whyte, Commissioner of the Department of Environment and Planning; Thomas R. Hersey, Jr., Deputy Commissioner of the Division of Environmental Compliance; and Paul B. Kranz, P.E. Associate Environmental Quality Engineer of Environmental Compliance Division.
(5-0)

TED B. MORTON
CHAIR