

December 11, 2014

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 16

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 21E-15 (2014)
COUNTY EXECUTIVE: "EC Sewer District Nos. 1-6 & 8 - 2015 User charges"
(5-0)
 - b. COMM. 22M-6 (2014)
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION: "Public Comment on Brownfield Cleanup Program Applications"
(5-0)
 - c. COMM. 22M-7 (2014)
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION: "Draft Investigation Work Plan for Brownfield 945 Kenmore Ave, Tonawanda Site"
(4-0-1) Legislator Savage abstained.
 - d. COMM. 25D-1 (2014)
CLERK OF THE LEGISLATURE: "Notice of Public Hearing of Assessment Rolls for 2014 EC Sewer Districts Nos. 1-6 & 8"
(5-0)
 - e. COMM. 25M-5 (2014)
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION: "Cleanup Action Completed at Brownfield Site 154 South Ogden St, Buffalo"
(5-0)

2. COMM. 22E-3 (2014)
COUNTY EXECUTIVE
WHEREAS, Erie County on behalf of Erie County Sewer District No. 6 entered into an agreement with CRA Infrastructure and Engineering, Inc. on September 15, 2008 to perform services associated with Phase II of the feasibility study evaluating elimination of the Lackawanna Wastewater Treatment Plant and transmitting all flows to the Buffalo Sewer Authority for treatment; and

WHEREAS, the New York State Department of State awarded Erie County and Erie County Sewer District No. 6 a grant for this feasibility study and that grant has been fully paid; and

WHEREAS, there were a number of situational changes during the course of the Lackawanna Wastewater Treatment Plant Elimination study requiring additional services from CRA Infrastructure and Engineering, Inc. to complete the project; and

WHEREAS, a change order is required to compensate CRA Infrastructure and Engineering, Inc. for those additional services; and

WHEREAS, Erie County Sewer District No. 6 has adequate monies in Operating Fund 220 and capital account C.00069 to fund a change order; and

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management recommends approval of Change Order No. 1 for the September 15, 2008 CRA Infrastructure and Engineering, Inc. Agreement.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 to the County of Erie/CRA Infrastructure and Engineering, Inc. Agreement, dated September 15, 2008 be approved in the amount of \$38,736.00; and be it further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management is hereby directed to execute and process the necessary change order; and be it further

RESOLVED, that the County Director of Budget and the County Comptroller be authorized to modify the Erie County Sewer District No. 6 capital and operating fund budgets and establish additional budget in capital project C.00069 in Erie County Sewer District No. 6 in the amount of \$20,000 and transfer \$20,000 for the change order from the Erie County Sewer District No. 6 operating fund to the Erie County Sewer District No. 6 Capital project as follows:

Erie County Sewer District No. 6 – Cost Center 18610101		
	<u>Account</u>	<u>Increase</u>
Operating Fund 220	402190 Use of Fund Balance	\$20,000.00
	570000 Trans-Out	\$20,000.00
Erie County Sewer District No. 6 – Cost Center 18610101		
	<u>Account</u>	<u>Increase</u>
Capital Fund 430 (C.00069)	516020 Contract Svs.	\$20,000.00
	486000 Trans-In	\$20,000.00

; and be it further

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

3. COMM. 25E-14 (2014)
COUNTY EXECUTIVE

WHEREAS, household hazardous waste is being generated by residents in Erie County, continued storage of hazardous products in the home constitutes a danger to the occupants and the community and improper disposal of it has the potential to contaminate the air, land and waters of Erie County; and

WHEREAS, Erie County has successfully conducted a model Household Hazardous Waste (HHW) Collection Program since 1988, servicing over 50,000 residents within Erie County; and

WHEREAS, the State of New York provides financial aid for household hazardous waste programs, the Erie County HHW Program is dependent upon State Aid assistance for partial funding and Erie County deems it to be in the public interest and benefit to file an application for State Aid; and

WHEREAS, it is necessary that a Contract by and between the people of the State of New York and Erie County be executed for such State Aid.

NOW, THEREFORE BE IT

RESOLVED, that the filing of an application for State assistance for the Household Hazardous Waste Program in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized; and be it further

RESOLVED, that the County Executive or the Deputy County Executive is directed and authorized to enter into an agreement and sign the resulting contract for partial reimbursement for expenses incurred conducting the County HHW Program if said application is approved by the State; and be it further

RESOLVED, that Erie County agrees that it will fund the cost of said HHW Program and will be reimbursed by the State for the State share of such costs; and be it further

RESOLVED, that five (5) certified copies of this resolution be prepared and sent to the NYSDEC together with a complete application; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the Office of the Comptroller; Maria R. Whyte, Commissioner of Environment and Planning; Thomas Hersey, Deputy Commissioner of Environment and Planning; Paul Kranz, P.E., Associate Engineer; the County Comptroller; and the County Attorney.
(5-0)

4. COMM. 25E-15 (2014)
COUNTY EXECUTIVE

WHEREAS, the Board of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5, 6 and 8 have a system of Sewer District User Charges or Fees; and

WHEREAS, the Boards have requested and are desirous of collecting said User Charges or Fees in 2015 for properties in the same manner and fashion as the regular sewer district taxes have been done in the past year.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Real Property Tax Services is hereby authorized and directed to spread said 2015 Sewer District User Charges or Fees against properties within Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 & 8 liable therefore as provided by law; and be it further

RESOLVED, that the following amounts be collected:

Sewer District #1	\$ 1,135,702.12
Sewer District #2	\$ 251,695.05
Sewer District #3	\$ 1,083,566.58
Sewer District #4	\$ 690,912.88
Sewer District #5	\$ 305,153.80
Sewer District #6	\$ 1,744,508.29
Sewer District #8	\$ <u>633,206.00</u>
	\$ 5,844,744.72

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Real Property Tax Services, the Director of Budget and Management, and Joseph L. Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.

(4-1) Legislator Savage voted in the negative.

5. COMM. 25E-25 (2014)

COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation & Forestry is seeking to enter into a Memorandum of Understanding with the “Friends of Tribute Garden”; and

WHEREAS, the County is sponsoring the Tribute Garden through the Commission on the Status of Women.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Parks, Recreation & Forestry be authorized to execute a Memorandum of Understanding with the “Friends of Tribute Garden” for the purpose of maintaining and operating the Tribute Garden within the County’s Isleview Park in the Town of Tonawanda; and be it further

RESOLVED, that unless agreed upon separately, costs associated with the license agreement will be the responsibility of the “Friends of Tribute Garden”; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive; the Commissioner of Public Advocacy; the Commissioner of Parks, Recreation and Forestry; the Director of the Division of Budget and Management; the Comptroller’s Office and the County Attorney.

(5-0)

TED B. MORTON
CHAIR