

October 15, 2015

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 16

ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 18E-9 (2015)
COUNTY EXECUTIVE: “EC Sewer District No. 8 - Engineer Term Contract Agreement - Wendel Work Order W-2”
(6-0)
 - b. COMM. 18E-10 (2015)
COUNTY EXECUTIVE: “EC Sewer District No. 8 - Engineer Term Agreement - DiDonato Associates Work Order DA-6”
(6-0)
 - c. COMM. 18E-11 (2015)
COUNTY EXECUTIVE: “EC Sewer Districts 1-6 and 8 - Section 270-271 Resolutions”
(6-0)
 - d. COMM. 18D-2 (2015)
CLERK OF THE LEGISLATURE: “NYS DEC Documents Received”
(6-0)
2. COMM. 14E-15 (2015)
COUNTY EXECUTIVE
WHEREAS, One Region Forward is a broad-based, collaborative effort to promote more sustainable forms of development in Erie and Niagara counties; and

WHEREAS, One Region Forward : A New Way to Plan for Buffalo Niagara, a federally recognized Regional Plan for Sustainable Development (hereinafter referred to as the “Plan”), was adopted on January 15, 2015 by the Greater Buffalo Niagara Regional Transportation Council, the region’s Metropolitan Planning Organization; and

WHEREAS, the Plan was guided by the One Region Forward Steering Committee, a partnership of public, private, and nonprofit organizations; and

WHEREAS, Plan goals include: (1) create a vibrant economy through efficient land use, (2) connect places by expanding and diversifying transportation options, (3) provide housing choices in neighborhoods that are great places to live, (4) strengthen food systems for a healthier population and economy, and (5) conserve energy, promote renewables, and prepare for the impacts of climate change; and

WHEREAS, a One Region Forward Implementation Council will be created to guide and measure the Buffalo Niagara Region’s progress toward implementing the Plan; and

WHEREAS, in 2013 the region adopted the 2040 Metropolitan Transportation Plan, a long-range transportation plan that calls for promoting smart growth through transportation investment in priority development areas and areas with existing infrastructure; fostering regional economic competitiveness through targeted transportation investment, creating an environmentally healthy, resilient region and promoting safe, equitable regional service for all residents; and

WHEREAS, the 2011 strategic plan of the Western New York Regional Economic Development Council (WNYREDC) – A Strategy for Prosperity in Western New York – recognizes smart growth as a key fundamental for improving the WNY economy by reinvesting in our urban centers, neighborhoods, and rural villages, by transforming brownfields from liabilities into assets; and by reducing the cost structure of local governments by following smart growth principles in infrastructure planning; and

WHEREAS, the 2013 Buffalo Billion Investment Development Plan recognizes efficient infrastructure, livable cities, and revitalized, inclusive communities, to be key enablers that will help expand labor markets and drive transformative growth; and

WHEREAS, One Region Forward: A New Way to Plan for Buffalo Niagara reinforces the above principles and recognizes the importance of coordinating with other regional planning efforts; and

WHEREAS, One Region Forward recognizes that communities throughout the region have unique roles, functions, and opportunities, and will develop with different uses at varying intensities; and

WHEREAS, One Region Forward believes that progress toward creating a vibrant and prosperous region will depend on active participation from a full range of cross-sector partners over the long term, including transit and planning agencies, businesses, non-profit organizations, as well as local jurisdictions to enhance economic and environmental resiliency throughout the region; and

WHEREAS, updates to local comprehensive plans and development regulations, transit agency plans, and the refinement of regional growth and transportation plans present continuing opportunities to implement the Plan; and

WHEREAS, the Plan identified three alternatives to the “Business as Usual” development scenario; and

WHEREAS, all three alternatives, in varying degrees, advance the region in a positive, sustainable direction and espouse the priorities, values, and ideas defined in the Plan; and

WHEREAS, Erie County recognizes the need for an Implementation Council Charter which expresses the intent of its members to work together toward the achievement of One Region Forward goals, priorities, and strategies.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County rejects the “Business as Usual” development scenario and commits to undertaking specific action strategies that further a land development pattern which advances One Region Forward and the principles of the Plan; and be it further

RESOLVED, that Erie County supports a continuing process of collaboration and coordinated action to advance smart growth and sustainable development; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute the One Region Forward Charter on behalf of Erie County government; 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 Thomas J. Dearing, Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.
(6-0)

3. COMM. 17E-5 (2015)

COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the County of Erie advertised for and received responses to a request for proposals from firms to provide solar photovoltaic (PV) systems for power purchase by Erie County; and

WHEREAS, a review committee consisting of representatives from Erie County Department of Public Works, the Division of Environmental Compliance, the Division of Sewerage Management, Buffalo State College, and Hodgson Russ ranked the responses using a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends retaining SolarCity Corporation and/or Greenskies Renewable Energy, LLC for these services; and

WHEREAS, SolarCity Corporation and Greenskies Renewable Energy, LLC proposed the lowest power purchase agreement rates of the eight firms submitting proposals; and

WHEREAS, the nominal net benefit for the PV systems proposed is conservatively estimated to be \$9.5 million in savings over a 20-year term, based on concept level calculations.

NOW, THEREFORE, BE IT,

RESOLVED, that this Honorable Body endorses the proposal review committee recommendation to retain SolarCity Corporation and/or Greenskies Renewable Energy, LLC to install solar PV systems on County lands for power purchase by Erie County; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute power purchase agreements with SolarCity Corporation and/or Greenskies Renewable Energy, LLC, subject to approval as to content by either the Commissioner of the Department of Public Works or the Commissioner of the Department of Environment and Planning, and approval as to form by the County Attorney’s office; and be it further

RESOLVED, prior to any construction work associated with the power purchase agreements, passage of a Local Law allowing for the lease of County land for a term longer than five (5) years shall be required; 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, the Commissioner of Public Works, the Commissioner of Environment and Planning, Eric Walker-Department of Public Works, and Kristen Walder, Assistant County Attorney.
(6-0)

4. COMM. 18E-8 (2015)

COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 21E-16 (2014) Contract No. 51 was awarded to New Frontier Excavating & Paving for the rehabilitation of sanitary sewers on Kennedy Drive in Erie County Sewer District No. 6; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 51, General, in the final contract amount of \$161,086.04 which includes Change Order No. 1 (final), a decrease of (\$32,793.36), and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 51 between the County of Erie and New Frontier Excavating & Paving, Inc. (8265 East Eden Rd., Eden, NY) is accepted in the final contract amount of \$161,086.04 which includes Change Order No. 1 (final), a decrease of (\$32,793.36), and is allocated in Erie County Sewer District No. 6 Bond Account C.00064; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 51, General, to New Frontier Excavating & Paving, Inc. for a total contract amount of \$161,086.04; 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.
(6-0)

TED B. MORTON
CHAIR